

LOCAL PLAN SUB-COMMITTEE AGENDA

Thursday, 16th November 2023 at 7.15pm

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

THIS MEETING IS OPEN TO THE PUBLIC

Members of the public will be able to view and listen to this meeting via YouTube.

To access the meeting please use the link below:

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

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

Councillor J Abbott
Councillor K Bowers
Councillor L Bowers-Flint
Councillor G Butland
Councillor J Coleridge
Councillor T Cunningham
Councillor M Fincken

Councillor J Martin
Councillor A Munday
Councillor I Parker
Councillor F Ricci
Councillor G Spray (Chairman)
Councillor T Walsh

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.

D GASCOYNE
Chief Executive

INFORMATION FOR MEMBERS – DECLARATIONS OF MEMBERS' INTERESTS

Declaration of Disclosable Pecuniary Interests (DPI), Other Pecuniary Interests (OPI), or Non-Pecuniary Interests (NPI).

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

Public Question Time - Registration and Speaking

The Agenda allows for a period of up to 30 minutes for Public Question Time. Members of the public may ask questions or make a statement to the Cabinet on matters listed on the Agenda for this meeting.

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

Anyone wishing to ask a question or make a statement is requested to register their interest by completing the Public Question Time registration [online form](#) by **midday on the second working day** before the day of the meeting.

For example, if the 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.

When registering for Public Question Time please indicate whether you wish to attend the meeting 'in person', or to participate remotely. People who choose to join the meeting remotely will be provided with the relevant link and joining instructions for the meeting.

Please note that completion of the on-line form does not guarantee you a place to speak during Public Question Time. You will receive email notification from the Governance Service confirming whether your request is successful.

The Leader has discretion to extend the time allocated to registered speakers and to amend the order in which they may speak.

In the event that a registered speaker is unable to connect to the meeting, or if there are any technical issues, their question/statement may be read by a Council Officer.

Further information on Public Question Time is available on the [Council's website](#).

Health and Safety

Anyone attending a meeting of the Council is asked to make themselves aware of the nearest available fire exit. In the event of an alarm sounding, you must evacuate the building immediately and follow all instructions provided by staff. You will be directed to the nearest designated assembly point where you should stay until it is safe to return to the building.

Documents

Agendas, Reports and Minutes may be accessed via www.braintree.gov.uk

Data Processing

For further information on how the Council processes data, please see the Council's Privacy Policy.

https://www.braintree.gov.uk/info/200136/access_to_information/376/privacy_policy

Mobile Phones

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

Webcast and Audio Recording

Please note that this meeting will be webcast and audio recorded. You may view webcasts for up to 6 months after the meeting using this link: <http://braintree.public-tv/core/portal/home> The meeting will also be broadcast via the Council's YouTube Channel.

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 may send these to governance@braintree.gov.uk

PUBLIC SESSION		Page
1	Apologies for Absence	
2	Declarations of Interest	
	To declare the existence and nature of any Disclosable Pecuniary Interest, Other Pecuniary Interest, or Non-Pecuniary Interest relating to items on the agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.	
3	Minutes of the Previous Meeting	
	To approve as a correct record the Minutes of the meetings of the Local Plan Sub-Committee held on 3rd August 2023 and 21st August 2023 (copies previously circulated).	
4	Public Question Time	
	Only Registered Speakers will be invited by the Chairman to speak during public question time. Please see the agenda notes for guidance.	
5	Essex Wide Parking Standards - Consultation	5 - 18
6	Biodiversity Net Gain Guidance Document	19 - 60
7	Local Development Scheme - Revision	61 - 82
8	Urgent Business - Public Session	
	To consider any matter which, in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.	
9	Exclusion of the Public and Press	
	To agree the exclusion of the public and press for the consideration of any items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.	
	<i>At the time of compiling this agenda there were none.</i>	
PRIVATE SESSION		Page
10	Urgent Business - Private Session	
	To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.	

Report to:	Local Plan Sub-Committee
Report Title:	Response to EPOA consultation on Essex wide Parking Standards
Date:	16th November 2023
For:	Recommendation
Key Decision:	No
Decision Planner Reference Number:	N/A
Report Presented by:	Emma Goodings, Head of Planning and Economic Growth
Report Author:	Emma Goodings emma.goodings@braintree.gov.uk
Enquiries to:	Emma Goodings emma.goodings@braintree.gov.uk

1. Purpose of the Report

- 1.1 The purpose of this report is to approve the consultation response to be submitted on behalf of Braintree District Council (the Council) to the Essex Planning Officers Association (EPOA) consultation on new car and cycle parking standards to be applied across Essex.

2. Recommendations

- 2.1 To approve the consultation response on behalf of the Council which is set out within Appendix A.

3. Summary of Issues

- 3.1 Essex Planning Officers Association (EPOA) has been leading work to revise the parking standards guidance to inform new development across Essex. Alongside a main project group, project managers, working/reference group made up of officers from across Essex, the guidance has been prepared with expert consultants ITP.
- 3.2 Parking guidance is referred to in policy in Local Plans and the County's Local Transport Plan, including the Braintree Local Plan where policy LPP43 states that vehicular and cycle parking should be provided in accordance with the Essex vehicle parking standards. The guidance sets parking for different vehicle types, design and location, dimensions for parking and a suggested quantum for different types of development.
- 3.3 EPOA are consulting on parking standards for development such as housing, retail, commercial and leisure uses in Part 1 of the guidance document which will cover from the smallest developments upwards of any type across the County. A new approach to apply to Garden Communities and Large Scale Developments (Part 2) is also being consulted on.

- 3.4 The existing guidance was approved in 2009 and therefore needs to be updated as there have been changes in planning legislation and policy, the introduction of Garden Communities and a greater awareness of the need to manage the impact of developments on local communities and the environment.
- 3.5 The main changes for Part 1 Parking Standards include:
- Updated guidance and removal of arbitrary maximum parking values
 - Compliance with revised National Planning policy
 - Improved evidence base
 - Parking provision based on how accessible a location is
 - Update on electric vehicle charging
 - Update to cycle parking to align with the new national guidance
- 3.6 The accessibility mapping for Braintree District generally rates the District in the lower categories of accessibility although there are small areas of the town centres of the main towns, Coggeshall and villages along the A12 corridor which fall in the medium category of accessibility. As such the minimum parking standards per house are largely unchanged from the current parking standards. The accessibility mapping relates to residential development only. Parking at commercial developments has to be changed to a minimum number rather than a maximum number than is in the current standards.
- 3.7 The main features of the new Part 2 guidance – Garden Communities and Large Scale Developments has a focus on outcomes including:
- Supporting Sustainable Growth and responding to Climate Change
 - Deliver quality places to live
 - Help manage congestion and local impacts on existing communities close to new large developments
 - Provide for a range of vehicle types and future flexibility
 - Reflect wider aims to encourage modal choice which makes better use of the local transport network
- 3.8 The Guidance introduces a technical planning tool which will look at the location of the development and its proximity to everyday services and allows for an assessment of the development based on location and the infrastructure and services it will need to deliver to achieve the above outcomes. It consults on the idea of a parking budget – the quantum of parking, a greater split between off road and on road parking and flexibility on design.

4. Financial Implications

- 4.1 The work on the EPOA parking standards has been funded through the main EPOA budget, to which the Council makes a yearly contribution, and ECC. There are no budget implications of this consultation.

5. Legal Implications

- 5.1 There are no direct legal implications from our response to this consultation. If the Council in the future wishes to adopt these guidance documents as a

Supplementary Planning Document then it will need to carry out its own consultation exercise.

6. Other Implications

- 6.1 There are no other implications at this stage arising from the consultation response. If the guidance is adopted in the future then there will be implications for how parking is assessed and managed in planning applications.

7. Equality and Diversity Implications

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

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

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

- 7.3 The Equality Impact Assessment has been undertaken by ECC on behalf of the EPOA and it has been published alongside the consultation.

8. List of Appendices

Appendix A – Draft consultation response

9. Background Papers

Parking standards consultation part 1 and part 2

Evidence base to the Parking Standards consultation

SA/SEA Screening Report

Equalities Impact Assessment

[Essex Parking Guidance Consultation 2023 - Essex County Council - Citizen Space](#)

Appendix A - Essex Parking Guidance Consultation 2023

Braintree District Council proposed response

Are you responding to the consultation as....

Resident

Organisation X

Part 1

Chapter 2: Zonal approach to residential parking standards

Question 1

- a. *In reference to section 2.20. Do you agree or disagree with using a zonal approach to determine parking standards?*

Please select one item:

- Strongly Agree*
- Fairly Agree X*
- Neither Agree nor Disagree*
- Fairly Disagree*
- Strongly Disagree*

- b. *Please can you provide us with your views on the proposed accessibility approach? Are there any other factors you would expect to be taken into account when considering accessibility and why?*

Braintree District Council are supportive in principle of the proposals to vary the amount of residential car parking based on the accessibility of the location. However, it should be made clear that the accessibility mapping is for the purpose of car parking standards and no other purpose (for example to not be used by developers to seek/support the development of housing on unallocated sites).

Whilst the zoomed in maps contained in the back of the document are helpful, the Councils will need to host an interactive version of the mapping so that planning officers and developers can look for individual development sites.

It may also be better to use more differentiated colours on the map to more easily distinguish between the different levels which isnt always clear on the shades of purple.

Chapter 2: Reduced parking provision

Question 2

- a. *In reference to section 2.30; National guidance requires clear and compelling evidence to set maximum standards. For 1-bedroom dwellings in highly accessible locations a maximum is still applied, all other standards are minimums. Do you agree with the suggested approach? (Strongly disagree-> strongly agree)*

Please select one item:

- *Strongly Agree*
- *Fairly Agree*
- *Neither Agree nor Disagree x*
- *Fairly Disagree*
- *Strongly Disagree*

- b. *What other contexts are there aside from highly accessible developments where maximum standards could be relevant or effective?*

Braintree District Council has no areas which are classed as highly accessible and as such leaves commentary on this matter to the impacted LPAs.

The Council agrees that maximum standards at destinations such as employment locations have not resulted in lower car ownership and have led to issues where parking has been insufficient which has led to overflow car parking into other areas, including from commercial developments into residential areas. As such we are supportive of the approach of minimum standards outlined in the draft guidance which also accords with national guidance.

Chapter 2: Enforcement

Question 3

- a. *In reference to section 2.42 – 2.45; Do you agree or disagree with the guidance on enforcement, with greater emphasis on enforcing parking from first occupation of development?*

Please select one item:

- *Strongly Agree*
- *Fairly Agree X*
- *Neither Agree nor Disagree*
- *Fairly Disagree*
- *Strongly Disagree*

- b. *If you were to change this section what amendments would you like to see included?*

The Council agrees that the enforcement of parking is a crucial element of its correct operation, particularly in locations near train stations, town centres, schools or other major locations. This is an area which Braintree District Council is currently discussing with Essex County Council and the North East Parking Partnership. However this is outside the scope of the parking standards and as such question whether it needs to feature within the guidance. Effective design of parking so that 'traditional' enforcement is not needed however, might be more appropriate to include.

Chapter 3: Cycle parking standards

Question 4

- a. *In reference to section 3; Do you agree or disagree with the updated guidance relating to cycle parking standards and design? (Strongly disagree-> strongly agree)*

Please select one item:

- *Strongly Agree*

- *Fairly Agree X*
- *Neither Agree nor Disagree*
- *Fairly Disagree*
- *Strongly Disagree*

b. *If you were to change this section what amendments would like to see included?*

Braintree District Council are supportive of the cycle parking standards which are set out within chapter 3.

Unallocated visitor cycle parking has been introduced at 1 space per 8 dwellings.

Based on the principle of 'rounding up' does this mean that all developments of one house or more are expected to provide unallocated cycle parking of at least one space? This is unlikely to be feasible given the likely lack of public land in minor developments. This should be clarified within the guidance, perhaps as only relating to major developments.

Further guidance on how visitor cycle parking should be successfully accommodated within smaller developments (such as those in the 10-25 range) would also be welcome as they may have minimal or no areas of shared space apart from the public highway.

Braintree District Council would support the slight reorder of the cycle chapter so that cycle hangers and cycle lockers are one after each other as they represent two optional ways of meeting cycle parking needs, and the text may need to be amended to emphasize that these are examples of what might be possible, but are unlikely to be suitable or desirable in many areas of the County, especially those more rural areas.

Chapter 4: Electric vehicles

Question 5

a. *In reference to section 4; Do you agree or disagree with the updated guidance relating to electric vehicle parking standards and design? (Strongly disagree-> strongly agree)*

Please select one item:

- *Strongly Agree*
- *Fairly Agree X*
- *Neither Agree nor Disagree*
- *Fairly Disagree*
- *Strongly Disagree*

b. *If you were to change this section what you would like to see included?*

The need to make provision for Electric vehicle charging is one of the major areas which was required to be updated compared to the 2009 standards and the Council is supportive of the measures and standards which are set out within the document.

It will remain a challenging design position to ensure that non allocated parking spaces and those spaces which are on street have access to the right electrical charging infrastructure which doesn't dominate the street scene. The document only makes reference to standalone charges for one or two spaces but there may be other solutions to combine charging with other street furniture which may be more aesthetically appropriate in some situations.

Chapter 8: Vehicle parking standards

Question 6

- a. *In reference to section 8; Do you agree or disagree with the updated numerical parking standards? (Strongly disagree-> strongly agree)*

Please select one item:

- Strongly Agree*
- Fairly Agree X*
- Neither Agree nor Disagree*
- Fairly Disagree*
- Strongly Disagree*

- b. *Based on your experience, what changes would you make to the standards for particular land uses?*

We would note that there is no guidance or best practice for how you might accommodate three spaces on plot for those larger houses in the least accessible areas which would be helpful to be included.

Accessible parking spaces – it would be helpful to reference the requirements of Building Regs Part M (4)(2) and the need for at least one space to be wider on dwellings provided to this standard.

- c. *Based on your experience, what changes would you make to the numerical standards for high, medium and low accessibility areas?*

Braintree is supportive of the standards which are set out within the parking standards.

Question 7

Do you have any other comments relating to Part 1 Parking guidance?

The Part 1 Parking Guidance is a mixture of the technical standards for the amount of car parking and some examples of design and how this can be implemented in practice. The accessibility tool has been developed in order to recognise how different Essex is as a county and how different standards may be applicable to different areas. The same is true of the design of parking areas in residential and commercial developments, where the context of the local area including the rurality or urbanity of the site, has a large influence on the style and type of parking which might be considered acceptable.

Since the parking standards have been drafted, the Levelling Up and Regeneration Act has been made and section 15F states that all local planning authorities should have a local design code which includes requirements with respect to design for the whole area, which the authorities consider should be met for planning permission for the development to be granted. All LPAs in Essex therefore will be developing this as well as any existing or proposed design guides which will be specific to a particular area or development. As such it may be more appropriate for the parking standards to have technical standards and some examples of how they can be implemented,

but should direct developers to the LPA's own design guidance if available or if not, embed good practice examples within the Essex Design Guide.

Another recent change to government policy is that of street trees. It would be helpful to have that referenced more within the document and a discussion on the impacts/opportunities that this might bring for parking provision. For example should parking bays be under trees, what distance between bays and trees of different sizes might be appropriate etc.

Whilst it is referenced in the document, it may be helpful to have more references to the National Design Guide throughout the document.

Braintree District Council agrees with the principles for the part 1 parking standards which are set out in paragraph 1.23, apart from the penultimate bullet point. We note the aims to ensure that parking can be adapted to non-parking uses if it is no longer needed, particularly in the long term. However, Braintree District Council is concerned that this could be used by some to remove parking spaces in the short term, for example to allow space for extensions, which would be only related to specific personal circumstances of the current occupier or which would be done for ease and could lead to parking being transferred to residential streets or other areas to the detriment of those areas. Once parking is lost it cannot easily be replaced.

Figure 7-6 is an example of poor parking provision and as such it would be helpful to have a red X on, as is on other similar pictures in the document which will make it clear this is something that shouldn't be followed.

Figure 7 – 14 doesn't look to be a best practice example of this type of parking and a different example would be more appropriate.

In paragraph 7.58 it says that undercroft parking bay of 5.5m x 3m is appropriate for a car parking space and associated cycle parking and storage. However, in other areas where storage is included then the size of the parking space/garage needs to be larger so is this correct?

Part 2

Chapter 1: Introduction

Question 1

- a. *In reference to section 1.1 – 1.4; The guidance suggests a different approach to Part 1 for Garden Communities and large-scale developments of around 1,000 dwellings or more. Do you agree with this approach?*

Please select one item:

- . Strongly Agree*
- . Fairly Agree X*
- . Neither Agree nor Disagree*
- . Fairly Disagree*
- Strongly Disagree*

- b. *What approach would you take to the two parts of the guidance or the scale thresholds?*

Braintree District Council agrees that the two parts of the guidance should work appropriately together, however as this is the first time the car parking guidance has been structured in this way and so this may need to be kept under review once it is in use.

Chapter 2: The vision and outcomes

Question 2

- a. *In reference to section 2; Do you agree or disagree with the outcomes that the parking approach in Garden Communities and large-scale developments seeks to support?*

Please select one item:

- . Strongly Agree*
- . Fairly Agree X*
- . Neither Agree nor Disagree*
- . Fairly Disagree*
- . Strongly Disagree*

- b. *What changes would you make to the outcomes?*

The Council agrees that the move to more sustainable transport solutions is critical to responding to the issues of climate change, but also increasing accessibility and choice of transport options for our residents. The design of new developments as well as their locations can have a significant impact on how these can be achieved. However as acknowledged in the document, parking standards and design are only one part of a much wider series of levers which must be used. This includes the types of services which are available close by and when they are phased to be open on larger developments, the long-term availability, cost and efficiency of public transport options to higher order services and the personal circumstances of those living in the properties. This is recognised in the document.

Chapter 3: Stewardship and enforcement / end of supporting measures

Question 3

- a. *In reference to section 3; Do you agree or disagree that the supporting measures outlined above will be needed, alongside parking, to help achieve the outcomes?*

Please select one item:

- . Strongly Agree*
- . Fairly Agree X*
- . Neither Agree nor Disagree*
- . Fairly Disagree*
- . Strongly Disagree*

- b. *What amendments would you like to see included?*

Braintree District Council has no comments to make on this section apart from noting that Bath appears to be wrongly marked on the map of the UK in the case study.

Chapter 4: Accessibility mapping

Question 4

- a. *In reference to section 4; Do you agree that the assessment of parking for a Garden Community or large-scale development should be influenced by its existing accessibility?*

Please select one item:

- . Strongly Agree*
- . Fairly Agree X*
- . Neither Agree nor Disagree*
- . Fairly Disagree*
- . Strongly Disagree*

- b. *What amendments would you like to see included, especially if you feel consideration of existing accessibility is not appropriate?*

Braintree District Council agrees that the existing accessibility of the location of the development should be the starting point for the assessment of parking standards.

Chapter 4: Accessibility framework

Question 5

- a. *In reference to the accessibility framework; Do you agree or disagree with the metrics approach taken to the Accessibility Framework?*

Please select one item:

- . Strongly Agree*
- . Fairly Agree X*
- . Neither Agree nor Disagree*
- . Fairly Disagree*
- . Strongly Disagree*

- b. *What amendments would you like to see included?*

Whilst Braintree Council is generally supportive of the measures which have been outlined within the draft document, it is unclear whether all the information would be available earlier enough in the process to ensure that the car parking budget is able to be planned in from the beginning of the development. As car parking is such a large land use budget, developers will need this at an early stage.

It is also not clear how changes to the development proposals may be taken into account and whether it would be practical at that stage to propose changes to the parking budgets. For example a developer may propose a bus route through the development which is changed or removed following discussions with Essex County Council passenger transport or a site for local shops may be moved in the development following design review or new school or facility which had originally been proposed on the site may now be an expansion of an existing facility outside of the development. These may be less of an issue for the largest new developments/Garden Communities but more of an issue in an urban extension of 1000 homes for example. Some of these changes could have a significant impact on the scoring and hence parking budget of the new development.

Chapter 4: Calculation of parking budget

Question 6

- a. *In reference to section 4.7-4.11; Do you agree or disagree with calculation of a total parking budget for a site rather than calculation of parking per dwelling?*

Please select one item:

- . Strongly Agree*
 - . Fairly Agree*
 - . Neither Agree nor Disagree X*
 - . Fairly Disagree*
 - . Strongly Disagree*
- b. *The calculation of a parking budget aims to balance provision with outcomes; how well do you feel this balance is achieved?*

At present the parking guidance are clear that parking standards must be met on a plot-by-plot basis and so this is a new approach to spread the parking budget out across the development, with less parking perhaps in the centre or on transport routes and more elsewhere. It should be made sure that the sharing of parking budget isn't used as a way of providing less parking for affordable housing and more for parking for homes which are subject to market sales.

- c. *Based on your experience, what changes would you make to the numerical standards for Garden Communities and large-scale developments?*

Braintree District Council has no comments to make on this question.

Chapter 4: Reduce and repurpose

Question 7

- a. *In reference to section 4.19-4.23; Do you agree or disagree with the idea of repurposing areas of parking in the future if demand changes?*

Please select one item:

- . Strongly Agree*

- Fairly Agree
- Neither Agree nor Disagree X
- Fairly Disagree
- Strongly Disagree

b. *What issues or opportunities can you see with this approach?*

Braintree District Council is broadly supportive of the potential to reduce parking provision on new development over time, but notes that the approach should be used carefully as parking once lost is difficult to replace and can cause problems elsewhere. This should not be used as a reason to support the gradual eroding of parking provision due to personal circumstances of current occupiers for example, rather it should be based on long term trends of accessibility and car ownership.

Chapter 4: Accessibility Tool process

Question 8

a. *In reference to section 4; Do you understand the process for applying the Accessibility Tool?*

Please select only one item

- yes,
- somewhat X
- no

b. *What changes would you make to the process for applying the Accessibility Tool and why?*

Braintree District Council looks forward to using the accessibility tool on a suitable development in due course and would seek to work with Essex County Council to ensure that we are applying the process correctly and applying best practice from across the County. We understand that officers from ECC have trialled the process as part of the development of the document.

Chapter 5: Design principles

Question 9

a. *In reference to section 5; Do you agree or disagree with the parking Design Principles here?*

Please select only one item

- Strongly Agree
- Fairly Agree
- Neither Agree nor Disagree X
- Fairly Disagree
- Strongly Disagree

b. *What changes would you suggest e.g add any further detail or any other principles?*

Since the parking standards were drafted the Levelling Up and Regeneration Bill has been made which requires that all LPAs should have as part of their development plan guidance for design across the whole authority area, which must be met in order for planning permission to be granted. Similarly for the larger developments that this document relates to, are more likely to have specific design policies within their local

plans, or adopted DPDs or SPDs which include design specific to that new development. This should be at least referenced within the document and may need to be considered the relationship between the document and local design codes.

Chapter 5: Typology matrix

Question 10

- a. *In reference to table 5-1; Do you agree or disagree with the Design Typology Matrix?*

Please select only one item

- . Strongly Agree*
- . Fairly Agree X*
- . Neither Agree nor Disagree*
- . Fairly Disagree*
- . Strongly Disagree*

- b. *What changes would you make to the content or order of preference in the Typology Matrix?*

Braintree District Council has no comment to make on this question

Chapter 5: Design typologies

Question 11

- a. *In reference to section 5.21 and beyond; Do you agree or disagree with the Design Typologies here?*

Please select only one item

- . Strongly Agree*
- . Fairly Agree X*
- . Neither Agree nor Disagree*
- . Fairly Disagree*
- . Strongly Disagree*

- b. *What changes do you suggest e.g any further detail or other typologies?*

Braintree District Council has no comments to make on these typologies.

Question 12

- a. *Do you agree or disagree with the level of detail included on Design Typologies here?*

Please select only one item

- . Strongly Agree*
- . Fairly Agree*
- . Neither Agree nor Disagree X*
- . Fairly Disagree*
- . Strongly Disagree*

- b. *If this detail is not included, where else is it or should it be, e.g. in other documents?*

As set out in the response to question 9, Braintree Council is concerned about the relationship between the National Design Guide, LPA design codes, any area specific design codes/outlines and this document, as well as the online Essex Design Guide. Given the differences across Essex it may be more appropriate for the document to refer to general best practice guidance but defer to local design codes where they are available.

Question 13

Do you have any other comments relating to Part 2 Parking guidance?

The Council has no further comments on the part 2 guidance.

Biodiversity Net Gain Guidance Document	
Report to: Local Plan Sub-Committee	
Date: 16th November 2023	For: Decision
Key Decision: No	Decision Planner Ref No: N/A
Report Presented by: Julie O'Hara	
Enquiries to: Julie O'Hara Ext 2995	

1.1 Purpose of the Report

- 1.2 To agree the use of the Biodiversity Net Gain (BNG) Guidance Document as the basis for guiding members of the public, developers and others on how the Council will approach mandatory Biodiversity Net Gain requirements. To agree that this document version is an interim measure and that a Supplementary Planning Document will be produced in due course to incorporate future alteration from Government, the completion of the Essex wide Local Nature Recovery Strategy as well as other advice, guidance and information as appropriate and learn lessons from any early implementation.
- 1.3 This document has been produced collaboratively by the Essex Planning Officers Association, (including officers from Braintree District), in template form with the intention that it can be used in whole or in part as Authorities see fit. The document has been lightly adjusted from that initial template to suit the Braintree position.
- 1.4 The document has been undertaken in template form to allow the Essex Local Planning Authorities to tailor the document to their circumstances. This is a fast moving area, and Government guidance and regulation is expected to be issued in November, which will likely require further alterations. Similarly, the Local Nature Recovery Strategy (LNRS) is being developed and may also result in alterations. This is likely to be issued for public consultation around Christmas and New Year. It is possible that work undertaken by statutory consultees such English Nature could also result in alterations.
- 1.5 The Council is therefore seeking to produce a baseline guidance document which it will update as further guidance is released by Government between now and the implementation of mandatory BNG on large sites in January 2024 and small sites in April 2024.
- 1.6 A formal Supplementary Planning Document will be produced and subject to consultation and adoption in the usual way once the secondary legislation has

all been implemented, and the Local Nature Recovery Strategy has been completed.

2. Recommendations

2.1 The RECOMMENDATION of this report is to:

The Biodiversity Net Gain Guidance Document is approved for use as a material consideration in considering planning matters.

That delegation is given to the Head of Planning and Economic Growth to agree changes to the Biodiversity Net Gain Guidance Document as further legislation and guidance is released.

3. Summary of Issues

3.1 The Environment Act 2021 introduces the concept of mandatory and measurable biodiversity net gain, and the means by which Government wishes this to be implemented. Biodiversity Net Gain (BNG) is a way to contribute to the recovery of nature while developing land. It is making sure the habitat for wildlife is in a better state than it was before development.

3.1.1 The measures will apply from January 2024 for developments in the Town and Country Planning Act 1990. It will apply to small sites from April 2024. Small sites, for residential, are between one and nine inclusive, on a site of less than one hectare in area, or where the number of dwellings is not known, a site area of less than 0.5 hectares. Commercial sites with floor space below 1,000 square metres or site areas below one hectare. Exemptions apply on land subject to a development order and Urgent Crown development. Further exemptions might be specified under forthcoming regulations.

3.1.2 The Environment Act was issued after the Braintree Local Plan went to examination and at too late a stage to include the detail of its provisions within the Plan. Hence the need for guidance. Nevertheless, the Biodiversity Net Gain requirement adds to the existing approach which is already set out in the Plan. Proposals are still expected to follow the mitigation hierarchy, namely first to protect, if that is not possible, to mitigate and as a last resort compensate against adverse impacts as set in the Plan (LPP66). The Plan encourages enhancement of biodiversity, creation of Green Infrastructure networks and in paragraph 6.15 seeks to create and enhance the biodiversity value of wildlife corridors. Policy LPP66 gives some examples of possible improvements, strategic opportunities and challenges. Paragraph 7.3 of the Plan specifically refers to the biodiversity metric (and its successors) as a means of accurately assessing habitat impacts.

3.2 The Guidance Document looks at what is meant by Biodiversity Net Gain (BNG) and how such improvements can result in benefits in other areas, such as climate change and green neighbourhoods. It goes on to look at the legislation and describe how the net gain aspect will operate, and introduces

the BNG metric, providing detail on how BNG will be demonstrated. It touches on requirements in relation to Nationally Significant Infrastructure Projects and Water related areas and exemptions to the requirement. It touches on site/off site BNG, the national BNG site Register and Statutory Credits and good practice principles, urban greening factor and irreplaceable habitats. It looks at Conservation Covenants, Section 106 Agreements, maintenance, monitoring, management biodiversity gain plans. These are areas where further work is being undertaken.

- 3.3 It contains a summary of planning application expectations and how BNG would be looked at in the context of application procedures in a general sense (including pre application), together with a flow chart. This is not intended to set out how Braintree District will deal with planning applications. There is a section on the Local Nature Recovery Strategy (LNRS). Where this has not been published, as will be the case in Essex, alternative plans strategies etc must specify alternative locations for habitat retention, habitat creation and or enhancements. This can be considered in the future. Appendices show work which is currently under development and more detail on how BNG can be achieved in other policy areas.

4 Consultation

No public consultation has been undertaken at this stage. The document will be developed into a Supplementary Planning Document in due course and this will be subject to public consultation in the usual way.

5 Options

- 5.1 Approve the proposals as submitted. This will ensure that this guidance is available for those considering future development. This option is preferred and would provide up to date advice.
- 5.2 Approve amended proposals. Delegated authority may be given to officers to make specified alterations and issue the document. Alternatively, the decision could be deferred for discussion at a future Planning Committee following production of a final document following further Government guidance and/or completion of the LNRS. This option risks the BNG system going live on 1st January without any advice having been issued. If the document awaits the outcome of the LNRS there might be a longer period to wait as this document requires a public consultation.
- 5.3 Do not accept the proposals. Issue no advice. This is not a preferred option as it does not provide any guidance for developers and applicants submitting planning applications in the Braintree District.

6 Next Steps

- 6.1 If approved, the document will be published on the Council's website with advice on when the document becomes operational. When Government guidance, regulation and the LNRS is issued, necessary changes are incorporated into the document.

7 Financial Implications

- 7.1 None as set out for the recommendation.

8 Legal Implications

- 8.1 Local Planning Authorities are obliged to implement the Environment Act in January 2024. The Supplementary Planning Document is not a statutory requirement, however this document will provide guidance as to the approach taken by the Council in implementing biodiversity net gain as set out in the Environment Act.

9 Other Implications

None

10 Equality and Diversity Implication

- 10.1 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.
- 10.2 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).
- 10.3 The Equality Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

11 List of Appendices

1. Biodiversity Net Gain Guidance Document

12 Background Papers

12.1 Braintree District Local Plan 2013 – 2033

<https://www.braintree.gov.uk/downloads/file/3553/local-plan-2033-s1-and-s2-pdf-minus-maps>



BIODIVERSITY NET GAIN SUPPLEMENTARY PLANNING DOCUMENT TEMPLATE (DRAFT)

For Essex Local Planning Authorities

Written collaboratively by Essex County Council, Colchester City Council, Tendring District Council, Southend-on-Sea City Council, Epping Forest District Council and Braintree District Council.
August 2023



Contents

1. Introduction to the SPD
2. Biodiversity Net Gain
 - 2.1 What is Biodiversity and Biodiversity Net Gain?
 - 2.2 Why now?
 - 2.2.1 The Climate and Ecological Crisis
 - 2.3 The benefits of BNG
 - 2.3.1 Benefits of BNG for Essex
3. Planning Requirements and Legislation
 - 3.1 Overview of BNG related legislation
 - 3.1.1. National Planning Policy Framework (NPPF), 2021 and Environment Act, 2021
 - 3.1.2 Delivering Biodiversity Net Gain
 - 3.1.3 Mitigation Hierarchy
 - 3.2 The Biodiversity Net Gain Metric
 - 3.2.1 Introduction to the Metric
 - 3.2.2 Strategic Significance Multiplier
 - 3.2.3 How will BNG be demonstrated?
 - 3.2.4 Important considerations when using the Biodiversity Metric
 - 3.3 Large/Strategic sites (November 2023)
 - 3.3.1 Minerals and Waste
 - 3.4 Small Sites (April 2024)
 - 3.4.1 Small Sites Metric
 - 3.5 Exemptions to Mandatory BNG
 - 3.6 Nationally Significant Infrastructure Projects (2025)
 - 3.7 Intertidal Habitats and Marine Net Gain
 - 3.8 Watercourses
 - 3.9 BNG Onsite, Offsite and Statutory Credits
 - 3.9.1 Onsite BNG
 - 3.9.2 Offsite BNG
 - 3.9.3 BNG Statutory Credits
 - 3.10 BNG good practice principles
 - 3.10.1 The Urban Greening Factor
 - 3.10.2 Irreplaceable habitats
 - 3.10.3 Stacking and Additionality
 - 3.10.3.1 Stacking
 - 3.10.3.2 Additionality
 - 3.11 Conservation Covenants and s106 agreements
 - 3.12 Management and Maintenance
 - 3.12.1 Biodiversity Gain Plans
 - 3.12.2 Monitoring and Stewardship
 - 3.13 Summary of Planning application expectations

3.14 BNG Process Flow Charts

4. Local Nature Recovery

4.1 Biodiversity Net Gain and Local Nature Recovery Strategy (LNRS)

4.2 Local Nature Recovery Strategy and Planning

5. Delivery of BNG through other policy areas

6. Appendices

To Note:

This is standard/template SPD in **DRAFT** format. It is intended to either stand alone for local planning authorities (LPAs) who desire to adopt the text in its entirety, provide sections that can be taken to supplement existing LPA work, or be amended to align with the LPA policy context. It will need to go through the relevant formal processes to be adopted locally.

This draft will be updated and amended as secondary legislation and further guidance is released.

1. Introduction to the SPD

This Supplementary Planning Document (“SPD”) adds further detail on how policies contained within the development plan, the Environment Act 2021 and government guidance and are to be implemented within Braintree District and will be used to provide guidance on specific sites or issues. Once adopted, the regard must be given to the SPDs, in decision taking.

The delivery of biodiversity net gain that will be achieved through development will result in more and better-quality biodiversity than would otherwise be possible.

The purpose of this SPD template is to provide an overview and guidance on Biodiversity Net Gain (BNG). The content of this SPD is designed to help developers, planning applicants, LPAs, decision makers, and landowners by summarising guidance on planning for and delivering BNG, signposting to detailed guidance, and setting out the Council’s expectations for BNG.

This SPD outlines:

- What is Biodiversity, BNG, and its importance.
- Legislation and political drivers.
- Biodiversity Metrics.
- BNG good practice principles.
- Links to other planning
- Summary of the Essex Local Nature Recovery Strategy (LNRS).

Throughout references are made, with links where appropriate, to other guidance that can help to direct and enhance development design to ensure that BNG opportunities are incorporated from the beginning of the planning process.

2. Biodiversity Net Gain

2.1 What is Biodiversity and Biodiversity Net Gain?

Biodiversity is the variability among living organisms from all sources including, terrestrial, marine, and other aquatic ecosystems and the ecological complexes of which they are part: this includes diversity within species, between species, and of ecosystems (Convention of Biological Diversity).

Biodiversity Net Gain (BNG) is an approach to development, land and marine management that leaves biodiversity in a measurably better state than before the development took place (Natural England). BNG is additional to existing habitats and species protections. Intended to reinforce the mitigation hierarchy, BNG aims to create new habitats as well as enhancing existing habitats, ensuring the ecological connectivity they provide for wildlife is retained and improved (Natural England).

2.2 Why Now?

2.2.1. The Climate and Ecological Crisis

The Environment Act 2021 introduced mandatory BNG legislation. This is because we are in a climate and ecological emergency. For climate change, the science tells us that to avoid catastrophic effects we need to limit the increase in global temperature to 1.5°C. Mitigation measures are required to significantly reduce greenhouse gas emissions and limit global temperature rise. However, even with efforts to limit the cause of global warming, further climatic changes are inevitable in the future and the UK will need to adapt to the growing risks from climate change. Co-ordinated action from all sectors, national and local governments, and individuals is needed to mitigate and adapt to climate change.

A UK State of Nature Report 2019 demonstrated that not only are we dealing with a climate crisis, but also an ecological crisis. The UK has lost almost half its biodiversity since the 1970s and sits near the bottom of the Biodiversity Intactness Index¹. We have lost 97% of wild meadows, 26% of mammals are at risk of extinction and 22% of seabird species have declined. The greatest drivers of this change include urbanisation, intensification of agriculture, woodland management, pollution, and climate change. UN Sustainable Development Goal 15 calls on us to “recover sustainable use of terrestrial ecosystems, halt and reverse land degradation and halt biodiversity loss.”² BNG will tackle the loss of nature by ensuring that new developments are designed to provide habitats that can increase biodiversity within its area.

¹ <https://www.nhm.ac.uk/our-science/data/biodiversity-indicators/what-is-the-biodiversity-intactness-index.html#:~:text=The%20Natural%20History%20Museum%20has,bottom%20of%20the%20G7%20countries.>

² <https://sdgs.un.org/goals>

2.3. The Benefits of BNG

The Benefits of Biodiversity Net Gain			
For Developers	For Planning Authorities	For Nature	For the wider population
<p>Green neighbourhoods</p> <p>BNG can help create greener neighbourhoods, that are more attractive places for people to live, work and do business.</p>	<p>Multifunctional benefits</p> <p>BNG can have multifunctional benefits such as, providing spaces for education, active travel, mental health and well-being, and physical health.</p>	<p>Bigger, better, and joined up habitats</p> <p>Providing more bigger, better, and joined up habitats in which wildlife can thrive. BNG will enhance the condition of existing habitats as well as creating new habitats.</p>	<p>Food security</p> <p>Increasing environmental stability through biodiversity net gain could help the future of the agricultural industry, and therefore food production.</p>
<p>Desirable places to live</p> <p>Development sites will be more attractive with the addition of BNG, making places more desirable to live in. It will also enhance their reputation, with possibilities to become examples of best practice.</p>	<p>Contribute to wider targets</p> <p>BNG can help LPAs achieve other targets, such as bringing investment to the local economy, place-making, improving air quality and flood resilience.</p>	<p>Supports nature recovery</p> <p>BNG is a mechanism to support the delivery of the Local Nature Recovery Strategy (LNRS). The LNRS identifies locations to create or improve habitat most likely to provide the greatest benefit for nature and the wider environment.</p>	<p>Soil health</p> <p>For farmers, using their land for biodiversity net gain, increasing biodiversity can result in increased soil health, pest control, nutrient cycling and it could also prevent runoff to waterways.</p>

The Benefits of Biodiversity Net Gain			
For Developers	For Planning Authorities	For Nature	For the wider population
<p>Contribute to other plans</p> <p>Developments that deliver BNG, particularly onsite, as evidenced through biodiversity gain plans, can concurrently contribute towards the delivery of other requirements as part of the planning application process. For example, BNG delivery can contribute towards a successful construction environment management plan (CEMP), Ecological Impact Assessment (EIA), and landscape and ecological management plan (LEMP).</p>	<p>Job creation</p> <p>Increased natural capital assets, creating green jobs.</p>	<p>Provision of ecosystem services</p> <p>Ecosystem services demonstrates further the benefits of nature. Ecosystem services include but not limited to soil formation, nutrient cycling, water cycling, pollinator, regulation of water, air and soil quality, climate regulation and more.</p>	<p>Resilience to climate change</p> <p>BNG can help mitigate climate change through the restoration and protection of nature. E.g., additional woodland can help sequester more atmospheric carbon.</p>
<p>Increased demand for areas</p> <p>Financial benefits for developers through BNG delivery. For example, increased demand for an area and potential raised property prices.</p>	<p>Greener neighbourhoods</p> <p>BNG can help create greener neighbourhoods, that are more attractive places for people to live, work and do business.</p>	<p>Enhancing existing spaces for nature</p> <p>BNG contributes towards nature recovery by enhancing and uplifting existing habitats and spaces for nature.</p>	<p>Community resilience</p> <p>BNG can help communities adapt to climate change by increasing resilience to extremes of weather, including heatwaves and flooding.</p>

The Benefits of Biodiversity Net Gain			
For Developers	For Planning Authorities	For Nature	For the wider population
<p>Combining requirements</p> <p>BNG delivery can be combined with other requirements for developers. For example, SuDS and Public Open Space (POS) requirements. These can also be delivered through high-quality green infrastructure which is multifunctional and accessible.</p>			<p>Direct Impact on people</p> <p>BNG can benefit people directly, when communities can enjoy the high-quality natural surroundings either by BNG being achieved within the development footprint or when a biodiversity offset increases people’s access to, or views of, nature.</p>

2.3.1 Benefits of BNG for Braintree District Council.

Successful delivery of BNG can help to deliver Braintree District Local Plan policies, for example: on enhancing existing wildlife sites, Green Infrastructure, protecting/enhancing landscape, Climate Change adaptation, managing flood risk, can all be directly, or indirectly achieved through BNG.

BNG can contribute to wider targets in Essex:

- Increase natural Green Infrastructure (GI) from 14% to 25% by 2030 (ECAC). Increase Natural Green Infrastructure from 14% to 25% by 2030 (Target set by the Essex Climate Action Commission; an independent body which advise on how best to tackle the climate challenge).
- Enhance the resilience of the Essex landscape.
- BNG will ensure consistency across the county through measurable assessment methods of biodiversity.
- BNG will support the delivery of Nature Recovery Targets, which will contribute to a wider range of environmental targets, both nationally and locally.
- Through supporting the delivery of the Essex LNRS, BNG will be contributing to the formation of the England-wide Nature Recovery Network (NRN). The NRN is a national network of wildlife rich places to increase and restore nature, of which BNG will be key to its gradual formation and delivery.
- BNG and the Local Nature Recovery Strategy (LNRS) are interconnected; the LNRS will identify where action to achieve net gain will have the most impact for nature recovery and encourage action in these locations through the way net gain is calculated via the biodiversity metric (see strategy significance multiplier in section 3.2.). Read more detail on the LNRS in section 4.0.
- The interconnected nature of BNG and the LNRS will have strategic benefits, across LPAs, and county boundaries, benefiting biodiversity and nature across landscapes at both local and national scale- BNG is, by nature, cross-boundary.

3. Planning Requirements and Legislation

3.1 Overview of BNG related legislation

3.1.1 National Planning Policy Framework (NPPF), 2021 and Environment Act, 2021

The concept of BNG was introduced in the first iteration of the NPPF (2012). This was advanced by the Environment Act, 2021, which brings mandatory BNG into law. This means that all new developments will be required to deliver a minimum 10% increase in biodiversity. Local Planning Authorities have the discretion to go beyond 10% and require a higher percentage BNG if they so choose.

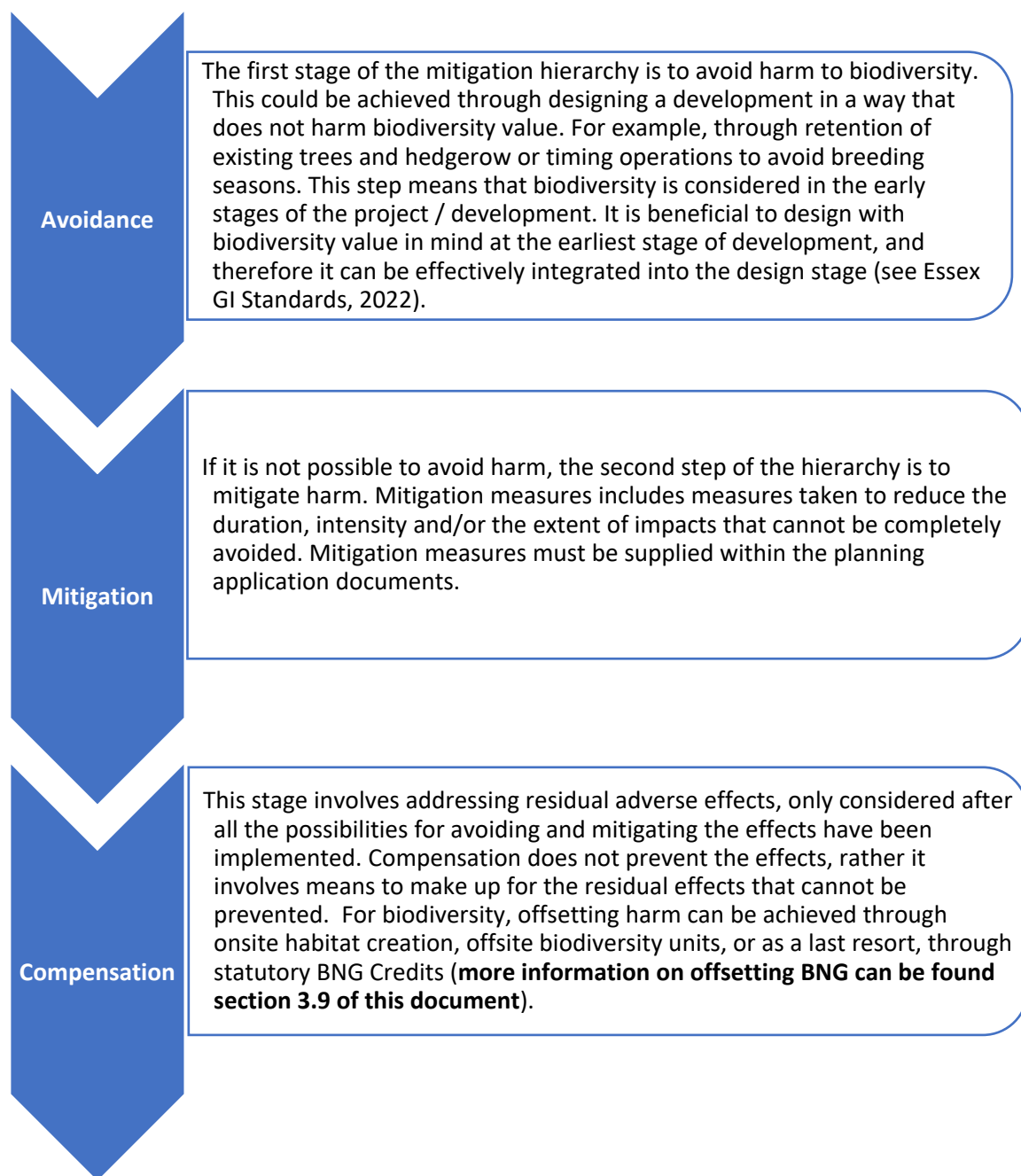
This will become mandatory for major sites in November 2023 (exact date is to be confirmed), and for small sites in April 2024. This will be a condition of planning permission in England as per section 98 of the Environment Act 2021 for relevant developments.

3.1.2 Delivering Biodiversity Net Gain

BNG, in its initial implementation following January 2024, is a different way of designing a development scheme to leave the natural environment in a better state than it was found. In accordance with the Environment Act 2021, BNG is a means for creating or enhancing wildlife habitats and ecological features through applying the mitigation hierarchy in conjunction with development to deliver improvements for biodiversity. The Council advises applicants to engage with an ecologist at an early stage and facilitate collaboration between the ecologist, landscape consultant and design team at the earliest stage in the design process. It is difficult to retrofit biodiversity net gain so the earlier an applicant engages with an ecologist the easier it is to achieve biodiversity net gain.

3.1.3 Mitigation Hierarchy

The Mitigation Hierarchy is the principle that environmental harm resulting from a development should be avoided, mitigated adequately or, as a last resort, compensated for. The mitigation hierarchy must be applied. BNG is additional to existing biodiversity protection.



3.2 The Biodiversity Net Gain Metric

3.2.1 Introduction to the Metric

A biodiversity metric calculation should be submitted as part of the planning application. The requirement of schedule 14 (7A) of the Environment Act 2021 is that the development may not begin until a biodiversity gain plan is submitted and approved by the LPA. As part of the gain plan, a metric calculation must be included that demonstrates a minimum of 10%

gain. Whilst the current legal requirement is for this to be secured through a legal agreement (s106 agreement/conversation covenant), it is recommended that a metric calculation, and evidence for BNG it is submitted as early in the planning process as possible. This will encourage a best practice approach and ensure that development proposal sites have integrated BNG into the design, meaning it is less likely to be refused on grounds of lack of information. Early integration will also help to deliver on-site BNG

The Biodiversity Metric is a biodiversity accounting tool that can be used for the purposes of calculating BNG. The biodiversity metric is a habitat-based approach used to assess a site's value to wildlife. The metric uses habitat features to calculate a biodiversity value. Habitats should be classified using the UK Habitat classification system. The metric calculates how a development will change the biodiversity value of a site. The metric calculates the value as biodiversity units. The biodiversity metric uses changes in the extent and quality of habitats as a proxy for nature, and calculates the habitat found on a site before and after development. New applicants must use the latest version of the Biodiversity Metric.

Four key factors underpin this comparison:

- Habitat size (area or length)
- Condition
- Distinctiveness (based on the type of habitat and its distinguishing features, e.g., consideration of species richness and rarity)
- Strategic Significance (value given to habitats located in optimal locations or which meet local objectives for biodiversity in the as identified within a local plan, strategy, or policy. Once established, identification can be achieved through the Local Nature Recovery Strategy)

To use the biodiversity metric calculation tool, applicants will need to know:

- The types of habitats on-site and off-site
- The size of each habitat parcel in hectares
- The length in kilometres if it is linear (rivers and streams, hedgerows and lines of trees)
- The condition of each habitat parcel
- The strategic significance of where biodiversity uplift will be achieved.
- The number of trees and sizes of the trees

Post-development biodiversity units are calculated using the above key factors and these additional risk factors: temporal risk (time taken for a created or enhanced habitat to reach target condition); and delivery risk (difficulty in creating or enhancing habitat). Off-site habitat creation also requires the factor spatial risk (distance of habitat creation or enhancement from the development or location of land use change).

3.2.2. Strategic Significance Multiplier

Within the metric calculation, there is a multiplier for strategic significance. This means that certain sites, locations, and habitats are given a higher value, and therefore allocated higher biodiversity units based on their strategic significance.

High = Where the location has been identified within a local plan, strategy or policy as being ecologically important for the specific habitat type or where that habitat has been identified as being locally ecologically important.

Medium = Where there is no relevant plan, strategy or policy in place, professional judgement may be used to justify the use of the medium strategic significance category. This judgement should consider the importance of that habitat in providing a linkage between other strategic locations. Ecologist consultants' judgement could be used to determine medium strategic significance, although a robust justification for this will be required.

The Local Nature Recovery Strategy (LNRS, once developed, will provide input, and facilitate mapping of sites of strategic significance). Further information available on LNRS in section 4.1.

LPAs can list their local priorities to provide guidance in the interim.

[to be inserted at a later date]

3.2.3 How will BNG be demonstrated?

Applicants will be required to run a BNG calculation to assess the baseline conditions for the site at the pre-development stage. The latest published Biodiversity Metric must be used, and Defra will nominate the statutory metric in due course. The metric calculation must be conducted by a competent and experienced person ([as defined by BS 8683:2021](#)).” A competent person is someone who can demonstrate they have acquired through training, qualifications or experience, or a combination of these, the knowledge and skills enable that person to perform specified tasks in completing and reviewing metric calculations”.

The spreadsheet should show the assessment of existing/predevelopment habitat translated into biodiversity units. This will then be contrasted with the proposed post development biodiversity units (reflecting any proposed on or off-site habitat creation and restoration). This difference in Biodiversity Units will be calculated as a percentage therefore representing the change in biodiversity value. The minimum requirement is a 10% gain (LPAs have the discretion to go beyond 10% and require a higher percentage BNG if they so choose). The Essex Local Nature Partnership (LNP) supports going for higher than the mandatory 10% BNG requirement and encourages LPAs to go for 20% BNG in local policy. The Essex LNP have been investigating the provision of a 20% BNG viability study, to evidence and support reasoning behind going for higher than the 10% mandatory requirement. Progress on the LNP's work can be found at:

www.essexnaturepartnership.co.uk

If it is found that the habitat on site has been degraded since 30 January 2020 so that the habitat is lost prior to the baseline survey, then the site will need to be reassessed using data (aerial imagery and other habitat data) held by the Council from prior to the loss of the habitat. Where there is uncertainty of the habitat loss or disturbance from a proposed scheme or where there is insufficient information, it is recommended to apply a “worst case scenario” approach.

3.2.4 Important considerations when using the Biodiversity Metric

- Additionality - BS8683:2021 – Process for designing and implementing Biodiversity Net Gain and industry best practice guidelines (CIRIA, 2019) require BNG to be ‘additional’ to any measures or obligations to mitigate a scheme’s biodiversity impacts and which would have happened regardless. These obligations are currently interpreted as including impacts on; (i) statutory designated sites, (ii) irreplaceable habitats and (iii) legally protected species.
- Impacts upon irreplaceable habitats cannot be accounted for under the Biodiversity Metric.
- Area based habitats, linear (e.g. hedgerows) and watercourse are all treated separately within the metric. 10% Net Gain is required for all three (LPAs have the discretion to go beyond 10% and require a higher percentage BNG if they so choose). For example, you can’t have a 7% gain in area habitat and a 3% gain in hedgerows.
- Habitat replacement as part of net gain must also be “like-for-like” or “like-for-better”. This links to ‘Trading Rules’, in line with rule 3 of the Biodiversity Metric 4.0 User Guide.
- The Biodiversity Metric and supporting information is available here: [The Biodiversity Metric 4.0 - JP039 \(naturalengland.org.uk\)](https://www.naturalengland.org.uk/Biodiversity-Metric-4.0-JP039).

3.3. Large/Strategic sites (November 2023)

For strategic sites, where development may be phased, the Biodiversity Metric must be applied at both outline and full planning permission stage. The Council recognise that design may change between outline and Reserved Matters applications, or in phased developments. Where this occurs, it is important that the BNG calculations for the outline application are updated alongside the design changes so that the Council is able to assess whether the delivery of the required BNG will be achieved. Where the metric has been updated during the planning application process, using the same version of the metric throughout will provide more consistent results.

Applications will require BNG consideration for major development registered past November 2023, and minor developments past April 2024. Specific dates for this are not yet confirmed.

3.3.1. Minerals and Waste

Minerals and waste sites will also be subject to BNG. The BNG figure, the requirements and format of this is subject to further guidance. For minerals, the government consultation response addresses BNG, and suggests policy would be used to target ecological outcomes rather than percentage targets. The government response also discusses how BNG would apply for Section 73 applications, however, clarity and confirmation of how this will work will be provided in further guidance. The full government response to the consultation with regard to minerals is available in appendix D.

As further guidance is released, some information regarding BNG and waste sites will be addressed in this section.

3.4. Small sites (April 2024)

Small sites can be defined as:

- (i) For residential: where the number of dwellings to be provided is between one and nine inclusive on a site having an area of less than one hectare, or where the number of dwellings to be provided is not known, a site area of less than 0.5 hectares.
- (ii) For non-residential: where the floor space to be created is less than 1,000 square metres OR where the site area is less than one hectare.

The government confirmed that BNG for small sites will not come into force until April 2024. This will allow LPAs, developers, Defra, and other bodies time to adjust and learn from larger sites. Small-scale developments are not exempt in principle from providing biodiversity net gains, although there are some exemptions in relation to size and type of land which are explained below. Most small sites (minor applications) can use the Small Sites Metric.

3.4.1 Small Sites Metric

This simplified version of the Biodiversity Metric is designed specifically for small development sites. Small sites are defined as those that meet the following criteria:

- For residential developments, fewer than ten dwelling units (9 or fewer) must be provided on less than one hectare of land.
- The site area is less than 0.5 hectares where the number of dwellings is unknown.
- Any other development type with a site area of less than 0.5 hectares or 5,000 square meters.

The Small Site Metric user guide explains how to apply Small Site Metric and determine whether its use is appropriate. Please visit Natural England [The Small Sites Metric](#) (SSM) to download and utilise the metric. The guide sets out circumstances where the SSM cannot be used:

1. Where habitats not available in the SSM are present
2. Where priority habitats are within the development site (excluding some hedgerows and arable field margins)
3. Where protected species are present on the development site (as protected under the Conservation of Habitats and Species Regulations 2017, but not species under the Wildlife Countryside Act 1981 or the Protection of Badgers Act 1991).
4. Where any offsite interventions are required

3.5. Exemptions to Mandatory BNG

Defra has confirmed several exemptions from BNG:

- Householder applications
- Permitted development
- Self-build and custom house building (small scale – with the caveat that this scale is to be defined)

- Development impacting habitat of an area below a ‘de minimis’ threshold of 25 square metres, or 5m for linear habitats such as hedgerows and watercourses
- Existing sealed surfaces (such as tarmac or existing buildings) which would give a zero score on the metric, meaning that these surfaces are effectively exempted from the percentage gain requirement.

3.6. Nationally Significant Infrastructure Projects (2025)

It is a requirement of BNG that the biodiversity value of land (terrestrial) and intertidal development affected by a Nationally Significant Infrastructure Project (NSIPs) exceeds the predevelopment biodiversity value by at least 10% (LPAs have the discretion to go beyond 10% and require a higher percentage BNG if they so choose). NSIPs are large-scale developments (involving energy, transportation, water, or waste) that require development consent order via the Planning Inspectorate. The government confirmed that BNG requirements will be incorporated into all NSIP projects (terrestrial) from November 2025, and that the government will also develop an approach for marine net gain (section 3.7). The BNG requirements for NSIPs will be outlined in a draft biodiversity gain statement.

3.7. Intertidal Habitats and Marine Net Gain

Essex has a vast and ecologically important coastline. The Defra consultation [Government response and summary of responses - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/government-response-and-summary-of-responses-to-biodiversity-net-gain) addressed intertidal habitats with the following:

“In response to broad support for the proposal, we will state that all habitats in the intertidal zone, including designated features of protected sites, or a short distance (to be confirmed, but no more than 2 kilometres) above the high-water mark, would be eligible for enhancement for BNG. Any compensation that a development is delivering in meeting wider statutory protections may be counted towards that development’s BNG. This would be subject to any relevant approvals for the enhancement and only permitted where the proposals do not risk harming designated species or features”.

There is future aspiration for Marine Net Gain, however, the overall approach is still subject to consultation and at a relatively early stage.

3.8. Watercourses

Rivers, streams and watercourses are included within biodiversity metric 4. They are linear habitats and as such are treated separately from area-based habitats within the metric. ‘Watercourse biodiversity units’ are calculated as opposed to ‘area habitat biodiversity units’. Area habitats, measured in hectares, generate area habitat biodiversity units and the watercourse habitats, measured in kilometres, generate watercourse biodiversity units. These units are unique and cannot be summed, traded, or converted. To calculate the watercourse biodiversity units of watercourse habitats, biodiversity metric 4 requires data inputs including watercourse habitat type, length, condition, strategic significance, and level of watercourse and riparian encroachment. The watercourse biodiversity units are used to

quantify losses and gains of watercourse habitats and cannot be offset by creation or enhancement of area habitat biodiversity units or hedgerow biodiversity units.

3.9. BNG Onsite, Offsite and Statutory Credits

Biodiversity units are given for post development biodiversity net gain measures, these can be onsite, offsite, or as a last resort, statutory credits. Onsite units are delivered through habitat creation/enhancement via landscaping/green infrastructure and offsite units are delivered through habitat creation/enhancement, including via habitat banks, with public and private landowners. The latest government guidance for selling units as landowners is available [here](#). As a last resort, where biodiversity net gain cannot be delivered onsite or offsite, statutory credits can be purchased, which fund and deliver through large-scale habitat projects delivering high value habitats which can also provide long-term nature-based solutions.



The Biodiversity Net Gain (BNG) Guidance Pack produced by the Essex Local Nature Partnership (LNP) outlines, in detail, the benefits of off-site and on-site BNG. [Guidance on Biodiversity Net Gain \(canva.com\)](#)

3.9.1. Onsite BNG

Onsite BNG means all land within the boundary of a project. In a planning context, this usually means within the red line boundary of a planning application. Utilising the National Green Infrastructure Framework, and the Essex GI Standards and Strategy can help to deliver BNG. For more information see Appendix [to be labelled later].

If the Biodiversity Metric shows that a minimum of 10% BNG cannot be achieved onsite, the design of the development should be reviewed considering the mitigation hierarchy to avoid harm to biodiversity in the first instance and secondly to consider any further mitigation and enhancements measures that can be made onsite.

3.9.2 Offsite BNG

Offsite BNG means interventions on land outside of the onsite boundary.

The Metric incentivizes habitat creation onsite or within the same LPA or national character area. This is through a “spatial risk multiplier” which means that you generate more biodiversity units if the habitats are created within the LPA or in the same National Character Area (NCA). Conversely, this means that for habitat creation outside of the LPA/NCA, this won’t benefit from the spatial multiplier, and therefore more units would need to be generated.

Defra will establish a national register for BNG sites and offset units will only be accepted where they relate to a site on this national register once it is established. A template for the register is currently in development. Once developed, Natural England will operate this.

Where offsite BNG is required to deliver 10% BNG, applicants are encouraged to purchase offsite units from BNG sites that are identified as a priority for nature improvement in the LNRS. BNG can be delivered on more than one offsite location, or as a combination of onsite and offsite enhancement measures. For example, if 10 biodiversity units are required to produce a minimum 10% uplift, and the site can deliver 8 of these units within the redline boundary, the remaining 2 units can be delivered offsite. This must be set out in the biodiversity gain plan and will be monitored in the same way as if all of the BNG was produced offsite.

Offsite biodiversity gains must be maintained for at least 30 years after the completion of the works to create or enhance the habitat. To count towards a development’s net gain requirements, the site must be secured through a conservation covenant or planning obligation to ensure the habitats are maintained, even if the land is sold.

3.9.3 BNG Statutory Credits

Government will establish a national BNG statutory credit scheme for circumstances where applicants cannot secure 10% BNG onsite or through offsite units (LPAs have the discretion to go beyond 10% and require a higher percentage BNG if they so choose). This is a last resort, BNG should be secured locally and onsite wherever possible. This is because as well as delivering BNG locally, improving the quality of green space in Essex is an excellent way of improving the quality of places and the wellbeing of residents, contributing to stronger social and economic outcomes.

The money raised through statutory credits will be reinvested into biodiversity habitat creation schemes. Defra have released indicative pricing for statutory credits available to view [here](#). The price is set by Defra, based on habitat type and two credits must be purchased for every unit required.

This price will be higher than the cost of equivalent offsite unit on the market, this should encourage use of the mitigation hierarchy and ensure statutory credits are used as a last resort; meaning that all on-site and off-site options should be sought before considering use of the statutory credit scheme to achieve BNG. Developers wishing to use statutory credits will have to provide evidence for this³. Natural England will sell statutory credits on behalf of the Secretary of State. An accessible and user-friendly digital sales platform is currently being developed and tested.

³ <https://www.gov.uk/guidance/understanding-biodiversity-net-gain>

3.10. BNG good practice principles

Applicants should follow the ten principles set out in the table, below, which are taken from the CIEEM (Chartered Institute of Ecology and Environmental Management), IEMA and CIRIA document: [Biodiversity net gain. Good practice principles for development, a practical guide](#). These are high level principles that should be applied to every site.

Principle	Notes
1. Apply the Mitigation Hierarchy	Do everything possible to first avoid and then minimise impacts on biodiversity. Only as a last resort, and in agreement with external decision-makers where possible, compensate for losses that cannot be avoided. If compensating for losses within the development footprint is not possible or does not generate the most benefits for nature conservation, then offset biodiversity losses by gains elsewhere.
2. Avoid losing biodiversity that cannot be compensated for	Avoid impacts on irreplaceable biodiversity – these impacts cannot be offset to achieve no net loss or net gain.
3. Be inclusive and equitable	Engage stakeholders early, and involve them in designing, implementing, monitoring, and evaluating the approach to BNG. Achieve net gain in partnership with stakeholders where possible and share the benefits fairly among stakeholders.
4. Address risks	Mitigate difficulty, uncertainty, and other risks to achieving net gain. Apply well-accepted ways to add contingency when calculating biodiversity losses and gains in order to account for any remaining risks, as well as to compensate for the time between the losses occurring and the gains being fully realised.
5. Make a measurable Net Gain contribution	Achieve a measurable, overall gain for biodiversity and the services ecosystems provide while directly contributing towards nature conservation priorities.
6. Achieve the best outcomes for biodiversity	Achieve the best outcomes for biodiversity by using robust, credible evidence and local knowledge to make clearly justified choices when: - Delivering compensation that is ecologically equivalent in type, amount and condition, and that accounts for the location and timing of biodiversity losses; - Compensating for losses of one type of biodiversity by providing a different type that delivers greater benefits for nature conservation; - Achieving BNG locally to the development while also contributing towards nature conservation priorities at local, regional and national levels; - Enhancing existing or creating new habitat; and Enhancing ecological connectivity by creating more, bigger, better and joined areas for biodiversity.
7. Be additional	Achieve nature conservation outcomes that demonstrably exceed existing obligations (i.e., doesn't deliver something that would occur anyway).
8. Create a Net Gain legacy	Ensure BNG generates long-term benefits by: - Engaging stakeholders and jointly agreeing practical solutions that secure

	net gain in perpetuity; - Planning for adaptive management and securing dedicated funding for long-term management; - Designing net gain for biodiversity to be resilient to external factors, especially climate change; - Mitigating risks from other land uses; - Avoiding displacing harmful activities from one location to another; and - Supporting local-level management of BNG activities.
9. Optimise sustainability	Prioritise BNG and, where possible, optimise the wider environmental benefits for a sustainable society and economy.
10. Be transparent	Communicate all BNG activities in a transparent and timely manner, sharing the learning with all stakeholders.

3.10.1 The Urban Greening Factor

Brownfield sites are defined as “Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.” This definition has been provided by National Planning Policy Framework [National Planning Policy Framework - Annex 2: Glossary - Guidance - GOV.UK \(www.gov.uk\)](#).

For Brownfield sites and sites with low ecological value [or a BNG metric calculation with a low baseline]. The Urban Greening Factor can be consulted to establish best practice. The Urban Greening Factor (UGF) is a planning tool to improve the provision of Green Infrastructure (GI) particularly in urban areas. It can be used to increase urban greening and contribute to Biodiversity Net Gain. While it is not a statutory requirement, utilisation of the UGF can significantly contribute to place making, nature recovery, biodiversity enhancement, and connectivity to larger green infrastructure networks within proximity to the development site. This will help to deliver a tangible gain in biodiversity. More information can be found within the [National Green Infrastructure Framework Standards \(2023\)](#).

3.10.2. Irreplaceable habitats

National Planning Policy Guidance 2019, implies that “any protected sites and areas (statutory or non-statutory) can be considered as comprised of irreplaceable [natural] habitats, for which biodiversity net gain proposals should not undermine their strict protection.” DEFRA will provide updated definition of “irreplaceable habitats” as stated February 2023. The Defra consultation states that “Secondary legislation will also be used to disapply the 10% measurable net gain requirement for irreplaceable habitat” ...” The

biodiversity gain objective (part 1 of the Environment Act 2021) is to be replaced with a requirement for appropriate compensation relative to the baseline habitat type". The loss of irreplaceable habitats cannot be compensated for by gains elsewhere and so they are excluded from biodiversity net gain calculations. Natural England is currently developing guidance which will set out the definition and a definitive list of irreplaceable habitats in England.

Any proposals that are likely to result in impacts on irreplaceable habitat should be accompanied by detailed survey information and clear evidence to support the exceptional reasons that justify such a loss. Compensation strategies should include contribution to the enhancement and management of the habitat.

Any impacts to irreplaceable habitats will require significant, bespoke compensation beyond the BNG metric and will also require further consultation with Natural England. Impacts should be avoided as much as possible using the mitigation hierarchy.

3.10.3 Stacking and Additionality

3.10.3.1 Stacking

It is possible to stack land used for biodiversity unit creation, with other nature markets. This means that the same parcel of land that is used for other nature markets can also be used for BNG. For BNG, the landowner must prove that the units created are **in addition** to those that are created for another nature market. More information on stacking is available [here](#).

3.10.3.2. Additionality

If you're creating or enhancing habitat as part of your development, you may be able to count this towards your BNG.

You can still do this if the habitat required for your development is to:

- comply with a statutory obligation or policy, for example green infrastructure, environmental impact assessment (EIA) compensation or sustainable drainage
- provide river basin management plan (RBMP) mitigation and enhancement measures
- provide mitigation or compensation for protected species or sites, for example nutrient mitigation.

If you're also providing off-site mitigation and compensation for protected sites and species, this may count towards your BNG. You should do at least 10% of your BNG through other activities, for example, on-site habitat creation and enhancement. For example, if a development has a baseline score of 10 biodiversity units and needs to achieve a score of 11 units, at least 1 unit should come from separate activities (such as an onsite habitat or the wider market for biodiversity units).

If you're using off-site units, you need to legally secure these for at least 30 years. You must register them before they can count towards your BNG.

You should not count habitat creation or enhancements towards your BNG if you're already required to do this for:

- restocking conditions relating to a tree felling licence or a restocking notice
- marine licensing
- remediation under the environmental damage regulations

3.11. Conservation Covenants and s106 agreements

BNG will be secured through legal agreement, either through a section 106 agreement or through a conservation covenant.

A conservation covenant is an agreement between a landowner and a responsible body, they came into force in September 2022. The latest advice on conservation covenants is available [here](#). Councils can apply to Defra to become a responsible body. It must be stated that it will not be required to have both in place to secure a site – just one of those two options.

A s106 agreements are legal agreements between local planning authorities and developers/landowners as part of the planning permission granting process. Suggested baseline wording for a s106 agreement to secure BNG is available in appendix B. It is important to note that each s106 must be tailored to each individual application.

3.12. Management and Maintenance

3.12.1. Biodiversity Gain Plans

The requirement of schedule 14 (7A) of the Environment Act 2021 is that the development may not begin until a biodiversity gain plan is submitted and approved by the LPA. Developers must clearly demonstrate how net gains will be secured when submitting a planning application via inclusion of a metric calculation for both the pre-development baseline and post-development projection (see section 3.2). A well-thought-out Biodiversity Gain Plan must be submitted by developers, to and approved in writing by the local planning authority. As well as being incorporated into the planning application, these plans must be integral to the proposed scheme or design.

Biodiversity Gain Plans set out the key ecological considerations relevant to the development proposals, the biodiversity management principles for new habitat creation areas and the enhancements that are likely to be achieved. The Environment Act sets out that the biodiversity gain plan should cover:

- How adverse impacts on habitats have been minimised.
- The pre-development biodiversity value of the onsite habitat.

- The post-development biodiversity value of the onsite habitat.
- The biodiversity value of any offsite habitat provided in relation to the development.
- Any statutory biodiversity credits purchased; plus
- Any further requirements as set out in secondary legislation.

3.12.2. Monitoring and Stewardship

Biodiversity Gain Plans must also set out how BNG will be monitored to ensure its establishment and achievement of 10% uplift over the 30-year period (LPAs have the discretion to go beyond 10% and require a higher percentage BNG if they so choose). This will require commitment to managing the site, through effective stewardship and maintenance. The developer must also submit monitoring reports to the LPAs, and the reports must be checked, and enforcement action taken as required.

Natural England are developing a standard habitat management and monitoring plan template, which the Council will require applicants to use. Monitoring requirements for BNG will be site specific and should be set out within the legal agreement which secures the BNG (conservation covenant, s106, or planning obligation). The body responsible for monitoring must be nominated, and this could be the developer, consultant, landowner, management company or habitat provider [or other, as indicated within the legal agreement].

[Monitoring and enforcement details to be added at a later date]

3.13 Summary of Planning application expectations

The Environment Act 2021 [schedule 14 \(7a\)](#) states that “grants of planning permission in England are to be subject to a condition to secure that the biodiversity gain objective is met”. Paragraph 2(1) states “the biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least the relevant percentage [10%+]”. The general condition paragraph 13(2) is that a biodiversity gain plan must be submitted and approved by the local planning authority. This plan must include a metric calculation demonstrating how a minimum of 10% gain will be delivered.

Therefore, development should only be permitted for major developments where a BNG of **a minimum of 10%** is demonstrated [through a metric calculation] and secured in perpetuity for at least 30 years. (LPAs have the discretion to go beyond 10% and require a higher percentage BNG if they so choose). Planning applications need to be submitted with the following (the following list of requirements are to be confirmed as further guidance is released):

- A Biodiversity Metric calculation (the current Biodiversity Metric published by DEFRA), completed by a competent person (as defined by BS 8683:2021) and which clearly indicates the percentage change in biodiversity value from the baseline to the post development units. The metric calculation must be undertaken pre-

development before any site clearance or habitat management work has been completed.

- A biodiversity gain plan^[1], which must include as a minimum:
 - information not captured in the biodiversity metric tool such as species factors and habitat management and monitoring plans.
 - how the 10-biodiversity net gain good practice principles have been followed.
 - how wider benefits to biodiversity have been incorporated into the development.
 - Including the aforementioned metric calculation.
- Details of how the biodiversity net gains will be managed and maintained for a period of at least 30 years.
- GIS layers pre and post development.
- Any offsite habitats created or enhanced are well located to maximise opportunities for local nature recovery.

DM Officers, in consultation with specialist Officers or ecology consultants, will review the information submitted in relation to BNG, including the biodiversity metric calculations. The Council will be looking for evidence of sound ecological principles and good outcomes for nature and not just the percentage BNG. The Council will challenge proposed habitat interventions when proposed habitats are too small to be ecologically functional; or are unlikely to be deliverable given the site characteristics; or conflict with national guidance on BNG.

For applications where the baseline biodiversity value is negligible/zero, it is recommended to calculate any biodiversity unit gains as a numerical unit value as opposed to a percentage.

Where external expertise is required to review and validate the biodiversity gain plan or other ecological reports submitted with the application, which may be the case for larger or complex applications, applicants may be requested to reimburse the Council. Arrangements for this will be discussed at the pre-application stage and may subsequently be secured through a Planning Performance Agreement.

^[1] The biodiversity gain plan is referred to in the Environment Act. Where the Government has published a template, this should be used.

3.14 BNG Process Flow Charts

Essex Planning Authorities are currently awaiting secondary legislation to be released by Defra and so the process flow charts below have been based on the information we currently have about the BNG planning process for both developers and LPAs.

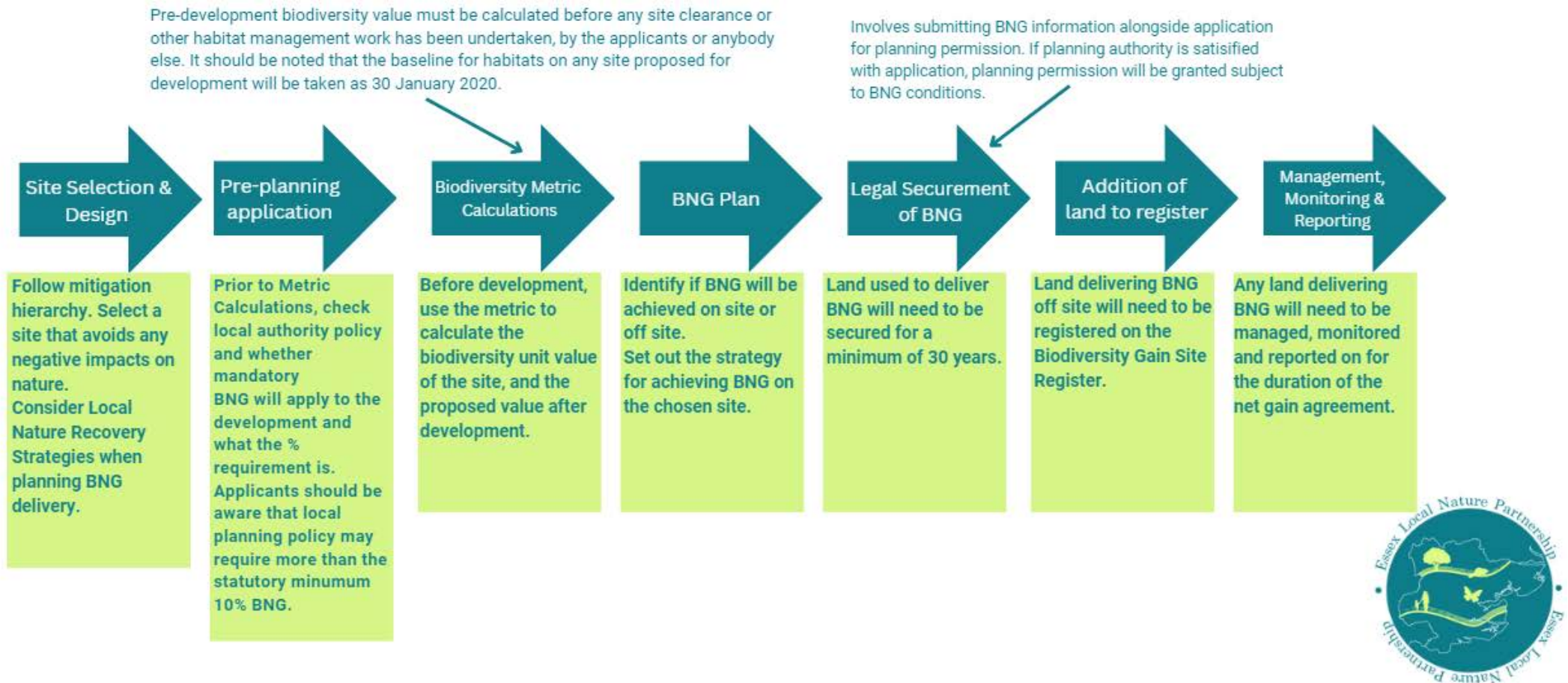


Figure 1. “How does BNG work?” flow diagram. Featured in the BNG Guidance pack created by the BNG working group within the Essex Local Nature Partnership. The flow diagram begins at “Site Selection & Design” and ends at “Management, Monitoring and Reporting.”

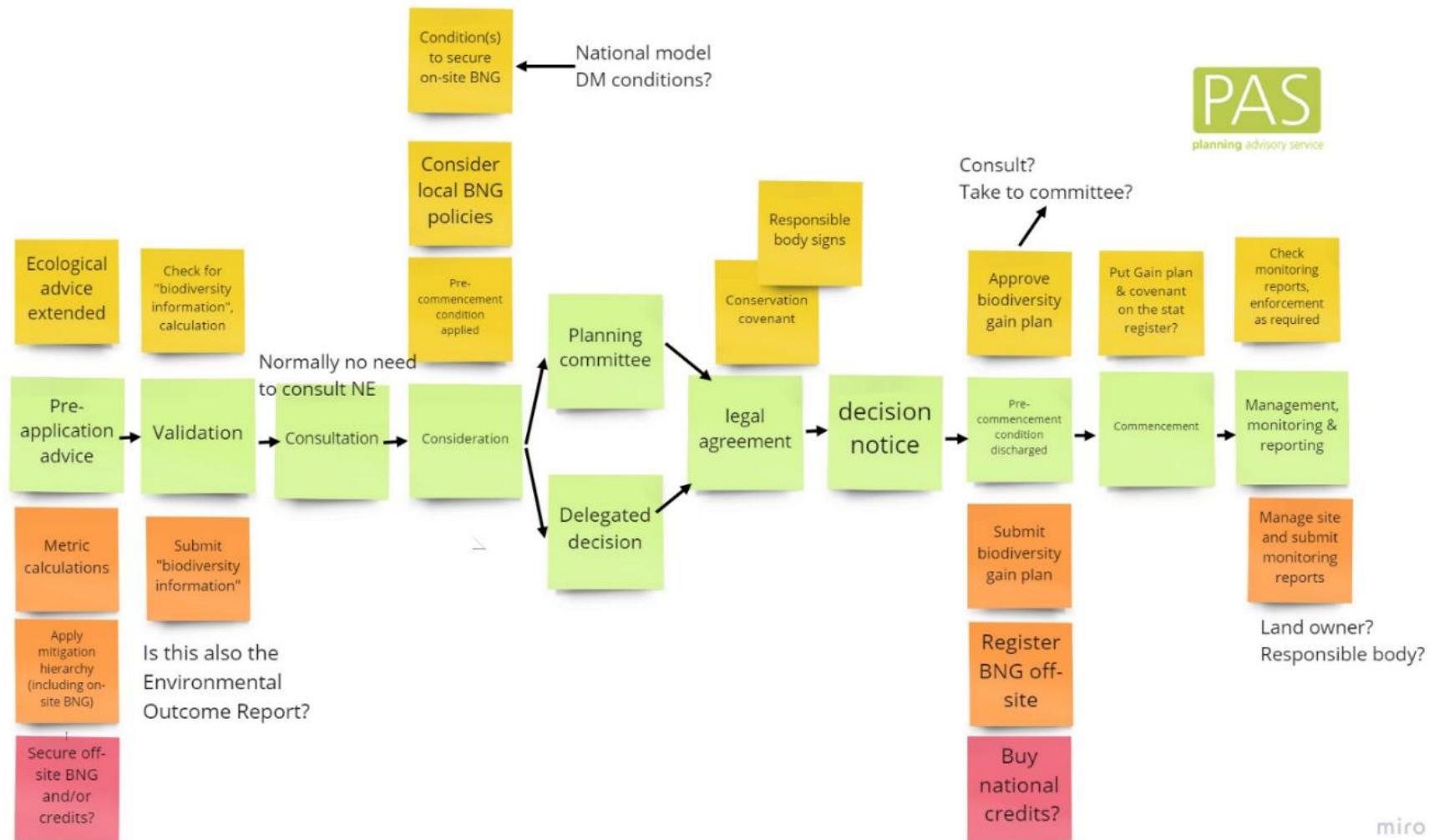


Figure 2. PAS flow diagram of planning application process with biodiversity net gain (once mandatory) based on current understanding (Yellow = LPA Activities, Orange / Red = developer activities). <https://www.local.gov.uk/pas/topics/environment/biodiversity-net-gain-local-authorities/biodiversity-net-gain-development>

The BNG Best Practice Process Flow produced by Future Homes Hub and PAS should also be consulted for reference by developers and LPAs: https://irp.cdn-website.com/bdbb2d99/files/uploaded/0180_862%20BNG%20BestPracticeProcessFlow-Option4CRev2023-04-21.pdf

The following link provides CIEEMS BNG and ecological impact assessment process in development projects diagram: <https://cieem.net/wp-content/uploads/2021/07/CIEEM-BNG-Report-and-Audit-templates2.pdf>

The following elements are important to consider as key parts of the process for Local Planning Authorities:

Pre-Application / Baseline Stage

- Habitat survey:
 - All habitat info in UK Habitat classification system (not JNCC Phase 1 Habitat Survey or translation from)
 - Habitat condition assessments
 - Digitised habitat data to produce detailed and clear GIS maps and BNG data
- Preliminary Ecological Appraisal Report (PEAR)
- Protected species surveys
- BNG Feasibility Report with Baseline Habitat Plan
- Ecological Constraints and Opportunities Plan

Decision-Making / Planning Application Stage

- Ecological Impact Assessment
- BNG Design Stage Report:
 - Full metric (in Excel, not a printout of headline results)
 - Full habitat condition assessment data (assessment sheets or equivalent evidence/notes)
 - Baseline Habitat Plan
 - Proposed Habitats Plan
 - BNG Implementation Plan
 - Steps taken to minimise adverse biodiversity impacts / mitigation hierarchy followed
 - Off-site gain details

Implementation / Post Planning Stage

- Biodiversity Gain Plan (can be submitted with application, must be submitted before commencement)
- Implement all other biodiversity measures - EPS licences, habitat/species mitigation etc.
- Habitat restoration/enhancement/creation
- (Habitat) Management and Monitoring Plan (HMMP)
- BNG Audit Report at project completion stage

4.0. Local Nature Recovery

4.1. Biodiversity Net Gain and Local Nature Recovery Strategy (LNRS)

Local Nature Recovery Strategies (LNRS') are a system of spatial strategies for nature and environmental improvement required by law under the Environment Act 2021. The main purpose of LNRS' is to identify locations to create or improve habitat most likely to provide the greatest benefit for nature and the wider environment. The LNRS will set out habitats, and the species they support, that are priorities for habitat creation and enhancement measures in the strategy area.

Essex County Council (ECC) have been appointed as the responsible authority to deliver the Essex LNRS on behalf of Greater Essex. 48 LNRSs together will cover the whole of England, with no gaps and no overlaps. This lays the foundation of the England wide NRN.

The Environment Act 2021 establishes two mechanisms to support the delivery of local nature recovery strategies (LNRS): mandatory BNG and a strengthened biodiversity duty on public authorities. Mandatory BNG is one of the key mechanisms to support the implementation of LNRSs. The LNRS will identify where action to achieve net gain will have the most impact for nature recovery and will encourage action in these locations through the way net gain is calculated. LNRS' will be used to target offsite BNG so that it contributes to the NRN. LNRSs can be used to determine the 'strategic significance' score that is part of the biodiversity metric calculation. The 'strategic significance' score is a landscape scale factor, which gives additional unit value to habitats that are located in preferred locations for biodiversity and other environmental objectives. In summary, the biodiversity metric will favour sites that have been highlighted as opportunities within the LNRS.

The development of the LNRS in Essex will be a collaborative effort, bringing together partners from all sectors to support the delivery of a strategy that truly reflects the priorities for nature in Essex, and the local level knowledge needed to produce the strategy. ECC are working with multiple partners from across the public, private and voluntary sectors, to create the strategy. Landowners and Farmers are critical to the development of the LNRS, as they will be able to identify potential opportunity areas for nature recovery and off-site BNG delivery.

LNRSs will be reviewed and republished, approx. every 3-10 years. The announcement of the review will be announced by Secretary of State, this means that all LNRSs across England will be updated at the same time. When LNRS' are updated, they should present what actions for nature have been undertaken and map where actions have been taken, since the strategy was last published. To do this, the Responsible Authority (Essex County Council) will use sources of information including the biodiversity gain site register, to show where BNG has been delivered off-site in Essex, following the last LNRS review.

4.2 Local Nature Recovery Strategy and Planning

Public authorities who operate in England must consider what they can do to conserve and enhance biodiversity in England. This is the strengthened 'biodiversity duty' that the Environment Act 2021 introduced. This means that, as a public authority, you must:

- Consider what you can do to conserve and enhance biodiversity
- Agree policies and specific objectives based on your consideration
- Act to deliver your policies and achieve your objectives

Once LNRS' are published, public authorities will need to understand how they can contribute to them. LNRS guidance, released by DEFRA March 2023, states that all public authorities should have regard to relevant LNRS' under the strengthened biodiversity duty. The government will be providing separate guidance to explain what this means in practice. The expectation is that LNRS' will be used to help inform how and where BNG should be delivered, i.e., which habitats are appropriate in which locations.

There will be an interim period between BNG becoming a legal requirement in November 2023, and the creation of LNRS'. Local authorities are advised to use local strategies to inform offsite BNG targeting prior to the implementation of the LNRS, such as green space strategies and biodiversity opportunity mapping. The availability and type of strategies available varies locally according to what activity and policy making has been taken forward by local authorities, non-governmental organisations, and other agencies.

The Biodiversity Metric 4.0 User Guide states that if an LNRS has not been published, the relevant consenting body or planning authority may specify alternative plans, policies or strategies to use. Alternative plans, policies or strategies must specify suitable locations for habitat retention, habitat creation and or enhancements, and might, for example, be:

- Local Plans and Neighbourhood plans
- LPA Local Ecological Networks
- Tree Strategies
- Area of Outstanding Natural Beauty Management Plans
- Biodiversity Action Plans (BAPs)
- Species and protected sites conservation strategies
- Woodland strategies
- GI Strategies
- River Basin Management Plans
- Catchment Plans and Catchment Planning Systems
- Shoreline management plans
- Estuary Strategies

If no alternative is specified, agreement should be sought from the consenting body or LPA when determining strategic significance.

5.0 Delivery of BNG through other policy areas

BNG Delivery should also be considered in combination with the delivery of other key policy areas. This will help to achieve multiple benefits across the Local Planning Authority for people, and for nature. For example:

- Green Infrastructure – use of the National GI Framework and Essex GI Standards can help developers to utilise best practice GI, which will also contribute towards improved biodiversity (and therefore BNG).
- Flood risk planning and Sustainable Drainage Systems

- Economic Development
- Health and Wellbeing
- Housing and Development
- Accessibility to Green Space
- Renewable Energy
- Planning for Climate Change

Biodiversity Net Gain Summary

BNG is about enhancing existing habitats and creating new habitats – species will come if the habitat is right. Biodiversity units are not a full representation of ecological value but are used to provide a quantification of a loss, no net loss, or a net gain in biodiversity as a result of development. All proposals must follow the mitigation hierarchy: avoid, mitigate, and compensate in addition to the requirement to deliver a minimum of 10% BNG (LPAs have the discretion to go beyond 10% and require a higher percentage BNG if they so choose). Proposals should demonstrate biodiversity enhancement by delivering wider benefits in addition to the units, such as delivering species enhancements set out in other SPDs and by delivering the aims of the LNRS.

For further information please contact [to be added at a later date]

6.0. Appendices (Draft)

Note: What to include within the appendix is still under consideration.

Appendix A

To be included:

- Biodiversity Gain Plan Template
- Natural England Template Monitoring Plan
- Natural England Template Offsite Register
 - Adapted ^ to provide an onsite register for facilitating Local Councils approach to monitoring onsite BNG

Appendix B

Suggested s106 Policy Wording – from Buckinghamshire Council.

Part 9

Biodiversity Net Gain

Offsite BNG

60. Prior to Commencement of Development, the Owners shall submit to the Council for written approval the Offsite BNG Management Plan and the Development shall not be Commenced until the submitted Offsite BNG Management Plan has been approved in writing by the Council.
61. The Owners shall thereafter carry out the Offsite BNG Measures in accordance with the timings set out in the approved Offsite BNG Management Plan.
62. The Second Owners covenant to manage and maintain the Offsite BNG Land in accordance with the approved Offsite BNG Management Plan for at least thirty (30) years and at no cost to the Council and no activities shall be carried out or permitted to be carried out on the Offsite BNG Land which would impede or interfere with implementation of the Offsite BNG Management Plan and management of the Offsite BNG Land pursuant to the Offsite BNG Management Plan such as to achieve and sustain the biodiversity net gain [REDACTED]

Onsite BNG

63. Prior to Commencement of Development, the Owners shall submit to the Council for written approval the Onsite BNG Management Plan and the Development shall not be Commenced until the submitted Onsite BNG Management Plan has been approved in writing by the Council.
64. The Owners shall not Occupy or permit Occupation of any Residential Unit otherwise in accordance with the phasing of delivery of the Onsite BNG Works as set out in the approved Onsite BNG Management Plan.
65. The Onsite BNG Measures shall be managed and maintained in accordance with the approved Onsite BNG Management Plan for at least thirty (30) years and at no cost to the Council and no activities shall be carried out or permitted to be carried out which would impede or interfere with implementation of the Onsite BNG Management Plan such as to achieve and sustain the net gain [REDACTED]

Appendix C

Delivery of BNG through other policy areas – further detail.

Green Infrastructure

The delivery of good quality, accessible Green Infrastructure (GI) provides multiple benefits; one being supporting biodiversity. The co-delivery of BNG and GI through policy is complementary. Through ensuring BNG delivers not only benefits for biodiversity, but more widely through the multifunctionality of GI, BNG can deliver socioeconomic benefits simultaneously.

See appendix for an example Green Infrastructure and Biodiversity local plan policy from Wycombe Town Council.

Green Infrastructure Example Policy

Wycombe Local Plan 2019: Policy DM 34 – Delivering Green Infrastructure and Biodiversity in Development: [/Volumes/Mac A to Z/Q to Z/W/WDC/OCT-2019/002859 Wycombe District Local Plan/Accessible Working Files/Contents.indd \(buckinghamshire-gov-uk.s3.amazonaws.com\)](#):

1. All development is required to protect and enhance both biodiversity and green infrastructure features and networks both on and off-site for the lifetime of the development.
2. Developments proposals are required to evidence a thorough understanding of context through the preparation of a proportionate assessment of existing and planned green infrastructure, biodiversity and ecological features and networks both on the site and in the locality, and demonstrate how:
 - a) Through physical alterations and a management plan for the lifetime of the development:
 - i. Existing green infrastructure and biodiversity assets will be maximised.
 - ii. Opportunities to enhance existing and provide new green infrastructure and biodiversity assets will be maximised.
 - iii. Development will deliver long lasting measurable net gains in biodiversity; iv. Where appropriate, a monitoring plan will be put in place to review delivery of i - iii.
 - b) The mitigation hierarchy has been applied by following a sequential approach to avoid, minimise, mitigate, and finally compensate for (on then off-site) any harm to biodiversity. If significant harm cannot be avoided in this way, development will not be permitted.
3. Development (excluding householder applications) is required as a minimum to:
 - a) Secure adequate buffers to valuable habitats.
 - b) Achieve a future canopy cover of 25% of the site area on sites outside of the town centres and 0.5 ha or more. This will principally be achieved through retention and planting of trees, but where it can be demonstrated that this is impractical the use of other green infrastructure (e.g., green roofs and walls) can be used to deliver equivalent benefit.
 - c) Within town centres and on sites below 0.5 ha development is required to maximise the opportunities available for canopy cover (including not only tree planting but also the use of green roofs and green walls).
 - d) Make provision for the long-term management and maintenance of green infrastructure and biodiversity assets.
 - e) Protect trees to be retained through site layout and during construction.

Further Useful Resources:

- The Essex Green Infrastructure Standards: [Essex Green Infrastructure Standards | Essex Design Guide](#)
- The Essex Green Infrastructure Strategy: [Plans and strategies: Essex green infrastructure strategy - Essex County Council](#)

- The National Green Infrastructure Framework: [Green Infrastructure Home \(naturalengland.org.uk\)](https://naturalengland.org.uk)
- The London Urban Greening for Biodiversity Net Gain: A Design Guide: [urban_greening_and_bng_design_guide_march_2021.pdf \(london.gov.uk\)](https://urban_greening_and_bng_design_guide_march_2021.pdf)

Sustainable Drainage Systems (SuDS)

SuDS plans can increase their biodiversity value by adding nature-based solutions and native species planting into their design.

The local flora and fauna should serve as a reference for drainage designers and developers as they take into account the entire ecosystem and provide connectivity between habitats both on and off the development site. This can be achieved through SuDS features such as Water Attenuation Ponds, Rain Gardens, Tree Pits, Green Roofs, Planters, and Swales.

Used appropriately alongside other stormwater management or smart technologies, they can help deliver holistic designs that truly connect and restore biodiversity. Refer to the SuDS design guide for further information [available here:

<https://www.essexdesignguide.co.uk/suds>]

Economic Development

The co-benefits of BNG delivery with economic development are varied. BNG provides a green finance mechanism for habitat restoration and an income through habitat management for landowners, but also the subsequent economic benefits through creation of jobs for maintenance of assets in the local area. The enhancement of habitats through BNG also increases the natural capital and economic ecosystem service benefits e.g. cooling effects of vegetation and canopy cover reducing the need for cooling in summer, leading to the reduction of energy bills for building occupiers. https://naturalengland.blog.gov.uk/wp-content/uploads/sites/183/2022/04/BNG-Brochure_Final_Compressed-002.pdf

Health and Wellbeing

It is recognised that access to high quality nature and green spaces has a positive impact on health and wellbeing. Through requirements in health and wellbeing policies, strategies and for health impact assessments, there is an opportunity for the delivery of BNG to support in enhancing a local community's health and wellbeing through the provision of multifunctional green spaces e.g., supporting active lifestyles, air purification, ecotherapy.

More information on the delivery of health and well-being can be found in Chapter 8.6 Health and Wellbeing: [Essex Green Infrastructure Strategy \(placeservices.co.uk\)](https://placeservices.co.uk). There is also further information within the 10 principles of Active Design, Principle 5. Network of multifunctional open space: [Active Design | Sport England](https://active-design.org.uk). Also see the [Essex Design Guide webpages](https://essexdesignguide.co.uk), where extensive information is available on health and wellbeing.

Housing and Development

“BNG can create more attractive places in which to live and work, contributing towards place-making. BNG can finance investment in new or existing green infrastructure and nature-based solutions, enhancing the resilience of our towns, cities, coasts and infrastructure.” https://naturalengland.blog.gov.uk/wp-content/uploads/sites/183/2022/04/BNG-Brochure_Final_Compressed-002.pdf The creation of more attractive, green developments aligns with the Government’s ‘Building Beautiful Places Plan’ and incorporation of ‘beauty’ within the NPPF (2021).

Places rich in biodiversity can be part of the place-making process. Designing with biodiversity in mind, at the earliest possible stage can lead to beautiful, biodiverse places. This can contribute to the desirability of an area.

Accessibility to Green Space

BNG can help to deliver further accessibility to biodiversity and green space, especially in deprived areas.

“BNG can finance investment in new or existing green infrastructure and nature-based solutions, enhancing the resilience of our towns, cities, coasts and infrastructure.” https://naturalengland.blog.gov.uk/wp-content/uploads/sites/183/2022/04/BNG-Brochure_Final_Compressed-002.pdf

Policy requirements for BNG delivery sites to also provide recreational facilities, and vice versa, can help to maximise the environmental and socioeconomic benefits of green space in communities. Onsite multifunctional green spaces providing both BNG and recreation can also help to reduce the impact of new development on existing surrounding green spaces and protected areas e.g., through reducing visitor recreational pressure. BNG delivery can help to deliver nature recovery networks and provide connectivity. It can also bring nature to people and designing green space with accessibility in mind can contribute to community well-being.

Energy

Through the delivery of renewable energy schemes, there is also an opportunity to deliver BNG. Wind and solar farms in particular, if managed correctly, could be considered GI assets delivering both energy and biodiversity enhancements, along with other benefits. In addition, the cooling effects of green and blue spaces contribute not only to climate change adaptation and mitigation, but also to reducing cooling costs in the summer ([UK natural capital - Office for National Statistics \(ons.gov.uk\)](#)) more information about delivery can be found here: [Bio-Solar Farms | Essex Design Guide](#) or here: [Essex Green Infrastructure Strategy \(placeservices.co.uk\)](#) in chapter 8.5.

Appendix D

Changes to minerals permissions and varying existing permissions – [Government Consultation Response](#)

“We recognise concerns raised about our proposal that Reviews of Old Minerals Permissions (ROMPs) should remain out of scope of BNG. We believe that these can be addressed through existing policy and discussions with minerals planning authorities, and that applying the new mandatory approach to old permissions with existing restoration plans would be disproportionately complex. We will instead use policy to support an approach based on appropriate ecological outcomes rather than percentage targets.

We intend to address concerns from the minerals industry about how BNG fits with their sector’s long development timelines, and those raised about the process’s ability to recognise the value of habitats created incidentally through mineral operations, through guidance and policy informed by further engagement with relevant sectors.

In the case of variations of planning permissions, respondents suggested that any Section 73 application that would result in a change to the post-development biodiversity value should require an updated biodiversity gain plan. Most of the respondents agreed that original pre-development baseline should apply, and Section 73 variation applications should be bound by the net gain condition. Some noted that this would not work where the original permission was granted before mandatory BNG was commenced. Subject to further engagement, we therefore intend to only apply the requirement to Section 73 applications where the original permission was granted after commencement of the mandatory BNG requirement. We have noted that guidance will be needed about what constitutes a change requiring an updated biodiversity gain plan. This was raised most clearly for minerals sites, for which Section 73 applications are often used to extend phases and could result in biodiversity unit costs when restoration plans are accordingly delayed.”

Appendix E

Additional Considerations

Additional considerations in regard to Biodiversity Gain Plans which could affect deliverability:

- Ecological function (edge effects/fragmentation/soil type) - multiple small vs. single large wildflower area, linear/roadside grassland, maintaining plant species richness.
- Location and long-term management of features – e.g., long grass = change in condition/not distinctiveness, cutting regime matches habitat type. Landscape Management Plans and Habitat Management and Monitor Plans need to reflect the same aims and objectives.
- Amenity vs biodiversity - will habitat deliver for biodiversity given proximity to development and potential disturbance from lighting and recreational use e.g., ponds/hedgerows/grassland within housing developments, consider discrete areas specifically for biodiversity?

- Forecasting size class of newly planted urban trees - should be categorised as 'small' (<30m diameter) unless evidence is provided to justify input of larger size classes

Report Title: Local Development Scheme	
Report to: Local Plan Sub-Committee	
Date: 16th November 2023	For: Decision
Key Decision: No	Decision Planner Ref No: N/A
Report Presented by: Alan Massow	
Enquiries to: alan.massow@braintree.gov.uk	

1. Purpose of the Report

- 1.1. The Local Development Scheme (LDS) is a project management document which sets out the planning documents which the Council will produce and the timetable for their production. A copy of the revised LDS is attached at Appendix 1.

2. Recommendations

- 2.1 It is recommended that the revised Local Development Scheme 2023 is approved by the Local Plan Sub-Committee.

3. Summary of Issues

- 3.1 The Planning and Compulsory Purchase Act 2004 requires the Council to prepare a Local Development Scheme (LDS) and keep it up to date. The main purpose of the LDS is to set out the rolling programme for the preparation of planning documents that will form Braintree Council's Development Plan and planning guidance. It identifies the key stages and timescales in the preparation of planning documents. This will provide the public and other relevant stakeholders with information on what documents are being produced and the predicted timescales involved. The proposed updated LDS will cover the period from 2023 to 2025.
- 3.2 The LDS is split into several different sections. The first section sets out the current national, regional, and local planning policy context relevant to Braintree District. The second part of the document provides the timetable for the preparation of planning documents as well as an update on neighbourhood planning activities within the district. This is followed by an updated list of key evidence base documents which support the Braintree Development Plan. The final section of the document provides information monitoring and reviewing as well as resources required, and an analysis of the risks involved.

- 3.3 It is important to keep the LDS up to date to provide accurate information to stakeholders using the document as well as meeting legislative requirements. The previous version of the LDS was published in November 2022.

Changes to the previous Local Development Scheme

- 3.4 The main changes to the LDS are;

- An update on Neighbourhood Development Plans, including the inclusion of Finchingfield and Wethersfield and the review of Hatfield Peverel Neighbourhood Plan.
- An update to the timetables proposed as Supplementary Planning Documents

4 Next Steps

- 4.1 If approved, the LDS (Appendix 1) will replace the version published in November 2022.

5 Options

- 5.1 An alternative option would be to not approve the updated LDS and continue to use the previous November 2022 version. However, this would result in stakeholders being less well informed on changes to the Development Plan, evidence base and other relevant information.

6 Financial Implications

- 6.1 The cost of Development Plan preparation is being met from the base budget.

7 Legal Implications

- 7.1 The Planning and Compulsory Purchase Act 2004 requires the Council to prepare a Local Development Scheme (LDS) and keep it up to date. Accordingly, the recommendation set out within this report ensures that the Council is meeting its statutory obligations.

8 Other Implications

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

9 Equality and Diversity Implications

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

- c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 9.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 9.3 An Equality Impact Assessment was undertaken on the Draft Local Plan in 2017 which indicated that the Plan will not have a disproportionately adverse impact on any people with a particular characteristic. A further Equality Impact Assessment has been prepared on the final Plan which again indicates that the Plan will not have a disproportionately adverse impact on any people with a particular characteristic. No impacts have been identified.

10 Background Papers

National Planning Policy Framework 2023 (NPPF)

Local Development Scheme November 2022

11 List of Appendices

Appendix 1 – Local Development Scheme 2023 – 2025 (November 2023).



LOCAL PLAN | LOCAL DEVELOPMENT SCHEME

2023 - 2024

November 2023

Contents

1.	Introduction	2
2.	Planning Context	3
	· National Planning Guidance	
	· County Planning Policy	
	· Adopted Local Planning Policy	
3.	Local Plan	6
4.	Supplementary and Development Plan Documents	9
5.	Neighbourhood Planning	11
6.	Evidence Base	12
7.	Monitoring and Review	16
8.	Resources and Risk	17

1. Introduction

- 1.1 The Local Development Scheme (LDS) sets out the timetable for preparing documents to be included in the Local Plan. The Local Plan is a collections of documents which make up the statutory development plan for the Local Planning Authority (LPA). These include Development Plan Documents such as the Local Plan itself and Supplementary Planning documents which support and provide additional background for Local Plan policies.
- 1.2 It also sets out what resources will be required in order to ensure that the work will be completed in accordance with the timetable and identifies the risks that could result in delay.
- 1.3 The first LDS was published in September 2005 and the last review was published in November 2022. Progress on the Local Development Scheme has been monitored and the extent to which the milestones identified have been achieved is set out in the Council's Annual Monitoring Reports.
- 1.4 The Braintree Local Development Scheme is therefore a project management document, which informs the public and stakeholders of the planning documents that the Council will produce and the timescale for their production. It includes;
 - A timetable for the production and adoption for all Development Plan Documents and Supplementary Planning Documents within the Local Development Scheme time period (2 years).
 - Identifying background studies and documents, which form the evidence base for the Local Plan.
 - A list of current adopted Supplementary Planning Documents, Material Planning Guidance and Development Briefs.
 - Arrangements for monitoring and review.

2. Planning Context

National Planning Guidance

- 2.1 The National Planning Policy Framework (September 2023) *'sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced.'* Regarding plan-making, paragraph 15 of the framework describes how *'the planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings'*.

County Planning Policy

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

Adopted Local Planning Policy

- 2.4 The Development Plan for Braintree District is made up of the Local Plan 2013-2033 (Section 1 and Section 2). The Braintree District Local Plan Section 1 was adopted in February 2021 and Section 2 was adopted in July 2022.

3. Local Plan

3.1 The Local Plan sets out how the Council plans for, and makes decisions about, the future of towns, villages and countryside and will set out a strategy for the future development of the District, which is based on a clear and locally distinct vision. This vision was developed with the involvement of the local community and there should be commitment by all relevant agencies to its delivery. The Local Plan has to be reviewed every five years.

3.2 The Local Plan consists of several documents, including Development Plan Documents (DPDs) such as the Local Plan, Supplementary Planning Documents (SPDs), a Local Development Scheme (LDS), the Authorities Monitoring Report (AMR) and a Statement of Community Involvement (SCI). Further details about each document and their progress in Braintree District are given as follows:-

3.3 The Statement of Community Involvement (SCI)

3.4 **Purpose:** This document sets out the standards and approach to involving the community and stakeholders in the production of the Local Plan.

3.5 **Status:** A SCI is in place.

3.6 Local Plan

3.7 **Purpose:** Sets out strategic and non-strategic allocations for land use, and policies for the determination of planning applications.

3.8 **Status:** Section 1 and Section 2 of the Local Plan are adopted (February 2021 and July 2022, respectively).

3.9 The Authority Monitoring Report (AMR)

3.10 **Purpose:** To set out the principal characteristics of the District and assess progress in preparing Local Development Documents and monitor progress in housing, employment and other development.

3.11 **Status:** The AMR is published in December of each year and assesses the year from the 1st of April to the 31st of March. The latest report is available on the council's website.

3.12 Local Development Scheme (LDS)

3.13 **Purpose:** A project management document to inform stakeholders of the timetable for production of documents.

3.14 **Status:** This LDS will replace the November 2022 document.

3.15 Supplementary Planning Documents (SPDs) and Development Plan Documents (DPD)

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

3.17 Community Infrastructure Levy (CIL) Charging Schedule

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

3.20 Local Plan – Timetable for Review

Role and Content	Sets out the detailed allocations of land for housing, employment, retail and other major land uses. Sets out strategic and non-strategic development management policies.
Status	Development Plan Document
Chain of Conformity	Must be consistent with National Policy as set out in the National Planning Policy Framework. Awaiting revised Local Plan framework from central government on 30 month plan production proposals.
Geographic Coverage	Whole of Braintree District

Timetables and Milestones	
Local Plan Review Start	2024
Review Complete	July 2027
Arrangements for Production	
Lead Department	Braintree District Council Sustainable Development
Management Arrangements	To be managed by Departmental Management Team and Sub Committee of Council Members
Resources	To be prepared by Planning Policy Team involving other services as appropriate. To be funded from base budgets.
Involvement of Stakeholders and Community	As set out in the Statement of Community Involvement
Post Production Monitoring and Review Mechanisms	Document to be monitored on an annual basis and will need to be subject to review, if monitoring highlights a need, or as required.

4. Supplementary and Development Plan Documents

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

Title and Subject	Produced by	Status	Date Approved
Essex Coast Recreational Disturbance Avoidance & Mitigation Strategy (RAMS) SPD. It sets out the mitigation that is necessary to protect the wildlife of the Essex coast from the increased visitor pressure associated with new residential development, and how this mitigation will be funded.	Essex County Council, Braintree District Council and other Local Authorities	SPD	May 2020
Affordable Housing. The document sets out the process and mechanisms for the delivery of affordable housing in Braintree District.	Braintree District Council	SPD	May 2006
External Artificial Lighting. It provides advice and guidance on what factors the Council will take into account when determining planning applications.	Braintree District Council	SPD	September 2009
Open Space. The document sets out the processes and mechanisms for the delivery of open space in Braintree District	Braintree District Council	SPD	Updated in 2014

Title and Subject	Produced by	Status	Date Approved
Parking Standards – Design and Good Practice Guidance Provides car and cycle parking standards together with design guidance on accommodating parking within various types of residential and commercial development.	Essex County Council working in partnership with Essex Planning Officers Association.	Guidance	Nov-09
Urban Place Supplement. To build on the Essex Design Guide to provide guidance on producing high quality, attractive developments which are sustainable and reflect the local area. (Braintree District Council did not adopt sections 5.8, 6.2, 7.0, 7.1, 7.2 and 7.3 of the document)	Essex County Council in partnership with Essex Planning Officers Association, East of England Development Agency, Environment Agency and Inspire East	Guidance	Jun-07
Essex Design Guide 2005 Provides guidance on design and layout principles including specific information relating to structure and layout of new developments, garden sizes, building design and form, parking design and road layouts.	Essex County Council working in partnership with Essex Planning Officers Association	Guidance	2005
Land East of the High Street, Halstead Guide to development and regeneration on a site in Halstead	Built Environment Branch of Essex County Council commissioned by Braintree District Council	Development Brief	Jan-05
Riskstones Neighbourhood Centre, Witham	Braintree District Council	Development Brief	Sep-10
Silver End Shops Site Guide to development and regeneration on a site in Silver End village.	Stephen Claydon and Michael Munt approved by Braintree District Council	Development Brief	Jun-06

- 4.5 The Council intends to review and update the 3-topic based SPD's (Affordable Housing, Design (Including External Lighting) and Open Space) following the adoption of the new Local Plan. The level of review will vary from document to document.
- 4.6 The Council is also considering several additional Supplementary Planning Documents and a Development Plan Document, to provide extra guidance in key areas such as on Climate Change, Renewable Energy Locations, and Bio-diversity Net Gain. However, in some cases the Council is waiting for new/additional guidance and policy which is expected from central government shortly. The table below lists all proposed SPD's and an indicative timetable for their production

Supplementary Planning Document and Development Planning Document - Timetable

Title and Subject	Produced by	Status	Estimated Date of Approval
<p style="text-align: center;">Climate Change</p> <p>Document supporting the implementation of Local Plan policies to help mitigate the impacts of climate change, and to address any updates in national policy which have occurred since the adoption of the Local Plan.</p>	Braintree District Council	SPD	May 2024
<p>Affordable Housing. The document sets out the process and mechanisms for the delivery of affordable housing in Braintree District.</p>	Braintree District Council	SPD	March 2024
<p>Design SPD (incorporated External Lighting, Householder and Shop Front Design Guide).</p>	Braintree District Council	SPD	January 2025
<p>Open Space. The document sets out the processes and mechanisms for the delivery of open space in Braintree District</p>	Braintree District Council	SPD	December 2024
<p style="text-align: center;">Waste SPD</p> <p>Advice on the provision, type and funding for domestic waste provision.</p>	Braintree District Council	SPD	December 2024
<p>Infrastructure/Planning Obligations s106</p> <p>To provide information on what type of infrastructure and contributions should be sought from planning permissions.</p>	Braintree District Council	SPD	June 2024
<p style="text-align: center;">Bio-diversity Net gain</p> <p>This document seeks to set out the requirements of bio-diversity net gain and to instruct developers as to use the bio-diversity net gain matrix and what they should provide and how it is justified.</p>	Braintree District Council possibly working with other stakeholders	SPD	June 2024
<p style="text-align: center;">Parking Standards</p> <p>To provide car and cycle parking standards for a range of uses and locations. Include best practice design and layout. Currently at consultation.</p>	EPOA/ Braintree District Council	SPD	March 2024
<p style="text-align: center;">Renewable Energy Locations SPD</p> <p>To provide advice and guidance on suitable locations within the district for renewable energy generation.</p>	Braintree District Council	DPD	June 2024

5. Neighbourhood Planning

- 5.1 The Localism Act 2011 introduced neighbourhood developments plans which help communities with or without Parish or Town Councils to establish general planning policies for the development and use of land in a neighbourhood. Once 'made', these plans will form part of the statutory development plan for the area and will be used in the determination of planning applications.
- 5.2 The first stage of developing a neighbourhood plan is to designate a neighbourhood area. The district has agreed 16 Neighbourhood Areas. Other parish councils are considering developing a neighbourhood plan.
- 5.3 Once a neighbourhood area has been agreed preparation of a neighbourhood plan can be carried out by a parish or town council or in the case of unparished areas a neighbourhood forum.
- 5.4 The table below sets out the stage of each of the Neighbourhood Plans which are underway in the District. For more information or for copies of the Neighbourhood Plans listed please visit the website. [About Neighbourhood Plans – Neighbourhood planning – Braintree District Council](#)

Area	Stage
Bradwell & Pattiswick	'Made' – 22 nd July 2019
Bures & Bures St Mary	Pre-Regulation 14
Coggeshall	"Made" – 21 st July 2021
Cressing	'Made' 17 th February 2020
Earls Colne	Pre-Regulation 14
Feering	"Made" January 2023
Hatfield Peverel	'Made' – 16 th December 2019 currently under review and at Reg 16.
Finchingfield & Wethersfield	Pre-Regulation 14
Kelvedon	"Made" July 2022
Gosfield	Pre-Regulation 14
Great Bardfield	Pre-Regulation 14
Gt Saling & Bardfield Saling	"Made" – October 2021
Great Yeldham	Pre-Regulation 14
Stisted	Pre-Regulation 14
Steeple Bumpstead	Pre-Regulation 14
Toppesfield	Pre-Regulation 14
Witham	Pre-Regulation 14

6. Evidence Base

- 6.1 The Development Plan Documents will establish the Council's planning policies. In preparing these documents and to ensure that the proposals and policies contained within them are soundly based, several specialist studies and other research projects have been or will be undertaken.
- 6.2 The following table illustrates key reports and studies that will be used to provide a robust and credible evidence base for the Local Development Framework. This list will be added to if additional work is required.

Name	Description	Date
General		
Authority Monitoring Report	The monitoring report aims to assess progress in meeting policy targets and milestones, and to present information on housing trajectories demonstrating the delivery of the provision of new homes	The document covers the period 1 st of April to the 31 st of March each year.
Economic		
Braintree District Retail Study 2015 (Reviewed 2018)	An update to the previous retail study to enable robust and up to date evidence supporting retail boundaries, allocations and policies in the new Local Plan.	Update 2015 and reviewed 2018.
Braintree Plan for Growth 2017-2022	The prospectus sets out how the council intends to create the conditions for economic growth and deliver a prosperous Braintree District from 2017 to 2022.	
Employment Land Needs Assessment 2015	The assessment considers projected Employment Land Needs	August 2015
Rural Services Survey	The survey updates previous work done in 2005 to assess the provision of services within rural parishes.	Completed in September 2008
Environmental		
Braintree Green Spaces Strategy	Builds on the results of the 2006 Open Space Audit to set standards for the quality, quantity and accessibility of open space together with specific needs, surpluses or deficiencies.	Completed in 2011.
Conservation Area Appraisals & Management Plans	A programme of conservation area appraisals has been undertaken. The process provides further detail about the character of the areas as an update to the original conservation area designations.	2009 onwards.
Dedham Vale – Proposed Search Area for AONB Review	The map shows the current Dedham Vale AONB and the maximum potential extension proposed.	Ongoing.
Habitats Regulation	The report is to identify any effects the proposed development in this District will	2017

Name	Description	Date
Assessment and Appropriate Assessment	have on European Sites of Importance for nature conservation and to suggest ways to mitigate this impact.	
Heritage Assets Impact Assessment	Heritage Assets impact Assessment for Potential Growth Locations within Braintree District	2016
Historic Environment Characterisation Project	Report characterising the historic environment of the district	2010
Mid Essex Strategic Flood Risk Assessment	The document identifies in more detail areas of existing or proposed development which are at risk from flooding	Completed October 2007. Review completed in 2017.
Open Spaces Sport Recreation Strategy (Playing Pitch Strategy)	The open space strategy will set out the Council's strategy with regards to open space including the strategy for the Sports, Leisure and Recreation	Completed 2017. Update to commence 2022 for 2024 completion.
Protected Lanes Study	Commissioned by Braintree District to assess the protected lanes in the district. An additional study was commissioned by Cressing Parish Council in 2015 for lanes within that parish.	2013 – Main Report 2015 – Cressing Parish Report.
Strategic Environmental Assessment and Sustainability Appraisal	Makes an environmental and sustainability appraisal of each document to report on likely impacts of the proposed policies and plans.	Completed 2017. Updated in 2021 to reflect adoption of section 1 Plan and in 2022 for the section 2 plan.
Strategic Flood Risk Assessment	An assessment of the flood risk within the district.	November 2016.
Water Cycle Study Update	An assessment of water environment and water services in the district.	March 2017.
Residential		
Affordable Housing Viability Study	Assesses whether the proposed affordable housing policies are viable and achievable in terms of dwelling threshold and percentage of affordable housing that is required by development	Completed in 2009. Review completed 2015.
Brownfield Land Register	The Brownfield Land Register provides a list of brownfield site which are suitable for housing- led development.	Annually.
Demographic projections 2013-2037 Phase 7 Main Report May 2015. Demographic projections 2013-2037 Phase 7 Macro Areas accompanying profiles.	Considers the Demographic projections for 2013 to 2037	May 2015

Name	Description	Date
Essex Wide Gypsy and Traveller Accommodation Needs Assessment	An Essex wide study commissioned by the Essex Planning Officers Association to provide information on the appropriate number of Gypsy and Traveller pitches to be provided.	Complete July 2014. A review is underway.
Gypsy and Traveller and Travelling Showpersons Accommodation Assessment	An Essex wide study commissioned by the Essex Planning Officers Association to provide information on the appropriate number of Gypsy and Traveller pitches to be provided.	Complete May 2017. A further study on transit pitches in in progress.
Objectively Assessed Housing Need Study	Commissioned by Braintree, Chelmsford, Colchester and Tendring. Determines the Housing Market Area and OAN.	Completed July 2015. Further update 2016 completed.
Strategic Housing Land Availability Assessment (SHLAA) 2016	This document builds on work completed in the Urban Capacity Study but includes an assessment of a sites viability and likely timescale for the site to be developed.	Ongoing process.
Housing Delivery Test	The Housing Delivery Test is an annual measurement of housing delivery in the area of relevant plan-making authorities (Non-metropolitan districts, metropolitan boroughs, London boroughs and development corporations with plan-making and decision making powers), National Planning Policy Framework paragraphs 74 and 76 set out the policy consequences of not meeting the Housing Delivery Test.	Annual however it should be noted that results from 2021 have not been released, and neither have the 2022 results.
Standard Methodology	The standard methodology uses a formula to identify the minimum number of homes expected to be planned for, in a way which addresses projected household growth and historic under-supply.	Updated every 2 years to take into account official population and household projections.
Self-build and custom housebuilding Register	The Council keep a register of people who are interested in building self-build or custom build homes within the Braintree District	Ongoing.
Transport and Infrastructure		
Community Halls Consultation Report March 2016	Report on the consultation undertaken for Braintree District Council with community halls in Braintree, Halstead and Witham	March 2016.
Cycling Strategy	Strategy for cycling in Essex	Essex – Completed November 2017. Braintree 2021.
Development Boundaries Review Methodology	Proposes a methodology and a series of criteria that will be used in reviewing the development boundaries for the settlements in the District for the emerging Local Plan.	June 2015.

Name	Description	Date
Highways and Transport Assessment	Identifies key issues with the highways and transportation network, in order to determine capacity and any improvement required to transport networks.	Completed 2017.
Infrastructure Plan	A study of key infrastructure capacity, constraints and future improvements.	June 2017
Local Transport Plan – Essex County Council	Published by Essex County Council	2011
Parking Standards	The document sets out the required standards for the District	2009
Viability Assessments	This document will seek to demonstrate that the Local Plan is viable	Completed 2017.

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

6.4 A full list of up-to-date evidence base documents can be found via the Planning Policy webpage link: <https://www.braintree.gov.uk/planning-building-control/local-plan-2033/2>

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

- Braintree District Climate Change Strategy and Action Plan 2021 March 2023 (A draft Climate Emergency Initial Action Plan September 2021 to March 2023)
- Braintree Plan For Growth 2017 – 2022 (Replacement due March)
- Essex Biodiversity Action Plan 2011
- Essex Local Transport Plan 2011
- Essex Minerals Local Plan 2014
- Essex and Southend-on-Sea Waste Local Plan 2017

7. Monitoring and Review

Monitoring

- 7.1 The LDS and the development plan documents that it includes will be monitored on an annual basis, in the Monitoring Report with a reporting period of 1st April – 31st March.
- 7.2 Each year the report will set out;
- How the Council is performing against the timescales set out within the previous year's Local Development Scheme.
 - Provide information on housing and employment completions and land availability.
 - Provides a housing trajectory and shows the Council's 5 year supply of housing land.
 - Any required update to the Local Development Scheme as appropriate.
- 7.3 The Local Plan programme will be managed through the Sustainable Development Service reporting to the Cabinet Member for Planning and Infrastructure and the Local Plan Sub-Committee. This will include considering progress on the preparation of Local Development Documents and identifying action to be taken if there are variations from the project programme.

Review

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

8. Resources and Risk

Resources

- 8.1 The Local Plan process is led by the Planning Policy team, part of the Sustainable Development Service at Braintree District Council.
- 8.2 The timetable contained within this document is based on using the full resources of the Planning Policy team at the Council, which consists of a team manager who will be responsible for the overall project, planning policy officers, technical and administration staff.
- 8.3 Additional resources, particularly to provide specialist input on various technical matters will be sought from time to time as required from other teams within the Council including Housing Policy and Economic Development, and other organisations including Essex County Council and National Highways . In addition, external consultants may be commissioned to develop elements of the evidence base, or supplementary planning documents.

Risk

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

Issue	Level of Risk	Impact and Mitigation
Delays to the production of background studies	Medium	Would delay the preparation of supplementary planning documents. The resources for any further studies should be in place to ensure they are commissioned at an early stage
Changes to national guidance in relation to Braintree. The new NPPF was published September 2023. The Government is currently consulting on changes to planning policy and Guidance which includes the production of new style Local Plan.	Medium	Could delay the preparation of supplementary planning documents or require an early review of those documents already produced. Review the timetable for the preparation and review of documents within the Annual Monitoring Report and review of the LDS if necessary.
Supporting Neighbourhood Planning.	Medium	Staff time and other resources being diverted to support neighbourhood planning. Resource and timetable planning with neighbourhood plan groups needed.
Problems or difficulties engaging with stakeholders and the community	Low	May delay the preparation of development plan documents. Ensure stakeholders and the community are involved at an early stage of the process, as outlined in the Statement of Community Involvement. Lack of agreement with other Local Authorities regarding the duty to co-operates. Need to maintain a close working relationship with neighbouring authorities.

Inability of the Planning Inspectorate to deliver hearings/ reports to the timetable.	Medium	Would delay the adoption of development plan documents. Agree early with the Planning Inspectorate that the timetable laid out for each document is acceptable. If slippage occurs this should be identified in the Monitoring Report and amendments made to the timetable.
Insufficient staff resources due to staff turnover or volume of work greater than anticipated	Medium	Would delay the production of supplementary planning documents . Consider use of consultants if financial resources allow. Revise timetable for the production of documents through the Monitoring Report and review of the LDS if necessary
Government New Homes Bonus, neighbourhood planning funds insufficient or no longer available.	Medium	Would delay the production of evidence base and supplementary planning documents which need specialist advice from consultants. Increased budget bids may need to be made if Government New Homes Bonus or neighbourhood planning funds are insufficient or no longer available. Revise timetable for the preparation of documents through the annual monitoring report and review of the LDS if necessary.