

LOCAL PLAN SUB-COMMITTEE AGENDA

Tuesday 5th July 2022 at 6.00pm

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

THIS MEETING IS OPEN TO THE PUBLIC

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webcast and audio recorded)*

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

Membership:-

Councillor J Abbott

Councillor K Bowers

Councillor G Butland

Councillor J Coleridge

Councillor T Cunningham

Councillor T Everard

Councillor D Hume

Councillor Mrs I Parker

Councillor Mrs W Scattergood (Vice Chairman)

Councillor Mrs G Spray (Chairman)

Councillor P Thorogood

Councillor J Wrench

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

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

Declarations of Disclosable Pecuniary Interest (DPI), Other Pecuniary Interest (OPI) or Non- Pecuniary Interest (NPI)

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

Public Question Time – Registration to Speak on an Agenda Item: The Agenda allows for a period of up to 30 minutes for Public Question Time. Members of the public wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by midday on the second working day before the day of the Sub-Committee meeting.

For example, if the Sub-Committee meeting is on a Tuesday, the registration deadline is midday on Friday, (where there is a Bank Holiday Monday you will need to register by midday on the previous Thursday). The Council reserves the right to decline any requests to register to speak if they are received after this time.

All registered speakers will have three minutes each to make a statement.

Public Attendance at Meeting: The Council has reviewed its arrangements for this decision making meeting of the Local Plan Sub-Committee in light of the Covid pandemic. In order to protect the safety of people attending the meeting, Councillors and Officers will be in attendance at Causeway House, Bocking End, Braintree. Members of the public may also attend the meeting 'in person', but priority will be given to those people who have registered to speak during Question Time. Members of the public will be able to view and listen to the meeting via the Council's YouTube Channel at <http://www.braintree.gov.uk/youtube>

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

PUBLIC SESSION

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- 1 Apologies for Absence**
- 2 Declarations of Interest**
To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest, or Non-Pecuniary Interest relating to Items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.
- 3 Minutes of the Previous Meeting**
To approve as a correct record the Minutes of the meeting of the Local Plan Sub-Committee held on 13th June 2022 (copy previously circulated).
- 4 Public Question Time**
(See paragraph above)
- 5 Braintree District Draft Local Plan Section 2 – Adoption** **5-94**
- 6 Urgent Business - Public Session**
To consider any matter which, in the opinion of the Chairman, should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.
- 7 Exclusion of the Public and Press**
To agree the exclusion of the public and press for the consideration of any Items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.
At the time of compiling this Agenda there were none.

PRIVATE SESSION

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

Report Title: Adoption of the Braintree Local Plan Section 2	
Report to: Local Plan Sub-Committee	
Date: 5th July 2022	For: Decision
Key Decision: No	Decision Planner Ref No:
Report Presented by: Emma Goodings	
Enquiries to: Emma Goodings 01376 552525 Ext. 2511	

1. Purpose of the Report

1.1. Braintree District Council submitted its Local Plan to the Planning Inspectorate in October 2017. The Plan was split into two sections. Section 1 contained strategic cross boundary issues and was shared with Colchester Borough Council and Tendring District Council. Following an examination process and main modifications, the Section 1 Local Plan was approved at Full Council in February 2021 and has therefore been adopted by the Council.

1.2. This report now seeks the committee's recommendation to Council to approve and adopt the Local Plan Section 2, subject to the main modifications which have been requested by the Planning Inspectors. A series of additional or minor modifications are also proposed to carry forward those changes into the supporting text and maps.

1.3. Appendix 1 to this report is a copy of the Planning Inspectors report following the Section 2 Local Plan examination. Appendix 3 is a copy of the Local Plan with the modified wording and maps as it would be adopted. The hard copy provided to members also includes the S1 Plan as previously adopted, so that members have the full copy of the Local Plan.

2. Recommendations

2.1 To note the findings of the Planning Inspector's 'Report on the Examination of the Braintree District Council Section 2 Local Plan received on 14th June 2022 (attached as Appendix 1 to this report) and their final 'Schedule of Main Modifications' (attached as Appendix 2)

2.2 To recommend to Council that it approves the formal adoption of the Braintree District Council Section 2 Local Plan' (attached as Appendix 3 to this report) i.e. incorporating the Inspectors' final Main Modifications, as well as the other 'Additional Modifications'

and ‘Modifications to Local Plan Maps, in accordance with Section 23(3) of the Planning and Compulsory Purchase Act 2004.

3. Summary of Issues

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

Consultation on Main Modifications

- 3.4 The Local Plan Sub-Committee approved, at its meeting on 25th November 2021, a consultation on behalf of the Inspectors on the proposed Main Modifications to the Section 2 Local Plan. They also approved an addendum to the Sustainability Appraisal (SA/SEA) and a revised Habitats Regulation Assessment (HRA) which were updated to take into account the proposed modifications to the Plan, which were also subject to consultation. The Council also took the opportunity to invite comments on the Additional Modifications and changes to maps which are generally of a minor or factual nature and which the local authority can amend, without the need for approval from the Planning Inspectorate.

- 3.5 The consultation took place for seven weeks from 6th December 2021 to 24th January 2022. This was an additional week from that which was required to take into account the Christmas period. As well as being available via the Council's website, the consultation documents were available to view at Causeway House, and on request.
- 3.6 The consultation was publicised via the Council's website and social media channels, in the Council's planning newsletter and in the local newspapers. Adverts were placed in local papers during the consultation period including at the start of the consultation and again after the Christmas and New Year period. All those on the Council's Local Plan mailing list and those who have previously engaged with the Local Plan were contacted directly via email or letter and invited to respond. This included all Members, Parish Councils and statutory consultees.
- 3.7 Responses could be submitted via the Local Plan consultation portal, or the response form was able to download from our website and fill in and return via email or post. Paper copies of the response form were also available to collect from Causeway House and at the libraries in Braintree, Witham and Halstead, as well as on request. Email and letter responses were also accepted although in some cases follow up correspondence was needed as they did not answer all the questions on the response form.
- 3.8 59 consultees provided around a total of 170 comments on the proposed modifications and supporting documents, with over 80% of the comments specifically on the Main Modifications. These comments were received from residents, Parish Councils, statutory consultees such as Essex County Council and Natural England and developers or agents with land interests in the District.
- 3.9 All comments have been published in full on the Council's Local Plan consultation portal since just after the close of the consultation period and were sent directly to the Planning Inspectors for their consideration when they related to the Main Modifications, the SA/SEA or the HRA.
- 3.10 The comments dealt with a wide range of issues, some supported the Plan and the modifications that were being proposed to be made to it, others disagreed with the proposed modifications or suggested further changes to be made. A number of responses continued to outline their support for various sites which were not allocated in the Plan, or questioned the housing supply which forms part of the Plan, and whether that would deliver the housing requirements.
- 3.11 The most commented on main modifications related to the policies on the allocation of strategic growth locations at East of Great Notley and in Feering, the overall housing allocation policy LPP17 and the proposed revised policies

on renewable energy provision in new developments. These were also some of the policies where the most proposed modifications were to be made.

- 3.12 It is worth noting that several comments made pointed to a perceived inconsistency in the housing numbers for the Feering Strategic Growth Location. For the avoidance of doubt the Plan does refer to two figures from this site depending on its policy context. The overall site is proposed to accommodate 835 homes, however not all of these are expected to be built within the Plan period so Policy LPP17 refers to a lower number that would be achieved by 2033.

The Inspectors' Report

- 3.13 The final report from the Inspectors was received by the Council on 14th June 2022 and published on the Council's website the following day. The report sets out that the Plan process is legally compliant as the Duty to Co-operate has been met, that it was prepared in accordance with the Local Development Scheme, that the Plan was consulted on in compliance with the Statement of Community Involvement, has undertaken an adequate sustainability appraisal and habitats regulation assessment and complies with all other legal requirements including in the 2004 Act (as amended) and the 2012 Regulations.
- 3.14 The remaining part of the report is then broken down into nine issues, which broadly accord with the topics in the Section 2 Local Plan. For each of these areas the Inspectors set the overall picture and then consider and provide the context for each main modification which has been made, also highlighting where these differ from the Plan consulted on in November 2021. Each issue also has a conclusion which sets out how the policies with the modifications included, represents an appropriate basis on which to plan development in Braintree District.
- 3.15 As set out above, the Inspectors' report notes where changes have been made to the previously published draft Main Modifications which were considered by this Sub-Committee in November 2021. These further changes are relatively limited and mainly are for clarity. One more significant change to highlight is to add a reference to Biodiversity Net Gain within the design policy which is reflective of the national policy position which has changed since the Plan was submitted.
- 3.16 The Inspectors also note in paragraphs 5 – 8 that the policies map is not defined in statute as a development plan document and therefore cannot be subject to recommended Main Modifications by the Planning Inspectorate. Nevertheless, the Inspectors note that in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update its policies map, as proposed during the consultation in November 2021.

3.17 The report finishes with an overall conclusion and recommendation which at paragraph 150 states;

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

3.18 The Inspectors have included an appendix to their report which lists the detail of the Main Modifications which are discussed in the main report. These show the changes which are necessary to the 2017 submitted Local Plan to make it sound. Additions to the Plan are included in bold and deletions shown in strike through. It should be noted that the policy and paragraph numbering in the appendix may not match the final Local Plan which is included as Appendix 3 to this report. This is because policies have been deleted, added or reordered in the recommendations. The Inspectors report and the Main Modifications are set out in full in Appendix 1 and Appendix 2 to this report.

3.19 As set out in their conclusion, the Inspectors have concluded that all of these changes are necessary for the Plan to be sound. The Council must therefore accept the Local Plan with the Main Modifications included if it wishes to adopt the Local Plan.

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

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

3.21 The Main Modifications consultation was accompanied by a revised SA/SEA which considered the Local Plan as amended by the proposed Main Modifications. This assessment includes looking at options to the overall spatial strategy as well as looking at the impacts of each of the policies and allocations within the Local Plan and suitable alternatives. Following some minor changes to those Main Modifications, (although no changes in relation to allocations or the overall strategy or vision), the Council has asked the consultants to consider the impact of those Modifications and a slightly updated SA/SEA addendum is being produced by the consultants which will be circulated to members prior to the meeting. The current SA/SEA to the Main Modifications is set out at Appendix 4.

3.22 An updated HRA was also produced to consider the Local Plan as proposed to be modified and was published for consultation. As no additional

allocations or changes to the spatial strategy have been made and no major changes to policy, it is considered that the HRA update accurately considers the Local Plan Section 2 as now proposed to be adopted.

4 Next Steps

- 4.1 If this Sub-Committee agrees with the recommendations set out within this report, then the adoption of the Section 2 Braintree Local Plan will be considered by Full Council at its meeting on 25th July 2022.
- 4.2 On adoption, in accordance with Regulations 26 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012, the Council will be required to give notice of adoption through the publication of an 'Adoption Statement' that would be published on the website. In addition, the Adopted Plan itself, the Sustainability Appraisal and details of where the Plan is available for inspection have to be published. A copy of the Adoption Statement has to be sent to everyone on the Council's databases who had been asked to be notified of adoption and a copy has to be sent to the Secretary of State.
- 4.3 In the event that a legal challenge were to be lodged (within 6 six weeks from the date of adoption), it would not affect the status of the Section 2 Local Plan or the Council's decision to adopt the Plan unless and until such time that a Court ruled that the decision should be quashed. There are however no obvious grounds that would justify such a challenge.
- 4.4 On adoption of the Local Plan Section 2, it will replace the remaining parts of the Replacement Local Plan 2005 and the Core Strategy 2011 completely. The Development Plan for the District will therefore be made up of the Essex Minerals Plan, Essex Waste Plan (produced by Essex County Council), the Braintree Local Plan Section 1 and Section 2 and any Neighbourhood Plans which cover the area.
- 4.5 The adoption of the Local Plan means that planning applications will need to be considered in line with the policies in the new Local Plan. This includes some new requirements in relation to the submission of Health Impact Assessments and Sustainability Statements which will help guide our assessment against the new policies. These are currently being produced and once completed and approved will be added to the local list of validation requirements.

5 Options

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

6 Financial Implications

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

7 Legal Implications

7.1 The planning legislation and the National Planning Policy Framework (NPPF) (both the 2012 version applicable to this Local Plan and the 2021 version) place Local Plans at the heart of the planning system. The NPPF expects Local Plans to set out a vision and a framework for the future development of an area, addressing the needs and opportunities in relation to housing, the economy, community facilities and infrastructure – as well as a basis for safeguarding the environment.

7.2 The Town and Country Planning (Local Planning) (England) Regulations 2012 make provision for the operation of the local development planning system including, for the purposes of this report, regulations relating to the preparation, publication and representations relating to a local plan and the independent examination. Section 19 of the 2004 Act requires a local planning authority to carry out a Sustainability Appraisal of each of the proposals in a Local Plan and the consequence of reasonable alternatives, during its preparation and in addition to prepare a report of the findings of the Sustainability Appraisal. More generally, section 39 of the Act requires that the authority preparing a Local Plan must do so “with the objective of contributing to the achievement of sustainable development”.

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

8 Other Implications

8.1 There are no other implications arising from the noting of this report.

9 Equality and Diversity Implications

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

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

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

9.3 An Equality Impact Assessment was undertaken on the Draft Local Plan in 2017 which indicated that the Plan will not have a disproportionately adverse impact on any people with a particular characteristic. A further Equality Impact Assessment has been prepared on the final Plan which again indicates that the Plan will not have a disproportionately adverse impact on any people with a particular characteristic. This is attached as Appendix 5 to this report

10 Background Papers

Local Plan 2017

11 List of Appendices

Appendix 1 – Report on the Examination of the Braintree Local Plan Section 2

Appendix 2 – Braintree Local Plan Section 2 Main Modifications – May 2022

Appendix 3 – Braintree District Local Plan (attached as separate document)

Appendix 4 – SA/SEA of the final Braintree Local Plan Section 2 (available as an electronic appendix only)

Appendix 5 – Equalities Impact Assessment (available as an electronic appendix only)

Note: Members of the Local Plan Sub-Committee are being supplied with a hard copy of the final Local Plan for the purpose of considering this document at the Local Plan Sub-Committee and Council meetings. However, if Members do not want to retain this hard copy after the meetings, please could they return it to officers at the end of the Council meeting. This will save additional copies being printed for distribution to libraries and other public places in the District.

Report to Braintree District Council

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

Inspectors appointed by the Secretary of State

Date: 14 June 2022

Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

Report on the Examination of the Braintree Local Plan Section 2

The Plan was submitted for examination on 9 October 2017

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

File Ref: PINS/Z1510/429/4

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Abbreviations used in this report

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

Non-Technical Summary

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

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

The MMs can be summarised as follows:

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

Introduction

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

Main Modifications

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

Policies Map

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

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

Context of the Plan

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

Public Sector Equality Duty

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

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

Assessment of Duty to Co-operate (DtC)

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

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

Assessment of Other Aspects of Legal Compliance

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

Assessment of Soundness

Main Issues

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

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

Vision and Objectives

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

Spatial Strategy and Settlement Hierarchy

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

Towns

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

Key Service Villages

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

Second Tier Settlements

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

Third Tier Settlements

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

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

Development Boundaries

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

Other Matters

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

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

Conclusion

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

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

Employment

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

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

Rural Enterprise

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

Tourism

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

Conclusion

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

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

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

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

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

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

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

Conclusion

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

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

Housing Requirement

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

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

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

Site Allocations

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

Strategic Growth Locations

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

Braintree

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

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

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

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

67. It is necessary for effectiveness to delete references in the policy to the former D1 Use Class replacing them with 'education and childcare use' to respond to the changes to the UCO. The modification also ensures that suitable land is provided within the allocation for education and childcare use, and that public open space is provided in accordance with the Open Space Study and playing pitches for formal recreation are in conformity with the playing pitch strategy. To ensure that the development of the site does not impact on the safe and free flow of traffic, it is necessary for effectiveness to modify the policy to require that all access points to the site need to be agreed with the Highways Authority. These changes are also secured by **MM28**.

68. Policy LPP 21 Strategic Growth Location - North West Braintree allocates the site for residential led development and provides criteria-based guidance in relation to the requirement to provide supporting infrastructure/community facilities. For the policy to be effective and positively prepared, **MM29** is necessary to clarify that the allocation is for 'up to 825' new homes and that employment development area is reduced from 10ha to 1ha, ensuring that the policy is broadly consistent with the planning permission for the site. The modification also updates the policy to provide greater clarity in relation to the requirement to secure contributions towards new healthcare infrastructure (NHS)/community facilities.

69. For effectiveness the modification sets out that a new primary school with co-located early years and childcare nursery on-site should be provided within the development of the allocation, along with the consequential deletion of the guidance in relation to the co-located provision of early years and childcare facilities. The modification also clarifies that public open space within the development should be provided in accordance with the Open Space Study and playing pitches for formal recreation are in conformity with the playing pitch strategy. These changes are also secured by **MM29**.

Feering

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

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

Witham

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

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

Comprehensive Redevelopment Areas

Halstead

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

Coggeshall

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

Witham

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

Hatfield Peverel

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

Specialist Housing and Residential Allocation

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

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

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

Conclusion

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

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

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

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

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

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

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

Conclusion

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

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

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

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

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

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

Conclusion

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

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

110. Chapter 7 of the plan relates to Creating Better Places. It contains 16 policies which focus on the built environment and seek to deliver high quality sustainable communities.

111. Policy LPP 50 relates to the built and historic environment. The policy requires the “highest possible standards” of design. This is difficult to quantify and inconsistent with the NPPF which instead seeks high quality and inclusive design for all development. It also provides a list of heritage assets in respect to the protection of the historic environment, from which Scheduled Monuments are omitted in error. The reference to designated heritage assets is unnecessary. **MM61** amends the policy to rectify these matters and is necessary for clarity, consistency with national policy and for the policy to be effective.

112. Policy LPP 51 aims to secure an inclusive environment that meets the diverse needs of all users. However, as with the policy for creating better places, it refers to achieving the highest standards of design. **MM62** rectifies this inconsistency with the NPPF and is necessary for the policy to be effective.

113. Policy LPP 52 relates to health and wellbeing impact assessments. The policy recognises that there is a strong link between spatial planning and health and wellbeing and seeks to ensure that new development does not exacerbate health inequalities. The policy therefore seeks to identify the health impacts of development and specifies thresholds for types of development where a Health Impact Assessment will be required. However, it does not refer to how any impacts might be resolved. **MM64** makes clear any adverse health impacts identified must be resolved or mitigated. It also directs applicants, in the first instance, to guidance within the Essex Design Guide Supplementary Guidance

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

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

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

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

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

Conclusion

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

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

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

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

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

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

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

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

Conclusion

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

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

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

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

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

Overall Conclusion and Recommendation

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

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

Jameson Bridgwater and Anne Jordan

INSPECTORS

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

Braintree Local Plan Section 2 Main Modifications – June 2022

The format of the changes is as follows;

~~Strikethrough~~ for deleted text

Bold for new text proposals

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

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

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

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

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

		1,000sq.m (Gross) Great Notley District Centre and
MM19	LPP11	<p>Within the Primary Shopping Areas, as defined on the Proposals Maps, primary and secondary frontages have been identified. A balance between A1 retail shops and non-retail town centre uses has to be maintained in order to secure the vitality and viability of the primary shopping area.</p> <p>The following uses will be permitted within primary frontages:</p> <p>a. Commercial Retail development (Use Class A1 <u>E</u>)</p> <p>b. Local Community uses (Use classes F.1 and F.2) Proposals for use classes A2– A5 and D1– D2 provided that:</p> <p>It would not result in 3 or more non A1) Use class units in adjoining premises within the primary shopping area</p> <p>It would not break a continuous A1 primary retail frontage</p> <p>The following additional uses will be permitted within Secondary Frontages:</p>
		<ul style="list-style-type: none"> • Use Classes A1 to A5, B1 and D1 to D2 Pubs and drinking establishments • Hot food takeaways • Cinemas, concert halls, music venues and similar
MM20	LPP12	<p>District Centre – Great Notley</p> <p>Within the District centre as defined on the Proposals Map, the following uses will be permitted:</p> <p>a. Retail development (Use Class A1) Commercial E use</p> <p>b. Use Classes F1, F2, pubs and drinking establishments, hot food takeaways and cinemas, concert halls, music venues and similar providing this does not lead to an over proliferation of these uses to the detriment of the amenity of the surrounding area or viability of the centre. Proposals for use classes A2 – A5 and D1 – D2). provided that it does not result in the loss of an existing A1 retail use, or where a A1 unit has become vacant, it can be demonstrated through a marketing and viability assessment that an A1 user cannot be found.</p>

MM21	LPP13	The area defined on the Proposals Map as a Factory Braintree Village Designer Outlet Centre shall be maintained for the purpose of a discount shopping outlet centre, and current associated uses.	
MM22	LPP14	The areas identified on the Proposals Map for Leisure and Entertainment shall be retained for leisure and entertainment-related uses. This includes use for indoor sport, recreation or fitness; local community shops (Use Class F2); bingo halls, music venues and other similar uses; and expansion of the existing cinema will be acceptable. Proposals within use class D2 will not be permitted.	
MM23	LPP15	Bulky retail P proposals outside of town centres will be required to satisfy all the following criteria: c. A traffic transport impact assessment and travel plan demonstrating that the proposal would not cause any detriment to the local traffic network	
MM24	LPP16	Halstead Former EMD Site, Kings Road New retail provision will also be provided at strategic growth locations, new garden communities and a site allocations at land north of Freeport and land off Millennium Way, Braintree.	
MM25	LPP17	Strategic Growth Location	Number of Homes (within the Plan period)
		West of Braintree Garden Community	2,500
		New Colchester Braintree Borders Garden Community	4,150
		East of Great Notley (in Black Notley Parish)	1,750
		Land East of Broad Road, Braintree	1,000
		Former Towerlands Park Site, Braintree	600 575
		Land at Feering	750 795
		Wood End Farm, Witham	450 400
	North West Braintree – Panfield Lane	600 825	
MM26	LPP18	<ul style="list-style-type: none"> • Up to 1750 new homes of a mixed size and type appropriate to the area • Affordable housing as per the Council's policy requirements 	

		<ul style="list-style-type: none"> • Contributions to the strategic road network in the vicinity of the site which could include the A120 and A131 corridor • A new primary school with co-located 56 early years and childcare nursery (D1use) on 2.7ha of suitable land allocated for education and childcare use as required by the Local Education Authority through S106 Planning Obligations • Two new 56 place stand-alone early years and childcare nurseryies (D1 use) each on 0.13ha of suitable land allocated for education and childcare use as required by the Local Education Authority through S106 Planning Obligations • Community facilities including a contribution to or location provision of infrastructure for new NHS facilities • Public open space in accordance with the Open Space Study, and informal and formal recreation in accordance with the playing pitch strategy • Provision of or contribution towards a Gypsy and Traveller Site <p>The main access to the site will be from London Road and local access from Notley Road with additional minor vehicle access from and Bakers Lane, the latter only if it is an essential requirement of the development</p>
MM27	LPP19	<ul style="list-style-type: none"> • Up to 1000 homes of a mixed size and type appropriate to the area • Affordable housing as per the Council's policy requirements • A new primary school with co-located 56 early years and childcare nursery (D1use) on 2.1ha of suitable land allocated for education and childcare use as required by the Local Education Authority through S106 Planning Obligations

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

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

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

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

		<ul style="list-style-type: none"> • Access and capacity improvements to Station Road car park <p>Development of residential dwellings on these sites will be expected to provide;</p> <ul style="list-style-type: none"> • A suitable road link between Bury Lane and main vehicular access from the site to be taken from Station Road to be agreed with the Highways Authority • Affordable housing as per the Councils policy requirements
MM40	LPP32	<p>40 Up to 78 new homes</p> <p>Retention of the visual integrity of the character and setting of Gimsons and its access</p> <p>Enhancement of the parkland setting of Gimsons</p>
MM41	LPP33	<p>A target requirement of 30% of the total number of residential units dwellings on sites located...</p> <p>A target requirement of 40% of the total dwellings number of residential units in all other areas.</p> <p>A threshold of 104 dwellings or more or where the site area is 0.5 hectares or more with a maximum combined gross internal floor space of 1,000sqm will apply in all other areas of the District.</p> <p>10% of all homes on individual sites should be affordable home ownership products, including starter homes and shared ownership. The mix of ownership options will be subject to identified local needs.</p> <p>Standalone new settlements by virtue of their size will be subject to separate viability appraisals, including on affordable housing.</p>

MM42	LPP 34	<p>b. the settlement within which the development is to take place should have a population of less than 3,000 in order to provide for affordable homes in perpetuity.</p> <p>b. The site is located within an area designated as a rural area by the Secretary of State under the Housing Act 1996 (or any successor legislation)</p>																														
MM43	LPP 35	<p>b. Health services should be available on site or in close proximity and have capacity to accommodate the additional services required from residents, or proposals should provide appropriate mitigation</p> <p>Minor extensions to, or the expansion of existing specialist housing in the countryside may be acceptable if, in addition to the criteria a; b; c and d above, all the following criteria are met;</p>																														
MM44	6.109	<p>The new requirements are set out in the table below;</p> <table border="1" data-bbox="571 707 1451 1118"> <thead> <tr> <th>Gypsies and Travellers</th> <th>GTAA</th> <th>SHMA</th> </tr> </thead> <tbody> <tr> <td>Meet Planning Definition</td> <td>2</td> <td>0</td> </tr> <tr> <td>May meet planning definition</td> <td>4</td> <td>4</td> </tr> <tr> <td>Not meeting Planning Definition</td> <td>0</td> <td>20</td> </tr> <tr> <td>Total</td> <td>26</td> <td></td> </tr> <tr> <td>Travelling Showpeople</td> <td></td> <td></td> </tr> <tr> <td>Meet Planning Definition</td> <td>5</td> <td>0</td> </tr> <tr> <td>May meet Planning Definition</td> <td>1</td> <td>0</td> </tr> <tr> <td>Not meeting Planning Definition</td> <td>0</td> <td>0</td> </tr> <tr> <td>Total</td> <td>6</td> <td></td> </tr> </tbody> </table>	Gypsies and Travellers	GTAA	SHMA	Meet Planning Definition	2	0	May meet planning definition	4	4	Not meeting Planning Definition	0	20	Total	26		Travelling Showpeople			Meet Planning Definition	5	0	May meet Planning Definition	1	0	Not meeting Planning Definition	0	0	Total	6	
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MM45	LPP36 1 st paragraph	<p>The Council will allocate seek up to 30 26 pitches for Gypsy and Traveller Accommodation, at Strategic Growth Locations and the garden communities, or through the planning application process.</p>																														

Moved from text

The new requirements are set out in the table below, including the source of the requirement. The highest figure from each source is taken.

Gypsies and Travellers	GTAA	SHMA	Total
Meet planning definition	2	0	2
May meet planning definition	4	4	8 4 ^a
Not meeting planning definition	0	20	20
Total	6	24	30 26
Travelling Showpeople	GTAA	SHMA	Total
Meet planning definition	5	0	5
May meet planning definition	1	0	1
Not meeting planning definition	0	0	0
Total	6	0	6

^aThe highest figure from either the GTAA and SHMA studies has been counted for pitch needs which fall under this definition.

6 travelling showpersons plots will be sought at the Strategic Growth locations and garden communities, through the planning application process, or through the expansion or intensification of existing sites.

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

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

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

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

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

	4 th paragraph 5 th paragraph	
MM65	LPP53 New 1 st paragraph - original moved to 4th 2nd paragraph	<p>All developments will be expected to provide new open spaces in line with the requirements set out in the Open Spaces Supplementary Planning Document 2009 or successor document.</p> <p>Where the Council has identified, in an up-to-date and robust evidence base and strategy, a surplus in one type of open space or sports and recreational facility but a deficit or qualitative issues in another type, planning conditions or obligations may be used to secure part of the development site for the type of open space or sports and recreational facility that is in deficit or needs quality improvements to increase capacity. The Council will also consider where development may also provide the opportunity to exchange the use of one site for another to substitute for any loss of open space, or sports or recreational facility. Such replacement provision should be equivalent or better in terms of quality and quantity and be in a suitable location.</p> <p>For small sites where on-site provision is impractical, consideration will be given to opportunities for off-site provision or improvements within the ward or an adjacent ward.</p> <p>Open space, and sports and recreational land and buildings facilities that are identified as needed in the Council's Open Space Study and/or are of high quality, or of particular value to a</p>

	<p>3rdth paragraph</p> <p>Moved - Now 4th paragraph</p> <p>Now 5th paragraph</p>	<p>local community, will be recognised and given protected by the Council. Areas of particular quality may include;</p> <ul style="list-style-type: none"> • Small areas of open space in urban areas that provide an important local amenity and offer recreational and play opportunities • Areas of open space that provide a community resource and can be used for informal or formal events such as community religious and cultural festivals • Areas of open space that particularly benefit wildlife and biodiversity • Areas identified as visually important on the proposals map • Play areas, and sport and recreation grounds and associated facilities <p>Existing open space, sports and recreational land and buildings and land shall not be lost or built on unless an a robust and up to date assessment has been undertaken which has clearly demonstrated that the open space or the buildings and land to be they are surplus to requirements or the proposed development is otherwise compliant with this policy as a whole. For open space, 'surplus to requirements' should include consideration of all the functions that open space can perform. Not all open space, sport and recreational land and buildings are of equal merit and some may be available for alternative uses. Developers will need to consult the local community and demonstrate that any proposals are widely supported by them.</p> <p>In considering planning applications which could impact on open space, the Council shall weigh any benefits being offered to the community against the loss of open space that will occur. The Council will seek to ensure that all proposed development takes account of, and is sensitive to, the local context. In this regard, the Council shall consider applications with the intention of;</p> <ul style="list-style-type: none"> • Avoiding any erosion of recreational function and maintaining or enhancing the character of open spaces • Ensuring that open spaces do not suffer from increased overlooking, traffic flows or other encroachment • Protecting and enhancing those parts of the rights of way network that may benefit open space and access to the wider countryside • Mitigating the impact of any development on biodiversity and nature conservation
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	Now 6 th paragraph	
MM66	LPP54	<p>b. No alterations to vehicular highway in the area are requiredThe vehicle movements generated by any new building should be able to be safely and efficiently accommodated on the existing road network without detriment to the character of the local area</p> <p>c. Bridleways, byways or other usable off-road routes in the vicinity are designed to accommodate horse riders</p> <p>Proposals for new or extended residential accommodation will only be permitted if a submitted business plan demonstrates that there is a convincing case for residential accommodation, and provided that they accord with the criteria above. The accommodation permitted will only be the minimum required to meet the needs of the relevant business.</p>
MM67	LPP55	<p>2. Buildings and structures should be of the highest architectural quality</p> <p>5. Designs shall be sensitive to the need to conserve and enhance local features...</p> <p>9. Landscape proposals should consist of native plant species and their design shall promote and enhance local biodiversity and historic environmental assets. Biodiversity net gain in line with the requirements of national policy through the provision of new priority habitat where appropriate is encouraged. Development layouts must be appropriately designed to accommodate structural tree and hedge planting and ensure that future interference with</p>

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

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

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

		<p>designed and managed appropriately to maximise their potential effectiveness in this role. Proposals which undermine these principles will not be acceptable.</p>
MM77	LPP68	<p>Protected Sites, Species, Priority Species and Priority Habitat</p> <p>1. National and Internationally Designated sites</p> <p>1st paragraph (a) Sites designated for their international, and European and national importance to nature conservation; including Ramsar sites, Special Protection Areas (SPA), Special Areas of Conservation (SAC), should be protected from development that would have an adverse effect on their integrity whether they are inside or outside the District. Proposals likely to have an adverse effect will require a full assessment in line with European legislation.</p> <p>Planning permission for major development will be refused in these areas except in exceptional circumstances where overriding public interest be demonstrated.</p> <p>2nd paragraph Proposals which are considered to have a likely significant effect on these sites will require an Appropriate Assessment (AA) in line with European and domestic legislation. Developers should provide information sufficient to inform this assessment. Planning permission will only be granted if, in light of the AA, it can be ascertained that the development would not adversely affect the integrity of these sites or, if there are no alternative solutions, imperative reasons of overriding public interest can be demonstrated.</p> <p>In accordance with the Habitats Regulations, development proposals should follow the avoid-mitigate-compensate hierarchy. Where this cannot be achieved, development proposals will not be permitted.</p> <p>Residential developments must contribute to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy 2018-2038 (RAMS) where they fall within the Zones of Influence of international designations as defined in the RAMS, in accordance with SP2.</p> <p>(b) Nationally Designated sites</p>

	6 th paragraph	<p>Sites designated for their national importance to nature conservation; including Sites of Special Scientific Interest (SSSIs) and should also be protected from development which is likely to adversely affect the features for which they are designated. Where necessary, developers should therefore ensure that sufficient assessment of potential impacts to SSSIs is also submitted with any planning application.</p> <p>(c) Locally designated sites Proposals likely to have an adverse effect on a Local Wildlife Site (LWS), Local Nature Reserve (LNR) and Special Roadside Verge will not be permitted unless the benefits of the development clearly outweigh the harm to the nature conservation value of the site.</p> <p>2. Protected Species, Priority Species and Priority Habitats Proposals that result in a net gain in priority habitats and species will in principle be supported in principle, subject to other policies in this plan. Where priority habitats and species are likely to be adversely impacted by the proposal, the developer must demonstrate that adverse impacts will be avoided, and impacts that cannot be avoided are mitigated on-site. Where residual impacts remain, off-site compensation will be required so that there is no net loss in quantity and quality of priority habitat in Braintree District.</p> <p>Where there is a confirmed presence or reasonable likelihood of protected species or priority species being present on or immediately adjacent to a development site, the developer will be required to undertake an ecological survey and will be required to demonstrate that an adequate mitigation plan is in place to ensure no harm to protected species and no net loss of priority species.</p> <p>Sites of Special Scientific Interest and Irreplaceable Habitat</p> <p>Development proposals should be controlled through avoidance, on-site management and on-site mitigation. Where this cannot be achieved, development proposals will not be permitted. Proposals resulting in the loss, deterioration or fragmentation of irreplaceable habitats such as ancient woodland or veteran trees will not normally be acceptable unless the need for, and benefits of the development in that location clearly outweigh the loss.</p>
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	<p>3rd paragraph</p> <p>4th paragraph</p> <p>5th paragraph</p>	<p>Local Sites</p> <p>3. All development proposals In all cases a precautionary approach will be taken where insufficient information is provided about avoidance, management, mitigation and compensation measures. Management, mitigation and compensation measures will be secured through planning conditions/obligations where necessary.</p>
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	7 th paragraph	
MM78	<p>LPP69</p> <p>3rd paragraph</p> <p>4th paragraph</p> <p>5th paragraph</p>	<p>Trees which make a significant positive contribution to the character and appearance of their surroundings will be retained unless there is a good arboricultural reason for their removal for example they are considered to be dangerous or in poor condition. Similarly, alterations to trees such as pruning or crown lifting should not harm the tree or disfigure it; any tree surgery should be carried out to reflect BS3998:2010 (as superseded).</p> <p>When considering the impact of development on good quality trees the Council will expect developers to follow reflect the best practice guidance set out in BS5837:2012 (as amended). The standard recommends that trees of higher quality are a material consideration in the development process.</p> <p>Where trees are to be retained on new development sites there must be a suitable distance provided between the established tree and any new development to allow for its continued wellbeing and ensure it is less vulnerable to pressures from adjacent properties for its removal. Planning conditions will be applied to protect trees during development. New landscape proposals for tree planting on development sites should conform reflect to the recommendations set out in BS5837:2012 (as amended) and BS8545:2014 (as superseded).</p>
MM79	LPP70	The Council will require development to be in compliance with and contribute positively towards delivering the aims and objectives of the Anglian River Basin Management Plan.

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

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

MM86	LPP75/77	<p>Combined policy LPP75 and LPP77 to read as follows</p> <p>Resource Efficiency, Energy Generation and Energy Efficiency</p> <p>The Local Planning Authority will encourage appropriate energy conservation and efficiency measures in the design of all new development. Such measures could include site layout and building orientation, natural light and ventilation, air tightness, solar shading, reducing water consumption and increasing water recycling in order to contribute to the reduction in their total energy consumption.</p> <p>Opportunities for decentralised energy networks where they conform with other development plan policies, will be encouraged and promoted where possible and where they conform to other Local Plan policies in order to reduce carbon emissions.</p> <p>All new dwellings shall meet the Building Regulations optional requirement for water efficiency of 110 litres/person/day</p> <p>All planning applications shall include renewable energy technology to provide at least 20% of the projected energy requirements of major developments, and 10% of minor developments, unless viability evidence demonstrates otherwise.</p> <p>All planning applications for new residential dwellings shall include renewable and low carbon energy technology to provide at least a 19% improvement in energy performance over the requirements of the Building Regulations (2013) unless;</p> <p>(i) revised Building Regulations standards exceed this requirement, or</p> <p>(ii) All new non-residential buildings with a floor area in excess of 500sqm shall achieve a minimum BREEAM rating (or its successor) of ‘Very Good’.</p> <p>Developments may consider a contribution in lieu of renewable installation to be used as renewable seedcorn funding for other community renewable energy projects.</p>

MM87	New para after 8.69	Renewable energy schemes, such as solar farms and wind turbines can have significant landscape and other impacts on their surroundings. The Council will produce a Development Plan Document which will include guidance on location and design of such proposals to minimise such impacts. This may include a review of the district in relation to finding suitable areas for wind related development. Details can be found in the Council's Local Development Scheme.
MM88	LPP76 First paragraph 7 th paragraph 8 th paragraph	<p>Proposals for renewable energy schemes will be encouraged where the benefit in terms of low carbon energy generating potential does not result, outweighs individually or cumulatively, in serious minor harm to or loss of;...</p> <p>Where any application for wind turbine(s) is submitted, it must include a consultation exercise which demonstrates that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.</p> <p>The benefits of low carbon energy generating potential should be taken into consideration as part of the assessment.</p>
MM89	LPP78 (whole policy reworded.) 1 st paragraph	<p>The Council will ensure that all proposals will be located to avoid the risk of flooding and wWhere development must be located in an area of higher flood risk, development it must be designed to be flood resilient and resistant and safe for its users for the lifetime of the development taking climate change and the vulnerability of the residents into account. Development will take climate change into account in accordance with the most up to date analysis of flood risk and will not increase flood risk elsewhere.</p> <p>New Ddevelopment shall be located on Floodz Zone 1 or areas with the lowest probability of flooding, taking climate change into account, and will not increase flood risk elsewhere. Any proposals for new development (except water compatible uses) within Flood Zones 2 and 3a will be</p>

<p>2nd paragraph (split into 2)</p>	<p>required to provide sufficient evidence for the Council to assess whether the requirements of the sequential test and exception test have been satisfied, taking climate change into account. Where development must be located in an area of higher flood risk, it must be designed to be flood resilient and resistant and safe for its users for the lifetime of the development, taking climate change and the vulnerability of any residents into account. Inappropriate development will be steered away from flood zones and</p> <p>For developments within Flood Zones 2 and 3, and for developments elsewhere involving sites of 1ha or more, development proposals must be accompanied by a site specific Flood Risk Assessment will be submitted which meets the requirements of the NPPF and Planning Practice Guidance. Flood Risk Assessments submitted must take into account an assessment of flood risk across the life of the development taking climate change into account by using the most up to date allowances available.</p>
<p>New 3rd paragraph</p>	<ul style="list-style-type: none"> • Retain at least an 8m wide undeveloped buffer strip alongside Main Rivers and explore opportunities for riverside restoration. Any proposed development within 8m of a main river watercourse will require an environmental permit from the Environment Agency. • Retain at least a 3m buffer strip on at least one side of an Ordinary watercourse. Any development that could impact the flow within an ordinary watercourse will require consent from Essex County Council (as LLFA). • All new development within Floodzone 2 and 3 must not result in a net loss of flood storage capacity. Where possible opportunities should be sought to achieve an increase in the provision of floodplain storage. • Ensure there is no adverse impact on the operational functions of any existing flood defence infrastructure and new development should not be positioned in areas which would be in an area of hazard should defences fail. Where the development sites will benefit from the construction of Flood Management Infrastructure such as Flood Alleviation Schemes, appropriate financial contributions will be sought. <p>For all developments (excluding minor developments and change of use) proposed in Flood Zone 2 or 3, a Flood Warning and Evacuation Plan should be prepared.</p>

	<p>Was 8th paragraph</p> <p>Was 6th paragraph</p>	<p>For developments located in areas at risk of fluvial flooding, safe access/egress must be provided for new development as follows in order of preference;</p> <ol style="list-style-type: none"> a. Safe dry route for people and vehicles b. Safe dry route for people c. If a. is not possible a route for people where the flood hazard is low and should not cause risk to people d. If b. is not possible, a route for vehicles where the flood hazard permits access for emergency vehicles <p>d. If a. - c. is not possible planning permission will not usually be granted</p> <p>All new development in Floodzones 2 and 3 should not adversely affect flood routing and thereby increase flood risk elsewhere. Opportunities should be sought within the site design to make a space for water.</p> <p>All Nnew development within Floodzone 2 and 3 must provide adequate flood storage and not result in a net loss of flood storage capacity. unless there is compensation on site or, rarely if not possible, off site capacity. Where possible opportunities should be sought to achieve an increase in the provision of floodplain storage.</p> <p>All more Vulnerable and Highly Vulnerable development within Flood Zone 2 and 3 should set finished floor levels 300mm above the known or modelled 1 in 100 annual probability (1% AEP) flood level including an allowance for climate change.</p> <p>In areas at risk of flooding of low depths (<0.3m), flood resistance measures should be considered as part of the design and in areas at risk of frequent or prolonged flooding, flood resilience measures should also be included.</p> <p>Where applicable proposals for new development should:</p> <ul style="list-style-type: none"> • Demonstrate that the Scheme does not have an adverse impact on any watercourse, floodplain or flood defence; • Not impede access to flood defence and management facilities;
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Was 7 th paragraph	<ul style="list-style-type: none"> • demonstrate that the cumulative impact of development would not have a significant effect on local flood storage capacity of flood flows; • Where appropriate opportunities may be taken to reduce wider flood risk issues by removing development from the floodplain through land swapping. • Where applicable retain at least an 8m wide undeveloped buffer strip alongside Main Rivers, or at least a 3m buffer strip on at least one side of an Ordinary watercourse, and explore opportunities for riverside restoration. • Ensure there is no adverse impact on the operational functions of any existing flood defence infrastructure and new development should not be positioned in areas which would be in an area of hazard should defences fail.
Was 3 rd paragraph	<p>Where the development site would benefit from the construction of Flood Management Infrastructure such as Flood Alleviation Schemes, appropriate financial contributions will be sought.</p>
Was 4 th paragraph	<p>Flood Risk Assessments submitted must take into account an assessment of flood risk across the life of the development taking climate change into account by using the most up to date allowances available.</p> <p>a. Development shall not: Have an adverse impact on a watercourse, floodplain or its flood defences</p> <p>b. Should not impede access to flood defence and management facilities</p> <p>c. Where the cumulative impact of such developments would have a significant effect on local flood storage capacity of flood flows</p> <p>d. Where appropriate opportunities may be taken to reduce wider flood risk issues by removing development from the floodplain through land swapping</p>
Was 5 th paragraph	
New para	

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

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

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

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

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