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# Review of the Environmental Statement for Brook Green, Braintree, Essex

## Final Review Report

Prepared by LUC in association with Cascade Consulting and Clewlow Consulting  
November 2017

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# 1 Introduction

- 1.1 Land Use Consultants (LUC) in association with Ricardo Energy and Environment and Clewlow Consulting has been commissioned by Braintree District Council to provide a critical review of the Environmental Statement (ES) for the Brook Green development. The ES has been prepared to support a planning application by Acorn Braintree Ltd (Application Ref. 15/01538/OUT).
- 1.2 The current proposals are described as follows:
- “Outline planning application for development comprising up to 1600 residential dwellings (Class C3) on 32.75ha of land, a 800sm local centre (Use Classes A1/A2/D1/D2 - no more than 200sqm A1) on 0.29ha of land, a 2.2ha primary school site (Class D1), 0.65ha employment land (Class B1), 12.3ha of public open space, associated highway works with new access via Pods Brook Road and Rayne Road and demolition of nos. 27 and 29 Gilda Terrace, Rayne Road. All matters reserved save access. | Brook Green Land North And South Of Flitch Way Pods Brook Road Braintree Essex”*
- 1.3 This Report sets out the review of the ES. The structure of the report is as follows:
- Section 2 checks for Regulatory Compliance;
  - Section 3 details review findings on the EIA Context and Influence (Scoping, Alternatives and Consultation)<sup>1</sup>;
  - Section 4 provides commentary on the presentation of the ES and Non-Technical Summary<sup>2</sup>;
  - Sections 5-15 are topic specific reviews relating to each topic covered in the ES<sup>3</sup>;
  - Section 16 provides an overall summary of the cumulative impact assessment (topic-specific comments are also provided in Sections 5-15)<sup>4</sup>; and
  - Section 17 reviews Chapter 20 of the ES (Conclusion).
- 1.4 A criteria-based approach, developed by the Institute of Environmental Management and Assessment (IEMA) hereafter referred to as ‘the IEMA criteria’, was used to undertake the review<sup>5</sup>. The criteria include general criteria looking at the information contained in the ES, including the presentation of the results and the non-technical summary. Issue-specific criteria address:
- the baseline conditions;
  - assessment of impacts; and
  - mitigation measures and management.
- 1.5 The review includes an assessment of the scope of the Environmental Impact Assessment (EIA) in relation to requirements set out in Braintree District’s EIA Scoping Opinion issued on 12<sup>th</sup> May 2015, hereafter referred to as ‘the EIA scoping opinion’.
- 1.6 Each section of this report provides a list of clarifications required from the applicant and a summary of any potential Regulation 22<sup>6</sup> information requests to be made to the applicant, as appropriate.
- 1.7 Once the applicant received the clarifications and potential Regulation 22 requests from Braintree District Council they were invited to submit further information to address the points raised.

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<sup>1</sup> IEMA EIA Quality Mark - ES Review Criteria, COM4: Context and Influence.

<sup>2</sup> IEMA EIA Quality Mark – ES Review Criteria, COM6: EIA Presentation.

<sup>3</sup> IEMA EIA Quality Mark – ES Review Criteria, COM5: EIA Content.

<sup>4</sup> IEMA EIA Quality Mark – ES Review Criteria, COM5: EIA Content.

<sup>5</sup> This review is based on the IEMA criteria which were updated as part of the new IEMA ‘Quality Mark’ launched in April 2011.

<sup>6</sup> Under Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

- 1.8 Further information received was reviewed by LUC in March 2017 and conclusions were drawn as to whether the additional information is satisfactory. These conclusions are included in Section 18 of this report.
- 1.9 Another round of information received was reviewed by LUC in October and November 2017 and conclusions drawn as to whether the additional information is satisfactory. These conclusions are also included in Section 18 of this report. This document is the Final Review Report (FRR).

## 2 Regulatory Compliance

- 2.1 This section checks for the presence or absence of each item below, to assess the Regulatory Compliance of the ES<sup>7</sup>. Further detail is provided in the following sections in relation to the way each aspect of the EIA has been undertaken and is presented in the ES.

Criteria		Y/N
A	Does the ES contain a clear section, or sections, providing a description of the development comprising information on the site, design and size of the development during construction and operation?	Yes (ES Chapter 5)
B	Does the ES contain a section, or sections, that outline the main alternatives studied by the developer and an indication of the main reasons for his choice, taking into account the environmental effects?	Yes (ES Chapter 6)
C	Does the ES contain a clear section, or sections, that provides the data required to identify and assess the main effects which the development is likely to have on the environment?	Yes (ES Chapters 8-20)
D	In the light of the development being assessed has the ES identified, described and assessed effects on: <ul style="list-style-type: none"> <li>- Population</li> <li>- Fauna &amp; Flora</li> <li>- Soil</li> <li>- Water</li> <li>- Air</li> <li>- Climatic factors</li> <li>- Landscape</li> <li>- Cultural Heritage</li> <li>- Material Assets</li> <li>- Other</li> </ul>	Yes (ES Chapters 8-20)
E	Does the ES attempt to set out the interaction between the factors set out in COM3 D) above?	Yes (ES Chapters 8-20)
F	Does the ES contain a section, or sections, that describe the likely significant effects of the proposed development on the environment, including as reasonably required: direct, indirect, secondary, cumulative, short, medium, long-term, permanent and temporary, positive and negative effects?	Yes (ES Chapters 8-20)
G	Does the ES contain a clear section, or sections, that provides a description of the measures envisaged in order to avoid, reduce and, if	Yes (ES Chapters 8-

<sup>7</sup> IEMA EIA Quality Mark – ES Review Criteria, COM3: EIA Regulatory Compliance

Criteria		Y/N
	possible, remedy significant adverse effects?	20)
H	Has a Non-Technical Summary been produced containing an outline of the information mentioned in COM3 A) to G)?	Yes
I	Does the ES contain a section, or sections, that outline any difficulties encountered by the developer in compiling the information presented in the ES?	Yes (ES Chapters 8-20)

Summary of Clarifications Required from Applicant
None.
Summary of Potential Regulation 22 Information Requests to be made to Applicant
None.



### 3 EIA Context and Influence (Chapters 1, 2, 3, 4, 5 & 6)

#### Scoping

- 3.1 Braintree District Council published their EIA scoping opinion on 12<sup>th</sup> May 2015. Section 1 of the opinion requests that parameter plans to be submitted with the ES including plans showing land use, building heights and levels and access. Land use (figure 5.1.1) and access (figure 5.1.5) plans have been included (alongside other parameter plans covering phasing, density, landscape and drainage), and these are considered appropriate. The building heights plan (figure 5.1.3) sets out the building heights and the locations of the buildings, but it does not provide any levels. That said, figure 5.1.3 is considered acceptable for the purpose of assessment in the ES.
- 3.2 Paragraph 5.9 of the ES confirms that the parameter plans set the maximum parameters of building heights and sizes and the areas for development, including an indicative layout. It is therefore considered that the worst-case scenario can be assessed from this information and the reviews of topic assessments that follow will comment on this.
- 3.3 The scoping opinion requested an assessment of inter-related effects between elements of the development (section 3). This has not been provided and is covered in the review of the cumulative effects chapter below. The scope of the EIA topics assessed is considered acceptable and the applicant has included a chapter on minerals as requested in the BDC scoping opinion.

#### Alternatives including Iterative Design

- 3.4 The EIA scoping opinion requested consideration of alternative sites and layouts. The alternatives for the development are set out in Chapter 6 of the ES which confirms that *"there are no alternative sites known to be suitable, available and achievable for a similar quantum of development as the assessment site within Braintree district"*.
- 3.5 Chapter 6 also provides a description of the design alternatives including a description of the design constraints and considerations and the design process including alterations to layout.
- 3.6 Further details of the iterative design process are provided in the Design and Access Statement submitted with the planning application.

#### Description of Development

- 3.7 A description of the proposed development is provided in Chapter 5 of the ES and provides a description of what the outline planning permission is seeking; parameter plans (which comprise: land use, phasing, building heights, density, vehicular movement, leisure access, landscape and drainage); elements of the proposed development (including residential, local centre, commercial development, primary school site, public open space and infrastructure) and phasing of the proposed development.
- 3.8 Paragraph 5.3 states that 12.3ha of public open space will be provided. However, paragraph 5.4 states 19.3ha of public open space will be provided including 12.3ha of informal and formal public open space and 7ha of strategic open space.
- 3.9 Clarification is required to confirm how much public open space will be provided. Clarification is also requested to confirm that all the assessments have assessed the correct amount of public open space.

## Phasing

- 3.10 Chapter 5 of the ES sets out the proposed phasing of the development confirms that it will be built out in six phases over a ten year period.
- 3.11 Although not requested within the EIA scoping opinion, the EIA should consider the potential for significant effects during construction to affect receptors that occupy the phases already built, e.g. construction effects on the primary school which will be built in phase 1. Chapters 8, 14 and 15 of the ES mention phasing, however a detailed assessment is not provided. It is noted that Chapter 15 states that a detailed phasing programme has not been prepared to date. Even at outline, it is considered that an indicative phasing programme should be prepared so that an assessment of the worst-case phasing programme can be undertaken. This will enable Braintree District Council to understand the proposed development's impacts on sensitive receptors located within the built out early phases.

## Consultation

- 3.12 The consultation process is set out in Chapter 1 of the ES which confirms that consultation has been carried out with statutory consultees, local bodies and the public. Consultation with statutory consultees and local bodies is detailed in the assessment chapters of the ES.
- 3.13 A consultation section has not been provided in Chapter 15: Noise and Vibration. This should be provided.
- 3.14 Full details of the public consultation undertaken are set out in the Statement of Community Involvement.

### Summary of Clarifications Required from Applicant

Clarify how much public open space will be provided as figures differ within chapter 5.

Provide a summary of the consultation undertaken with regard to noise and vibration. If no consultation was undertaken, it should be stated.

### Summary of Potential Regulation 22 Information Requests to be made to Applicant

Confirm that all the assessments have assessed the correct amount of public open space (see clarification above).

Provide an indicative phasing programme and an assessment of impacts from the construction of phases on operational phases for all topic areas. This will enable Braintree District Council to understand the proposed development's impacts on sensitive receptors located within the built out early phases. If it is considered that the phasing assessment can be scoped out of certain chapters, justification should be provided.

## 4 EIA Presentation

### Overall Presentation (ES Quality)

- 4.1 The ES is well laid out and presented and is supported by a number of figures which illustrate the site's location, boundary, parameters, environmental receptors and environmental effects.
- 4.2 Chapter 3 of the ES provides a description of the site and Chapter 4 discusses the key environmental issues. Chapter 5 of the ES sets out the description of the proposed development, including the anticipated timescale of construction.
- 4.3 The presentation of the ES is considered acceptable subject to any points noted in the reviews of individual topic chapters.

### Non-Technical Summary

- 4.4 The NTS is provided as a stand-alone document. The presentation is clear and in general the language used is non-technical. There is good use of figures illustrating the proposed development.

Presentation of the NTS is acceptable, subject to any points in the reviews of individual topic chapters.

Summary of Clarifications Required from Applicant
None.
Summary of Potential Regulation 22 Information Requests to be made to Applicant
None.

## 5 Review of Chapter 8: Socio-Economics

### Scope of EIA

- 5.1 ES Chapter 8: Socio-Economic Effects has used the EIA Scoping Opinion (May 2015) to establish the extensive scope of the EIA and draws upon various data sources described in paragraph 8.39. Clarification is sought to confirm if Braintree Annual Monitoring information was used to inform the baseline information.
- 5.2 The planning policy context is set out in paragraphs 8.3-8.35 and covers national, regional and the local policy context and is considered appropriate.
- 5.3 Paragraph 5.4 describes the parameters around which this ES is based. Relevant to socio-economics is the delivery of up to 1,600 dwellings, up to 2.2 hectares of land for two form entry primary school, up to 0.65 hectares of employment land, 800 sqm local centre and 19.3 hectares of public open space. It is noted that there is a clarification in Section 3 of this review report which requests confirmation on the amount of open space to be provided, as figures differ within Chapter 5. If the 19.3 hectares referred to in the socio-economic effects chapter is incorrect, the assessment should be amended.
- 5.4 The Applicant expects the development to be delivered over a 10 year construction period. Figure 5.1 presents information pertaining to the various land uses and phasing of the development. However, it is not clear if this chapter has considered the introduction of sensitive receptors over the 10 year development period (ie new receptors occupying completed phases whilst others are under construction). An assessment of impacts on new sensitive receptors during construction should be provided (see potential Regulation 22 request under Section 3 of this review report).

### Baseline

- 5.5 The 'Baseline Conditions' section is provided in paragraphs 8.89-8.199. It covers various topics including population, household structure and the housing market, the labour market, health, education-including early year provision, leisure and community facilities, open space and crime and disorder.
- 5.6 The Applicant has provided information on the current capacity of GP services in paragraphs 8.159-8.160. The Applicant is requested to confirm the distance that was used to capture the number of health practices locally.
- 5.7 While the baseline is extensive and useful, some aspects of the information presented on issues like productivity, social services, emergency services and Council Tax seemed irrelevant to an EIA assessment. Furthermore, the assessment of these topics was limited and the conclusions improbable. For example in the assessment of effects upon emergency services, the Applicant has used a Department of Health toolkit in paragraph 8.281 to assume that '*the proposed development could generate 606 additional ambulance incidents annually*'. However, this toolkit is designed for ambulance trusts and PCT commissioner's use. Surely, an estimation of the number of additional ambulance service would need to take into account primary health care prevention services and a better understanding of local need, which cannot be fully understood until the Proposed Development is occupied alongside occupants of wider cumulative schemes.

### Assessment

- 5.8 The methodology for determining the baseline conditions, the significance criteria, specific methodologies used and consultation undertaken are set out in paragraphs 8.36-8.88.

- 5.9 The construction assessment does not provide an estimate of direct and indirect spend that could be expected from the construction workforce. The Applicant is requested to provide this information.
- 5.10 The Applicant has assessed the impact of the development upon unemployment to be '*of major beneficial significance at the local level and minor beneficial significance at the wider level*'. It should be noted by Braintree District Council, that if the estimated job generation is correct, then this only equates to an additional 34 jobs per annum over a ten year period and these are likely to be temporary owing to the nature of the construction industry.
- 5.11 According to paragraphs 8.221 and 8.267, the development will accommodate 3,813 people, however in paragraph 8.256 it will be 2,952 people. Clarification is sought to confirm the correct figure.
- 5.12 The methodology section includes Table 8.2, which provides information on the proposed number of residential units by size. Ideally this should be given in the section which assesses the effects upon housing. The Applicant is requested to provide an estimate or range of the expected tenure of each of the units, so that the ratio of private market and affordable homes per unit size is clear to Braintree District Council.
- 5.13 The development has been based on the maximum delivery or worst case scenario of 1,600 new homes. The Applicant expects that 480 or 30% of homes will be affordable. This meets Policy requirements set out in CS2 Braintree Local Plan. The Applicant is requested to provide estimates or a range on the expected number of units available for social rent and affordable home ownership.
- 5.14 The total net additional employment generation during operation is estimated to be 260 jobs, of which 173 would be direct (including 156 in the local impact area) and 87 of which would be indirect and induced. The Applicant is requested to provide a breakdown showing estimates on the likely number of jobs generated in each part of the development-e.g. the local centre, employment units the primary school and community centre.
- 5.15 The Applicant has assessed the operational effects of the proposed development upon employment to be negligible at the local and wider impact areas. This seems inconsistent with the assessment of effects upon unemployment, during the operational phase in paragraphs 8.253-8.255, which identified a major beneficial effect at the local level and minor beneficial significance at the wider level due to the provision of new jobs. There appears to be an over estimation of impacts on unemployment or an under estimation of impacts on employment. This inconsistency should be explained.
- 5.16 The impact upon education is provided in paragraphs 8.267-8.273. It combines the assessment of primary and secondary education and it has been concluded that a minor adverse effect is expected.
- 5.17 The assessment of healthcare provision in paragraphs 8.274-8.276 has identified a minor adverse effect and this is considered appropriate.
- 5.18 The assessment of open space provision is set out in paragraphs 8.296-8.302. The Applicant expects that the open space will consists of 12.3ha of public open space and 7ha of strategic open spaces. This complies with the 2008 Green Spaces Strategy requirements and has provided an assessment of the effects based on Sports England's Facility Calculator. Overall, this assessment is considered appropriate.
- 5.19 The section on '*Physical Considerations*' provides an assessment of coalescence and loss of community identity. This assessment is considered appropriate.

## Secondary, Cumulative, and Combined Impacts

- 5.20 The assessment of cumulative effects is set out in Chapter 19: Cumulative Effects and the assessment of socio-economic effects is considered in paragraphs 19.19-19.23. There appears to be limited information provided in the cumulative assessment.

- 5.21 In relation to Type 2 effects, the Applicant is requested to confirm the estimated number of residents across the combined schemes.
- 5.22 The Applicant concludes the cumulative effects to be largely beneficial. However, this downplays the potential negative effects upon health and education. The Applicant acknowledges in paragraph 19.21 that cumulatively, there will be an increase demand for local facilities and services, particularly secondary education and healthcare. Furthermore, the main assessment identified that current provision will not meet the demand that this development alone will create. Therefore, it is not clear how a combined assessment of cumulative schemes, which has identified 835 residential units in addition to the maximum of 1,600 units, can be considered beneficial.
- 5.23 The Applicant is requested to provide additional information on cumulative effects of the development upon health and education to confirm that the cumulative effect has not been underestimated and that the proposed mitigation is sufficient.
- 5.24 The Applicant is requested to provide a cumulative assessment which clearly considers the impact of the developments upon open space and the coalescence of settlements.

## Mitigation and Management

- 5.25 The section on 'Scope of Mitigation' sets out the Applicant's mitigation proposals for the construction and operational phase of the development.
- 5.26 The Applicant's assessment of 'Coalescence of Settlements' in paragraphs 8.312-8.313 has identified a 'minor adverse effect'. Table 8.41 summarises the residual effects –i.e. post mitigation effects, where the effects are assessed as negligible. The Applicant is requested to confirm what, mitigation proposals have been identified against the effects for coalescence of settlements.
- 5.27 The suggested mitigation and assessment of residual effects in paragraphs 8.320 -8.323 is otherwise considered acceptable.

## Non-Technical Summary

- 5.28 The NTS summarises the beneficial and adverse effects upon socio-economic issues in paragraphs 1.28-1.32. However, it is noted that assessments of some topics have not been summarised. For example, there is no summary of the effects upon housing, open space, coalescence of settlements, crime and disorder etc. While it is considered that some of issues included in the assessment are peripheral to the EIA of socio-economics, the NTS should be revised to include a summary of all of the socioeconomic effects as described in the main chapter of the ES where these effects are significant.

### Summary of Clarifications Required from Applicant

Applicant to confirm if Braintree Annual Monitoring information was used to inform the baseline information.

Applicant to confirm the distance that was used to capture the number of health practices locally.

Applicant to provide an estimate of direct and indirect spend that could be expected from the construction workforce.

Applicant to confirm if the development will be occupied by 3,813 people or 2,952 people.

Applicant to provide an estimate or range on the expected tenure of each of the units, so that it is clear to Braintree District Council, the ratio of private market and affordable homes per unit size.

Applicant to provide estimates or a range on the expected number of units available for social rent and affordable home ownership.

Applicant to provide a breakdown showing estimates on the likely number of jobs generated in each part of the development-e.g. the local centre, employment units the primary school and community centre.

Applicant to confirm the estimated number of residents across the combined cumulative schemes.

Clarify the inconsistency between assessment of operational impacts on employment and unemployment. How can negligible impacts on employment lead to major-minor beneficial impacts on unemployment?

Applicant to confirm what if any mitigation proposals have been identified, against the effects for coalescence of settlements.

#### Summary of Potential Regulation 22 Information Requests to be made to Applicant

If the 19.3 hectares of open space referred to in the socio-economic effects chapter is incorrect (see clarification request in Section 3 of this review report), the assessment should be amended.

Applicant to provide additional information on cumulative effects of the development upon health and education to confirm that the cumulative effect has not been underestimated and that the proposed mitigation is sufficient.

Applicant to provide a cumulative assessment of the impact of the development upon open space and the coalescence of settlements.

The NTS should be revised to include a summary of all of the socioeconomic effects as described in the main chapter of the ES where effects are significant.

#### Potential Planning Conditions

None.

## 6 Review of Chapter 9: Landscape and Visual Impact Assessment

### Scope of EIA

- 6.1 Chapter 9 provides a summary of the Landscape and Visual Impact Assessment (LVIA) provided in full in Appendix 9.1. Section 4 of the Scoping Report and Section 3 Assessment Methodology of Chapter 9 states that the assessment has been carried out in accordance with current best practice guidelines, including Guidelines for Landscape and Visual Impact Assessment (Third Edition), published by the Landscape Institute and the IEMA (2013) (GLVIA3).
- 6.2 Broadly speaking, the scope of the assessment provided in the chapter is acceptable and deals with both the effects on landscape of the site and surrounding area and on local visual amenity.
- 6.3 However, the assessment only makes reference to residential development and does not appear to consider effects relating to the non-residential areas of the development (including employment uses, the new primary school, the local centre or associated infrastructure) as requested in the Scoping Response provided by Braintree Council. These are likely to give rise to different types of effects on the landscape and visual amenity of the area and should be examined as part of the assessment;
- 6.4 It is noted that the Scoping Report submitted to the Council in April 2015 does not contain any information on the selection of viewpoints, the 5km study area used or the proposed scope and methodology for the cumulative assessment. However, paragraph 8.21 does state that a list of provisional viewpoints was sent to the LPA as part of the "scoping process" in September 2015 but that no response was received. Further comments on viewpoint selection have been covered below.

### Baseline

- 6.5 Section 5 Baseline Study of Appendix 9.1 confirms that a study area of 5km is considered in the assessment and that a Zone of Theoretical Visibility (ZTV) was used as part of the assessment of visual effects. Again, although a study area of 5km is probably reasonable, given the scale and type of development under consideration, it is not clear whether this was agreed with the LPA.
- 6.6 There is very limited information about what is modelled within the ZTV (is the whole area within the site boundary modelled to 15m or just the individual development footprints in the parameter plans) and what method was used, including the topographic data and software, so the accuracy of the mapping cannot be verified.

### Landscape baseline

- 6.7 The landscape baseline set out in Section 9 Establishment of Baseline Environment of Appendix 9.1 makes appropriate reference to existing landscape character assessments: at the national level, the National Character Area Profile published by Natural England; and at the district level, the *Braintree District Council Landscape Character Assessment* (September 2006). A summary of the characteristics identified for the National Character Area within which the site is located (NCA 86 – South Suffolk and North Essex Clayland) and the *A12 Pods Brook River Valley* defined in the Braintree District LCA is provided. No information is provided however for the other character areas in the study area that are defined in the district level assessment, so this baseline description is incomplete.
- 6.8 A further source of relevance to the baseline study which does not appear to have been considered is the study entitled 'Settlement Fringes – Evaluation of Landscape Capacity Analysis' (The Landscape Partnership, June 2015). This study provides a detailed appraisal of areas of



open land around Braintree and the relative sensitivity of different areas to residential and employment development. This study provides valuable baseline information covering the site and its surroundings which should have been considered. The LVIA may not concur with the judgements presented in this study on the sensitivity and value of the landscape of the study area, but where there are differences and disparities in judgements, these should have been explained and justified. This 2015 study updates earlier studies by Chris Blandford Associates (*Braintree Settlement Fringe Capacity Study*, 2007) which was also not referenced in the ES chapter.

- 6.9 A summary table titled 'Local Landscape Character' is provided on page 25 of Appendix 9.1, but it is not clear what area is being described, whether it is the site only or the whole 5km study area. This should be clarified. Subsequent pages, headed *Landscape Character of the Site and its Surroundings*, go on to give an outline description of areas adjacent to the site, but no analysis of the landscape character of these areas is provided.
- 6.10 Crucially, there is no clear description given here of the site itself, what landscape elements it contains (landcover, vegetation and habitats, topography, etc.) or what the overall character and qualities of the site and surroundings are. Subsequently, there is very limited information provided on whether there are any sensitive landscape elements or characteristics (including areas of woodland and water bodies which are apparent within the south of the site but not mentioned in the baseline description) that might be vulnerable to the type of development proposed.
- 6.11 In addition, there is no analysis of the relationship of the site with the surrounding settlements. In particular, no mention is made of the Rayne Village Conservation Area which lies in close proximity to the western boundary of the site and how the proposed site relates to this in terms of character and views.

### Visual baseline

- 6.12 Section 9 of Appendix 9.1 does not contain any information on the visual baseline, including the nature and pattern of views across the study area or potential visual receptors. A list of selected viewpoints is however provided in Table 10, which indicates which visual receptors the viewpoints represent. The accompanying Figure 4 is of a poor quality and resolution so that it is not possible to establish where the viewpoints are located. Mapping showing the detailed location, direction of view, and angle of view for each of the viewpoints (in accordance with the GLVIA3, see page 140) is lacking.
- 6.13 As this is a desk-based review, the appropriateness of the viewpoint selection has not been checked in the field, but from the viewpoint photography provided and an examination of maps and aerial photographs, the section does not seem to provide a useful representation of likely visual effects.
- 6.14 For example, a number of views illustrated in the viewpoint photography are entirely screened by vegetation in summer conditions (i.e. providing maximum screening). It appears from mapping, the ZTV and aerial photographs that there are more appropriate locations on the local public rights of way, public open spaces in the vicinity of the site and the local road network which would provide more open views towards the site that could have been selected. In addition, views from the public rights of way between Queensborough Lane, the Flitch Way and Rayne Road do not look as though they have been properly represented by the selection. Similarly, views from Queensborough Way and Rayne Road (experienced by both road users and local residents) and the open views available into the site to the north and south from the central sections of the Flitch Way as it passes through the site are not considered. Overall, the selection of viewpoints does not seem to adequately represent potential visual receptors, particularly surrounding residential areas, or allow for a robust assessment of potential changes to local visual amenity.
- 6.15 Due to the lack of clarity on what geographic extent is described in the baseline, the deficiency of information relating to the landscape of the site, the landscape of the study area and the visual baseline (including an inadequate selection of viewpoints), the baseline is not considered robust enough to support the assessment of landscape and visual effects.

## Assessment

### Assessment parameters and 'worst-case' scenario

- 6.16 Paragraph 8.27 within Section 8 Limitations of Assessment states that:
- "For the purposes of this report, the assessment has been based on development proposals illustrated in the planning application. The proposals include a series of elevations and sections for the various heights of buildings and a series of detailed development plans."*
- 6.17 No elevations or site sections could be found for the outline planning application and a series of parameter plans has been submitted rather than detailed development plans. This section does not appear to reflect the fact that the application is for an outline application only. Importantly, it does not state what parameters have been assumed for the purposes of the assessment so it is not possible to establish whether the 'worst case' development scenario has been considered.
- 6.18 No specific reference is made to the Design and Access Statement. Information covering the landscape strategy for the site, the form, materials and design principles outlined for the development is provided in this document, but there is no indication of which, if any of the these aspects of the outline application have been considered in the identification and assessment of landscape effects.
- 6.19 In relation to the assessment of visual effects, the assessment confirms that all viewpoint photography and assessment work was carried out in June 2015. This does not represent the 'worst-case' winter conditions for visual effects and it is not clear whether the judgements made in the assessment consider seasonal differences in effects (see paragraph 6.28 of GLVIA3).
- 6.20 The lack of information provided in relation to what parameters have been assessed, and what aspects of the development have been considered means it is not possible to determine the robustness of the assessment.

### Methodology for assessing landscape effects

- 6.21 The methodology for the landscape assessment is set out in Section 7 of Appendix 9.1 and broadly reflects the guidelines set out in GLVIA3 in relation to determining the sensitivity of landscape receptors. However, when setting out the criteria for determining the magnitude of change, the geographical extent of landscape effects, duration and reversibility (see page 90-91 of GLVIA3) is not considered. Similarly, the methodology for determining the magnitude of visual effects is focused only on the scale of change and does not set out how duration, geographical extent or reversibility have been evaluated and considered in judgements.
- 6.22 As such, the methodology for determining the magnitude of landscape change as set out in Sections 7 does not follow GLVIA3 which the method suggests it does.
- 6.23 Table 6 sets out a matrix indicating how judgements of sensitivity and magnitude of change to establish the significance of landscape effects. Paragraph 7.13 states that 'Significant' landscape effects would be those effects assessed to be *"severe, major or major/moderate"*. It should also be noted that some assessors, including landscape architects at LUC, would consider moderate effects to also be significant.
- 6.24 How judgements on whether effects are positive or adverse have been determined is not covered in the methodology section, which is an omission.

### Assessment of landscape effects

- 6.25 Overall, the assessment of landscape effects lacks detail and clarity and the judgements made are not adequately supported or justified. There is very limited information on what components, aspects or qualities of the landscape resource may be affected and what type of effects will occur, where and over what geographical extent.
- 6.26 Specifically, there is no discussion or description of how operational effects might vary across the site and how different landscape elements may be affected, despite the parameter plans submitted clearly indicating that there will be quite a variation across the site in terms of the type, density and heights of the buildings and the extent of new planting and landscaping. The assessment of operational effects refers only to *"the introduction of residential development"*

*within a substantial landscape framework", which suggests the assessment has not considered the other types of development that form part of the proposals.*

- 6.27 Given the scale and context of the development (the site corresponds in extent to the adjacent village of Rayne), there is also a lack of analysis of how the proposed development will change settlement pattern across the wider area and what the relationship is, and how the development will interact, with surrounding rural and built-up areas.
- 6.28 Paragraph 10.17 states that the overall *"magnitude of change on landscape character is determined to be medium"*. It is not clear what extent this change in landscape character will occur across - whether it is the site that is being referred to here specifically or the 5km study area.
- 6.29 According to the definition in Table 5, a medium magnitude of change corresponds to a change defined as:
- "Partial loss of or alteration to one or more key elements, features, characteristics of the baseline or introduction of elements that may be prominent but may not be considered to be substantially uncharacteristic when set within the attributes of the receiving landscape. Would be out of scale with the landscape, and at odds with the local pattern and landform. Will leave an adverse impact on a landscape of recognised quality".*
- 6.30 This definition suggests the effect is likely to be adverse, but this is not stated explicitly in the assessment. The likely duration (short, medium, long-term) of landscape effects is not adequately explained in relation to the construction and operational effects. In particular there is no indication of how long the construction phases are likely to be or what the duration of the construction effects will be. The phasing of the development is not discussed and no reference is made to Figure 5.1.2 Parameter Plan - Phasing.
- 6.31 No indication is provided as to whether effects are direct, indirect, or secondary.
- 6.32 The assessment concludes that only a moderate (i.e. not significant) effect on landscape character will occur, but again, it is not stated whether this applies to the site, the immediate surroundings or the landscape across the whole study area.
- 6.33 There is insufficient information provided in the assessment to support judgements on the sensitivity, magnitude of change and overall significance of effects. Also, it lacks clarity around what the 'landscape' under consideration is and what development parameters have been assessed in order to establish what the landscape effects of the development are expected to be and whether any significant effects will occur.

### Methodology for assessing visual effects

- 6.34 The methodology for the visual assessment is confusing and in places, particularly when defining what a visual receptor is, at odds with GLVIA3. Paragraph 8.9 of Appendix 9.1 states that *"the locations from which the development will be visible are known as visual receptors"*, whereas GLVIA3 defines visual receptors as *"people who will be affected by changes in views"* (see paragraph 3.21 of GLVIA3). Confusingly, Table 7 Visual Receptor Sensitivity on page 15 then refers to visual receptors as different groups of people (including residential receptors, visitors to the area and people working in it) and defines levels of sensitivity according to the category of people that might experience a change in view.
- 6.35 The methodology for determining visual sensitivity does not set out how the value attached to views have been evaluated and considered in judgements, which is an important component of the assessment according to the guidelines (see paragraph 6.37 of GLVIA3).
- 6.36 As for the methodology for determining the magnitude of landscape effects, this is focused only on the scale of change and does not set out how duration, geographical extent or reversibility has been evaluated and considered in judgements.
- 6.37 As such, the methodology for determining the magnitude of visual change as set out in Sections 8 of Appendix 9.1 does not follow GLVIA3, which the method suggests it does.

### Assessment of visual effects

- 6.38 The assessment of visual effects is limited to a brief analysis of each of the 25 viewpoints selected to represent views available to local visual receptors. An annotated photograph is provided for each viewpoint and short baseline description, summary of landscape sensitivity, predicted change and type of effect. The significance of effects is stated which combines judgements of sensitivity and magnitude of change, although no direction of effects is given (i.e. whether effects are positive or adverse).
- 6.39 There is no drawing together of the information and judgements provided in the viewpoint assessment to establish how groups of visual receptors (i.e. local residents, users of the public rights of way, road users etc.) will be affected, or the geographical extent over which visual effects will be felt. Significant visual effects are identified at a total of 11 of the 25 viewpoints, but it is difficult to establish from this what the effects on the visual amenity of local receptors will be overall.
- 6.40 It is considered that the visual information provided in the viewpoint photographs is not sufficient to support the judgements made in the assessment. Only the extent of the site is indicated and the images do not convey the scale and height of the development or the extent of screening by vegetation. It is therefore very difficult to establish the degree of change likely to arise in the view. Whilst it is acknowledged that this is an outline application, there is nevertheless information contained within the parameter plans which would be valuable if represented visually within the viewpoint assessment. Block modelling, in the form of wireframes or rendered blocks would provide a much better indication of the degree and nature of change in the view and how the development might appear in context of the surrounding landscape and settlements.
- 6.41 Due to the lack of adequate viewpoint visualisations and the limited information and analysis relating to the visual effects that will be experienced by the local community and visitors to the area, it is considered that there is not sufficient evidence to support the judgements made in the assessment or for the council to establish what visual effects are likely to arise.

### Secondary, Cumulative, and Combined Impacts

- 6.42 The assessment of cumulative landscape and visual impacts is contained in a separate section of the ES within Chapter 19 Cumulative Effects.
- 6.43 Paragraph 19.24 sets out which schemes have been included within the cumulative assessment. This states that *"schemes which are subject to planning applications which are within the planning system but have yet to be determined have not been considered as part of the cumulative effects, in accordance with the Guidelines for Landscape and Visual Impact Assessment 3rd Edition (Ref 9.1)"*. The exclusion of schemes with submitted planning applications is in fact contrary to the guidelines. Paragraph 7.13 of the GLVIA3 explicitly states that cumulative assessments should include *"schemes that are the subject of a valid planning application that has not yet been determined"* (page 123).
- 6.44 Although the cumulative interaction with schemes that have been given planning permission is the most certain scenario and therefore likely to be of most interest, unless an agreement has been made with Braintree District Council to scope out any schemes with planning applications submitted, these should also be considered within the cumulative assessment. Specifically these include:
- 18 units (Class B1, B2 and B8 ) on land north of A131 Avenue East Skyline, 120 Great Notley (15/00582/FUL); and
  - the erection of 215 residential dwellings on land between London Road and East of Pod's Brook Road (15/01193/FUL).
- 6.45 No methodology is provided for the assessment of cumulative landscape or visual effects, which is critical to the understanding of how judgements on the significance of effects have been made.
- 6.46 No details are provided about what the cumulative schemes comprise, their geographic location in relation to the proposed development site (specifically no mapped information is provided) and potential interactions that could give rise to effects.

- 6.47 No information is provided about which landscape or visual receptors will be affected or the nature of the potential cumulative landscape or visual effects. For example, Table 19.1 suggests that significant (major/moderate) cumulative visual impacts will be experienced from Viewpoint 8 (a public right of way at the eastern site boundary), but why (i.e. how the views will be affected) and which other scheme these impacts relate is not described. Also, this viewpoint relates to a linear route along which it is likely that sequential views experienced by users of the path may also be affected, but these are not discussed or assessed anywhere.
- 6.48 The omission of schemes from the assessment, the lack of information provided, and the lack of a clear methodology for assessing cumulative impacts means this assessment is insufficient to allow the council to determine the significance of the cumulative landscape and visual effects expected to arise as a result of the development.

## Mitigation and Management

- 6.49 Section 11 Mitigation and Recommendations in Appendix 9.1 lists a set of principles and recommendations which we assume are intended to avoid and reduce landscape and visual effects. Reference is made to a "Landscape Masterplan" (no figure number is indicated in the detailed LVIA in Appendix 9.1, but Chapter 9 does reference a plan provided in Appendix 9.2) which incorporates the recommendations listed and which will *"create a green infrastructure within which the development will sit"*. It is not clear whether the assessment has been undertaken assuming that these recommendations and the Landscape Masterplan will be implemented and therefore whether the significance of effects reported are dependent on them forming part of the built scheme.
- 6.50 It is noted that Figure 5.1.7 Parameter Plan – Landscape of the ES differs in detail from the Landscape Masterplan presented in Figure 9.2. In the parameter plan there is substantially less *"proposed native trees and understorey planting"* shown along the western boundary of the proposed site. There is also some discrepancy between the two plans in relation to the location and number of proposed trees within the site itself. There appear to be much fewer street trees in the Landscape Plan compared to Figure 5.1.7. Clarification should be provided on what additional planting will be included in the scheme and whether this has been assessed within the LVIA.
- 6.51 Insufficient detail and analysis is provided in relation to effectiveness of the influence of the recommendations listed on the significance of specific predicted landscape and visual effects. Paragraph 11.13, for example, simply states that *"new hedging and vegetation boundaries"* and *"planting to reinforce the existing vegetation"* will provide *"more effective visual barriers"*. It does not say for which views or visual receptors nor is there an assessment of the degree to which the magnitude of visual change will be reduced for specific receptors.
- 6.52 In relation to residual landscape effects, there is a vague reference to *"the introduction of landscape management objectives"*, but these are not detailed anywhere in the ES. From our experience, the success and effectiveness of landscape and visual mitigation in the form of tree and hedgerow planting is heavily dependent on the implementation of appropriate long term management. Details should be provided on how the *"substantial landscape framework"* will be delivered and successfully maintained in the long term. As recommended in GLVIA3:  
*"mitigation measures should be linked to suitable specifications and performance standards, covering, for example, the establishment, management, maintenance and monitoring of new landscape features. They should describe what is required for mitigation to be effective, in sufficient detail to allow conditions to be drafted"*.
- 6.53 While it is acknowledged that landscape is a matter that has been reserved with the application, the fact that the impact assessment appears to rely on the implementation of landscape mitigation means that greater precision is required at the outline stage. If this is not the case, it would be appropriate to make judgements on the significance of impacts without any landscape mitigation.
- 6.54 It is not possible from the information provided to establish what mitigation measures (either primary, i.e. imbedded into the project design, or secondary measures) are proposed, whether

the developer is committed to implementing these and what the residual landscape and visual effects of the development will be.

## Non-Technical Summary

- 6.55 A non-technical summary is provided in Section 1 of Appendix 9.1 and as a stand-alone document. This does not provide a summary of the findings of the landscape assessment, nor any indication of whether significant landscape effects have been identified. The NTS notes that there will be residual visual effects from five viewpoints, but no information provided about where these significant visual effects will occur and which receptors will be affected. Generally the NTS contains erroneous information about the assessment and fails to convey what effects are predicted.

### Summary of Clarifications Required from Applicant

Clarify whether the ZTV represents the potential visibility of the proposed development as defined by the parameter plans together and provide a fuller description of the methodology used to generate the ZTV, including the topographic data used, so that the accuracy of the map can be determined.

Confirm that the development parameters as set out in the density, heights and phasing parameter plans in the planning application documents have been assessed as the 'worst-case' scenario.

Confirm that the judgements made in the assessment have assumed that the proposals set out in the Landscape Strategy Plan in Appendix 9.2 of the ES or the Landscape Parameter Plan in the DAS are implemented.

Confirm that the assessment of visual effects assumes the 'worst-case' winter conditions.

Confirm the extent over which the predicted moderate effect on landscape character will occur (i.e. the site only, the immediate surroundings or the landscape across the whole study area).

Clarify what additional planting will be included in the scheme and whether this has been assessed within the LVIA.

### Summary of Potential Regulation 22 Information Requests to be made to Applicant

Provide a clear and more detailed baseline report which describes the landscape character of the site and surrounding context, including both the rural areas and settlements. This should make reference to the Braintree Settlement Fringes – Evaluation of Landscape Capacity Analysis (2015) and consider Conservation Areas in the vicinity of the site.

Additional information about the predicted landscape effects should be provided covering:

- ALL ASPECTS of the proposals (including the primary school, employment use and landscape proposals), not just residential buildings. This should include a consideration of how the proposals 'fit' with the local landscape character and surrounding settlement patterns and characteristics.
- How losses of particular elements, features, aesthetic qualities within the site and the addition of new features will combine and effect the overall character of the site and its surroundings; and
- How effects will vary across different parts of the site and its immediate surroundings, reflecting the different types of development, heights and densities proposed within the development parameters.

Provide a clearly reasoned assessment of the magnitude of potential effects on landscape and visual receptors in terms the **size, scale of change, geographic extent, duration and reversibility** in accordance with GLVIA3 (refer to page 90).

Provided reasoned judgements for each landscape and visual effect identified as to whether they



will be positive, negative or neutral, based on a clear set of criteria.

Provide mapping that is of sufficient detail and resolution to show the location of the selected viewpoints.

Provide viewpoint visualisations for viewpoints where there is likely to be clear visibility of the development which includes block modelling based on the parameter plans contained within Figure 5.1 of the ES.

Provide an assessment of cumulative landscape and visual impacts that is based on a clear methodology that follows the principles set out in the GLVIA3 and that considers the following applications:

- 18 units (Class B1, B2 and B8 ) on land north of A131 Avenue East Skyline, 120 Great Notley (15/00582/FUL); and
- the erection of 215 residential dwellings on land between London Road and East of Pod's Brook Road (15/01193/FUL).

Information on aspects of all the cumulative schemes that may give rise to cumulative landscape and visual impacts should be provided, with maps showing the locations and relative proximity of the schemes to the proposed development.

Potential cumulative visual effects may need to be illustrated through use of visualisations and whether this is necessary should be considered and reasoned by the applicant.

Provide further details about what mitigation measures (both primary, embedded into the project design, and secondary measures) are proposed, and the extent to which they will prevent, avoid and reduce the potential landscape and visual effects so that the residual effects can be established.

Details of how the mitigation measures will be secured and implemented and with whom the responsibilities for their delivery lies, including the long term management of the proposed new landscape features (up to a minimum of 15 years) should be provided.

A revised Non-Technical summary should be provided sets out the findings of the landscape assessment, including whether any significant landscape effects have been identified and where these occur.

#### Potential Planning Conditions

None at this stage.

## 7 Review of Chapter 10: Ecology and Nature Conservation

### Scope of EIA

- 7.1 The ES chapter considers all of the ecological issues expected of such a scheme, including the effects on statutory and non-statutory sites, habitats and protected and notable species.
- 7.2 The chapter does not set out any assessment assumptions. As the scheme is based on parameter plans, it is important to state the parameters assessed to provide a reasonable worst case scenario. This should be confirmed.

### Baseline

- 7.3 The lists of species and habitats considered for baseline assessment are appropriate for this site, however it is not clear that best practice methods were applied in collecting the data. There has been no acknowledgment of any survey constraints which may impact on assumptions about the presence of given species.
- 7.4 Although reference was made to surveying the habitats present on site using *“a technique based upon Phase 1 survey methodology”* and the JNCC handbook was referenced, it is clear from the ‘Phase 1 Habitat Map’ (Ref: GOLD19578 60) and from the terminology used in the report, that the Phase 1 methodology was not applied. There has been no comment addressing the differences in approach or why deviation from accepted best practice was applied. The result is a confusing map which does not differentiate between individual trees, hedgerows or woodlands. Weight does seem to be given in determining whether a grassland was coarse or not (though it is not clear why), but does not identify if the grassland was acidic, neutral, or calcareous, in accordance with Phase 1 Habitat Survey methods. This is especially important where certain types of grassland are protected through European legislation and as habitats and species of principal importance (NERC Section 41). Considering the quality of the Flitch Way hedgerows, implied by the brief description, it is unclear as to whether an assessment was made in line with the Hedgerow Regulations 1994 and if not, why not.
- 7.5 Many of the species surveys do not reference good practice guidelines and are variable in specificity in approach. Detailed survey methods are provided for breeding birds, hazel dormice and reptiles; however, the methods for surveying otter, water vole and badgers have no clear reference to best practice. No formal Bat Roost Potential surveys were undertaken on any structure (e.g. trees) excepting the dwelling at 27-29 Gilda Terrace, though it is not mentioned in the Methods section. It is also not clear why the brick archway at the east end of Flitch Way was not surveyed specifically for roosting bats. No technical report or figures have been referenced or provided for the results of the species surveys, excepting reptiles.
- 7.6 Ambiguous conclusions are made as to the site’s usage by certain species with some assumptions being vague or confusing. In some instances it appears that too much emphasis was placed on desk study data rather than field survey. Despite citing clear methods, no revised Habitat Suitability Index (HSI) assessment was made after the June 2015 visit, despite adjusting the assessment on the likelihood of great crested newts being present. As it was, by considering the pond to be classified as “good” in March 2015, one would expect follow-up GCN surveys would have been undertaken at the appropriate time (i.e. spring) prior to a reassessment in June. It is not clear why, despite having a good pond present within the site, these surveys were not carried out.
- 7.7 It is not clear from the results section whether a field survey for badger was actually carried out as no results are given indicating whether any field signs were observed or not. It may be



possible that no signs of foraging, latrines or other territory marking were recorded during the field survey, but it seems unlikely given the presence of a main/breeding sett; indeed there is a statement that other setts may be present within the dense scrub and that badgers “*probably*” use the semi-improved grassland, but there is no indication if any signs of such were searched for. It would be difficult to assess how badgers are using the site, and thus may be affected by the proposed development, without the qualitative information provided by a field survey. There is no indication where the known main sett is located, other than along the Flitch Way, especially whether it was near the centre of the site or on the periphery.

- 7.8 Despite finding only one old otter spraint within the site an assumption was made that the River Brain Corridor would form a component of a larger territory for the local otter population, but with no reasoning provided. White-claw crayfish are discounted from possibly being present within the River Brain, but no justification is given for this statement. This is remarkable considering that they were known to be present within the River Blackwater, which is hydrologically connected to the River Brain and no assessment of suitability of habitat was undertaken. There are also no desk study results indicating that signal crayfish are present as an added obstacle to the presence of white-claw crayfish.
- 7.9 Because of these issues identified above, the applicant must provide significantly more information as to the methods fully employed to collect the baseline data, and how they relate to best practice guidelines, including justifications for the conclusions of site usage made (this could include a clear report of negative results). If this is not possible, we must conclude that the baseline information is insufficient to support a robust assessment of the ecological impacts of the proposed development.

## Assessment

- 7.10 Generally, the approach to assessment of receptor values and significance of development impacts is extremely confusing and generic. Despite referencing the CIEEM Guidance on EcIA, it is unclear whether this guidance was followed. No definitions were provided for value terms: regional, district, local or zone of influence (which can vary depending on the receptor); as such it is difficult to understand what it means when the report states that the River Brain is, for example, of “*local value*”. The CIEEM guidance outlines the need to assess impacts against set parameters when characterising ecological impacts; these are: complexity, positive or negative, extent, magnitude, duration, reversibility, frequency, and timing. There is no mention of any of these parameters except when “*magnitude*” is, erroneously, used in place of “*significance*” when discussing the significance of impacts.
- 7.11 In addition, CIEEM specifically recommends against the use of Significance Criteria, such as “minor adverse”, “moderate adverse”; the impact assessment not only uses this approach but has not been consistent in its use, with the term “substantial adverse” being used to quantify the impact. There is no definition of the terms ‘short term’, ‘medium term’ and ‘long term’; this is especially confusing as short and medium term impacts seem to be grouped together throughout the assessment.
- 7.12 As the application is for outline planning permission for a mixed-use development, primarily housing, there is no assumptions section outlining the author’s position regarding possible or likely impacts of the development on the site. Where there is a lack of detailed design it is important to consider worst-case scenarios unless reasonable arguments can be made for a lesser impact. As such, it is not considered that the ecological impact assessment provided is complete in its current form.
- 7.13 There are specific gaps in the assessment which should be addressed in any revised version of this report. Leaving aside lack of definitions for ecological values, it is often not clear why certain receptors were classified as they were. For example, the River Brain was assessed as having local value; however, it is hydrologically connected to the River Blackwater and its estuary. It is not clear if the assessment refers to the habitats present within the site boundaries or whether the wider catchment was considered. Additionally, there are two groups of animals assessed generically in this report: birds and bats. Seven species of bats were recorded using the site in some way (roosting was not assessed) and a general value of ‘local’ was applied. It would be

more appropriate for the value of these receptors to be assessed individually as there are some species which are more rare in the UK and/or specifically, for example, in East Anglia. Equally, 38 species of birds were recorded, 21 breeding and of these four red-listed species. It is unclear how a generic value of 'local' was given to birds without any assessment for individual species, especially for those species considered to be under threat.

- 7.14 It is unclear what the rationale is for assessment of impacts on each receptor group. It appears that each individual impact has not been identified or assessed against the set parameters, as listed above. Instead they have been grouped together for a generic assessment of significance which is not sufficiently robust. For example, the assessment report indicates four different possible impacts during the construction phase to badgers: disturbance to the sett, damage of the sett, death/injury of badgers ingesting chemicals, and badgers becoming trapped in pits. These impacts are not assessed against the seven parameters recommended by CIEEM, nor are the likelihoods of these impacts discussed. However, a general significance of "major adverse" has been given. This generic approach has also been applied to the groups of bats and birds rather than provided for each species using the site or even grouped by sensitivity or rarity (e.g. red listed breeding birds vs common and widespread species). As such it may be that potential key impacts are missed out of the assessment due to the vague approach taken.
- 7.15 The level of information provided, and the interpretation of the information and possible impacts is not in line with CIEEM recommendations and is insufficient to allow the council to adequately determine the significance of the ecological impacts expected to result from the proposed development.

## Secondary, Cumulative, and Combined Impacts

- 7.16 We assume the council has provided the developer with the details of the other schemes which should be considered for cumulative impact assessment, including developments other than housing proposals, though there appears to me no mention of any other type of development. A separate chapter (19) was provided to assess the cumulative impacts of the proposed Brook Green development alongside other developments in the Braintree vicinity. The Ecology section within this chapter seems to give only cursory consideration of other developments and does not appear to fully consider the impacts on all protected species on site, especially those which are mobile and could use the Brook Green site along with neighbouring areas. For example, a full assessment of how badgers use the wider site, beyond the main sett, and how the wider development will affect this social clan's territory; therefore a housing development to the east of the site, which could affect the known badger sett in that area could also affect the Brook Green clan if they are within the same territory.
- 7.17 It does not appear that each ecological receptor was considered in detail against each of the other identified proposed developments in the vicinity. As such the cumulative assessment should be updated.

## Mitigation and Management

- 7.18 Bearing in mind the above concerns regarding baseline data and interpretation of impacts, it is not possible to fully assess whether the mitigation proposed is appropriate. We do acknowledge that any mitigation strategy will be necessarily high level as the application is for outline permission for development rather than detailed, however, there are some areas for revision of the current mitigation proposals supplied.
- 7.19 The mitigation proposed in the assessment appears to be divided into two distinct categories: Construction Phase (short to medium term) and Operational Phase (long term). The confusion in the use of these terms is discussed above. As also mentioned above, there is no clear outline of assumptions made as they relate to the development proposals; this would imply that a worst-case scenario approach should be taken for at least some receptors, though it is not clear if this is the case here. The language used in the Mitigation section is soft, relying on recommendations

for actions which “should” be taken. These measures should be part of a strategy in which commitment by the developer is required as part of the ES.

- 7.20 There also appears to be some confusion over the use of construction best practice techniques, targeted mitigation and enhancement. Considering the deviation from best practice approach, it is possible at this time to highlight areas where the proposed mitigation and residual impact assessment is insufficient. For example, considering the lack of information about the way badgers are using the site currently and the unknown location of the breeding sett, it is unclear how the creation of a “buffer zone” around the sett would be sufficient enough to offset the loss of the majority of the arable and semi-improved grassland (used by badgers for key foraging and commuting) and introduction of severe habitat fragmentation (in the form of 1,600 homes, primary schools and other development) could result in a residual effect of moderate beneficial. It is also confusing as to why this particular mitigation approach is singled out when it does not match the impact assessments made in either the construction or operational phases.
- 7.21 In this Ecology Chapter the mitigation appears to be pitched as recommendations and is suggested that they are entrenched in planning conditions. This could be interpreted as the mitigation has not informed any design proposals or been agreed to by the developer or been determined as practical on this site. As such, residual impact assessment has no real weight and the planning authority cannot reasonably assess the residual effects of this development.

## Non-Technical Summary

- 7.22 The NTS for the most part accurately summarises the key content of the EcIA in respect of Ecology but should be updated once issues highlighted in this review report have been addressed.

### Summary of Clarifications Required from Applicant

Confirm the assessment assumptions which should be informed by the parameter plans.

### Summary of Potential Regulation 22 Information Requests to be made to Applicant

Confirm the rationale for deviation from best practice survey methods, i.e. Phase 1 Habitat Survey, and possible consequences or advantages of the deviation. Confirm also whether an assessment of hedgerows was made, in line with the Hedgerow Regulations, specifically to determine if the specimens present on site are considered “important” as defined in the regulations. (Paragraph 7.4)

Provide clarification or survey result information to demonstrate adherence to best practice survey requirements for protected species and justifications for lack of survey where relevant. (Paragraph 7.5 and 7.9)

Clarify why no GCN surveys were undertaken in spring 2015 when HSI assessments appeared to support the need for further effort. (Paragraph 7.6)

Clarify whether detailed badger surveys, looking for field signs rather than just relying on a single camera trap survey and consultation with the local badger group, was undertaken and what the results of the survey were. (Paragraph 7.7)

Provide a reasoned argument to support the assumption made about the use of the site by otters and white-claw crayfish. (Paragraph 7.8)

Provide definitions for key terminology of the assessment and clarify how the CIEEM guidance on EcIA was applied. Additionally, clarify what assumptions about the development were made to support the impact assessment (Paragraph 7.10, 7.11, 7.12, 7.15)

Provide reasoned arguments to support the values assigned to each ecological receptor and how these valuations were made. (Paragraph 7.13)

Also provide further information on valuation and assessment of impacts for groups of species such as bats and birds. (Paragraph 7.13, 7.14)

Provide a clear assessment of all identified possible cumulative impacts against each ecological receptor. (Paragraph 7.16, 7.17)

Provide confirmation that mitigation proposed is confirmed as a commitment by the developer rather than a recommendation for planning conditions. (Paragraphs 7.18 to 7.21)

Provide a clear delineation of mitigation, using the mitigation hierarchy, teasing out those approaches which constitute enhancement. (7.19)

#### Potential Planning Conditions

None suggested at this time, due to lack of substantial information.

## 8 Review of Chapter 11: Transport and Accessibility

### Scope of EIA

- 8.1 Paragraph 6.2 of the applicant's EIA Scoping Report states the ES will cover potential effects [of the development] within a study area which has been defined to include all junctions and links in the vicinity where there is likely to be a 5% or greater impact, as agreed with Essex County Council as highway authority. This approach focuses exclusively on the impact of motorised traffic however many of the connections that will be critical to the attraction of using non-motorised means of travel lie outside the more narrow study area defined as above. Whilst not referring explicitly to the acceptability or otherwise of the proposed extent of the study area, Braintree District Council's EIA Scoping Opinion does state that *"Measures to minimise car trips from the site and optimise connectivity with Braintree will need to be the subject of detailed consideration in seeking to mitigate the environmental impacts that increased vehicular movements will cause."* This suggests that the area for consideration in the ES should extend at least as far as the town centre. The ES does not cover whether specific changes to cycling, walking or measures to encourage more bus travel outside the study area, as defined, are needed and, if so, what these measures should be. The applicant should provide this assessment.
- 8.2 Paragraph 6.10 of the EIA Scoping Report states the ES will cover potential effects [of the development] including, at bullet 3, *"Increased demand for public transport"*. The ES does not quantify the anticipated number of additional public transport journeys and whether, through additional demand or as a result of changes to bus routes or frequencies, there will be any impact on existing users. The applicant should accordingly provide this assessment.
- 8.3 Paragraph 6.10 of the EIA Scoping Report states the ES will cover potential effects [of the development] including, at bullet 4, *"Increased demand and usage of cycle ways and pedestrian links to local facilities amenities and other destinations"*. The ES does not quantify the anticipated number of additional cycling and walking journeys and whether, through additional demand for cycle parking at local facilities amenities and other destinations (not defined), there will be any impact on existing users. The applicant should accordingly provide this assessment.
- 8.4 The EIA Scoping Opinion states the Transport Chapter of the ES should consider the potential impact on [existing] leisure users and [existing] access to the countryside. The ES does not cover this aspect, either as a particular issue, or as part of situation referred to in Paragraph 8.4 above, and so the applicant should accordingly provide this assessment.
- 8.5 The EIA Scoping Opinion states the ES should consider the potential impact on existing Public Rights of Way, especially during construction, and invites the applicant to consult closely with interested parties. The ES does not cover this aspect and the applicant should consider how best to provide appropriate evidence of consideration of this aspect or provide reasons as to why it was scoped out.
- 8.6 The EIA Scoping Opinion states the Transport Chapter of the ES should consider *"when infrastructure and public transport services will be available to residents /employees and the likely extent of its use."* The ES states at Para 11.109 that a number of measures could [our emphasis] be delivered as part of the proposed development, however there is no apparent commitment to measures, other than highway improvements, nor a timescale for the delivery or effectiveness at mitigating vehicular trip generation. The applicant should accordingly provide further details.
- 8.7 The scope of the chapter is otherwise considered acceptable subject to the comments below.

## Baseline

- 8.8 The baseline is not set out in any detail in the ES. The Transport Assessment (Appendix 11.1 of the ES) only deals in quantitative terms with vehicular traffic flow however this information is not presented formally as a baseline assessment.
- 8.9 Descriptions of pedestrian access, cycle access, bus services and rail services are provided in the Transport Assessment but only receive minor coverage in the ES.
- 8.10 There are no quantitative assessments of pedestrian flows, cycle flows (e.g., along Flitch Way) or bus passenger levels. There is no quantitative assessment of flows at potential points of conflict for non-motorised users, e.g., where Flitch Way crosses London Road.
- 8.11 A formal baseline assessment in the ES is required.

## Assessment

- 8.12 Paragraphs 11.70 to 11.83 provide an assessment of the impact of vehicular traffic from the development covering the key junctions that will be affected by the Proposed Development. As stated above, however, the extent of the assessment does not include forecasts of predicted non-motorised or public transport usage, notwithstanding the predicted vehicular trip rate adopted, nor the impacts on users of any parts of the existing cycle and walking networks nor users of public transport and the public transport networks.
- 8.13 The Transport Assessment provides more detail than the ES however, as referred to previously, the focus is entirely on the impact of vehicular traffic.
- 8.14 The Evaluation of Residual/Cumulative Impacts (Paras 11.112 – 11.117) together with the Summary of Impacts Table at the end of Chapter 11 summarises the effects of the scheme taking into account significant mitigation measures that are not identified in detail in the assessment such that their effectiveness cannot be readily determined. Nevertheless the evaluation and summary table conclude that many substantial benefits will be derived as a result of the proposed development.

## Secondary, Cumulative, and Combined Impacts

- 8.15 As referenced in Paragraph 8.1 above, there is a potentially secondary impact on the town centre as well as potentially other locations due to the increase in demand for transport-related services, as recognised by Braintree District Council in its Scoping Opinion. The applicant should provide this assessment.

## Mitigation and Management

- 8.16 The proposed mitigation measures include identified highway improvements, as referred to in the Transport Assessment and ES, together with a Residential Travel Plan. There are other mitigation measures suggested but with no commitment to implementation such that their effectiveness cannot be determined or taken into account.
- 8.17 Mitigation and management of the construction phase should include the preparation of a Construction Logistics Plan and a Construction Environmental Management Plan which can be secured by condition.

## Non-Technical Summary

- 8.18 The Non-Technical Summary is consistent with the summary and conclusions set out in Chapter 11 of the ES but should be updated to reflect any changes made to the assessment as a result of this review.

### Summary of Clarifications Required from Applicant

None.

### Summary of Potential Regulation 22 Information Requests to be made to Applicant

Provide an assessment of the area that is likely to affect the travel patterns of future residents of the proposed development beyond the study area agreed for the apparently narrower remit for the Transport Assessment.

Provide an assessment of the effects on public transport users and operators of the public transport networks.

Provide an assessment of the effects on cyclists and the wider cycle network.

Provide an assessment of the effects on pedestrians and the wider pedestrian network.

Provide additional information on the status of baseline demand for all transport modes.

Provide additional information on the predicted demand for all transport modes.

Provide an assessment of the effects on existing users of the Public Rights of Way across the site, especially during the construction phase.

Present a formal baseline assessment in the ES.

Provide further information relating to the effect of and timing of delivery of suggested mitigation measures together with extent of commitment to these measures.

### Potential Planning Conditions

The preparation of the Construction Logistics Plan, Construction Environmental Management Plan and Residential Travel Plan should be secured via conditions.

Identification of and timing for delivery of off-site mitigation measures.

## 9 Review of Chapter 12: Minerals

### Scope of EIA

- 9.1 The EIA scoping opinion (dated 12/05/2015) requested an additional chapter covering mineral reserves due to the potential for the site to contain mineral resources. The applicant has provided a minerals assessment in the ES, along with an 'Assessment of Potential Mineral Resources' in Appendix 12.1. The scope of the assessment is considered appropriate.

### Baseline

- 9.2 The assessment considers the baseline geological conditions on site, the policy situation on site (within a minerals safeguarding areas) and identifies an area of potential commercially exploitable mineral (a Potentially Workable Resource). Relevant geological information sources have been consulted including BGS data and information from Essex County Council. This is considered appropriate.

### Assessment

- 9.3 The ES sets out significance criteria for the assessment and in the absence of standard guidance, this is considered acceptable, although the chapter does not confirm what levels of effect are assumed to be significant in EIA terms. The assessment identifies the areas of the site to be developed that would impact on mineral resources. This is focussed at the western end of the site and the pre-mitigation impact is considered to be moderate adverse, which is generally considered to be significant.

### Secondary, Cumulative, and Combined Impacts

- 9.4 Chapter 19 covers cumulative effects and there is a section on minerals within that chapter. The assessment compares the level of mineral resource on the site to the County level provision and states it is not significant in comparison. There is no reference to other schemes in the area that may contain mineral reserves and the combined effect of several sites potentially sterilising a great volume of mineral deposits. However it is assumed that other development sites that contain mineral deposits would also be subject to detailed assessment and liaison with Essex County Council to determine the suitability of prior extraction, and as such any adverse cumulative effects would be mitigated.

### Mitigation and Management

- 9.5 The assessment outlines two options for mitigating the impact – amending the masterplan and recovering the mineral prior to development, with the Applicant expressing a preference for the latter. This is considered appropriate although Braintree District Council should ensure Essex County Council comment on the proposals and deem it to be suitable.

### Non-technical Summary

- 9.6 The NTS is an adequate reflection of the assessment chapter.



Summary of Clarifications Required from Applicant

None.

Summary of Potential Regulation 22 Information Requests to be made to Applicant

None.

Potential Planning Conditions

Secure the prior extraction of mineral resources and ensure further discussion with Essex County Council.

## 10 Review of Chapter 13: Archaeology and Cultural Heritage

### Scope of EIA

- 10.1 The scope of the EIA is considered acceptable subject to the points below.

### Baseline

- 10.2 The baseline is set out in paragraphs 13.22-13.44 and considers designated heritage assets, undesignated heritage assets and archaeological potential. Figure 13.1 of the ES illustrates the location of the heritage assets and known archaeological sites in relation to the site.
- 10.3 The baseline is considered acceptable.

### Assessment

- 10.4 The assessment methodology is set out in paragraphs 13.16-13.20 and details the study area, surveys, consultation and the significance criteria. The assessment has considered Grade I and II\* listed buildings as of higher importance than Grade II buildings (see ES Table 13.1) and therefore assigned them different levels of significance. However, Historic England guidance is that **all** nationally designated assets are considered to be of high importance, so the applicant should provide some clarification of their reasoning for separating these assets. Clarification is also sought on what impacts are considered significant for the purposes of this EIA.
- 10.5 The assessment is set out in paragraphs 13.45-13.53 and includes an assessment of the construction and operational phases of the development.
- 10.6 Paragraph 13.48 states *"The setting of nearby designated heritage assets may be subject to change as a result of construction activity onsite. However, as these potential effects are temporary, the level of impact is far less than any at the completed, operational stage"*. Clarification is required to confirm that the Applicant is deferring to the operational assessment with regard to the impacts on nearby designated heritage assets during construction as they are considered to be the worst-case scenario.
- 10.7 Paragraph 13.48 also states *"There remains limited potential for an adverse impact on the setting of nearby heritage [assets] during construction due to noise, vibration and dust generation"*. The Applicant should provide the significance of these construction impacts.
- 10.8 Paragraph 13.49 states *"Most of the closest designated heritage assets lie several hundred metres from the Assessment Site. Limited or non-existent inter-visibility limits the effect change within the Assessment Site could have on the significance of any of these assets, including those on the north eastern edge of Rayne and its conservation area"*. Clarification is required to confirm what the significance of the impacts will be on these heritage assets (it would be useful if the Applicant could list each asset discussed in the baseline section with the development's predicted impact on the asset (including significance)). The applicant should also include impacts as viewed from the tower of the Church at Rayne which has been raised by the Council's Historic Buildings Advisor as being key to the building's setting (see Historic Buildings Advisor's response to BDC).
- 10.9 Paragraph 13.51, with regard to Rayne Lodge, states *"Views from it will change, but given existing intervening residential areas and screening vegetation, this effect will not harm the heritage significance of Rayne Lodge which is already surrounded by modern structures and*

*divorced from its historical context*". Clarification is required to confirm what the significance of this impact will be.

- 10.10 The assessment is otherwise considered acceptable.

## Secondary, Cumulative, and Combined Impacts

- 10.11 The Type 2 cumulative assessment is set out in chapter 19 of the ES and considers that there is no cumulative impact with regard to archaeology or the heritage assets considered in the ES. This is considered acceptable.

## Mitigation and Management

- 10.12 The proposed mitigation measures are set out in paragraphs 13.54-13.57 and include the implementation of a Construction Management Plan and further archaeological evaluation which is likely to involve geophysical surveys, geo-archaeological sampling and trial trenching, as requested by the Essex archaeological advisor to Braintree.
- 10.13 Further archaeological investigation will be completed ahead of construction following the surveys noted above which could include full archaeological excavation, 'strip, map and sample' investigations and a watching brief. The results of the archaeological work undertaken will be made available to the public and deposited at the appropriate museum.
- 10.14 The mitigation measures proposed are considered acceptable.

## Non-technical Summary

- 10.15 Paragraph 1.76 states that there will be a minor adverse residual effect on Naylinghurst Farm. However, paragraph 13.50 of the ES states the pre-mitigation effect on Naylinghurst Farm will be negligible. Clarification is required to confirm what the significance of the operational effect on Naylinghurst Farm will be.
- 10.16 The NTS should be updated to reflect any changes arising from comments in this review.

### Summary of Clarifications Required from Applicant

Clarify why Grade II listed buildings have been separated from Grade I and II\* in terms of importance.

Clarify what impacts are considered to be significant for the purposes of this EIA.

Confirm that the Applicant is deferring to the operational assessment with regard to the impacts on nearby designated heritage assets during construction as they are considered to be the worst-case scenario.

### Summary of Potential Regulation 22 Information Requests to be made to Applicant

Provide the significance of the potential construction noise, vibration and dust impacts on nearby heritage assets.

Clarify what the significance of the impacts will be on the heritage assets set out in paragraph 13.49 (it would be useful if the Applicant could list each asset discussed in the baseline section with the development's predicted impact on the asset (including significance)).

Include assessment of impacts on the setting of Rayne Church as viewed from the church tower.

Clarify what the significance of the operational impact on Rayne Lodge will be.

Clarify what the significance of the operational effect of Naylinghurst Farm will be as the NTS and ES chapter do not match.

#### Potential Planning Conditions

The details of the further archaeological evaluations should be agreed in writing with the Local Planning Authority and Essex County Council's archaeological advisor to Braintree.

# 11 Review of Chapter 14: Air Quality

## Scope of EIA

- 11.1 The scope of the assessment is comprehensive. It covers demolition, excavation and construction and operational phases of the development.
- 11.2 Neither this chapter nor the description of the development chapter indicates whether there is to be any energy centre provision or any centralised heat or power generation (e.g. for the school) that could have localised air quality impacts. It is recommended that the air quality impacts of any such centralised heat and power provision should be assessed at reserved matters stage under a planning condition.

## Baseline

- 11.3 The baseline is assessed by reference to the Defra background air quality database and local air quality monitoring data. The baseline for the operational phase assessment is established by verifying the dispersion model against local monitoring data. This shows a good agreement between the modelled and monitored pollutant concentrations.

## Assessment

- 11.4 The Applicant states that the air quality assessment methodology was agreed with the local authority air quality officer.
- 11.5 There are no issues with the methodology adopted. The methodology for the excavation, demolition and construction phase follows the most recent IAQM guidance. The operational phase assessment follows the most recent EPUK/IAQM guidance. This assessment uses a dispersion model which is considered to be suitable for the purpose. Verification of the model was undertaken in line with established practice
- 11.6 The significance criteria used are in line with the IAQM guidance and follow common practice.

## Secondary, Cumulative, and Combined Impacts

- 11.7 The assessment does not address cumulative impacts during the demolition, excavation and construction phase. The Applicant should therefore clarify whether any such effects might occur and, if so, provide an assessment. Chapter 19 addresses cumulative impacts but states that "Potential impacts on receptors during the construction phase are deemed to be negligible or can be satisfactorily mitigated". It therefore appears possible that there could be unidentified construction phase impacts.
- 11.8 Cumulative effects are implicit in the operational phase methodology.

## Mitigation and Management

- 11.9 Demolition, excavation and construction phase mitigation measures are set out in Appendix 14.4 of the ES. Both the "highly recommended" and "desirable" measures should be incorporated into a CEMP or its equivalent, secured through a planning condition.

## Non-technical Summary

11.10 The NTS provides a good summary of the air quality assessment.

Summary of Clarifications Required from Applicant
None
Summary of Potential Regulation 22 Information Requests to be made to Applicant
Whether there is the potential for cumulative effects during demolition, excavation and construction
Potential Planning Conditions
<p>Air quality impacts of any centralised heat and power generation to be assessed as part of reserved matters applications where relevant. Mitigation measures for any significant effects are to be approved by Braintree District Council.</p> <p>All of the demolition, excavation and construction phase mitigation measures identified as highly recommended and desirable to be incorporated into an environmental management plan to be approved by Braintree District Council prior to works commencing.</p>

## 12 Review of Chapter 15: Noise and Vibration

### Scope of EIA

- 12.1 All aspects of the Scoping Opinion have been included in the assessment, however, it is not clear whether the baseline noise monitoring locations had been agreed with the Environmental Services Officer.

### Baseline

- 12.2 Baseline noise and vibration measurements were carried out at appropriate locations and over relevant time periods but, as above, it is not stated whether the locations had been agreed with the Council.

### Assessment

- 12.3 The noise assessment has taken account of a worst case regarding the parameter plans on layout, landscaping, building heights and vehicle movements but has not taken account of phasing.
- 12.4 The assessment does not clearly identify the location of sensitive receptors on a plan. Although construction noise levels have been provided in Table 15.15 it is difficult to identify the location of these receptors. The baseline noise level at receptors should also be shown alongside the predicted construction noise levels.
- 12.5 The construction noise assessment has not taken account of the phasing parameter plan. Construction noise impacts will occur at the existing receptors identified but only during relevant phases of the development, not over the duration of the whole development, which will be many years. No account has been taken of the effects of construction noise on completed development phases, for example the effects of Phase 5 construction on completed Phases 3 and 4.
- 12.6 A table should accompany Table 15.15 which shows the impact descriptor for each receptor for each stage of construction as it is difficult to relate the calculated noise levels to the impacts described in Table 15.1. Phasing and baseline noise levels should also be taken into account.
- 12.7 Adequate consideration has been given to the assessment of construction vibration but noise from construction traffic on surrounding roads has not been considered.
- 12.8 A full assessment of operational traffic noise has been carried out and relevant design criteria for the effects of noise from mechanical plant and equipment on sensitive receptors have been established.

### Secondary, Cumulative, and Combined Impacts

- 12.9 Cumulative noise and vibration effects have been described in Chapter 19. It was concluded that construction noise and vibration effects would be negligible due to distance separation from other schemes. Cumulative operational noise sources potentially apply to traffic noise, however, the transport assessment concluded that the cumulative effects would have a beneficial impact. This is not likely to have a significant effect on noise levels thus the cumulative impact would be negligible. Noise impacts would need to be reassessed if there are any changes to the transport assessment based on comments in this review report (see section 8).

## Mitigation and Management

- 12.10 Measures to control construction noise and vibration are adequately described in some detail in 15.94-99. However, residual effects would remain due to the proximity of existing receptors to the site boundaries. Table 15.19 should indicate effect descriptors rather than, or in addition to, noise levels and take account of phasing.
- 12.11 Mitigation of ambient noise to meet internal noise standards in the proposed buildings is summarised in Table 15.18, including recommendations for suitable glazing and ventilation.
- 12.12 Noise in private gardens is mentioned in 15.113 and the BS8233 criteria described along with the relevant explanation given in BS8233, however, there is no indication of whether the criteria will be achieved in the proposed gardens.

## Non-technical Summary

- 12.13 The noise and vibration summary in the NTS reflects the general findings of the assessment.

Summary of Clarifications Required from Applicant
Whether noise monitoring locations were agreed with the Council. Plan showing location of sensitive receptors. Baseline noise levels and impact descriptors at receptors to be included in construction noise summary table.
Summary of Potential Regulation 22 Information Requests to be made to Applicant
Construction noise and vibration assessment during each phase of development, at existing receptors and receptors on completed phases of development. Assessment of construction traffic noise impact. Confirmation of predicted noise levels in amenity areas/private gardens.
Potential Planning Conditions
Construction noise and vibration to be controlled by CEMP. Noise in living and amenity areas to meet the requirements of BS8233:2014. Noise from mechanical plant as perceived at sensitive receptors, to result in a low adverse impact according to BS4142:2014



## 13 Review of Chapter 16: Flood Risk and Hydrology

### Scope of EIA

- 13.1 The scope included an assessment of the flood risk from all sources, surface water and surface water drainage in and at the close proximity development area.
- 13.2 All comments received in the Council's scoping opinion have been addressed in the ES chapter, but further some clarification is required as is described below.
- 13.3 The FRA and ES Water Chapter have been prepared using a desk based approach.
- 13.4 The scope of the assessment is comprehensive and encompasses all topics required in an EIA study of this nature.

### Baseline

- 13.5 The ES describes the condition of those aspects of the environment that are likely to be significantly affected by the development and clearly evaluates their importance.
- 13.6 Relevant planning policy documents have been reviewed including the National Planning Policy Framework (NPPF) and Planning Practise Guidance (PPG), the Braintree District Council Local Plan Review (Adopted 2005) and the Braintree District Council Core Strategy 2011 to 2026 (Adopted 2011) and the Braintree District Council Strategic Flood Risk Assessment (2008). This is appropriate.

### Assessment

- 13.7 The approach to establishing 'magnitude' of impacts, and for estimating significance of effect (as a function of magnitude and receptor importance) is clearly explained.
- 13.8 The approach gives appropriate prominence to both beneficial and adverse effects relative to their significance and considers interactions between related beneficial and adverse effects. It separates the assessment according to feature, stage of development and pre- and post-mitigation. The assessment is considered comprehensive and appropriate.
- 13.9 The impact of development on the sewer system and an assessment of impacts on water capacity (both clean and waste water) have been included in the ES. However, no estimate of potable water demand and foul discharge due to the proposed development is provided. A high level estimate of water demand and foul discharge after the development is therefore required.
- 13.10 The ES chapter states that *"consultation with Anglian Water has confirmed that there are no potable or foul sewerage capacity issues in the area surrounding the Assessment Site, however, there are concerns regarding network infrastructure for foul sewerage."* The Applicant should continue to consult Anglian Water in order to ensure that the development's demand for water supply, wastewater treatment and their associated infrastructure both on and off site can be met. The communication made with Anglian Water in this respect is required to be provided. It is suggested that Anglian Water formal agreement could be placed as a condition on the planning permission.
- 13.11 Conclusions on flood risk from all considered sources are appropriate.
- 13.12 Conclusions on the surface water management strategy are sufficient.

- 13.13 Further information about the watercourses network (i.e. Naylinghurst Brook, Notley Brook, Springett Brook and New Brook), those small in-site ditches and a small pond located in the south-eastern area of the site is required (i.e. a map showing their size, location, and their connectivity considering the proposed layout would be essential).
- 13.14 In the FRA and ES, there is no mention of the watercourses being crossed due to the proposed layout. Further information where in-site watercourses are crossed is required. How will the new crossing(s) be managed (e.g. a new culvert)? If the new crossing will be managed by new culverts, what would the new culvert dimensions be? An assessment of effect significance in relation to new crossings during the construction and operation phase will then be required to be undertaken.
- 13.15 The exact design/implementation of SuDS within the proposed development could be controlled by a planning condition.

## Secondary, Cumulative, and Combined Impacts

- 13.16 The cumulative effect assessment is included in Chapter 19 in the ES and is considered appropriate.

## Mitigation and Management

- 13.17 The ES describes mitigation measures and provides an assessment of pre-mitigation and post mitigation (residual) effects.
- 13.18 The ES highlights several measures that can be considered as embedded mitigation which will be developed and detailed in the Code of Construction Practice (CoCP) and implemented via the CEMP for the Proposed Development which will be prepared and agreed with Braintree District Council in advance of construction.

## Non-technical Summary

- 13.19 The NTS provides an adequate summary of Chapter 16.

### Summary of Clarifications Required from Applicant

Further information about the watercourses network (i.e. Naylinghurst Brook, Notley Brook, Springett Brook and New Brook), those small in-site ditches and a small pond located in the south-eastern area of the site is required (i.e. a map showing their size, location, and their connectivity considering the proposed layout would be essential).

The impact of development on the sewer system and an assessment of impacts on water capacity (both clean and waste water) have been included in the ES. However, no estimate of portable water demand and foul discharge due to the proposed development is provided. A high level estimate of water demand and foul discharge after the development is therefore required.

### Summary of Potential Regulation 22 Information Requests to be made to Applicant

In the FRA/ES, there is no mention of the watercourses being crossed due to the proposed layout. Further information where in-site watercourses are crossed is required. How will the new crossing(s) be managed (e.g. a new culvert)? If the new crossing will be managed by new culverts, what would the new culvert dimensions be? An assessment of effect significance in relation to new crossings during the construction and operation phase will then be required to be undertaken.

### Potential Planning Conditions

The ES chapter states that “*consultation with Anglian Water has confirmed that there are no potable or foul sewerage capacity issues in the area surrounding the Assessment Site, however, there are concerns regarding network infrastructure for foul sewerage.*” The Applicant should continue to consult Anglian Water in order to ensure that the development’s demand for water supply, wastewater treatment and their associated infrastructure both on and off site can be met. The communication made with Anglian Water in this respect is required to be provided. It is suggested that Anglian Water formal agreement could be placed as a condition on the planning permission.

The exact design/implementation of SuDS within the proposed development should be controlled by a planning condition.

Secure mitigation measures in Code of Construction Practice (CoCP) and CEMP.

## 14 Review of Chapter 17: Agricultural Land

### Scope of EIA

- 14.1 The scope included an assessment of the quality of the agricultural land within the development area. It was recommended that a desk based approach to the assessment, based on Agricultural Land Classification (ALC) would not be sufficient and Natural England recommended a site visit.
- 14.2 Soils were to be assessed on the basis of soil sampling (via soil auger) and test pits to assess properties and physical properties.
- 14.3 These conditions have been met and are well detailed in the response.
- 14.4 The assessment also includes an assessment of the impacts on agricultural holdings.

### Baseline

- 14.5 The baseline relating to soil assessment is established in accordance with the MAFF ALC guidelines. There are no issues with the method used for assessing the ALC.
- 14.6 The scope states *"If the site is identified as containing agricultural land which is classified as being the 'best and most versatile' the ES will need to consider alternative sites for development and whether these would entail the loss of agricultural land which is of lower quality"*
- 14.7 According to the ALC, agricultural land is graded between 1 and 5 with 1 -3a being classed as the 'best and most versatile'. 81% of the land is Grade 2 (20%) or grade 3a (61%) with the remaining 10.1 ha (19%) being sub grade 3b. In addition to the 53.2 ha of agricultural land, there is 5.2 ha of non-agricultural land.
- 14.8 The baseline for farm holdings is also provided in the form of an assessment of the existing size and infrastructure of farms affected. The baseline assessment was undertaken through consultation with local land owners and occupiers.

### Assessment

- 14.9 Methodology for assessing magnitude is clearly laid out, logical and covers a range of criteria beyond the soil status including impacts on holdings. There are no issues with this approach.
- 14.10 There is a clear and well-presented assessment of the effects of the development on agricultural land quality, soil resources and farm holdings. It clearly labels the magnitude of impacts.
- 14.11 The assessment does not include the magnitude of the Land Use Change element as detailed in table 17.1. As the development is over 50 Ha, in terms of Land Use Change element the adverse effects are deemed to be high. Tables 17.1 and 17.6 should be reviewed in combination to reflect the magnitude of the area of lost agricultural land in the 'best and most versatile' category.
- 14.12 The worst case scenario relating to the loss of agricultural land is described in the assessment. The proposed development would lead to the loss of approximately 53 ha of good quality, agricultural land of which 44.1 ha (81%) would be classed as best and most versatile.
- 14.13 The worst case scenario for relating to impacts on agricultural farm holdings is not explicitly stated. However, paragraphs 17.57 and 17.58 do provide an explanation of the magnitude of the change arising from the loss of land on the holdings in which it is implied that these are worst case impacts as there are no other scenarios available to assess.

## Secondary, Cumulative, and Combined Impacts

- 14.14 Cumulative impacts are not detailed in this chapter and are assessed in chapter 19. The cumulative impacts of loss of agricultural land (best and most versatile) are clearly described. There are no cumulative impacts on agricultural holdings as other identified developments will not impact on the holdings within the assessment site.

## Mitigation and Management

- 14.15 Mitigation is not applicable in the case of direct loss of agricultural land. If the proposed development goes ahead then 53ha of agricultural land will be lost and will not be available for agricultural production in the future.
- 14.16 Mitigation approaches for the appropriate management of soil to reduce the loss of soil resources is detailed and the recommendation of a Soil Management Plan is made. This includes the protection and reuse of displaced soils. Paragraph 17.61 recommends that the sustainable disposal of surplus soils and management of quality soils will be done so in accordance with best practice guidance.
- 14.17 Mitigation of soil damage during the construction phase is not covered but should be incorporated in to a Soil Management Plan.

## Non-technical Summary

- 14.18 The Non-Technical Summary provides a good overview of the methodology and summary of the impacts.
- 14.19 The summary also includes impacts on agricultural holdings in addition to the soil classification information required of the scope.

### Summary of Clarifications Required from Applicant

Clarification of the magnitude of land use change in the assessment is required.

### Summary of Potential Regulation 22 Information Requests to be made to Applicant

None.

### Potential Planning Conditions

The requirement for a Soil Management Plan is stated in section 17.61 and should form a planning condition for any planning permission. Management of soil in the development phase should be included.

## 15 Review of Chapter 18: Ground Conditions

### Scope of EIA

- 15.1 The scope of the assessment is comprehensive. It includes both desk studies and preliminary risk assessments and the results of an intrusive soil investigation, including groundwater and gas monitoring.

### Baseline

- 15.2 The baseline is established in the conventional manner through historical data and map searches and intrusive site investigation.

### Assessment

- 15.3 The methodology used for the assessment and the significance criteria adopted are in line with current good practice. The design of the intrusive investigation and the interpretation of results are in line with established practice. The assessment criteria adopted are also considered acceptable.
- 15.4 The former and current uses of the site (principally agricultural land) would suggest a low to moderate risk of contamination. This is borne out by the results of the intrusive investigation, which found that none of the assessment criteria for chemical contaminants in the soil were exceeded. The assessment criteria used are considered to be suitably conservative and the interpretation of the data in terms of impacts on soil and groundwater as presented in Appendix 18.2 is sound.
- 15.5 The assessment provided in Appendix 18.2 indicated that elevated methane and carbon dioxide levels were found. These are assessed as being equivalent to Characteristic Situation 2 in accordance with the CIRIA C665 guidance and therefore gas protection measures will be required.

### Secondary, Cumulative, and Combined Impacts

- 15.6 These have been considered to an appropriate extent, with data searches extending beyond the site boundary. Since there is no soil and groundwater contamination on the proposed development site there cannot be any cumulative effects due to contamination. Other potential development sites are sufficiently distant from the proposed development site for cumulative effects to be unlikely, especially since the closest of these sites are unlikely to pose a significant risk of contamination. The gas in ground issues are localised and unlikely to affect other sites.
- 15.7 Therefore, overall there are not expected to be any significant cumulative ground conditions effects. The summary in Chapter 19 is consistent with this finding.

### Mitigation and Management

- 15.8 There are unlikely to be any significant impacts in terms of soil or groundwater pollution. Therefore, no specific mitigation measures are required.
- 15.9 The risks posed by gas in the ground would indicate that mitigation is required in line with the guidance in CIRIA C665. This should comprise a reinforced, cast in situ floor slab (suspended,

non-suspended or raft), with at least a 1200 gauge damp proof membrane and underfloor venting, or a beam and block or pre cast concrete floor with a 2000 gauge damp proof membrane or reinforced gas membrane and underfloor venting, as described in the ES. In both cases, all joints and service penetrations should be fully sealed. This should be secured through a planning condition.

## Non-technical Summary

15.10 The NTS is a good reflection of the main assessment.

Summary of Clarifications Required from Applicant
None.
Summary of Potential Regulation 22 Information Requests to be made to Applicant
None.
Potential Planning Conditions
Gas protection is to be incorporated into the proposed development to comprise a reinforced, cast in situ floor slab (suspended, non-suspended or raft), with at least a 1200 gauge damp proof membrane and underfloor venting, or a beam and block or pre cast concrete floor with a 2000 gauge damp proof membrane or reinforced gas membrane and underfloor venting. All joints and service penetrations should be fully sealed.

## 16 Review of Chapter 19: Cumulative Effects

- 16.1 Chapter 19 assesses the likely Type 2 cumulative effects, i.e. combined effects of the proposed development together with committed schemes within the surrounding locality.
- 16.2 Paragraphs 19.13 and 19.14 set out the cumulative developments considered as part of the Type 2 assessment which comprises:
- Strategic growth location Braintree north-west, off Panfield Land – 600 dwellings and 15ha of employment land.
  - Strategic growth location land to the west of the A131 at Great Notley – 18.5ha of employment land.
  - Planning permission at 271-275 Rayne Road – construction of 20 supported housing units.
  - Land north of A131 Avenue East Skyline, 120 Great Notley (15/00582/FUL) – construction of 18 units (Class B1, B2 and B8).
  - Land between London Road and East of Pod's Brook Road (15/01193/FUL) – construction of 215 residential dwellings.
- 16.3 The Applicant is requested to provide a map illustrating the location of these sites in relation to the proposed development.
- 16.4 A detailed review of the Type 2 cumulative assessment is set out in the individual topic chapters.
- 16.5 The applicant has not provided an assessment of Type 1 cumulative effects, which covers combined effects of individual effects during the construction and operational phases of the proposed development (ie combination of dust, noise and HGV traffic during construction). This was specifically requested in the Braintree District Council EIA scoping opinion (section 3). This assessment should be provided for all topics.
- 16.6 The chapter is otherwise considered acceptable.
- 16.7 The NTS provides a reasonable summary of the chapter. However, it should be updated to reflect a Type 1 cumulative assessment.

### Summary of Clarifications Required from Applicant

Provide a map illustrating the location of the cumulative developments in relation to the proposed development.

### Summary of Potential Regulation 22 Information Requests to be made to Applicant

Provide an assessment of Type 1 cumulative effects for all topics.

Revise the NTS to cover results of a Type 1 cumulative assessment.

### Potential Planning Conditions

None.



## 17 Review of Chapter 20: Conclusion

- 17.1 Chapter 20 sets out the conclusions of the ES.
- 17.2 Paragraph 20.14 states there will be a major/moderate visual effect during construction. However, paragraph 9.88 states the effect will be major. Clarification is required to confirm the significance of the construction visual effect.
- 17.3 Paragraph 20.34 states there will a minor adverse effect on Naylignhurst Farm. However, paragraph 13.50 states the effect is negligible. Clarification is required to confirm the significance of the operational effect on Naylignhurst Farm.
- 17.4 The chapter is otherwise considered acceptable.

### Summary of Clarifications Required from Applicant

Clarify the significance of the construction visual effect.

Clarify the significance of the operational effect on Naylignhurst Farm.

### Summary of Potential Regulation 22 Information Requests to be made to Applicant

None.

## 18 Assessment of Submitted Regulation 22 / Clarification Information

- 18.1 This section of the FRR considers the responses to the clarifications/potential Regulation 22 information requests identified above through the review of the ES and ES Addendum. Table 18.1 below provides a judgement as to the acceptability of the information provided in relation to the ES.
- 18.2 The review of the Applicant's ES and subsequent submitted information has raised a number of matters, which should be considered by the Applicant, which are summarised below:
- o A number of topics (including LVIA and Socio Economics) have not addressed regulation 22 requests or clarifications.
  - o Some chapters do not appear to have actioned all requests.
  - o In some cases, where data has been amended, the additional information has raised further questions. In some instances this has resulted in additional regulation 22 requests.
  - o It should be noted that some requests have only been partially met.
  - o A number of Regulation 22 requests have been downgraded to clarifications.

Request Type	Original Request	Reassessment conclusion following review of Revised ES in March 2017	Assessment of Applicant Clarifications provided in October 2017 <sup>8</sup>
<b>EIA Context and Influence</b>			
Clarification	Clarify how much public open space will be provided as figures differ within chapter 5.	<b>Acceptable</b>  The development description within paragraph 5.3 states that there is 12.3ha of public open space, while paragraph 5.4 mentions 19.3ha of public open space (comprising of up to 12.3ha of 'informal and formal public open space', and up to 7ha of 'strategic open space').	N/A

<sup>8</sup> The information was originally sent to LUC by BDC in August 2017. The applicant formally submitted this to BDC in October 2017. There is no difference in the content of the two submissions with the exception of the table summarising responses. This review has used the most up to date information. Additional information in relation to Transport and Accessibility was provided by the applicant in November 2017. This has been taken into account in the Transport and Accessibility section below.

Request Type	Original Request	Reassessment conclusion following review of Revised ES in March 2017	Assessment of Applicant Clarifications provided in October 2017 <sup>8</sup>
Clarification	Provide a summary of the consultation undertaken with regard to noise and vibration. If no consultation was undertaken, it should be stated.	<b>Acceptable</b>  It is confirmed within Chapter 15 that Braintree District Council was consulted with respect to noise and vibration. A brief sentence is provided stating that this <i>'included the use of the adopted methodology, significance and the appropriate standards for assessment'</i> .	<b>N/A</b>
Regulation 22	Confirm that all the assessments have assessed the correct amount of public open space (see clarification above).	<b>Acceptable</b>  As per above clarification regarding open space.	<b>N/A</b>
Regulation 22	Provide an indicative phasing programme and an assessment of impacts from the construction of phases on operational phases for all topic areas. This will enable Braintree District Council to understand the proposed development's impacts on sensitive receptors located within the built out early phases. If it is considered that the phasing assessment can be scoped out of certain chapters, justification should be provided.	<b>Not Acceptable</b>  It is not clear from the Applicants submission whether this has been undertaken and consistently applied across all chapter topic areas and thus remains a regulation 22.	<b>Clarification</b>  The Applicant refers back to their response dated February 2017 where it states they provided an assessment of the impacts from construction on operational phases.  The assessment for most topics is considered reasonable. However the assessment for ecology relies upon mitigation in the form of movement corridors. This mitigation does not appear to be included in the ecology chapter so clarification is sought as to how this can be relied upon to mitigate effects.  This Regulation 22 request has been

Request Type	Original Request	Reassessment conclusion following review of Revised ES in March 2017	Assessment of Applicant Clarifications provided in October 2017 <sup>8</sup>
			downgraded to a clarification.
<b>Socio-Economics</b>			
Clarification	Applicant to confirm if Braintree Annual Monitoring information was used to inform the baseline information.	<p><b>Acceptable</b></p> <p>The applicant has made use of the Braintree Annual Monitoring Report for 2013/2014 to inform the baseline. There is, however, a more up-to-date version available covering the period April 2014-March 2015.</p> <p>No further clarification sought.</p>	N/A
Clarification	Applicant to confirm the distance that was used to capture the number of health practices locally.	<p><b>Acceptable</b></p> <p>Following on from the previous review, it is assumed that the '2 miles' referred to in paragraph 8.160 is an error given that Table 8.23 lists GP practices within 1.5 miles and Table 8.24 lists dental practices within 1.5 miles.</p> <p>No further clarification sought.</p>	N/A
Clarification	Applicant to provide an estimate of direct and indirect spend that could be expected from the construction workforce.	<p><b>Acceptable</b></p> <p>This has not been provided by the applicant.</p> <p>Further clarification sought.</p>	<p><b>Acceptable</b></p> <p>The applicant has provided a breakdown of direct and indirect spend and wage expenditure.</p> <p>No further clarification sought.</p>
Clarification	Applicant to confirm if the development will be occupied by 3,813 people or 2,952 people.	<p><b>Acceptable</b></p> <p>It is clear from paragraph 8.221 that the development could provide homes</p>	N/A

Request Type	Original Request	Reassessment conclusion following review of Revised ES in March 2017	Assessment of Applicant Clarifications provided in October 2017 <sup>8</sup>
		for approximately 3,813 residents, and that the 2,952 refers to the number of working age residents who could be in employment (takes into account the local employment rate and the estimated 3,058 working age residents).  No further clarification sought.	
Clarification	Applicant to provide an estimate or range on the expected tenure of each of the units, so that it is clear to Braintree District Council, the ratio of private market and affordable homes per unit size.	<b>Not Acceptable</b>  This has not been provided by the applicant.  Further clarification sought.	<b>Acceptable</b>  The applicant has provided an indicative accommodation schedule illustrating the mix of affordable and market homes and their tenure.  No further clarification is sought.
Clarification	Applicant to provide estimates or a range on the expected number of units available for social rent and affordable home ownership.	<b>Not Acceptable</b>  This has not been provided by the applicant.  Further clarification sought.	<b>Acceptable</b>  The applicant has provided a breakdown.  No further clarification sought.
Clarification	Applicant to provide a breakdown showing estimates on the likely number of jobs generated in each part of the development-e.g. the local centre, employment units the primary school and community centre.	<b>Not Acceptable</b>  This has not been provided by the applicant.  Further clarification sought	<b>Acceptable</b>  The applicant refers back to their response dated February 2017 where they provided a breakdown of job estimates.  No further clarification sought.
Clarification	Applicant to confirm the estimated number of residents across the combined cumulative schemes.	<b>Acceptable</b>  This has been provided at paragraph 19.19 of Chapter 19.  No further	<b>N/A</b>

Request Type	Original Request	Reassessment conclusion following review of Revised ES in March 2017	Assessment of Applicant Clarifications provided in October 2017 <sup>8</sup>
		clarification sought.	
Clarification	Clarify the inconsistency between assessment of operational impacts on employment and unemployment. How can negligible impacts on employment lead to major-minor beneficial impacts on unemployment?	<p><b>Not Acceptable</b></p> <p>No clarification provided.</p>	<p><b>Acceptable</b></p> <p>The applicant refers back to their response dated February 2017. This states that impacts on employment and unemployment have been assessed separately and that there is no direct causal relationship between the two. The applicant's response is satisfactory and no further clarification is sought.</p>
Clarification	Applicant to confirm what if any mitigation proposals have been identified, against the effects for coalescence of settlements.	<p><b>Acceptable</b></p> <p>Paragraph 8.323 states that the effects associated with settlement coalescence have been taken into account in the design of the Development. Therefore, effects are considered to be residual. This is considered acceptable.</p> <p>No further clarification sought.</p>	<b>N/A</b>
Regulation 22	If the 19.3 hectares of open space referred to in the socio-economic effects chapter is incorrect (see clarification request in Section 3 of this review report), the assessment should be amended.	<p><b>Not Acceptable</b></p> <p>Following on from the initial review, it is clear that assessment has only considered the effects of access to formal and informal open space (12.3ha) and not the 7ha of strategic open space.</p>	<p><b>Acceptable</b></p> <p>The applicant has provided an updated assessment to replace a section of their original assessment. This is considered acceptable.</p> <p>This Regulation 22 request has been met. The updated assessment is</p>

Request Type	Original Request	Reassessment conclusion following review of Revised ES in March 2017	Assessment of Applicant Clarifications provided in October 2017 <sup>8</sup>
			considered new information under Regulation 22 of the EIA Regulations and should be advertised as such.
Regulation 22	Applicant to provide additional information on cumulative effects of the development upon health and education to confirm that the cumulative effect has not been underestimated and that the proposed mitigation is sufficient.	<b>Acceptable</b> The applicant has provided an assessment of the cumulative effects of the development upon health and education provision.	<b>N/A</b>
Regulation 22	Applicant to provide a cumulative assessment of the impact of the development upon open space and the coalescence of settlements.	<b>Not Acceptable</b> This has not been provided by the applicant.	<b>Not Acceptable</b> The applicant refers to the Gap Assessment they have undertaken. However this assessment only considers impacts of the proposed scheme on open space and coalescence of settlements rather than cumulative impacts of the proposed development and other schemes. This Regulation 22 request remains.
Regulation 22	The NTS should be revised to include a summary of all of the socioeconomic effects as described in the main chapter of the ES where effects are significant.	<b>Acceptable</b> A summary of all the significant socio-economic effects has been provided for during the construction and operational phases in the amended NTS..	<b>N/A</b>
<b>Landscape and Visual Impact Assessment</b>			
Clarification	Clarify whether the ZTV represents the potential	<b>Not Acceptable</b> This request has not	<b>Not Acceptable</b> The applicant states

Request Type	Original Request	Reassessment conclusion following review of Revised ES in March 2017	Assessment of Applicant Clarifications provided in October 2017 <sup>8</sup>
	visibility of the proposed development as defined by the parameter plans together and provide a fuller description of the methodology used to generate the ZTV, including the topographic data used, so that the accuracy of the map can be determined.	been undertaken. Although these points are described within Appendix 9.1, paragraphs 5.3 to 5.9, they are not referenced in the Chapter 9 text, which in paragraph 9.23 refers to Figure 9.1, this figure does not provide a fuller description of the methodology used to generate the ZTV and this is not considered acceptable.	that the ZTV methodology is included within Appendix 9.1B. However the wording in Appendix 9.1B is identical to that used in the previous Appendix 9.1. The updated LVIA chapter dated 31 <sup>st</sup> July 2017 has also not been updated to add any additional information that may satisfy this clarification request. As such the clarification request remains as per the previous column.
Clarification	Confirm that the development parameters as set out in the density, heights and phasing parameter plans in the planning application documents have been assessed as the 'worst-case' scenario.	<p><b>Not Acceptable</b></p> <p>This request has not been undertaken in Chapter 9 or Appendix 9.1. Within Chapter 9, paragraph 9.93 states 'This assessment is based on a 'worst case' approach, with the construction and operational stages assessed at peak construction and fully operational periods'. Within Appendix 9.1 paragraph 11.26 states that: 'For the purposes of this report and as 'worst case', the construction and operational stages are assessed at peak construction and fully operational periods'.</p> <p>Clarification is required as per the original request To understand whether the development</p>	<p><b>Acceptable</b></p> <p>The applicant has confirmed that the assessment has been based on the parameter plans which depict the worst case scenario.</p> <p>No further clarification is sought.</p>



Request Type	Original Request	Reassessment conclusion following review of Revised ES in March 2017	Assessment of Applicant Clarifications provided in October 2017 <sup>8</sup>
		parameters as set out in the density, heights and phasing parameter plans in the planning application documents have been assessed as the 'worst-case' scenario.	
Clarification	Confirm that the judgements made in the assessment have assumed that the proposals set out in the Landscape Strategy Plan in Appendix 9.2 of the ES or the Landscape Parameter Plan in the DAS are implemented.	<p><b>Not Acceptable</b></p> <p>This request has not been undertaken within Chapter 9 or Appendix 9.1. Chapter 9 paragraph 9.133 states that: 'A landscape masterplan which is at Appendix 9.2 will be implemented to create a green infrastructure within which the proposed development will sit'. No confirmation has been provided and further clarification is sought as per original request.</p>	<p><b>Acceptable</b></p> <p>The applicant has confirmed that the assessment has taken into account the assumption that the Landscape Masterplan will be implemented and that this is incorporated into the assessment of residual effects.</p> <p>No further clarification is sought.</p>
Clarification	Confirm that the assessment of visual effects assumes the 'worst-case' winter conditions.	<p><b>Not Acceptable</b></p> <p>This request has not been undertaken. Chapter 9, paragraph 9.143 states that: 'There exists the potential, when deciduous species have lost their foliage in winter months, for further views due to the vegetation acting as a less dense visual barrier' in repetition of Appendix 9.1 paragraph 10.31. However there is no confirmation that the assessment of visual effects assumes the 'worst-case' winter</p>	<p><b>Acceptable</b></p> <p>The applicant has confirmed that the assessment of visual effects assumes the 'worst-case' winter conditions. This could perhaps be better explained in the assumptions section of the ES chapter. However no further clarification is sought.</p>

Request Type	Original Request	Reassessment conclusion following review of Revised ES in March 2017	Assessment of Applicant Clarifications provided in October 2017 <sup>8</sup>
		conditions.	
Clarification	Confirm the extent over which the predicted moderate effect on landscape character will occur (i.e. the site only, the immediate surroundings or the landscape across the whole study area).	<b>Not Acceptable</b>  This request has not been undertaken. No clarification is provided within Chapter 9 or Appendix 9.1 as to the extent over which the predicted moderate effect on landscape character will occur (i.e. the site only, the immediate surroundings or the landscape across the whole study area).	<b>Acceptable</b>  The revised LVIA chapter addresses this point.
Clarification	Clarify what additional planting will be included in the scheme and whether this has been assessed within the LVIA.	<b>Not Acceptable</b>  This request has not been undertaken and no clarification has been provided as per original request.	<b>Not Acceptable</b>  The applicant refers to the Landscape Masterplan which outlines areas to be planted. The applicant doesn't however confirm whether this has been assessed in the LVIA.  The clarification request remains.
Regulation 22	Provide a clear and more detailed baseline report which describes the landscape character of the site and surrounding context, including both the rural areas and settlements. This should make reference to the Braintree Settlement Fringes – Evaluation of Landscape Capacity Analysis (2015) and consider Conservation Areas in the vicinity of the site.	<b>Not Acceptable</b>  Chapter 9, paragraphs 9.73 to 9.80 provide additional description of the site and surrounding context copied from Appendix 9.1 paragraphs 11.16, 11.18, 11.20, 11.22 and 11.23. However no reference is made to the Braintree Settlement Fringes – Evaluation of Landscape Capacity	<b>Acceptable</b>  The applicant has provided an updated LVIA chapter which refers to the Braintree Settlement Fringes – Evaluation of Landscape Capacity Analysis (2015) in consideration of the site's baseline.  The updated LVIA chapter is considered new information under Regulation 22 of the EIA Regulations and should be

Request Type	Original Request	Reassessment conclusion following review of Revised ES in March 2017	Assessment of Applicant Clarifications provided in October 2017 <sup>8</sup>
		Analysis (2015).	advertised as such.
Regulation 22	<p>Additional information about the predicted landscape effects should be provided covering:</p> <ul style="list-style-type: none"> <li>• ALL ASPECTS of the proposals (including the primary school, employment use and landscape proposals), not just residential buildings. This should include a consideration of how the proposals 'fit' with the local landscape character and surrounding settlement patterns and characteristics.</li> <li>• How losses of particular elements, features, aesthetic qualities within the site and the addition of new features will combine and effect the overall character of the site and its surroundings; and</li> <li>• How effects will vary across different parts of the site and its immediate surroundings, reflecting the different types of development, heights and densities proposed within the development parameters.</li> </ul>	<p><b>Not-Acceptable</b></p> <p>This request has not been undertaken no additional information has been provided as per original request.</p>	<p><b>Clarification</b></p> <p>The applicant has provided a revised ES chapter and confirmed that all aspects of the proposal were assessed. The applicant has confirmed that reference to the residential development in the previous version of the chapter was a typo.</p> <p>It is not clear whether the additional bullet points in this request have been addressed in the revised chapter as there are limited tracked changes.</p> <p>This can now be downgraded to a clarification and clarification is sought as to why these 2 bullet points appear to have not been addressed.</p>
Regulation 22	Provide a clearly reasoned assessment of the magnitude of potential effects on landscape and visual receptors in terms the size, scale of change, geographic extent, duration and reversibility in accordance with GLVIA3 (refer to page 90).	<p><b>Not Acceptable</b></p> <p>This request has not been undertaken and no clarification has been provided as per original request.</p>	<p><b>Not Acceptable</b></p> <p>The applicant refers to the updated Appendix 9.1B and states that further clarification on the assessment is provided at page 49-79. There is very little difference between this amended Appendix and the one previously submitted and it is considered that this amended appendix does not</p>

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			<p>provide the 'clearly reasoned assessment of magnitude' as requested.</p> <p>This is considered to remain a <b>Regulation 22</b> request.</p>
Regulation 22	<p>Provided reasoned judgements for each landscape and visual effect identified as to whether they will be positive, negative or neutral, based on a clear set of criteria.</p>	<p><b>Not Acceptable</b></p> <p>This request has not been undertaken and no clarification has been provided as per original request.</p>	<p><b>Clarification</b></p> <p>The applicant has provided additional text within the updated LVIA chapter and appendix which discusses beneficial, neutral and negative effects, and which is based on GLVIA 3. In the updated Appendix 9.1B additional text has been included for the assessment of effects on viewpoints to identify whether effects will be beneficial, neutral or negative. There is no additional text to identify whether landscape effects will be beneficial, neutral or negative.</p> <p>This is considered to meet the requirements of the regulation 22; however is not clear why this has not been addressed for landscape impacts, which requires this to be downgraded to a Clarification.</p>
Regulation 22	<p>Provide mapping that is of sufficient detail and resolution to show the location of the selected viewpoints.</p>	<p><b>Not Acceptable</b></p> <p>This request has not been undertaken. Resolution of mapping is generally acceptable within Figure 4.1 however</p>	<p><b>Acceptable</b></p> <p>The applicant confirms that viewpoint coordinates are provided in table 11 of Appendix 9.1A and that these are</p>

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		<p>the addition of co-ordinates for viewpoint locations would be beneficial. High resolution maps within Viewpoint assessment tables would be advantageous.</p> <p>This has met the requirements of the Regulation 22 request, but <b>Clarification</b> is sought.</p>	<p>presented graphically on Figures 4A and 4.1A.</p> <p>The applicant has not provided new maps within the viewpoint assessment tables nor provided coordinates of viewpoint locations within Figure 4.1.</p> <p>However, this is now considered acceptable.</p>
Regulation 22	Provide viewpoint visualisations for viewpoints where there is likely to be clear visibility of the development which includes block modelling based on the parameter plans contained within Figure 5.1 of the ES.	<p><b>Not Acceptable</b></p> <p>This request has not been undertaken and no visualisations have been provided as per original request.</p>	<p><b>Not Acceptable</b></p> <p>The applicant states that at this outline stage photomontages would not be able to convey the full potential effects of the proposed development. However this request is asking for visualisations based on the parameter plans, not photomontages. It is acknowledged that this wouldn't show the proposed development in its true form. It would include block modelling to illustrate the worst case view of the development. An example can be provided if it would help the applicant understand the request. Visualisations are still required and this Regulation 22 request remains.</p>
Regulation 22	Provide an assessment of cumulative landscape and	<b>Not Acceptable</b>	<b>Acceptable</b>

Request Type	Original Request	Reassessment conclusion following review of Revised ES in March 2017	Assessment of Applicant Clarifications provided in October 2017 <sup>8</sup>
	<p>visual impacts that is based on a clear methodology that follows the principles set out in the GLVIA3 and that considers the following applications:</p> <ul style="list-style-type: none"> <li>• 18 units (Class B1, B2 and B8 ) on land north of A131 Avenue East Skyline, 120 Great Notley (15/00582/FUL); and</li> <li>• the erection of 215 residential dwellings on land between London Road and East of Pod's Brook Road (15/01193/FUL).</li> </ul>	<p>A cumulative Impact Assessment methodology is provided within Chapter 9, paragraphs 9.55 to 9.59 and Table 9.3. Applications including the 18 units (Class B1, B2 and B8 ) and erection of 215 residential dwellings are considered in paragraphs 9.62 to 9.63.</p> <p>No assessment has been provided and as a result this Regulation 22 has only been partially met. This is considered to remain a <b>Regulation 22</b> request.</p>	<p>The applicant confirms that the cumulative assessment was included in Appendix 9.1A of the revised ES. An assessment is also included in the amended ES Chapter.</p> <p>This Regulation 22 request has been met.</p>
Regulation 22	Information on aspects of all the cumulative schemes that may give rise to cumulative landscape and visual impacts should be provided, with maps showing the locations and relative proximity of the schemes to the proposed development.	<p><b>Not Acceptable</b></p> <p>This request has not been undertaken. No maps are provided showing the locations of cumulative schemes.</p>	<p><b>Clarification</b></p> <p>The applicant has provided Figure 19.1A which shows the locations of cumulative schemes in relation to the site. This map doesn't show the development referred to as 'Braintree north-west, off Panfield Lane'. The Regulation 22 request has been met but clarification is sought as to why this one development site has not been shown.</p>
Regulation 22	Potential cumulative visual effects may need to be illustrated through use of visualisations and whether this is necessary should be considered and reasoned by	<p><b>Not Acceptable</b></p> <p>Table 9.5 Summary of Cumulative Visual Significance of Effect for Operational Stage is provided in Chapter</p>	<p><b>Not Acceptable</b></p> <p>The applicant states that at this outline stage photomontages would not be able to convey the full</p>

Request Type	Original Request	Reassessment conclusion following review of Revised ES in March 2017	Assessment of Applicant Clarifications provided in October 2017 <sup>8</sup>
	the applicant.	9 (copied from Table 12 found in Appendix 9.1). Some clarification of cumulative schemes visible from these viewpoints would be beneficial within the table. Potential cumulative visual effects are not illustrated through use of visualisation.	<p>potential effects of the proposed development. However this request is asking for visualisations showing block modelling based on the parameter plans, not photomontages. An example can be provided if it would help the applicant understand the request.</p> <p>As per the original request the applicant must consider the need for cumulative visualisations and provide reasoning if they are not considered necessary. This Regulation 22 request remains.</p>
Regulation 22	Provide further details about what mitigation measures (both primary, embedded into the project design, and secondary measures) are proposed, and the extent to which they will prevent, avoid and reduce the potential landscape and visual effects so that the residual effects can be established.	<p><b>Not Acceptable</b></p> <p>This request has not been undertaken and no clarification has been provided as per original request.</p>	<p><b>Acceptable</b></p> <p>The applicant makes reference to the Landscape Masterplan and also the LVIA chapter that discusses proposed mitigation. This mitigation is also considered within the residual effects section of the chapter. The applicant also acknowledges the outline nature of the application which means more detailed mitigation (in terms of the landscape masterplan) has not been provided.</p> <p>This is considered acceptable and the Regulation 22 request has been met.</p>

Request Type	Original Request	Reassessment conclusion following review of Revised ES in March 2017	Assessment of Applicant Clarifications provided in October 2017 <sup>8</sup>
Regulation 22	Details of how the mitigation measures will be secured and implemented and with whom the responsibilities for their delivery lies, including the long term management of the proposed new landscape features (up to a minimum of 15 years) should be provided.	<b>Not Acceptable</b>  This request has not been undertaken no clarification has been provided as per original request.	<b>Acceptable</b>  The applicant gives the same response to this request as to the previous request above. There is no additional information provided as to how the mitigation measures will be secured, however it is acknowledged that this is an outline application and such detail is likely to follow.  The Regulation 22 request has been removed however this detail will need to be secured later on in the application process.
Regulation 22	A revised Non-Technical summary should be provided sets out the findings of the landscape assessment, including whether any significant landscape effects have been identified and where these occur.	<b>Not Acceptable</b>  This request has not been undertaken. Findings of the landscape assessment are not provided within the Non-Technical Summary.	<b>Acceptable</b>  A revised NTS has been provided and this includes the findings of the landscape assessment.  This is considered acceptable and the Regulation 22 request has been met.  The revised NTS is considered new information under Regulation 22 of the EIA Regulations and should be advertised as such.
<b>Ecology and Nature Conservation</b>			
Clarification	Confirm the assessment assumptions which should be informed by the parameter plans.	<b>Not Acceptable</b>  This doesn't appear to be addressed in the chapter	<b>Not Acceptable</b>  The applicant's response states that "findings of the report



Request Type	Original Request	Reassessment conclusion following review of Revised ES in March 2017	Assessment of Applicant Clarifications provided in October 2017 <sup>8</sup>
			are based on observations made and data available at the time of the survey” however it is questionable how this has been achieved in the absence of detailed baseline surveys. The assessment states that a precautionary approach has been taken but there is little evidence for this having been robustly implemented.
Regulation 22	Confirm the rationale for deviation from best practice survey methods, i.e. Phase 1 Habitat Survey, and possible consequences or advantages of the deviation. Confirm also whether an assessment of hedgerows was made, in line with the Hedgerow Regulations, specifically to determine if the specimens present on site are considered “important” as defined in the regulations. (Paragraph 7.4)	<b>Acceptable</b>  The revised reports have clarified/firmed up the statements for survey methods.	<b>N/A</b>
Regulation 22	Provide clarification or survey result information to demonstrate adherence to best practice survey requirements for protected species and justifications for lack of survey where relevant. (Paragraph 7.5 and 7.9)	<b>Not Acceptable</b>  A statement is made addressing why BRP surveys were not undertaken; however this is not considered robust.  Despite being an outline planning application, the Habitats Regulations are clear that an assessment of impacts on EPS is required prior to the determination of any planning application. Natural England would expect, as a	<b>Not Acceptable</b>  The applicant makes reference to advice contained within ODPM Government Circular 06/2005 (Planning for biodiversity and geological conservation: a guide to good practice). This circular was withdrawn in March 2014 and replaced with the National Planning Practice Guidance (NPPG).  The NPPG contains the similar advice

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		<p><i>minimum</i>, BRP surveys to be undertaken for outline planning consent (though full roost surveys should be done even prior to an outline application) in order to inform development design and ensure impacts are minimised as much as possible, not as a last option. This has not been done.</p>	<p>which states that “local planning authorities should only require ecological surveys where clearly justified, for example if they consider there is reasonable likelihood of a protected species being present and affected by the development”.</p> <p>The applicant argues that bat surveys will be undertaken once the layout and design of the development has been formulated. This suggests that the applicant is of the view that there is a reasonable likelihood of the presence of bats. As such, and according to the advice in the NPPG and the expectations of Natural England (see comment on March 2017 submission opposite) it is still considered necessary to undertake full surveys of BRP. In addition, it is important to have sufficient baseline information in order to inform the layout and design of the development in order to avoid adverse impacts. This cannot be done if surveys are carried out once the design has been developed.</p> <p>The applicant also states that “direct and indirect impacts to</p>

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			<p>trees will be negligible". However has this considered impacts on bat foraging and commuting, and impacts from lighting of the development? Again if there is insufficient baseline data how can such conclusions be robustly made?</p> <p>This Regulation 22 request remains.</p>
Regulation 22	Clarify why no GCN surveys were undertaken in spring 2015 when HSI assessments appeared to support the need for further effort. (Paragraph 7.6)	<p><b>Acceptable</b></p> <p>However, Pond 1 was only assessed in one season with 3 months between each visit. Conditions could change year to year and if no assessment has been made as to the likelihood of GCN using other habitat nearby, then usage of Pond 1 could not be comfortably discounted. Note the legal requirements for GCN, regardless of planning outcomes.</p>	N/A
Regulation 22	Clarify whether detailed badger surveys, looking for field signs rather than just relying on a single camera trap survey and consultation with the local badger group, was undertaken and what the results of the survey were. (Paragraph 7.7)	<p><b>Not Acceptable</b></p> <p>Although reference was made to badger records, they have not provided a confidential annex with the badger records of the survey.</p> <p>This is not considered standard practice and insufficient to allow an assessment of mitigation. For example, stating a buffer zone along a particular route will</p>	<p><b>Not Acceptable</b></p> <p>The applicant has provided a map of badger setts, however no supporting survey data have been provided to identify how badgers use the site. The figure is inappropriate in scale and lacks sufficient information to be considered a proper confidential annex of badger survey records.</p>

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		<p>be formed does not tell us if there are 15 holes or only 1 present, whether these are the only breeding setts (which can occur in any sett type) or if there are others nearby. There is no interpretation of the way badgers use the whole site supported by data. There will be a large impact on badger foraging territory, but without knowing what the badger interest is along Flitch Way or how they use the site as a whole, we cannot review what the impact of loss of habitat will be or comment on the mitigation put forward.</p> <p>A confidential annexe should be supplied to the LPA, but it will not be made available in the public domain.</p>	<p>This <b>Regulation 22</b> request remains.</p>
Regulation 22	Provide a reasoned argument to support the assumption made about the use of the site by otters and white-claw crayfish. (Paragraph 7.8)	<p><b>Not Acceptable</b></p> <p>The conclusions regarding white-claw crayfish are based on an eight-year old survey of a tributary of the River Brain upstream of the site, despite indicating the River Brain being “superficially” suitable for this species. No explanation was provided as to why this qualifier was used and how it is relevant for this site. Nor is the logic applied for why WC crayfish</p>	<p><b>Clarification</b></p> <p>The applicant has provided correspondence from a contact at Essex Wildlife Trust. This correspondence is adequate but it refers to a map which has not been provided to LUC. This Regulation 22 has been downgraded to a clarification as it would be useful to see the map referred to in the correspondence.</p>

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		might not be present downstream.	
Regulation 22	Provide definitions for key terminology of the assessment and clarify how the CIEEM guidance on EcIA was applied. Additionally, clarify what assumptions about the development were made to support the impact assessment (Paragraph 7.10, 7.11, 7.12, 7.15)	<p><b>Not Acceptable</b></p> <p>The reporting has referenced key wording in relation to key terms however has failed to define key terminology as per the request. . For example at what point would a European protected species, not currently in favourable conservation status (e.g. GCN), be less than National or International value if found to be present on site. This gap is particularly noticeable when the individual assessments valuing each receptor are still not clearly reasoned, i.e. against criteria fragility, diversity, etc. (as listed in the methods).</p> <p>Additionally, the revised chapter still includes a “significance matrix” dependent on value and magnitude (3 point) rather than on significance on geographic value scale (7 point), which is in direct contrast to CIEEM guidance.</p> <p>Assessments of impact are not clearly linked to each of the parameters listed in the Methods (extent, magnitude, etc.). Additionally, they are made generically for</p>	<p><b>Not Acceptable</b></p> <p>The applicant provides comment on the 7 point scale in the CIEEM guidance and states that it does not have to be used for each receptor. The applicant also sets out a number of assumptions/scenarios where the 7 point scale would not be necessary. The concern remains around how such assumptions and then conclusions can be robustly made with inadequate assessment of baseline.</p> <p>The applicant has failed to refer to the other points raised in this request and as such the Regulation 22 remains.</p>

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		each receptor rather than for each action/effect. For example, a single assessment of impact for badgers was given identification of three separate possible risks spanning from damage/destruction of shelter, death or injury to animals and loss/fragmentation of habitat.	
Regulation 22	Provide reasoned arguments to support the values assigned to each ecological receptor and how these valuations were made. (Paragraph 7.13)	<p><b>Not Acceptable</b></p> <p>As with the comment above regarding definitions of values, the Applicant has not provided enough information to satisfy the Regulation 22 request. The Applicant has included some confusing statements, which highlight why this needs to be addressed. For example, it is unclear what is meant by</p> <p>“The River Brain is hydrologically connected to the River Blackwater and has supporting value in this respect.”</p> <p>‘Supporting value’ is not defined either in this report or the CIEEM guidance.</p> <p>If there is value in this river’s relationship to other watercourses off site, the value would be expected at a higher level, such as Regional, County, District, etc.</p> <p>Additionally, the</p>	<p><b>Not Acceptable</b></p> <p>The applicant has clarified what they mean by ‘supporting value’ and has clarified the use of local value for habitat descriptions. This needs to be reflected in the assessment within the chapter.</p> <p>However, this again raises concerns about the robustness of the assessment with inadequate baseline, assumptions that are then based on that baseline, and then the assessment conclusions made. The Regulation 22 request remains.</p>

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		habitat descriptions provide a list of species but no support to the statements detailing "local value". As above, the value is not supported.	
Regulation 22	Also provide further information on valuation and assessment of impacts for groups of species such as bats and birds. (Paragraph 7.13, 7.14)	<p><b>Not Acceptable (Bats)</b></p> <p>Although interpretation of the most common species recorded on site has been provided, the results of other, less widespread species (e.g. whiskered bat) were not interpreted and no explanation or supporting argument was given (despite a reference to guidance) to support the value given for bats as Local. If a generic value is to be given to the species group, the precautionary principle must be applied and to the rarer or more sensitive species.</p> <p><b>Acceptable (birds)</b></p> <p>Further information has been provided in relation to bird species.</p>	<p><b>Not Acceptable (Bats)</b></p> <p>The applicant provides further information on the UK's populations of whiskered bats. However as before, bat surveys have not been detailed enough to provide an adequate baseline and a generic value has been applied to for bats as whole rather than tailoring the values depending on the status of the species.</p> <p>It is considered that the assessment hasn't applied the precautionary principle, gearing the assessment towards the rarest species rather than the most common.</p> <p>Concerns over the different stages of the assessment leads to concerns about the robustness of the overall assessment.</p> <p>This Regulation 22 request remains.</p>

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Regulation 22	Provide a clear assessment of all identified possible cumulative impacts against each ecological receptor. (Paragraph 7.16, 7.17)	<p><b>Not Acceptable</b></p> <p>No mention of cumulative impacts relating to ecology was provided in this chapter, this is not acceptable.</p>	<p><b>Not Acceptable</b></p> <p>The applicant refers to the cumulative assessment provided in Chapter 19 of the ES. This was reviewed by LUC and comments made in the FRR. This Regulation 22 request stemmed from these comments. As chapter 19 has not been updated to provide a more clear assessment for each ecological receptor (as discussed in the FRR), this Regulation 22 request remains.</p>
Regulation 22	Provide confirmation that mitigation proposed is confirmed as a commitment by the developer rather than a recommendation for planning conditions. (Paragraphs 7.18 to 7.21)	<p><b>Not Acceptable/Clarification</b></p> <p>Rationale has not been provided for the mitigation provided for such receptors such as the River Brain (why is a buffer of only 8 m being offered?).</p> <p>Although firmer language committing to mitigation has been used and by necessity the approach to mitigation will be high level at this stage, there seems to be a disproportionate approach to the various species, for example more detail and attention is given to reptiles (of which common species only were found) but very little to EPS such as otters or bats. No</p>	<p><b>Clarification</b></p> <p>The applicant confirms why a buffer of 8m has been applied.</p> <p>The applicant also states that other EPS have not been disregarded but evidence of further information on mitigation for other EPS such as badgers and birds has not been provided.</p> <p>Again, the robustness of the overall assessment is questioned and as such the robustness of proposed mitigation, how it would be implemented and whether it would be effective enough is also questioned.</p>



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		<p>mention was made for the need to apply for licences for any protected species to comply with relevant wildlife legislation, despite making note of this for reptiles. This has satisfied the requirements of the regulation 22 in relation to reptiles. However there is information gaps remaining regarding badgers and birds that would benefit from clarification and thus this is considered to have been downgraded to a Clarification.</p> <p><b>Not Acceptable:</b> EPS, and any species currently disregarded but addressed above.</p> <p><b>Recommendations</b> Planning conditions should address the outstanding issues of and changing scenarios for highly mobile protected species. Wording could include the following:</p> <p>Detailed species surveys must be undertaken once the layout and design of the development has been formulated. This must include aquatic surveys for white-clawed crayfish and robust bat surveys for any tree or structure which may be directly or indirectly affected by development</p>	<p>As suggested before, detailed, strongly worded planning conditions would need to be included in any consent.</p>

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		<p>proposals. Resurveys for species such as otters, water vole, badgers, and birds will also be required. Reports of all results must be submitted to the LPA.</p> <p>There is also a clear requirement for the protection and mitigation of impacts on all protected species recorded on or adjacent to the site.</p> <p>A Species Protection and Management Plan must be submitted to the LPA for consideration and approval prior to the commencement of any works on site. This plan must include targeted and specific mitigation for each protected species recorded and be directly correlating to the development proposals and working methods to be employed.</p>	
Regulation 22	Provide a clear delineation of mitigation, using the mitigation hierarchy, teasing out those approaches which constitute enhancement. (7.19)	<p><b>Clarification</b></p> <p>Although the mitigation hierarchy was mentioned in reference to the masterplan, it is not clear the concepts are understood or being applied. At this stage of master-planning, mitigation can be designed in provided the baseline conditions are sufficiently known. Additionally, although</p>	<p><b>Clarification</b></p> <p>The information gaps referred to in the previous comments on this point remain.</p> <p>The applicant refers to this being an outline application which limits the level of detail of mitigation that can be established. There remains concern about the robustness</p>

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		some indication of scale or magnitude of habitat loss is provided, the compensation being offered is not provided in similar units, e.g. hectares, in order to fully assess the long-term outcome. This is considered to meet the requirements of the regulation 22; however information gaps remain, which require this to be downgraded to a Clarification.	of the mitigation proposed and its effectiveness, if it is based on inadequate baseline data.
<b>Transport and Accessibility</b>			
Regulation 22	Provide an assessment of the area that is likely to affect the travel patterns of future residents of the proposed development beyond the study area agreed for the apparently narrower remit for the Transport Assessment.	<b>Acceptable</b> The applicant has provided clarification on the extent of the area assessed and confirmed that this extends to include the town centre in agreement with the County and District Councils. Consideration of facilities within the town centre and at the railway station has been included.	<b>N/A</b>
Regulation 22	Provide an assessment of the effects on public transport users and operators of the public transport networks.	<b>Acceptable</b> The applicant has provided data to enable the effect of the development on public transport users and operators of public transport networks to be assessed.	<b>N/A</b>
Regulation 22	Provide an assessment of the effects on cyclists and the	<b>Acceptable</b>	<b>N/A</b>

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	wider cycle network.	The applicant has provided data to enable the effect of the development on cyclists and the wider cycle network to be assessed.	
Regulation 22	Provide an assessment of the effects on pedestrians and the wider pedestrian network.	<b>Acceptable</b> The applicant has provided data to enable the effect of the development on pedestrians and the wider pedestrian network to be assessed.	<b>N/A</b>
Regulation 22	Provide additional information on the status of baseline demand for all transport modes.	<b>Acceptable</b> The applicant has provided additional survey data to show the status of baseline demand for all transport modes.	<b>N/A</b>
Regulation 22	Provide additional information on the predicted demand for all transport modes.	<b>Not Acceptable</b> The applicant has provided additional information on the predicted demand for all transport modes, albeit clarification is needed in the headings of Tables 11.3, 11.4, 11.5 and 11.6 regarding the time periods shown.  In respect of predicted demand for vehicular traffic, the applicant has produced a technical note included as a supplementary Transport Assessment at Appendix 11.1A. The increase in predicted vehicular traffic flows from this document has then	<b>Acceptable</b> The applicant clarifies the headings for Tables 11.3-11.6.  In the additional information submitted to BDC in November 2017, the applicant has provided an assessment of the links which exceed the IEMA thresholds. Mitigation is identified and residual effects concluded.  It is understood that the highways authority is reviewing the information submitted. In relation to the ES, the assessment is considered acceptable; however

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		been included at Table 11.10 from which it has in turn been identified that certain parts of the highway network will be subject to increased flows which exceed the IEMA thresholds for requiring assessment. No such assessment of the affected parts of the highway network is, however, then included in the ES.	this is subject to agreement from the highways authority that the mitigation identified is acceptable.  This is considered to be 'further information' under Regulation 22 of the EIA Regulations and will be advertised/consulted upon as required.
Regulation 22	Provide an assessment of the effects on existing users of the Public Rights of Way across the site, especially during the construction phase.	<b>Acceptable</b>  The applicant has provided information on the anticipated effects on existing users of the PROW across the site and has set out how the effects on users during the construction phase will be mitigated.	<b>N/A</b>
Regulation 22	Present a formal baseline assessment in the ES.	<b>Acceptable</b>  The applicant has now provided a formal baseline assessment in the updated ES.	<b>N/A</b>
Regulation 22	Provide further information relating to the effect of and timing of delivery of suggested mitigation measures together with extent of commitment to these measures.	<b>Acceptable</b>  The applicant has now provided information relating to the effect of and possible timing of delivery of identified mitigation measures together with a commitment to include the identified measures in a Section 106 Agreement.	<b>N/A</b>

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<b>Archaeology and Cultural Heritage</b>			
Clarification	Clarify why Grade II listed buildings have been separated from Grade I and II* in terms of importance.	<p><b>Not Acceptable</b></p> <p>The criteria are unchanged in the ES chapter (Table 13.1) and the applicant does not appear to have addressed this request for clarification.</p>	<p><b>Not Acceptable</b></p> <p>The applicant refers to their original response to BDC's Regulation 22 request, dated February 2017. This is the response that was reviewed by LUC in March 2017 and which is discussed in the preceding column.</p> <p>As discussed previously, the criteria are still unchanged in the ES chapter (Table 13.1) and the applicant does not appear to have addressed this request for clarification.</p>
Clarification	Clarify what impacts are considered to be significant for the purposes of this EIA.	<p><b>Not Acceptable</b></p> <p>The applicant does not appear to have added any text to the ES Chapter to clarify what effects are considered significant.</p>	<p><b>Not Acceptable</b></p> <p>Again, the applicant refers to their original response to BDC's Regulation 22 request, dated February 2017. This is the response that was reviewed by LUC in March 2017 and which is discussed in the preceding column.</p> <p>The applicant still does not appear to have added any text to the ES Chapter to clarify what effects are considered significant.</p>
Clarification	Confirm that the Applicant is deferring to the operational assessment with regard to the impacts on nearby designated heritage assets during	<p><b>Acceptable</b></p> <p>The applicant has provided an updated assessment of effects to the historic</p>	<b>N/A</b>

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	construction as they are considered to be the worst-case scenario.	environment (Appendix 13.3), apparently undertaken in consultation with and feedback from relevant consultees (HE, BDC and ECC), which clarifies the scenarios assessed. The results of this have been used to update the findings of the ES chapter and this is considered appropriate in this regard.	
Regulation 22	Provide the significance of the potential construction noise, vibration and dust impacts on nearby heritage assets.	<b>Acceptable</b> As per the above clarification the applicant has provided an updated assessment of effects to the historic environment (Appendix 13.3), apparently undertaken in consultation with and feedback from relevant consultees (HE, BDC and ECC), which clarifies the scenarios assessed. The results of this have been used to update the findings of the ES chapter and this is considered appropriate in this regard.	<b>N/A</b>
Regulation 22	Clarify what the significance of the impacts will be on the heritage assets set out in paragraph 13.49 (it would be useful if the Applicant could list each asset discussed in the baseline section with the development's predicted impact on the asset (including	<b>Acceptable</b> The applicant has provided an updated assessment of effects to the historic environment (Appendix 13.3), apparently undertaken in	<b>N/A</b>

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	significance)).	<p>consultation with and feedback from relevant consultees (HE, BDC and ECC).</p> <p>The results of this have been used to update the findings of the ES chapter and this has affected the paragraph numbering. That notwithstanding, the ES chapter together with Appendix 13.3 appears to consider the heritage significance of each asset and any effect of the development. This is embedded in the text and no list of all assets assessed, along with the predicted effect, has been provided. Although this still hampers readability, it is considered that sufficient information has been provided and no further clarification is sought</p>	
Regulation 22	Include assessment of impacts on the setting of Rayne Church as viewed from the church tower.	<p><b>Not Acceptable</b></p> <p>The applicant has provided an updated assessment of effects to the historic environment (Appendix 13.3), apparently undertaken in consultation with and feedback from relevant consultees (HE, BDC and ECC). The results of this have been used to update the findings of the ES chapter.</p> <p>No specific</p>	<p><b>Not Acceptable</b></p> <p>The applicant states that effects on views is a landscape issue and is <i>"not pertinent to an assessment of the proposals on heritage significance"</i>. However the National Planning Policy Framework (NPPF) specifically states at paragraph 128 that <i>"local planning authorities should require an applicant to describe the significance of any heritage assets"</i></p>



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		<p>visualisations from the church tower are included in this (as originally requested by the Historic Buildings Advisor's response to BDC). Clarification is sought that the revised assessment of effects to All Saints' Church (Rayne) meets the original concerns of the Historic Buildings Advisor to BDC.</p>	<p><i>affected, including contribution made by their setting." At paragraph 132 the NPPF states that "significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting".</i></p> <p>This confirms that setting is an important part of a heritage feature setting this can include views of and from the heritage feature.</p> <p>The applicant states that Historic England has not requested any further work but this does not cover the requests of the Historic Buildings Advisor to BDC.</p> <p>This Regulation 22 request remains.</p>
Regulation 22	Clarify what the significance of the operational impact on Rayne Lodge will be.	<p><b>Acceptable</b></p> <p>The applicant has provided an updated assessment of effects to the historic environment (Appendix 13.3). The results of this have been used to update the findings of the ES chapter and this is considered appropriate in this regard.</p>	N/A
Regulation 22	Clarify what the significance of the operational effect of Naylinghurst Farm will be as the NTS and ES chapter do not	<p><b>Acceptable</b></p> <p>Following the revised assessment (Appendix 13.3), the</p>	N/A

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	match.	applicant has updated the effect to this heritage asset.	
<b>Air Quality</b>			
Regulation 22	Whether there is the potential for cumulative effects during demolition, excavation and construction	<b>Acceptable</b>  The Response states: <i>"Given the proposed mitigation and residual effects from the proposed development and distance to other (cumulative) developments, it is considered that cumulative air quality impacts during the construction phase will remain as minor adverse (as set out in paragraph 14.123 of the ES)."</i> This is considered an acceptable response and in accordance with recent IAQM guidance on the assessment of dust from demolition and construction.	<b>N/A</b>
<b>Noise and Vibration</b>			
Clarification	Whether noise monitoring locations were agreed with the Council.	<b>Acceptable</b>  It has been confirmed in 15.49 that Braintree District Council were consulted regarding the survey and assessment methodology.	<b>N/A</b>
Clarification	Plan showing location of sensitive receptors.	<b>Acceptable</b>  Plan of receptor locations shown in Figure 3A.	<b>N/A</b>
Clarification	Baseline noise levels and	<b>Acceptable</b>	<b>N/A</b>

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	impact descriptors at receptors to be included in construction noise summary table.	Baseline noise levels included now included in Table 15.15a.	
Regulation 22	Construction noise and vibration assessment during each phase of development, at existing receptors and receptors on completed phases of development.	<b>Acceptable</b> Explanations regarding receptors on completed phases of development are provided in 15.76. Assurance given that moderate to minor adverse impacts would result at existing and at receptors on completed phases.	<b>N/A</b>
Regulation 22	Assessment of construction traffic noise impact.	<b>Acceptable</b> Construction traffic noise assessment has been completed at 15.77 showing minor adverse to negligible effects.	<b>N/A</b>
Regulation 22	Confirmation of predicted noise levels in amenity areas/private gardens.	<b>Acceptable</b> Assessment of noise in amenity areas has been given at 15.117 and in Figure 15.2A. The majority of gardens would be within the BS8233 requirement although at those properties closest to the road network the required level would be exceeded. This is considered acceptable in the context of achieving the lowest practicable level, according to BS8233.	<b>N/A</b>
<b>Flood Risk and Hydrology</b>			
Clarification	Further information about the watercourses network (i.e. Naylinghurst Brook, Notley	<b>Acceptable</b> The applicant has supplied a map	<b>N/A</b>

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	Brook, Springett Brook and New Brook), those small in-site ditches and a small pond located in the south-eastern area of the site is required (i.e. a map showing their size, location, and their connectivity considering the proposed layout would be essential).	(Figure 16.3 – hydrological receptors) which outlines watercourses in relation to the red line boundary. This is acceptable.	
Clarification	The impact of development on the sewer system and an assessment of impacts on water capacity (both clean and waste water) have been included in the ES. However, no estimate of portable water demand and foul discharge due to the proposed development is provided. A high level estimate of water demand and foul discharge after the development is therefore required.	<p><b>Acceptable subject to confirmation of utilities report</b></p> <p>The applicant has clearly outlined that a utilities appraisal has been prepared and is proven (via modelling) that the development can be accommodated by local Anglian Water infrastructure. The demand water allowance is now stated at 105l/pp/d (based on the code for sustainable homes). Foul discharge volumes are not stated, but it is indicated from the utilities report that the nearby Braintree Water Recycling Centre has capacity for further development in the area. This utility report has not been reviewed as it is not available nor part of the appendices. If the utilities report accurately reflects the information provided in the updated ES chapter 16 and the response letter, then this is acceptable.</p>	N/A
Regulation 22	In the FRA/ES, there is no	<b>Acceptable</b>	<b>N/A</b>

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	mention of the watercourses being crossed due to the proposed layout. Further information where in-site watercourses are crossed is required. How will the new crossing(s) be managed (e.g. a new culvert)? If the new crossing will be managed by new culverts, what would the new culvert dimensions? An assessment of effect significance in relation to new crossings during the construction and operation phase will then be required to be undertaken.	The applicant has noted that the application is 'outline' and any crossings of the watercourse will be designed to convey the 1000year flow at the detailed design stage. Furthermore, there were no objections from the EA or the LLFA. This is acceptable.	
<b>Agricultural Land</b>			
Clarification	Clarification of the magnitude of land use change in the assessment is required.	<p><b>Acceptable</b></p> <p>The total area of Grade 2 and Subgrade 3a land which equates to 'the best and most versatile land' which will be permanently lost equates to 43 ha, which according to Table 17.1 is assessed as Medium Magnitude.</p> <p>The sensitivity of Grade 2 and Subgrade 3a land is assessed as Medium Sensitivity.</p> <p>Therefore, as summarised in Paragraph 17.51 the impact on land use change is correctly assessed as Moderate adverse during construction.</p> <p>Applicant response limited to impacts on agricultural land during construction phase only. The</p>	N/A

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		permanent loss of this agricultural land should be reflected in the assessment conclusions.	
<b>Cumulative Effects</b>			
Clarification	Provide a map illustrating the location of the cumulative developments in relation to the proposed development.	<p><b>Acceptable/Clarification</b></p> <p>Figure 19.1 has been provided showing the cumulative site locations. This is considered acceptable; however the figure would benefit from further clarification in the key / legend, with the individual site names being included. This would confirm the location of the individual sites to the reader.</p> <p>This is now considered a <b>Clarification</b>.</p>	<p><b>Clarification</b></p> <p>The figure has been updated to provide a list of the site names in the key.</p> <p>This map doesn't however show the development referred to as 'Braintree north-west, off Panfield Lane' which is referred to in the LVIA chapter in particular and within Chapter 19 Cumulative Effects. Clarification is sought as to why this one development site has not been shown.</p>
Regulation 22	Provide an assessment of Type 1 cumulative effects for all topics.	<p><b>Acceptable /Clarification</b></p> <p>Type 1 cumulative effects are mentioned within Chapter 19, where it is stated that <i>'Type 1 interactive effects have been assessed throughout this ES with each technical discipline taking into account the assessment of residual effects undertaken by other members of the technical team'</i>. This implies that cumulative effects have been dealt with within each chapter;</p>	<p><b>Clarification</b></p> <p>An updated Chapter 19 has not yet been provided.</p>

Request Type	Original Request	Reassessment conclusion following review of Revised ES in March 2017	Assessment of Applicant Clarifications provided in October 2017 <sup>8</sup>
		<p>this is not the case. The text should be clarified to confirm that all Type 1 effects identified have been noted within Chapter 19, rather than within individual chapters.</p> <p>The chapter provides an overview of likely Type 1 effects in relation to the development.</p> <p>It may be beneficial to include a table of Type 1 cumulative effects and severity.</p> <p>Therefore the Applicant is requested to provide further <b>Clarification</b> regarding the extent of type1 effects across chapters and their severity.</p>	
Regulation 22	Revise the NTS to cover results of a Type 1 cumulative assessment.	<p><b>Acceptable</b></p> <p>The NTS has been updated to include the results of the Type 1 cumulative assessment, and corresponds with the information provided in Chapter 19; however NTS paragraph 1.111 should be split into two paragraphs, to differentiate between the effects of noise levels on bird behaviour, and the potential for effects between air quality, traffic and noise.</p>	<b>N/A</b>
<b>Conclusion</b>			
Clarification	Clarify the significance of the	<b>Acceptable</b>	<b>N/A</b>

Request Type	Original Request	Reassessment conclusion following review of Revised ES in March 2017	Assessment of Applicant Clarifications provided in October 2017 <sup>8</sup>
	construction visual effect.	This has been confirmed as 'major' by the Applicant, in paragraph 20.14.  No further clarification is sought.	
Clarification	Clarify the significance of the operational effect on Naylignhurst Farm.	<b>Acceptable</b>  This has been confirmed as 'negligible' by the Applicant in paragraph 20.34.  No further clarification is sought.	<b>N/A</b>



