

LOCAL PLAN SUB-COMMITTEE AGENDA

Thursday, 7th March 2024 at 7.15pm

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

THIS MEETING IS OPEN TO THE PUBLIC

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

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.

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Comments and Suggestions

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

- 1 Apologies for Absence**
- 2 Declarations of Interest**

To declare the existence and nature of any Disclosable Pecuniary Interest, Other Pecuniary Interest, or Non-Pecuniary Interest relating to items on the agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.
- 3 Minutes of the Previous Meeting**

To approve as a correct record the Minutes of the meeting of the Local Plan Sub-Committee held on 16th November 2023 (copy 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 Minerals Local Plan Review 2024** **6 - 27**
- 6 Housing Delivery Test and Five Year Supply of Housing** **28 - 38**
- 7 Braintree District Local Plan - Refresh** **39 - 43**
- 8 Local Development Scheme** **44 - 64**
- 9 Affordable Housing - Draft Supplementary Planning Document** **65 - 104**
- 10 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.
- 11 Exclusion of the Public and Press**

To agree the exclusion of the public and press for the consideration of any items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.

At the time of compiling this agenda there were none.

12 Urgent Business - Private Session

To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

Report Title: Essex Minerals Local Plan (MLP) Review 2024	
Report to: Local Plan Sub-Committee	
Date: 7th March 2024	For: Recommendation
Key Decision: No	Decision Planner Ref No: N/A
Report Presented by: Alan Massow – Principal Planning Policy Officer	
Enquiries to: Alan Massow – Principal Planning Policy Officer	

1. Purpose of the Report

- 1.1 To agree the proposed response by Braintree District Council to the Essex Minerals Local Plan (MLP) 2024.

2. Recommendations

- 2.1 That the comments set out in this report are submitted in response to Essex County Council’s Replacement Essex Minerals Local Plan – 2025 to 2040.

3. Summary of Issues

- 3.1 The current Essex Minerals Local Plan was adopted in 2014. This plan provided policies for mineral development until 2029 and identified future sites for minerals extraction.
- 3.2 The Minerals Local Plan forms part of the Development Plan for Essex and Braintree District.
- 3.3 Essex County Council are required to review this Plan every 5 years in order to ensure that it stays up to date.
- 3.4 Previous consultations have been undertaken in 2021, followed by two “Call for Sites” exercise in 2022.
- 3.5 As a result of these previous consultation stages 52 potential sites have been identified in Essex of which 15 are in Braintree District, a new plan has been drafted, and the Plan period has been extended to 2040. The extended plan period covers 15 years from 2025.
- 3.6 The consultation documents comprise of the Draft Replacement Minerals Local Plan and a Candidate Site Assessment Report.
- 3.7 The following sites are listed as being within Braintree District.
- A6 - Bradwell Quarry

- A47 - Bradwell (Monk's Farm)
- A48 - Bradwell (Grange Farm)
- A50 - Colemans Farm (Appleford Farm Eastern extension)
- A52 - Colemans Farm (Southern extension)
- A54 - Whiteheads (Witham)
- A83 - Colemans Farm (Hole Farm)
- A84 - Colemans Farm (Appleford Farm North Extension)
- A89 - Covenbrooke Hall Farm
- A90 - Rayne Quarry (northern extension)
- A92 - Land at Pattiswick Hall Farm (Small Site)
- A93 - Land at Pattiswick Hall Farm (Full Site)
- A94 - Land at Highfields Farm
- A96 - Rayne Quarry (Southern extension)
- D7 - Land at Pond Farm (transshipment site)

3.8 It should be noted sites A96 is partially outside the district boundary. Sites A49, A51 and A82 near Rivenhall and Witham are not in the district but close to it, and therefore contribute to cumulative impact.

3.9 Once all comments have been received, Essex County Council will assess them, and make any necessary amendments depending on the evidence submitted. The next steps will be a more detailed technical assessment of the candidate sites and the selection of the preferred site allocations for further pre-submission consultation.

3.10 It is expected that this consultation may take place in late 2024 or early 2025.

4. Consultation

4.1 Assessing Provision

4.2 The draft Minerals Plan sets out a plan target of 64.56 million tonnes of mineral extraction. Of this approximately 58% (Up to 37.63 million tonnes) of that requirement is within Braintree District. The sites proposed for consideration across Essex provide capacity for approximately 117 million tonnes, with only

one site in Chelmsford not proposing fully sand and gravel extraction. At any time it is necessary for Essex to have a 7 year supply of minerals sites available.

- 4.3 If no sites were selected within Braintree District for Sand and Gravel extraction, sites outside of the District would be of sufficient capacity to meet the identified need within the Minerals Local Plan.
- 4.4 No windfall allowance has been included from development sites subject to pre-extraction requirements, as such the supply of minerals would need to be kept under review.
- 4.5 The Draft Plan comprises of 17 policies in total.

Policy S1 – Presumption in Favour of Sustainable Development

- 4.6 This policy is generally prescribed by national policy as such we have not comment to make on it.

Strategy of the Plan

- 4.7 It is stated that the strategy aims to provide the best possible geographic dispersal of sand and gravel sites over Essex, to support growth and development, and accepting the limiting nature of geological factors, meaning that the majority of mineral extraction takes place in the central and north parts of the County. It proposes that this is off set by ensuring that mineral traffic miles are limited and has access to the main network as easily as possible. It also seeks progressive working and restoration to reduce the impact of mineral working and minimise the reduction of agricultural land. It is proposed that after use will provide enhance variety and quality of life features and long term environmental and community benefit.
- 4.8 Braintree District Council recognise the economic importance of mineral extraction and whilst we understand that the District is very much a victim of geology, it should be noted that the Minerals Plan sits alongside Braintree District's Local Plan and Braintree Council would like to ensure that the Minerals Plan does not compromise any of the proposals contained within our Local Plan or unnecessary delay to the delivery of our large scale strategic housing sites.
- 4.9 The current strategy places a significant burden on residents, transport infrastructure, and the natural environment of Braintree District. Many of the sites within the district are near each other and can have more significant in combination impacts. Other sites whilst not within the district are close to it, meaning that they will also have an impact. It is therefore necessary for ECC to demonstrate that this is the most appropriate strategy which seeks to minimise the impacts of residents of the District, and that sites elsewhere in Essex are properly considered and when appropriate provision provided in more suitable locations.
- 4.10 The Plan provides an opportunity through the restoration of sites to support Essex County Councils' Local Nature Recovery Strategy, and particularly the provision of Bio-diversity Net Gain, and to offset impacts on residents in the

future by providing recreational opportunities in the countryside as part of site restoration.

Policy S2 – Strategic Priorities for Minerals Development

- 4.11 This policy outlines 9 strategic criteria for minerals development. Braintree District Council supports the overall drive to reduce greenhouse gas emissions and can minimise the impact of minerals development on climate change. The Council also support minimising the impact these developments have on public health and wellbeing, public safety, amenity, and quality of life of nearby communities and the environment. The council also supports measures to reduce the need for fresh minerals extraction such as re-use and recycling. Whilst it is noted that there are limits to where minerals can be found up to 58% of the Plans extraction target is within Braintree District.
- 4.12 The principal of safeguarding mineral deposits is support provided that the County Council acts swiftly to ensure that proposals within Local Plans are not unduly delayed allowing for pre-extraction to take place. Finally under this policy the Council supports the aim of reducing reliance on landfill materials.

Policy S3 – Climate Change

- 4.13 The Council supports the general thrust of this policy including the proposal for on-site renewable energy and use of low emissions technology. The Council especially supports the potential for site restoration and after use schemes for biodiversity, habitat creation e.t.c. as listed in criteria 8 especially where this can provide local community recreation benefits.

Policy S4 – Reducing the Use of Mineral Resources

- 4.14 The policy is supported as it seeks to reduce mineral waste and that minerals sites are re-used and recycled.

Policy S5 – Creating a Network of Aggregate Recycling Facilities and New Transshipment Sites

- 4.15 Suggested adding text at the end of the policy stating that proposals will be supported subject to policy in the Minerals Plan and does not conflict with policies contained within a Local Plan.

Policy S6 – General Principles for Sand and Gravel Provision

- 4.16 The first section of the policy which outlines the Plan period and yearly requirement of 3.98mtpa is noted as it is in general conformity with national policy.

Policy S7 – Provision for Industrial Minerals

- 4.17 No new sites within the district for this type of industrial mineral appears to be proposed, as such the policy is noted.

Policy S8 - Safeguarding Mineral Resources

- 4.18 This policy is noted, Braintree District Council's Local Plan includes a map of safeguarding areas.

Policy S9 – Safeguarding Mineral Extraction Sites and other Mineral Infrastructure

- 4.19 As above.

Policy S10 – Protecting and Enhancing the Environment and Local Amenity

- 4.20 This policy seeks to protect and enhance the environment and local amenity by ensuring appropriate consideration is given to public health, wellbeing e.t.c. and the natural built and historic environment, and that mitigation measures are in place. As such the Council supports this policy, subject to it considering both the impacts of individual and cumulative impact sites can have. The Plan needs to make it clear how sites proposed for mineral extraction and other uses will meet the requirements of this policy.

Policy S11 – Access and Transportation

- 4.21 This policy seeks to ensure that road movements of minerals, do not create unacceptable impacts on highways safety, capacity and air quality. This policy is supported subject to recognition that the wider highways capacity including on the local and strategic road network is considered when determining impact, and issues associated with the A120 and the likelihood or otherwise of it being diverted or upgraded, and that routes which are designated as protected lanes within Braintree District, or have other natural or historic features are avoided when possible.

Policy S12 – Mineral Site Restoration and After Use.

- 4.22 This policy seeks to ensure that minerals extraction sites are restored after use. This policy is generally supported, especially when local community benefits can be obtained from the restoration such as recreational access and public rights of way. Additional benefits should be sort such as use of sites for Biodiversity Net Gain (BNG). It is recommended that reference to aftercare and maintenance is expanded to include at least 30 years when a site is proposed for BNG. The retention of existing natural features should be a priority.

Policy P1 – Preferred Sites for Sand and Gravel Extraction

- 4.23 The sites for inclusion in these policies are not yet selected.
- 4.24 The Council has set out several comments on the sites submitted below. Those sites with minimal impacts on the local community, highways and environment would be preferable. Extensions to existing sites would also be considered slightly more favourably to minimise the need for new minerals buildings and haul routes in the countryside.

Policy P2 – Preferred Site for Silica Sand Extraction

- 4.25 The sites for inclusion in these policies are not yet selected, however no sites are proposed for this type of use within Braintree District.

Policy DM1 – Development Management Criteria

- 4.26 This policy sets out the criteria which applications for minerals development will be considered. The criteria are supported.

Policy DM2 – Planning Conditions and Legal Agreements

- 4.27 This policy is to be removed from the Minerals Plan and incorporated into DM1, as such we have no comment.

Policy DM3 – Primary and Secondary Processing Plants.

- 4.28 This policy seeks to limit processing plants to within site boundaries. This approach is supported.

Assessment of Candidate Sand and Gravel Sites

- 4.29 This document outlines the assessment process for each site and Members should refer to this document for full details of the site assessments. This includes validation of site information, GIS mapping of features, discussions with site promoters e.t.c. As Braintree is not a Greenbelt authority assessment of this criteria is not necessary. It should be noted that the candidate sites table on page 4 in the consultation document incorrectly lists site A82 Colemans Farm Elms Springs, A49 Colemans Farm – Hill Broad Farm and A51 Colemans Farm north extension (Hill Broad Farm) extensions as being within the District when they are not. These sites are in close proximity to the River Blackwater and present a potential pollution risk, and would likely need to access the road network via the A12 at Witham or Rivenhall End, which could have a significant cumulative impact on the traffic network.

- 4.30 The site assessment uses an extended RAG scale as follows;

- Red – The impact is likely to be serious and mitigation to make the site acceptable would be difficult.
- Red-Amber – The impact is likely to be major and is likely to require high levels of mitigation to make the site acceptable.
- Amber – The impact is likely to be moderate and is likely to require medium levels of mitigation to make the site acceptable.
- Amber-Green – The impact is likely to be minor and may require low levels of mitigation to make the site acceptable.
- Green – There is likely to be no impact that requires mitigation.

- 4.31 It is acknowledged that sites which are scoring “Red” in a particular indicator will require further work and a decision on whether to allocate those sites will be taken in future following further public consultation on the report and with other stakeholders. It should be noted that of all sites 36 have at least one “Red” criterion. Of sites within Braintree the majority of sites have at least one

“Red” criterion with the exception of A52 and A54. Sites A92 and A93 have 3 “Red” criteria and site A94 has 4. An absence of Red criteria would require further assessment to ensure that all available evidence has been taken into account when determining a sites grade.

- 4.32 It is likely that all sites will have the potential for archaeological interest, which should be fully explored, and most sites within the district would also be best and most versatile land.
- 4.33 The assessments are supported by several appendices listed below;
- Call for sites
 - Consolidated methodologies – appendices B to I
 - Appendix B – Landscape and Visual Sensitivity
 - Appendix C – Biodiversity
 - Appendix D – Historic Buildings
 - Appendix E – Archaeology
 - Appendix F – Flooding
 - Appendix G – Transport
 - Appendix H – Access
 - Appendix I – Publics Rights of Way, Geo-environmental, Hydrology, Hydrogeology & Drainage, Air Quality, Soil Quality, Services & Utilities, Health & Amenity, Green Belt and Airport Safeguarding Zones
 - Appendix J – Candidate Sites Red Line Boundaries.

Sites likely accessing the A120 corridor near Bradwell.

A6 - Bradwell Quarry

- 4.34 This site is a carryover from the previous version of the Plan which was subject to and approved by an examination. It is not proposed to submit further comments on this site as the principal of the development of this site for minerals extraction has already been established.

A47 - Bradwell (Monk's Farm)

- 4.35 This site is proposed as an extension of the existing site at Bradwell Quarry. It is approximately 84.8 ha in size and is expected to produce 4 million tonnes of sand and gravel. It is proposed to have this site running consecutively to the existing minerals site. The existing haul road for Bradwell Quarry would be extended, and the existing access on to the A120 used. The assessments show no “Red” criteria. Officers note the presence on or adjacent to the site of listed buildings, adjacent tree preservation orders, and patches of contamination within the site boundary. It is expected that the contaminated areas would be properly mitigated during the extraction of the site. The site is shown as having a “Green” impact on transport, however the existing access onto the A120 may be suitable the impact on the wider road network should be taken into account in particular for traffic heading towards Braintree, Marks Farm and Galleys Corner all of which suffer from significant congestion. When assessing site extensions, It should be made clearer in the assessments document whether

proposals for the extension of existing sites would be achievable within the existing vehicle movement limitations of that site. Whilst this site is listed as being in Bradwell, the proposed extensions are getting closer to Kelvedon and Feering, and the impacts of these sites should be assessed with the residents of those settlements in mind. The Council therefore has concerns about the allocation of this site.

A48 - Bradwell (Grange Farm)

- 4.36 As with the site above this site is a proposed extension to Bradwell Quarry and proposed 12.2 million tonnes of sand and gravel extraction. This would be processed on site. The site would operate consecutively with Bradwell Quarry. Again, this site would use the existing haul road and access on the A120, which would raise similar concerns of highways impact as site A47. In addition, a crossing of the local road network would be needed across Cuthedge Lane.
- 4.37 This site is considered to have a “Red” impact on health, and there is potential serious impact up on the natural environment due to local designations and priority habitats and species. This site has the potential to impact the setting of listed buildings at Curd Hall and Scrip’s cottage both of which are grade II listed buildings. The site is a significant encroachment toward the historic village of Coggeshall which has many heritage features and a conservation area. Any potential health impacts on residents would have to be sufficiently mitigated.
- 4.38 As the site has some farm and residential buildings and a sports facility (Cricket ground) within the site boundary and 4 additional residential buildings and pavilion in close proximity to it, as well as additional residential buildings and community facilities within 250m of the site, it would be difficult for health and amenity impacts to be mitigated.
- 4.39 Members may recall that this is the same site which was proposed for a Coggeshall Flood elevation scheme. If this were to be pursued once extraction took place, then careful consideration would be needed in as to how maximum community and environmental benefits could be achieved on site, whilst allowing this are to function as an alleviation scheme if approved.

A89 - Covenbrooke Hall Farm

- 4.40 This site is located near Stisted to the east of King’s Lane. It is proposed for 2.45 million tonnes of materials for sand and gravel extraction and processing and distribution over a period of 23 years. Access would be from King’s Lane onto the A120. Officers would have concerns about utilising King’s Lane as its junction with the A120 can get significantly delayed in getting out due to the heavy flow of traffic. Consideration would be needed to the impact on listed buildings at Jenkins Farm to the north of the site, and a number of residential including the Twin Oaks Gypsy and Traveller site located on the opposite side of the A120 which may be particularly vulnerable to dust emissions. A public right of way runs through the middle of the site which would likely need diverting.

- 4.41 The A120 is a Roman Road, so the site could have potential for archaeology, and a small archaeology site is present. The adjacent field to the east also shows the potential for archaeological deposits.
- 4.42 The site has several adjacent listed buildings around Jenkins Farmhouse.
- 4.43 Extraction on this site would involve the loss of ancient and mature tree as well as plantation woodland.
- 4.44 The Council has a strong objection to this site on access and heritage grounds.

A92 - Land at Pattiswick Hall Farm (Small Site)

- 4.45 This site is a new site at land at Doghouse Lane Pattiswick which is proposed for 3.4 million tonnes of sand and gravel extraction. A processing plant will be required as well as haul roads, management infrastructure e.t.c.
- 4.46 The main concerns highlighted for this site are transport & access, and health and amenity. There are some listed buildings in close proximity, and on site archaeology sites, and a public right of way runs through the site. Some features are in close proximity such as Local Wildlife Sites, and ancient woodlands at Marks Hall Estate. It is likely that hedgerows, trees and watercourse would need to be removed. The site is likely to have a serious impact on priority habitats and species, including potential impacts on the River Blackwater. Residential buildings are in proximity and as such this would be difficult to mitigate.
- 4.47 This site and A93 below, would require a new access onto the A120 which would be contrary to National Highways policy. The Council objects to the allocation of this site.

A93 - Land at Pattiswick Hall Farm (Full Site)

- 4.48 This site is a larger proposal for A92 and is proposed for 8.2 million tonnes of materials for sand and gravel extraction. A processing plant will be needed as well as haul roads, and management infrastructure as above. The concerns outlined for A92 above would also apply to this site. The notable exception is that this site is considerably closer to residents in Stisted and the Grade 1 listed church and conservation area. The Council therefore has as strong objection to the allocation of this site.

Sites likely accessing A12/railway corridor Witham, Kelvedon and Feering

A50 - Colemans Farm (Appleford Farm Eastern extension)

- 4.49 This is a site promoted as an extension to Colemans Farm Quarry and is proposed to provide 0.93 million tonnes of sand and gravel. This would be processed on the existing quarry processing plant. The primary concern is for services & utilities which is rated "Red", however landscape impact is of concern especially the impact on the River Blackwater valley, and the area generally has open views. The proximity of the site to the rivers also has the potential for pollution. An area of woodland would also be under threat and

would be likely lost because of this proposal. There are concerns about impacts to listed buildings and the impact on a 250 year old bridge by Heavy Goods Vehicles, which will require further assessment, and the principle of access is not currently agreed. There is several sensitivity receptors within 250 metres of the site which would require high levels of mitigation. Finally, a small part of the site appears to be partially within a flood zone, and a gas pipeline crosses within the boundary of the site. The Council therefore has several objections to this site particularly on landscape and transport grounds.

A52 - Colemans Farm (Southern extension)

- 4.50 This site is proposed for 0.11 million tonnes of sand and gravel and would utilise the existing quarry's plant site.
- 4.51 The main issue for this site is landscape impact. According to the Council's Local Plan evidence base the site is within a Low Landscape Capacity Area (4a -Moderate strength of character, good condition which should be conserved and strengthened). As such officers are concerned that this site was rated as "Amber" rather than "Red". The site is also located within flood zone 2, 3 and 3b as shown on the Environment Agency flood maps, as it is adjacent to the River Blackwater. This raises concerns about a "Amber" over "Red" rating. As such the Council has a strong objection to the allocation of this site.

A54 - Whiteheads (Witham)

- 4.52 This site is proposed for 0.4 million tonnes of sand and gravel followed by the creation of an agricultural reserve. The after site use as a reserve could limit any potential community uses of the site. The site is notable for having limited safeguarding features within or directly adjacent to the site, however there are some features such as Ancient Woodland/TPO woodland at approximately 500 meters away and some public rights of way within 400 meters of the site.
- 4.53 The site is located on the B1018, north of Witham, and would be adjacent to an existing agricultural reserve. The site scores well in most criteria with the exception of Services & Utilities which scores "Red/Amber". The site scores "Green" for transport, however officers are of the view that the wider transport network should be considered, as the site is located on the B1018, which links into Galleys Corner, and Witham town centre, of which both areas have significant levels of congestion. It is noted that the access to the site would be upgraded. The site is outside of the Council's settlement fringe study for Witham so no further comment can be made on landscape impact at this time.
- 4.54 The site has limited constraints, and as an adjacent site was extracted and successfully turned into a agricultural reservoir then, the Council remains neutral about its allocation at this time.

D7 - Land at Pond Farm (transshipment site)

- 4.55 The site is proposed for a transshipment site for road and rail, involving the importation and exportation of hard rock within England. This would be at a rate

of approximately 0.4 million tonnes per annum. The assessment of this site does not seem to have included the designation within the Local Plan of this area as a Green Buffer. Whilst the policy is supportive of strategic infrastructure, the Green Buffers seeks to prevent the coalescence of Witham with Rivenhall End, and as such a proposal which has the potential to fill this gap would have a considerable impact on the setting of Rivenhall End. The site has some heritage assets on it, but limited landscape features.

- 4.56 A gas pipeline is present on site.
- 4.57 While the site is suggested for road and rail transshipment, the assessment document makes no mention of any contact with Network Rail, who would likely need to be consulted at an early stage. This suggests that the site would most likely be for road transport, and as discussed in the document that is relatively constrained especially with the local road network and the A12 Development Consent Order.
- 4.58 The Council therefore has a strong objection to the allocation of this site.

A83 - Colemans Farm (Hole Farm)

- 4.59 This site is promoted as an extension to Colemans Farm Quarry. The site is proposed for 0.8 million tonnes of sand and gravel extraction, which would be processed on the existing quarry's plant site. Additional haul routes will be needed into the site.
- 4.60 The main concern for this site is the impact on historic assets which is shown as a "Red".
- 4.61 Officers note that this site has some flood zones within the boundary, but this is not considered to be as significant as it is in site A50, however the proximity to the River Blackwater remains a concern. It should be noted that the site is always partly within the notification area for A120 route 4 proposal, but not within the road itself. The site should not be impacted by the A12 DCO as the proposal follows the route of the A12 at this point.
- 4.62 There is a grade II* listed building at Hole Farm, which is on the opposite side of the farm complex than the site proposal.
- 4.63 There is evidence of potential archaeological interest on site due to the presence of crop marks.
- 4.64 The Council has an objection to this site particularly on heritage, and additional concerns about residential amenity and access.

A84 - Colemans Farm (Appleford Farm North Extension)

- 4.65 This site is proposed for 0.69 million tonnes of sand and gravel extraction which is proposed for processing on the Colemans Farm Quarry. As with other sites in this location it bounds the River Blackwater, which has the potential for landscape impact, and pollution. Archaeological impact is of a significant concern on this site as it has an Ancient Monument and archaeological site

located within it. It would be difficult to see how this site could be extracted without significant disturbance to the monument, and if extraction was to take place around it then the context of the monument would be changed.

- 4.66 The site has a significant level of Flood Risk with more than half the site being within a flood zone. As with other sites on the river Blackwater this could potentially lead to pollution via the river to important conservation sites on the coast. The Council has objection to the allocation of this site for the reasons stated above.

A94 - Land at Highfields Farm

- 4.67 This site is partially outside the district and is proposed for 0.75 million tonnes of sand and gravel extraction. Additional infrastructure would need to be provided as this is a new site and not an extension to an existing one. There is a listed building and archaeological sites in proximity. A small area of contamination has also been identified. The site has the greatest number of "Red" criteria in the assessment with concerns covering Historic Buildings, Access, Services and Utilities and Health and Amenity. The site does score well in terms of air quality. The sites access is of concern as it appears that Inworth Road may have to be utilised. This road can be particularly congested and access to the A12 south is unclear, and would likely have to go through Kelvedon and Feering. As such the Council has as strong objection to the allocation of this site.

Sites West/North West of Rayne accessing B1256 Dunmow Road

A90 - Rayne Quarry (Northern extension)

- 4.68 This is a proposed extension to the existing Rayne Quarry, which can produce about 1 million tonnes of sand and gravel, with this being processed on the existing Rayne Quarry processing plant. The site scores "Red" for health and Amenity as it is located in close proximity to several residential properties. Many of these properties are also listed buildings. The site has a public right of way running through it. The site has potential for ecological impacts and has priority habitat on the northern and eastern boundaries. The site also has Skylarks.
- 4.69 The road to the north boundary of the site is Shalford Road which is identified as a protected lane within the Braintree District Local Plan.
- 4.70 The access is proposed through the existing site.
- 4.71 Whilst there is a cluster of listed buildings and residential occupation on parts of the boundary of the site. Subject to appropriate mitigation of these issues the Council remains neutral to its allocation at this time.

A96 - Rayne Quarry (Southern extension)

- 4.72 This is an extension to Rayne Quarry and proposed 0.2 million tonnes of sand and gravel extraction, with processing at the existing Rayne Quarry. It should be noted that this site is partially outside the district in Uttlesford. The site is separated from the existing Rayne Quarry by Dunmow Road, so is not

physically connected, meaning minerals would have to be taken. This road is also an archaeological road, and therefore has the potential for archaeological deposits.

- 4.73 The site shows significant areas being within the Flood Zone, and the eastern part has a gas pipe running through it. The site is categorised “Red” for Health and Amenity due to the proximity of residential uses, and the report ECC document acknowledges that it would be difficult to achieve an acceptable level of mitigation.
- 4.74 This site is unlikely to extend any closer to Rayne than the existing site, and is a relatively small extension. The Council remains neutral on the allocation of this site subject to appropriate flood, residential amenity and pollution mitigation.

Other Comments

- 4.75 The document contains some formatting errors at appendix 3.
- 4.76 The Council is concerned about the introduction of new sites for sand and gravel extraction in areas which have not been subject to this type of use.
- 4.77 Essex County Council is encouraged to maintain a ongoing dialogue with town, parish and the district council as these plans progress, and through the minerals planning application process.
- 4.78 The Council has concerns regarding sites which require new access onto the A12 or A120, and would not wish minerals extraction to delay the delivery of infrastructure. If extraction is required, it would be beneficial if those materials could be utilised in the construction of these projects in order to reduce minerals millage.

Neighbourhood Plans

- 4.79 Early engagement with parish and town councils who are in the process of producing neighbourhood plans should be undertaken, in order to maximise a site’s potential benefits under policy S12.

5. Options

- 5.1 To agree the comments set out in the report and submit them in response to the consultation.
- 5.2 To amend the comments set out in the report and submit them in response to the consultation.
- 5.3 To do nothing in response to the consultation.

6. Financial Implications

- 6.1 None at this time.

7. Legal Implications

7.1 None at this time

8. Other Implications

8.1 None at this time.

9. Equality and Diversity Implications

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

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

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

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

10. List of Appendices

10.1 Minerals Site Maps.

11. Background Papers

11.1 The Braintree District Local Plan Review (BDC) 2013 to 2033

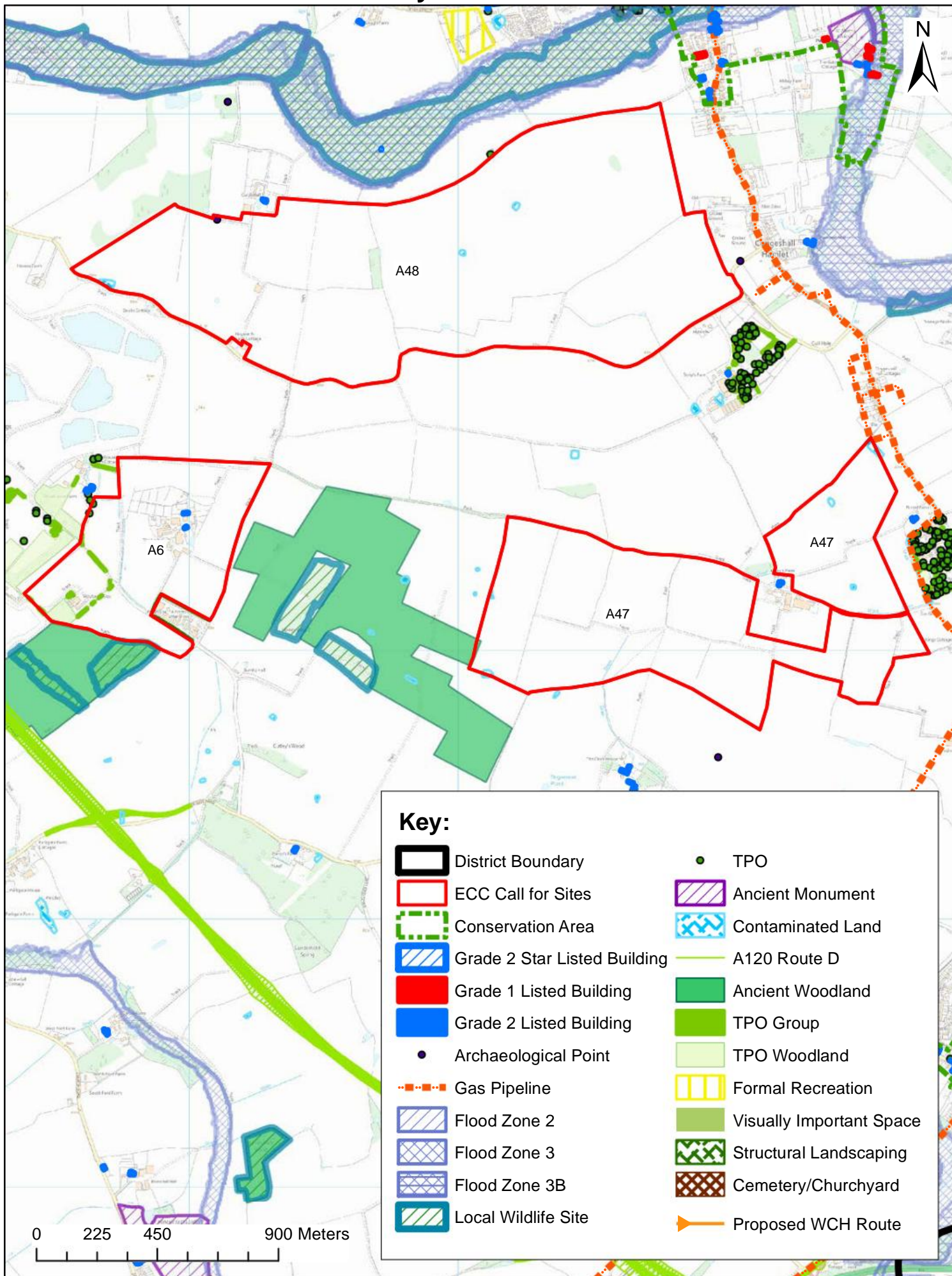
11.2 The Minerals Local Plan (ECC) 2014

11.3 The Minerals Local Plan Review (ECC) 2024

11.4 Candidate Site Assessment Report (ECC)

11.5 The National Planning Policy Framework (2023)

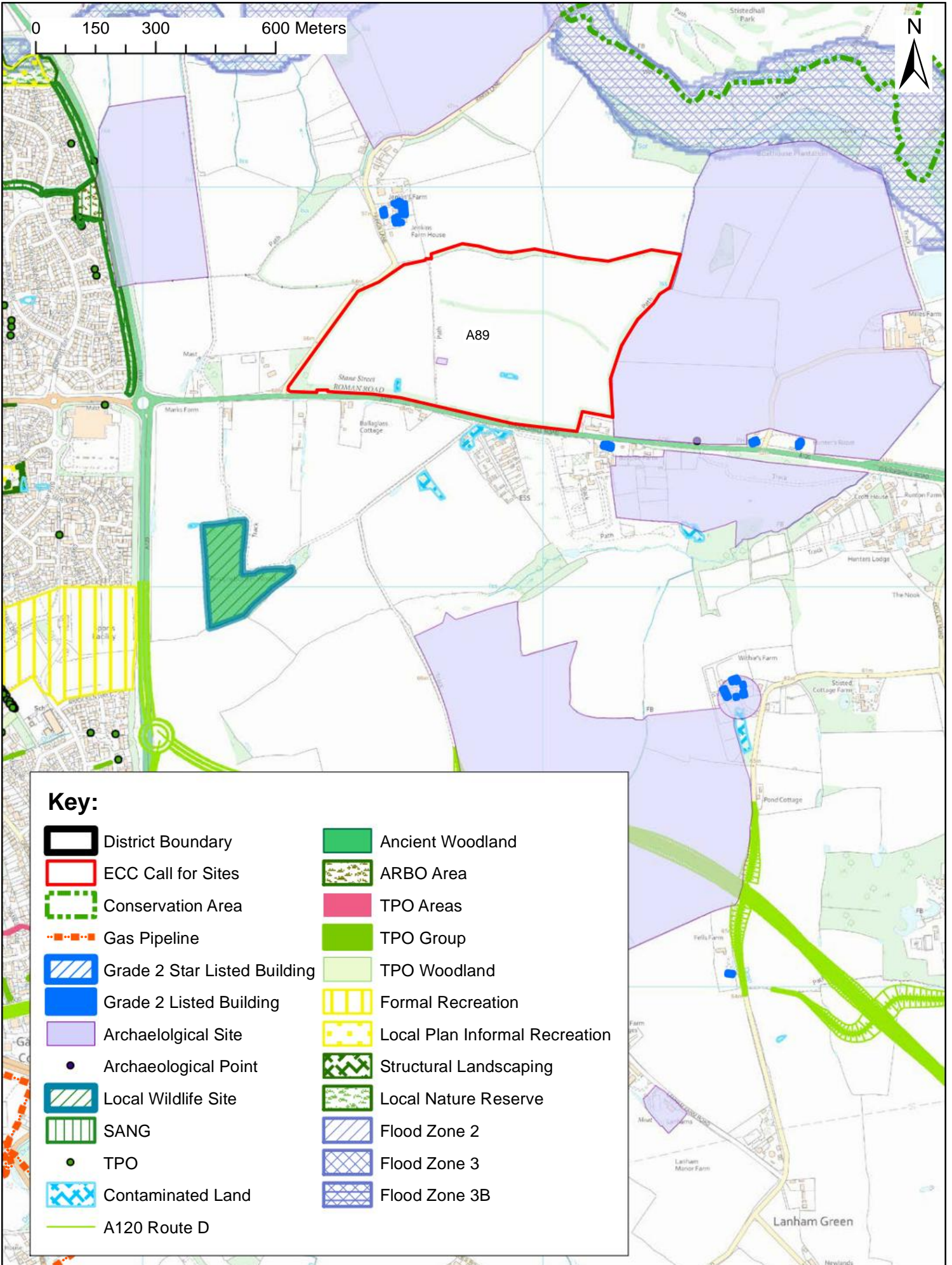
Minerals Check - Bradwell Quarry A6 & Bradwell Monks Farm A47 & A48



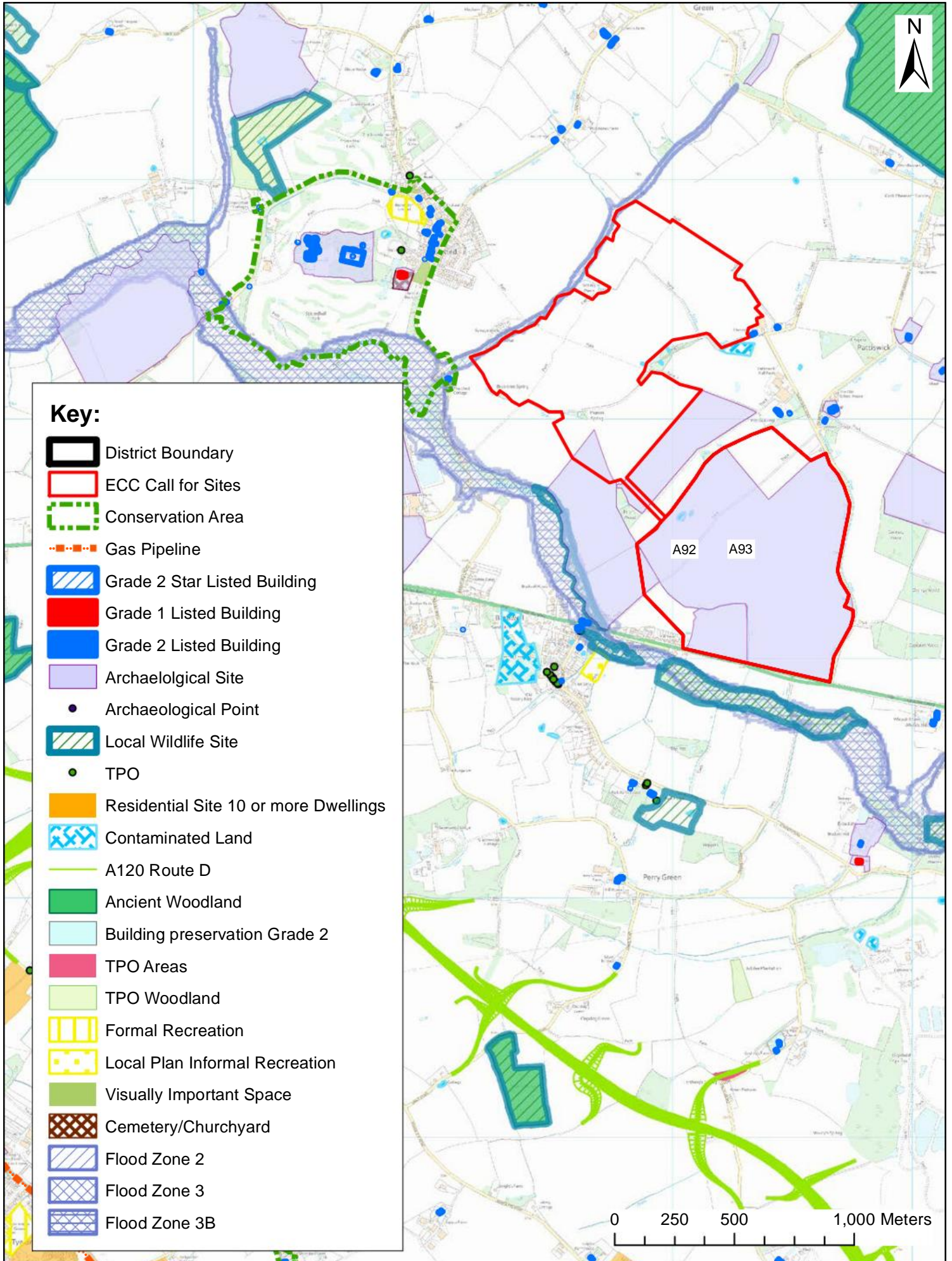
Key:

District Boundary	TPO
ECC Call for Sites	Ancient Monument
Conservation Area	Contaminated Land
Grade 2 Star Listed Building	A120 Route D
Grade 1 Listed Building	Ancient Woodland
Grade 2 Listed Building	TPO Group
Archaeological Point	TPO Woodland
Gas Pipeline	Formal Recreation
Flood Zone 2	Visually Important Space
Flood Zone 3	Structural Landscaping
Flood Zone 3B	Cemetery/Churchyard
Local Wildlife Site	Proposed WCH Route

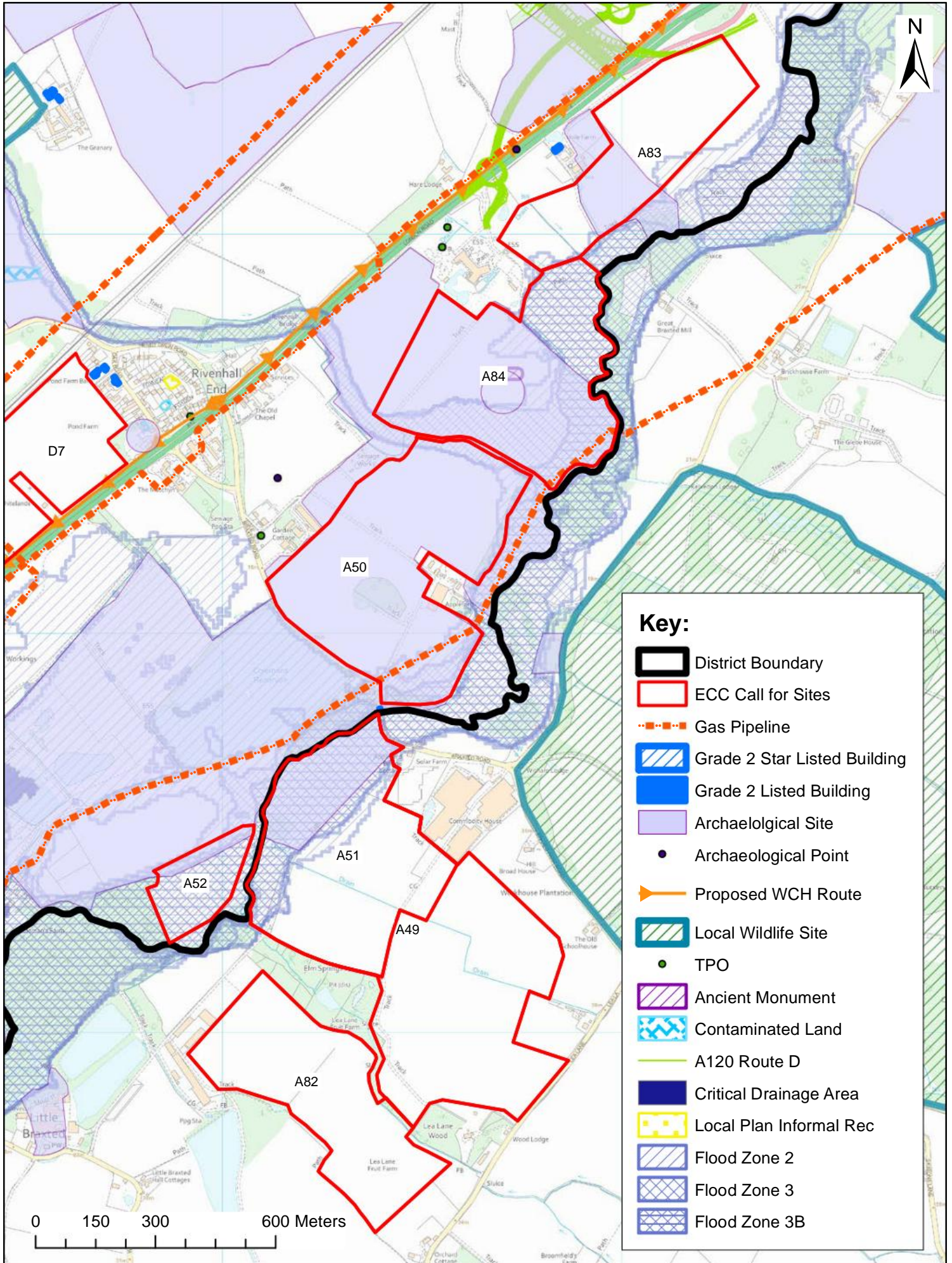
Minerals Check - Covenbrooke Hall Farm A89



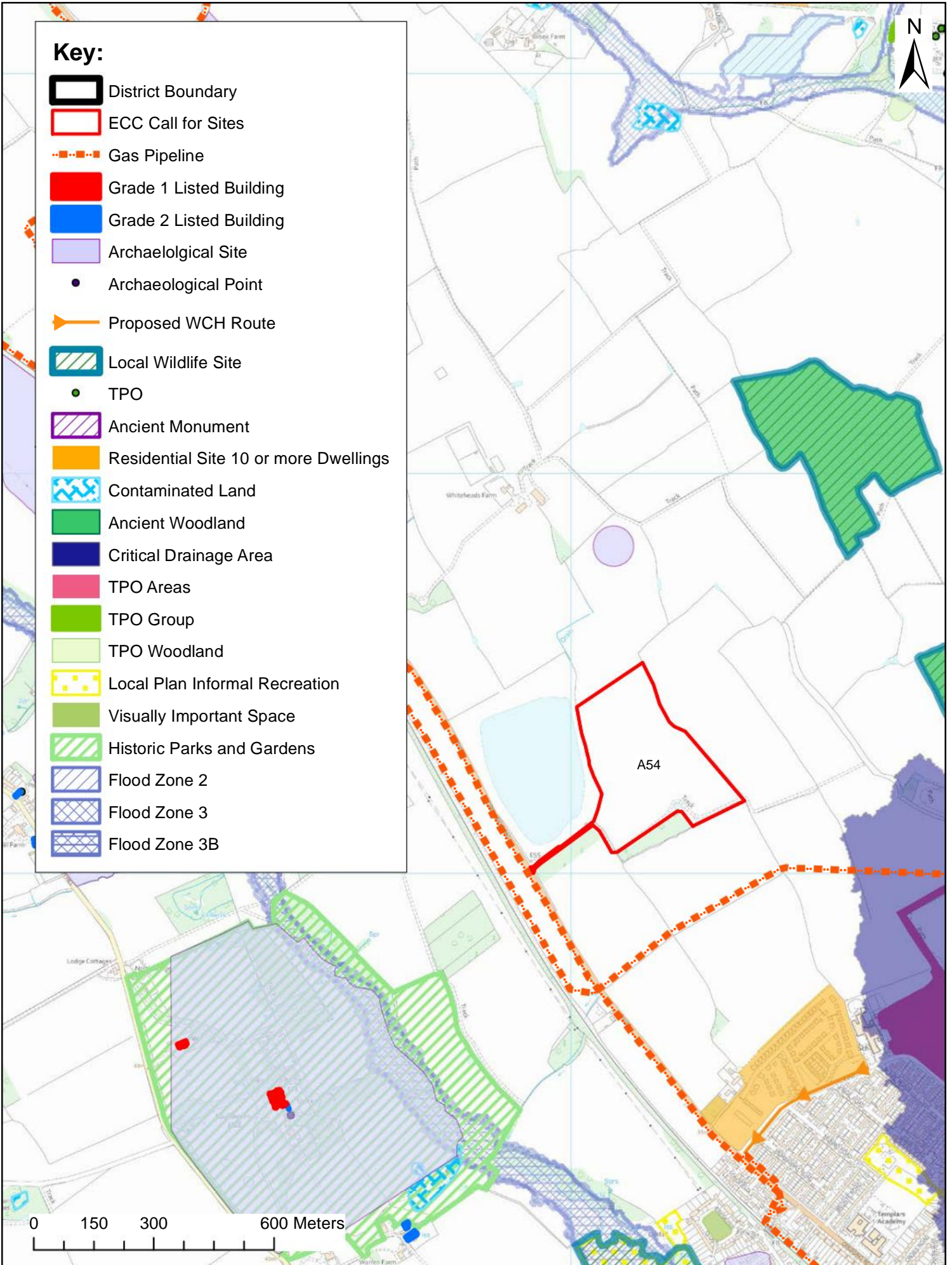
Minerals Check - Land at Pattiswick Hall Farm A92 & A93



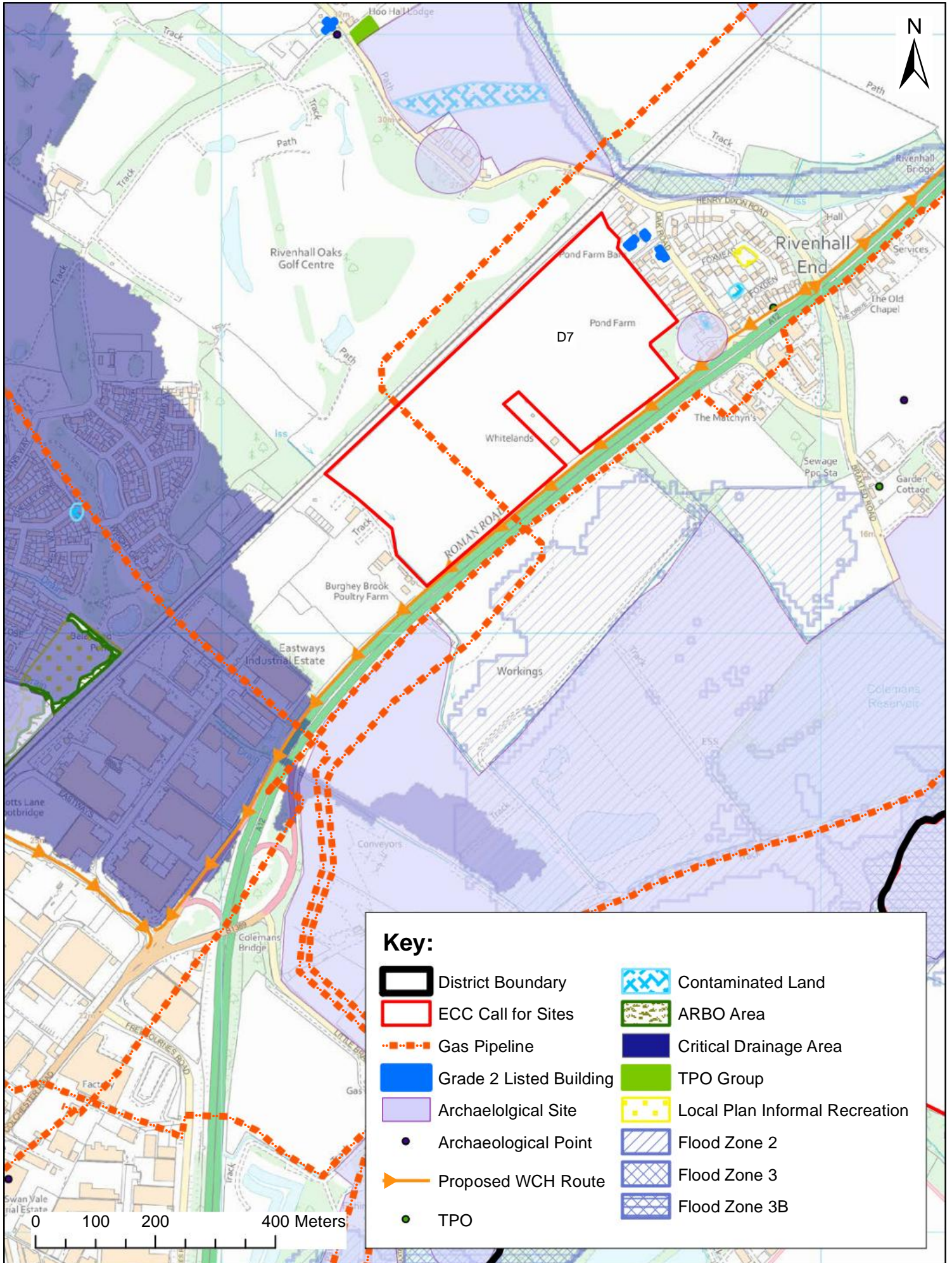
Minerals Check - Colemans Farm A49, A50, A51, A52, & A82, A 83, A84



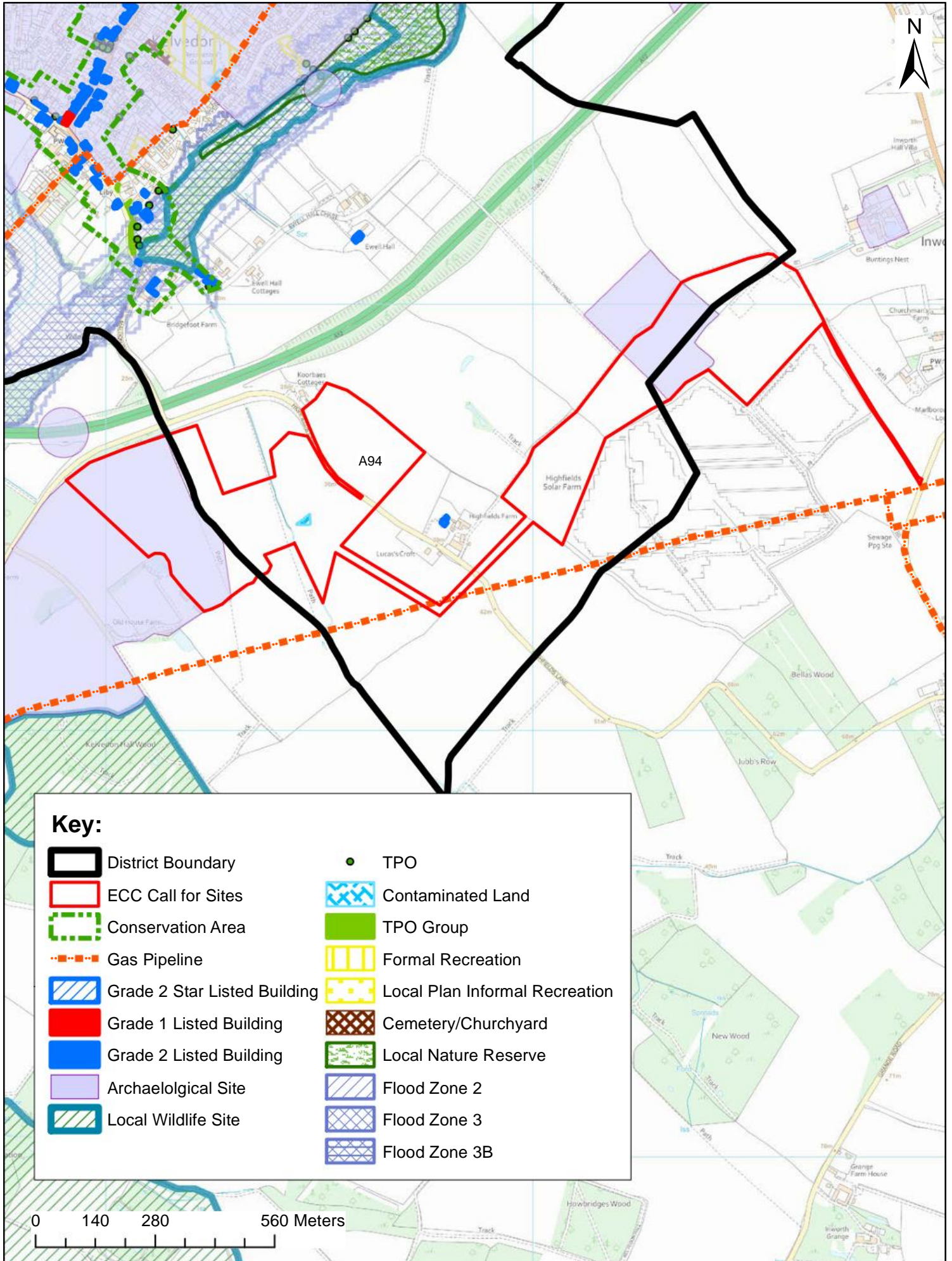
Minerals Check - Whiteheads - Witham A54



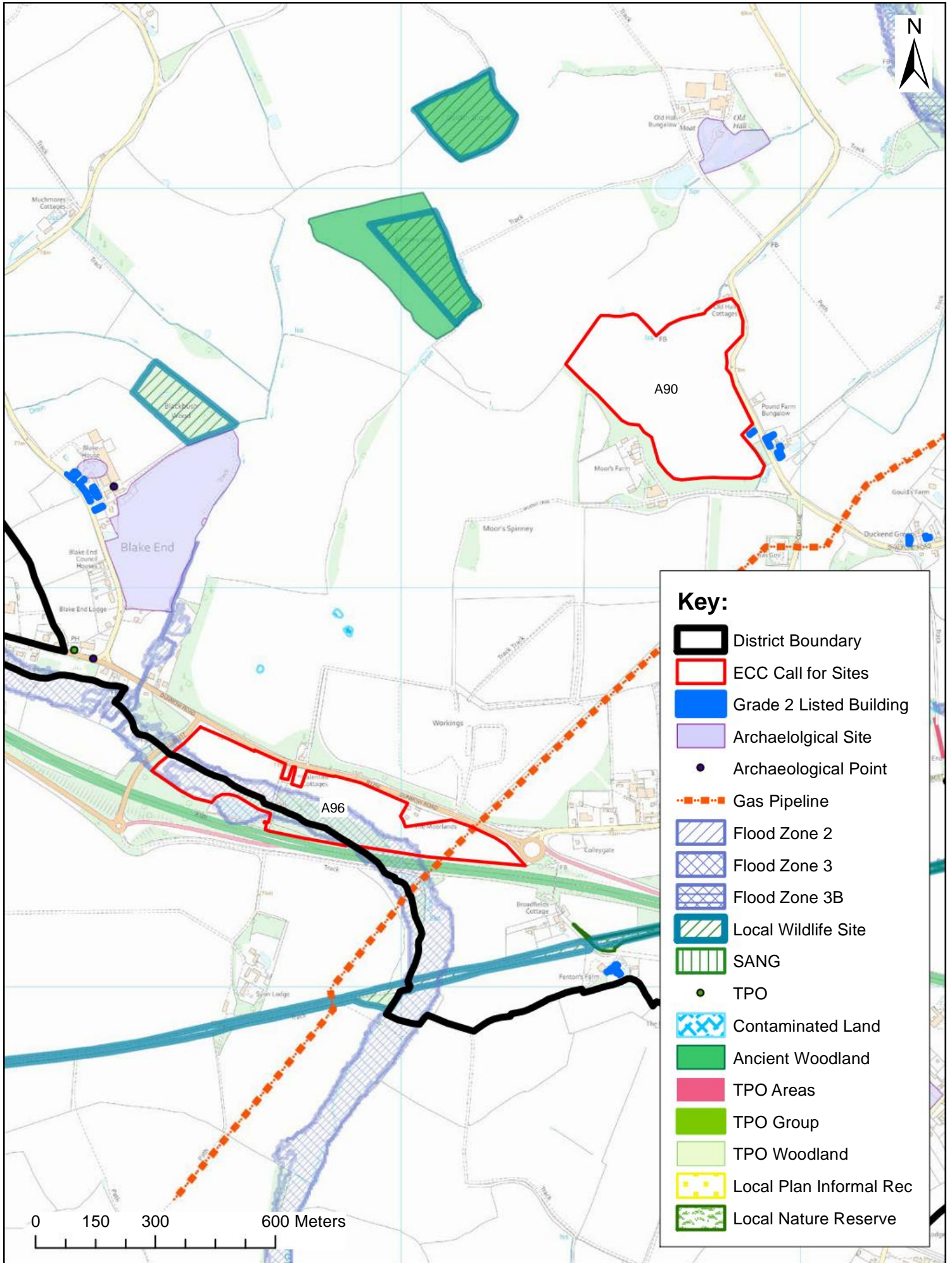
Minerals Check - Land at Pond Farm, Witham - D7



Minerals Check - Land at Highfields Farm, Kelvedon - A94



Minerals Check - Rayne A90 & A96



Report Title: Housing Delivery Test Result 2022, and Five-Year Supply of Housing 2023-2028	
Report to: Local Plan Sub Committee	
Date: 7th March 2024	For: Noting
Key Decision: No	Decision Planner Ref No: N/A
Report Presented by: Kathryn Carpenter, Senior Planning Policy Officer	
Enquiries to: E-Mail:- katca@braintree.gov.uk	

1. Purpose of the Report

1.1 To inform Members of

- the outcome of the Housing Delivery Test 2022
- the implications of the new National Planning Policy Framework for the calculation of the five-year supply
- the updated position on the five-year supply of housing land for Braintree District.

2. Recommendations

2.1 That Members note the contents of this report.

3. Summary of Issues

3.1 The Government has published the result of the Housing Delivery Test which measures the supply of new homes in the District against the plan target that applied for the 3-year period 2019-2022. If the result is less than 95% a housing action plan is required.

3.2 The Council is required to monitor and review the supply of housing land in the District. The context for the review is set out in the National Planning Policy Framework (NPPF), a revised version of which was published in December 2023. The Council has completed the roll forward and review of housing land to cover the five-year period 2023-2028; the conclusion is that there is a 5.8-year supply.

4 The Housing Delivery Test 2022

- 4.1 The Government Housing Delivery Test (HDT) measures the supply of new homes over the most recent 3 years against the target for the District. The target is calculated either by the Government's Standard Methodology Target or, for when the adopted plan is less than 5 years old, the adopted plan target. For the 2022 HDT, the Government adjusted targets to take into account the period when the national lockdown caused temporary disruption to planning services and the construction industry.
- 4.2 If a district has failed to deliver 95% of the target over the previous three years, the local authority must produce an action plan to assess the causes of under-delivery and identify actions to increase delivery in future years. If a district has delivered less than 85%, in addition the target for the identified supply should be increased by the addition of a buffer of 20%. However, if the District has a recently adopted local plan (less than 5 years old) and that Local Plan Examination found that the Plan did identify a five-year supply of deliverable sites in the Plan, then the buffer requirement can be disregarded. If the district has delivered less than 75% of the target, in addition there is a presumption in favour of sustainable development.
- 4.3 The result applies from the date of publication by Government of the HDT Results.
- 4.4 The 2022 HDT results were published 20 December 2023 and tested delivery over the 3-year period 2019/20 to 2021/22. Braintree District achieved 152%.
- 4.5 As illustrated in Appendix 1 to this report, of the local planning authorities in Greater Essex, Braintree achieved the highest number of homes completed 2021/22; the highest number completed over the 3-year HDT period 2019-2022; and the fourth highest HDT result (delivery against target).
- 4.6 The Government has published the net supply of housing results for local planning authorities for up to 2022/2023. As illustrated in Appendix 2 to this report, Braintree delivered the highest number of new homes in Greater Essex, both in the monitoring year 2022/23 and for the 3-year period that will be tested in the Housing Delivery Test 2023.
- 4.7 Delivery rates have increased dramatically since the start of the new plan period and have exceeded the 716 dpa average annual target in each of the past three years that are examined in the HDT (2020/21 to 2022/23). Supply in each of the past two years (2021/22 and 2022/23) was over 150% of the Plan Period annual average target of 716.
- 4.8 The Council submitted 2023 housing delivery data in Summer 2023, and the Government is now preparing to start work on the 2023 results (covering the period 2020/21 to 2022/23). Officers have calculated that the expected HDT 2023 result is 158%.

4.9 The target which the government monitors within the HDT, is the ‘flat’ target in the Local Plan and does not take into account the backlog of housing which the Council has had to provide to meet the requirements of the 5-year housing supply.

5 Government policy changes on the five-year supply test

5.1 Under the December 2023 NPPF, if a district has a recently adopted local plan (less than 5 years old) which was found at examination to have a five-year housing land supply; that district is no longer required to demonstrate a rolling five-year supply of deliverable sites for decision making purposes, *providing that the planning application being considered was submitted after publication of the new NPPF*. However, for planning applications submitted before 19 December 2023, under a transitional arrangement the five-year supply test still applies.

5.2 The new NPPF removed the requirement for a 5% buffer to be added to the target for Braintree District.

6 The Five-Year Supply Target

6.1 As Braintree has an up-to-date local plan, the target is based on the Local Plan housing provision (716 dpa). To this is added the shortfall in supply 2013-2023 compared to the 716 dpa target. Delivery rates were low in the early years of the plan period but have increased dramatically; this has reduced the shortfall to 787 dwellings.

6.2 Table 1 explains the calculation of the shortfall. Figure 1 illustrates housing supply from C3 Use Class by year from 2013, and Figure 2 illustrates the reduction in the shortfall from the position in 2021 when the Local Plan was examined.

Table 1: Calculation of the shortfall in supply 2013-2023

Net supply of homes 2013-2023, C3 Use Class	6,330
Net additional rooms C2 Use Class 2013-2023	78
Equivalent contribution to dwelling supply from C2 Use Class 2013-2023 (after applying ratio of 1.8)	43
Net total housing supply 2013-2023	6,373
Pro-rata target 2013-2023 at 716 X 10	7,160
Shortfall at 31.03.2023	787

Figure 1: Net housing supply 2013-2023 (C3 Use Class only), Braintree District

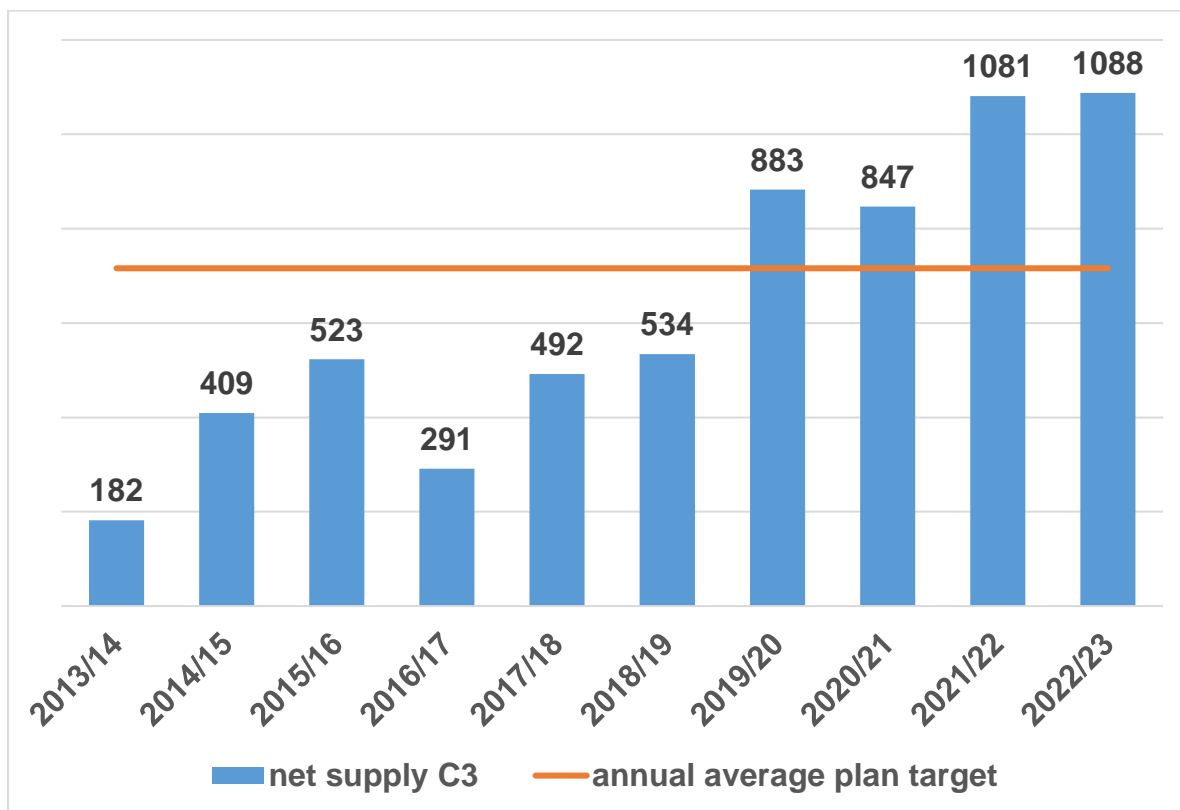
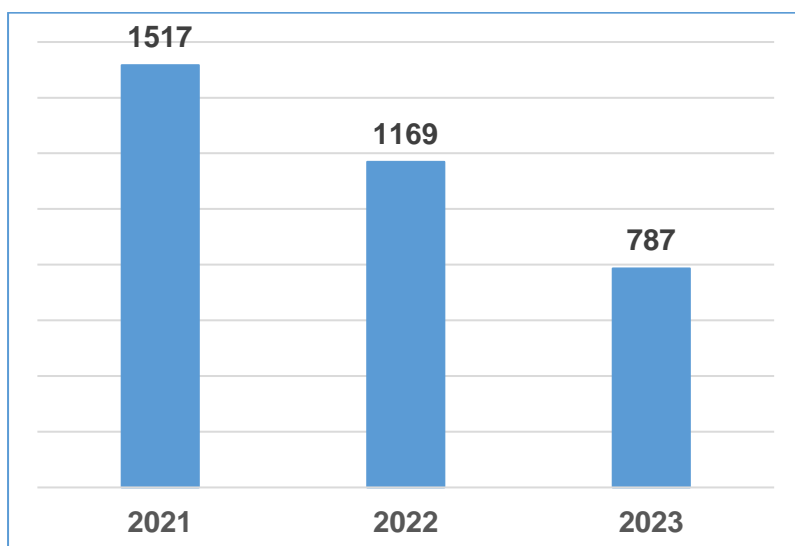


Figure 2: The reduction since 2021 in the cumulative shortfall



- 6.3 The 5-year supply target calculation for 2023-2028 is set out in Table 2. The result is that the five-year supply target for the District is **4,367**, an annual average of **873**.

Table 2: The Five-Year Housing Land Supply Target for 2023-2028

i)	Basic annual average target of 716 X 5	3,580
ii)	Cumulative shortfall in 2023	787
iii)	Basic target plus shortfall	4,367
iv)	Annual average target	873

- 6.4 Currently, the target for a future review of the Local Plan would be expected to be based on the Government’s Standard Methodology formula. It is not possible to state what a future target would be on that basis, because of the way that the formula works (the target changes every year). Moreover, the formula itself is currently under review, with no indication as yet as to when the outcome of that review may be published.

7 The projected supply of new homes 2023-2028

- 7.1 The aim is to identify a five-year supply of deliverable sites. The NPPF defines deliverable as follows:

“To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years ...

a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).

b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.”

- 7.2 The sources in Braintree District 5-year supply assessment are made up from:

- Sites with detailed planning permission
- Sites with outline planning permission
- One site on which an application had a Resolution to Grant planning permission, subject to signing of a Section 106 Agreement
- One adopted Local Plan Allocation (without permission)

- A windfall allowance
- Contribution from detailed permissions for communal accommodation

7.3 Table 3 summarises the categories of supply on sites in the five-year supply, by their planning status at the 31 March base date (albeit since that date, some of the sites will have advanced).

Table 3: Summary of sources of supply in the 5-year supply 2023-2028

Source category (as at 31 March 2023)	Projected supply 2023-28
Sites under construction	2,456
Sites not yet started, with Full, Reserved Matters or Prior Approval	563
Non-major sites with outline permission	25
Windfall allowance	225
Communal accommodation contribution (rooms/1.8)	152
Sites with outline permission, 10 dwellings/0.5 hectares or more	1,554
Sites with Resolution to Grant	81
Local Plan allocation without permission or Resolution to Grant	14
Summary net supply	5,070

7.4 Some of the sites included in the five-year supply have additional capacity with planning permission beyond that included in the trajectory of projected completions to March 2028; notably:

- At Towerlands Park Braintree, there was a total capacity with permission of 575 dwellings of which 330 have Reserved Matters approved (Phases 1 and 2), but only 73 have been included in the trajectory
- At Branoc Park Panfield Lane Braintree, there is a total capacity of 825 dwellings of which 189 have full planning permission, but only 49 have been included in the trajectory
- At Straits Mill Broad Road Braintree there was a total capacity of 1,000 dwellings with outline permission, of which 140 are included in the five-year supply trajectory, and
- At Woodend Farm Witham there was outline permission for 400 dwellings of which 190 are included in the five-year supply trajectory

7.5 The assessment of supply, particularly for sites that do not yet have detailed planning permission, is a matter of planning judgment and is argued over at planning appeals as to whether there is clear evidence of a realistic prospect of the forecast completions (where those appeals relate to applications submitted before the new NPPF in December 2023).

8 **Conclusion: The five-year supply position 2023-2028**

8.1 Table 4 brings together the calculation of the target and the assessment of supply to explain the five-year supply position of 5.8:

i)	Basic annual average target of 716 X 5	3,580
ii)	Cumulative shortfall at 2023	787
iii)	Basic target plus shortfall	4,367
v)	Annual average target 2023-2028	873
vi)	Projected supply 2023-2028	5,070
vii)	Five-year supply position	5.8
viii)	Projected surplus	703

9 Corporate Objectives

9.1 The recommendations set out in this report will help the Council to deliver the following Corporate Objectives:

- A sustainable environment and a great place to live, work and play;
- A well connected and growing district with high quality homes and infrastructure

9.2 The results of the Housing Delivery Test measure the delivery of the Local Plan policy of a target of 716 new homes over the period 2013-2033. The results of the five-year supply review measure likely progress over the next five years in delivering new homes according to the adopted Local Plan, which sets out a strategy for achieving the above Corporate objectives.

10. Options

10.1 To note the report

11. Financial Implications

11.1 The high level of housing delivery shown in the Housing Delivery Test results is a major factor in the Government's calculation of the New Homes Bonus allocation for 2024/2025 which for Braintree District totalled £1,238,637.

11.2 The cost of monitoring and reviewing housing land supply is being met from the base budget.

11.3 The change to the NPPF may reduce the cost of planning appeals as the testing of housing supply tends to extend the time taken in appeal hearings and inquiries, often requiring legal support. However, as explained above, the five-year supply test is still engaged for planning applications submitted before 19 December 2023.

12. Legal Implications

12.1 None directly arising from this report.

13. Other Implications

13.1 There are no other implications arising from this report.

14. Equality and Diversity Implications

14.1 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.

14.2 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).

14.3 There are no equality and diversity implications arising from this report.

15. List of Appendices

15.1 Appendix 1: 2022 Housing Delivery Test Result districts in Greater Essex

15.2 Appendix 2: Housing Delivery 2022/2023 districts in Greater Essex,

16. Background Papers

Housing Delivery Test Results 2022, Department for Levelling Up, Housing and Communities, December 2023

New Homes Bonus Allocation Table, Department for Levelling Up, Housing and Communities 5 February 2024

Net housing supply 2022/2023, Department for Levelling Up, Housing and Communities

Braintree District Local Plan, 2022

National Planning Policy Framework, December 2023

Braintree District Council, Five-Year Housing Land Supply Statement 2023-2028 and supporting site trajectory, <https://www.braintree.gov.uk/planning-building-control/five-year-housing-land-supply>

Appendix 1: Housing Delivery Test Results 2022: Greater Essex districts

Figure 1: HDT Results 2022: Number of new homes 2021/22, Greater Essex:

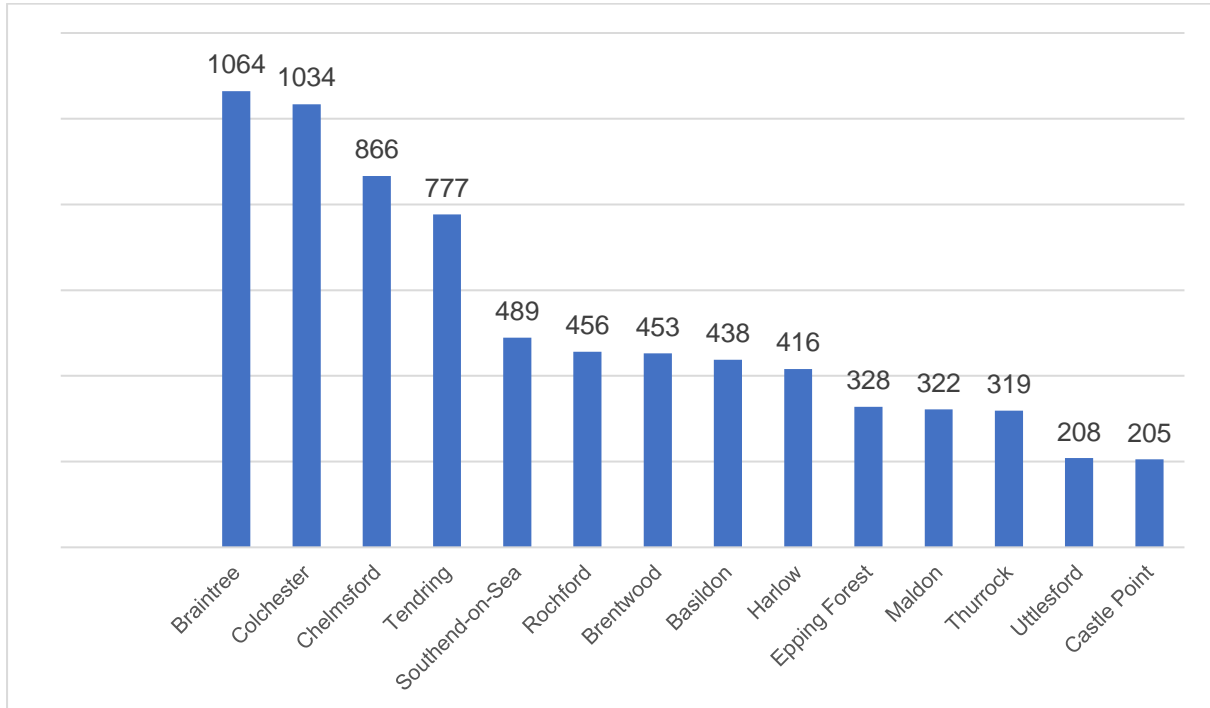


Figure 2: Number of new homes over 3-year HDT period 2019-22, Greater Essex:

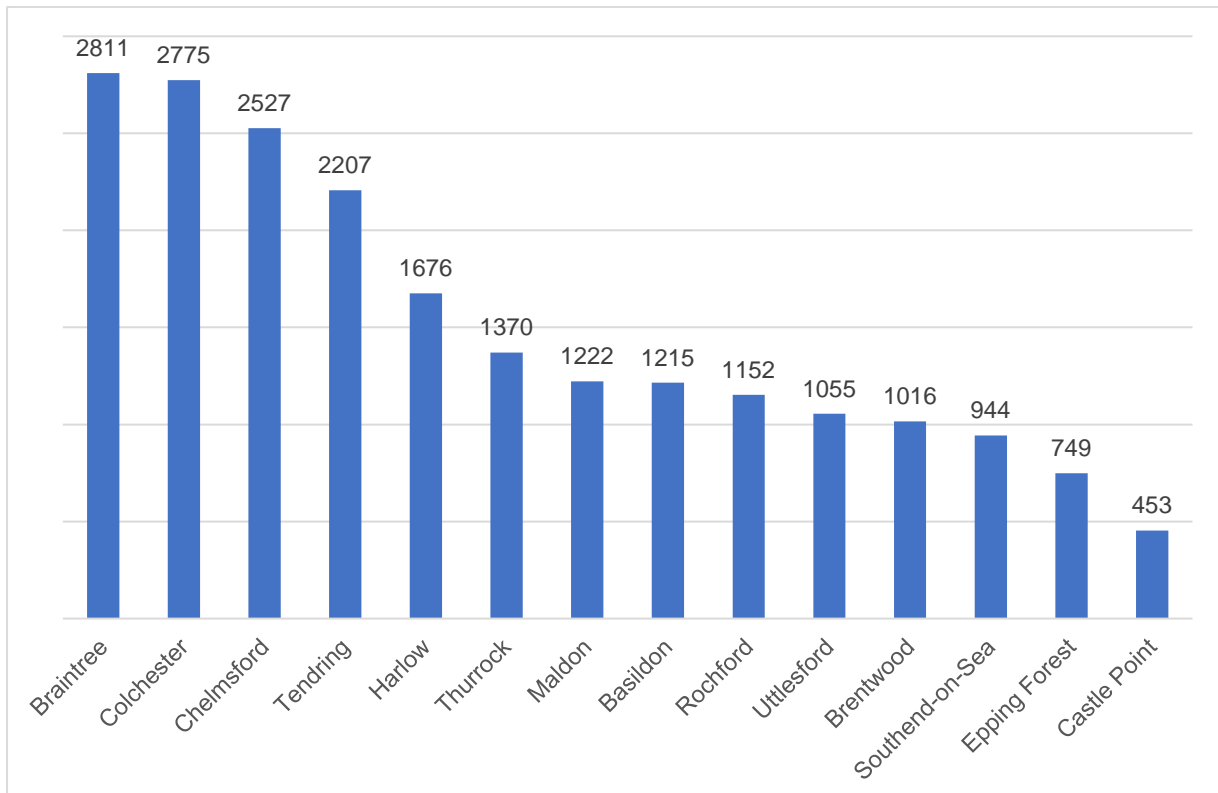
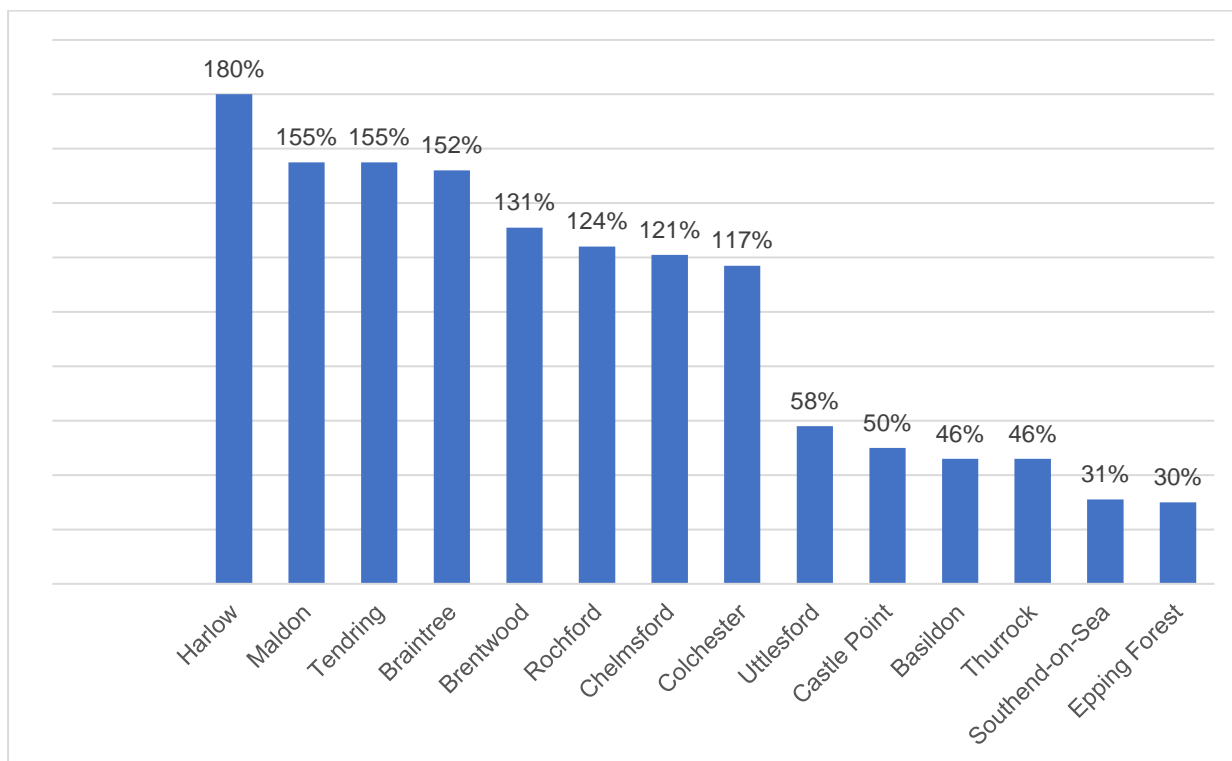


Figure 3: HDT Results Greater Essex: supply against target, 2019-2022



Appendix 2 Housing Supply 2022 to 2023 Greater Essex Districts

Figure 1: Net dwelling supply 2022/2023, Greater Essex districts

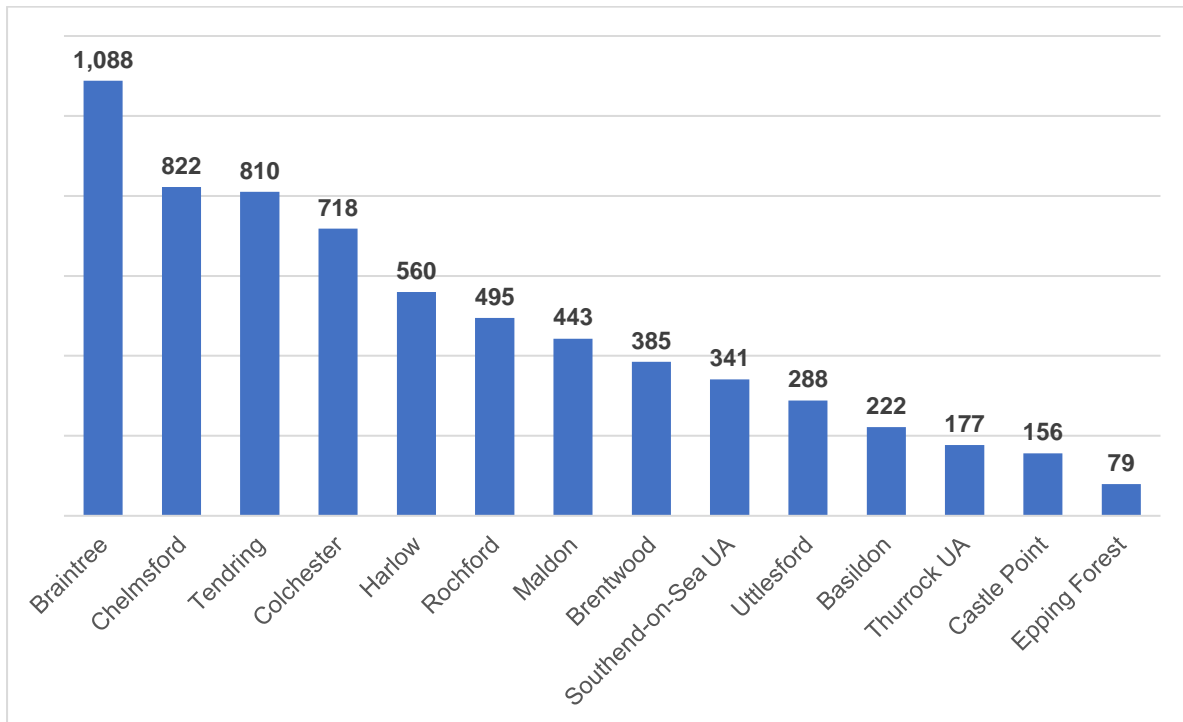
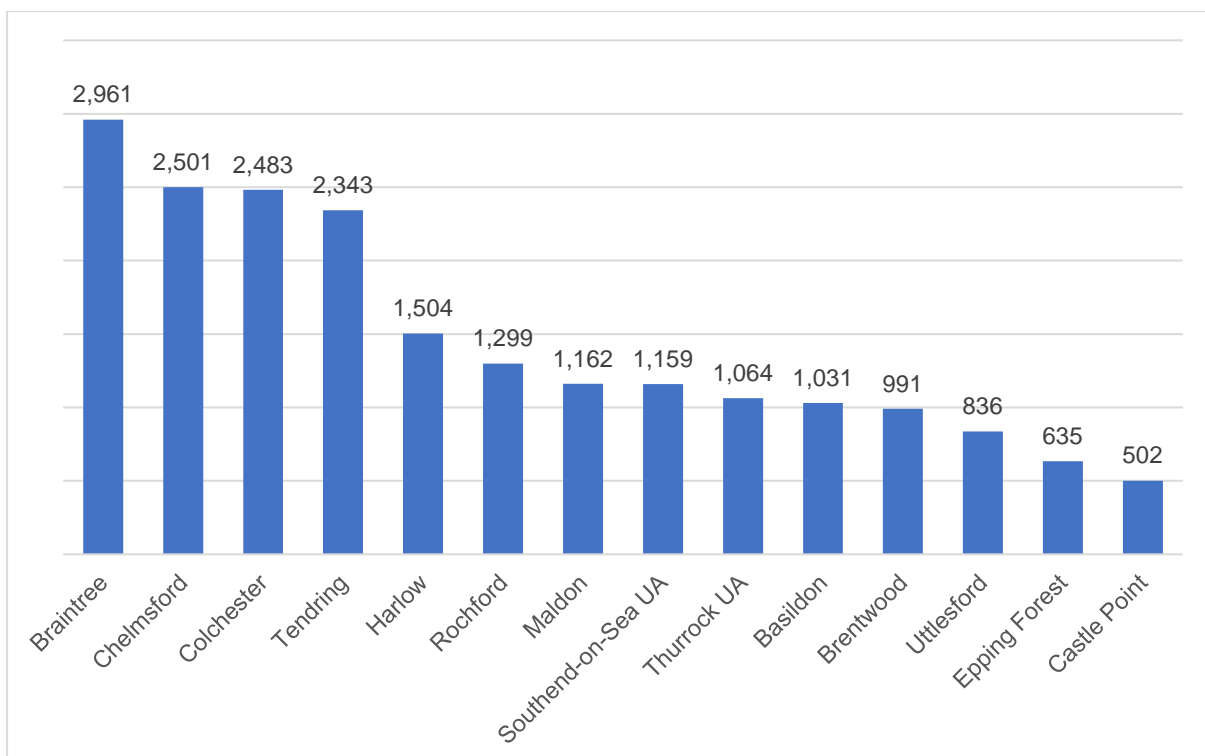


Figure 2: Net housing supply over 3-year period 2020/21 to 2022/23, Greater Essex



Report Title: Braintree District Local Plan Refresh	
Report to: Local Plan Sub Committee	
Date: 7th March 2024	For: Decision
Key Decision: No	Decision Planner Ref No:
Report Presented by: Emma Goodings, Head of Planning and Economic Growth	
Enquiries to: E-Mail: emma.goodings@braintree.gov.uk	

1. Purpose of the Report

- 1.1 To consider and agree the timetable and process for a refresh of the Council's Local Plan.

2. Recommendations

- 2.1 To begin work immediately on a refresh and roll forward of the Local Plan to 2041, which would be submitted for examination by the end of June 2025.
- 2.2 To consider the best option for a Local Plan refresh, if/when information is released by government on the new Local Plan system.

3. Summary of Issues

- 3.1 The Council adopted its Local Plan in two parts, Section 1 on 22nd February 2021 and Section 2 in July 2022. The NPPF requires that Local Plans are updated at least every 5 years and recent changes to the NPPF in December 2023 confirmed that as long as a Local Plan is kept up to date (i.e. less than 5 years old), then the 5 year housing land supply requirements do not apply. This provides an extra incentive to keep Local Plans up to date.
- 3.2 In December 2022, the government undertook consultation on a major shake up to the planning system, including a new streamlined process for producing Local Plans. The consultation set out a 30 month process community engagement, consultation and adoption of a Local Plan. This was partly achieved by the introduction of national development management policies which would mean few local policies were necessary to be included.
- 3.3 The indication from government was that this system would be in place by 'late' 2024 and that any local authority, such as Braintree, which had an in date Local Plan at that time, would not need to start preparing a new Local Plan until its old Plan for 5 years old (whilst keeping the status 'up to date'. For Braintree this means the 30 month period for the production of a new style Local Plan, would start no later than the 21st February 2026.

- 3.4 A recent letter to Chief Planners from Michael Gove has indicated that this system is still due to come into force in 'Autumn 2024'. However no further guidance or information has been forthcoming on the Plans or the transitional arrangements into the new system which were set out in the December 2022 consultation. Officers have asked PINs if they have any further information on timing, but they do not.
- 3.5 Officers had expected and hoped that the detail of this major change to the Local Plan system would have been published earlier, which would confirm the transitional arrangements, and for the Council to have a very clear way forward. Without this, officers are concerned that a slippage to the timescales for implementation, a change in the transitional arrangements, or a change in government could mean that the new system does not come in as has been outlined or is currently expected.
- 3.6 If we were to plan for a position where the new Local Plan system isn't introduced then the Council would need to have a revised Local Plan in place by 21st February 2026. Assuming a 6month timescale of a relatively straightforward Local Plan examination which is appropriately resourced by PINs, then this would mean submission of a Local Plan for examination in or around June 2025.
- 3.7 Coincidentally if the new Local Plan system is brought in as the government has suggested, then the 30th June 2025 is also the last date in which Local Plans under the old style system can be submitted for examination.
- 3.8 There are three options for the Council moving forward;
- Option 1 - Await government changes to the planning system and produce a new style Local Plan to 2044 starting in 2026, to be adopted 30months later.
 - Option 2 - Work on a revised Local Plan to 2041 immediately and submit by the 30th June 2025
 - Option 3 - Work on a revised Local Plan to 2041 immediately with a view to submitting by 30th June 2025, but review approach if/when the new Local Plan system is introduced.

	Pros	Cons
Option 1	No resources are expended on doing work that may become redundant. One of first authorities to adopt new style Local Plans Continue work on SPDs and bring to their conclusion. If system introduced as expected Local Plan stays 'up to date' for longer.	Risk that delay or changes to new style system means Plan goes out of date Reputational damage if let Local Plan go out of date. No guarantee that the Council can demonstrate a 5year housing supply if the Plan goes out of date. Policies in Plan 12years old when they are replaced and may lose relevance.

		Delay opportunity to add in new policies such as those on climate change adaptations. More allocations will need to be added due to the longer end date.
Option 2	Most risk adverse approach to ensure the council keeps it Local Plan up to date Updates the Local Plan policies quicker Less years need adding to the Local Plan so the allocations will be less	Timescale is extremely tight and may not be possible to achieve Will need to focus the updates on certain parts of the plan Last of the old style Plans in the new style system may lose relevance quicker
Option 3	If swop to the new system the work is unlikely to be wasted and make the 30month timescale more realistic. Keeps both options open to allow the council to see the final guidance and make a decision on which approach is best for it.	May lead to consultation fatigue if the document is paused and then restarted after consultation has taken place. Could be some wasted resource if decision is made to swop to the new system

- 3.9 It is therefore recommended that officers immediately begin a review of the 2013-2033 Local Plan, with a view to submission by June 2025, but that this position be reviewed if/when the new Local Plan system guidance and transitional arrangements are released by government. The Plan would be rolled forward to an end date of 2041.
- 3.10 It is recognised that reviewing and submitting the Local Plan by June 2025 is incredibly tight, however it is considered the most prudent approach to ensure that the Council maintains an up-to-date Local Plan. As this is a roll forward under the current arrangements, the Council will carry out a more focused review of the Plan, rather than having to start a Plan from scratch and so should be a quicker process, although it will be important to ensure that members and residents have the right opportunities to be engaged and consulted on the document.
- 3.11 The work in the early stages will include engagement with Parish and Town Councils and statutory consultees and work to consider the housing numbers, employment land, retail space and open spaces and sports facilities which should be allocated in the new Local Plan. In order to facilitate discussions on where that development should take place the Council will also issue a Call for Sites, where developers and landowners are asked to suggest sites that might be suitable for a range of development types. An updated Local Development Scheme will also be produced setting out the timetable for the work and the detail of evidence base to be updated.

- 3.12 This early stage work is considered to be necessary in an old style or new style Local Plan system and therefore will not be wasted. Work to review non local specific policies, such as those on flood risk and heritage will be programmed much later in the process as these may be replaced by national Development Management policies. There is no confirmed date of the publication of these policies, nor the topics which might be covered.

4. Consultation

- 4.1 A detailed consultation and engagement plan will be developed as part of the Local Plan which will include local residents and businesses, Councillors and Parish and Town Councils, statutory consultees such as Environment Agency, Essex County Council and other local authorities through the Duty to Co-operate.

5. Options

- 5.1 As set out in section 3, the option to begin work on a refresh of the Local Plan now is the favoured option, which is considered the most prudent route, but which allows for the Council to switch over to the new system with limited wasted work if/when the new system is introduced by government.

6. Next Steps

- 6.1 A detailed internal project plan is being produced and staff from the planning policy team will begin work on the topics which are set out in paragraph 3.11, including issuing a public 'Call for Sites'.

7. Financial Implications

- 7.1 The cost for producing a Local Plan is substantial, and depending on the evidence required to be updated, legal advice needed and external support this can vary considerably. The planning policy team holds a reserve budget for the purposes of preparing the Local Plan and this has sufficient funds to carry out the work outlined in the year 2024/5. Additional funding may be necessary to complete the Plan process, and this would be considered in the 2025/6 budget setting process, when the way forward on the Plan is clear.

8. Legal Implications

- 8.1 There are no immediate legal implications arising from this report, but following the correct procedures and procuring legal advice throughout the new Local Plan process will be necessary.

9. Other Implications

- 9.1 The Local Plan is a key strategy document for the Council and as such the contents of the new Plan may have implications for other Council strategies and departments.

10. Equality and Diversity Implications

- 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 An Equality Impact Assessment will be required on the new Local Plan and will be published alongside each draft.

11. Background Papers

- 11.1 [Levelling-up and Regeneration Bill: reforms to national planning policy - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- 11.2 [Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Report Title: Local Development Scheme	
Report to: Local Plan Sub Committee	
Date: 7th March 2024	For: Decision
Key Decision: No	Decision Planner Ref No:
Report Presented by: Alan Massow	
Enquiries to: E-Mail:- 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 2024 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 2024 to 2026.
- 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 2023.

Changes to the Previous Local Development Scheme

- 3.4 The main changes to the LDS are;

- A new Local Plan timetable
- An update on Neighbourhood Development Plans, including the inclusion of the new Shalford Neighbourhood area application, an update to Hatfield Peverel being at examination.
- 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 2023.

5 Options

- 5.1 An alternative option would be to not approve the updated LDS and continue to use the previous November 2023 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 to date. Accordingly, the recommendation set out within this report ensure that the Council are meeting its statutory obligations.

8 Other Implications

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

9 Equality and Diversity Implications

The Local Development Scheme does not require a EQIA.

10 Background Papers

National Planning Policy Framework 2023 (NPPF)

Local Development Scheme November 2023

- 11 **List of Appendices** Appendix 1 – Local Development Scheme 2024 – 2026 (March 2024).



LOCAL PLAN | LOCAL DEVELOPMENT SCHEME

2024 - 2026

March 2024

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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 collection 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 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 (December 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 meeting housing needs and addressing 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. The Essex Minerals Local Plan is currently under review.

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). A review of the Local Plan has now begun.

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 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 2023 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:** The government has indicated that a new compulsory Infrastructure Levy will be introduced, although further consultation is awaited for more details.

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	To start early 2024 Call for Sites Spring 2024 Evidence Base Spring 2024 Preferred Options Consultation (Reg 18) Autumn/Winter 2024 Pre-Submission Consultation (Reg 19) Spring 2025 Submission Summer 2025
Review Complete	Adoption February 2026
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 is in the process of producing 4-topic based SPD's (Affordable Housing, Design (Including External Lighting), waste and Open Space) following the adoption of the new Local Plan.
- 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 Renewable Energy Locations. However, in some cases the Council is waiting for new/additional guidance and policy which is expected from central government, or staffing changes in other departments has meant that documents need further review. It should be noted that the SPD on Climate Change and Infrastructure are now on hold due to the need to review the Local Plan. 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
Affordable Housing. The document sets out the process and mechanisms for the delivery of affordable housing in Braintree District.	Braintree District Council	SPD	September 2024
Design SPD (incorporated External Lighting, Local Design Code).	Braintree District Council	SPD	March 2025
Open Space. The document sets out the processes and mechanisms for the delivery of open space in Braintree District	Braintree District Council	SPD	June 2025
Waste SPD Advice on the provision, type and funding for domestic waste provision.	Braintree District Council	SPD	December 2024
Bio-diversity Net gain 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.	Braintree District Council working on Essex wide document with other stakeholders, the document is currently adopted as guidance but will be turned into SPD later.	Guidance /SPD	Guidance agreed Nov 2023
Parking Standards To provide car and cycle parking standards for a range of uses and locations. Include best practice design and layout. Currently at consultation.	EPOA/ Braintree District Council	SPD	September 2024
Renewable Energy Locations SPD To provide advice and guidance on suitable locations within the district for renewable energy generation.	Braintree District Council	SPD	December 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	Regulation 14 October 2023
Feering	"Made" January 2023
Hatfield Peverel	'Made' – 16 th December 2019 currently under review and at Examination
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
Shalford	Pre-Regulation 14
Stisted	Pre-Regulation 14
Steeple Bumpstead	Pre-Regulation 15
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 Plan. 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. To be updated as part of Local Plan Review.
Economic Plan 2023	The prospectus sets out how the council intends to create the conditions for economic growth and deliver a prosperous Braintree District.	2023
Employment Land Needs Assessment 2015	The assessment considers projected Employment Land Needs	August 2015 – To be updated as part of Local Plan Review
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 National Landscapes Review	The map shows the current Dedham Vale National Landscape and the maximum potential extension proposed.	Ongoing.

Name	Description	Date
Habitats Regulation Assessment and Appropriate Assessment	The report is to identify any effects the proposed development in this District will have on European Sites of Importance for nature conservation and to suggest ways to mitigate this impact.	2017 – To be updated as part of Local Plan Review.
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. To be updated as part of Local Plan Review.
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. To be updated as part of Local Plan Review.
Strategic Flood Risk Assessment	An assessment of the flood risk within the district.	November 2016. To be updated as part of Local Plan Review
Water Cycle Study Update	An assessment of water environment and water services in the district.	March 2017. To be updated as part of Local Plan Review.
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.	Considers the Demographic projections for 2013 to 2037	May 2015

Name	Description	Date
Demographic projections 2013-2037 Phase 7 Macro Areas accompanying profiles.		
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 including a Transit site review.
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. Review after Call for Sites.
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 last results 2021/22 published December 2023. Data submitted for 22/23 but not released by Government yet.
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. No timetable for further updates has been provided by government.
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 on the consultation undertaken for Braintree District Council with	March 2016.

Name	Description	Date
Report March 2016	community halls in Braintree, Halstead and Witham	
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.
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. To be update as part of Local Plan Review.
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 – To be updated by ECC 2024
Parking Standards	The document sets out the required standards for the District	2009 – Currently being updated. Consultation shortly.
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 December 2023. The Government is currently considering 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. No indication of continuation of grant funding in the medium long term by central government.
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.	High	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.

Report Title: Draft Affordable Housing Supplementary Planning Document 2024	
Report to: Local Plan Sub-Committee	
Date: 7th March 2024	For: Recommendation
Key Decision: No	Decision Planner Ref No: N/A
Report Presented by: Alan Massow - Principal Planning Policy Officer	
Enquiries to: Alan Massow EM: alan.massow@braintree.gov.uk	

1. Purpose of the Report

- 1.1 To allow Members to consider the contents of the Council's Draft Affordable Housing Supplementary Planning Document (SPD) and approve the document to be published for consultation.

2. Recommendations

- 2.1 That the Draft Affordable Housing SPD is approved and published for consultation.
- 2.2 That the Sub-Committee delegates authority for the approval of the Draft Affordable Housing SPD's Strategic Environmental Assessment to the Cabinet Member for Planning and Infrastructure.
- 2.3 That the Sub-Committee delegates authority to the Cabinet Member for Planning and Infrastructure to approve any minor changes or changes resulting from its SEA Screening to the draft Affordable Housing SPD before publication.

3. Summary of Issues

- 3.1 Supplementary Planning Documents (SPDs) expand on how Local Plan policies should be used. They are unable to set new policy but rather expand on existing adopted policy. The Draft SPD which is the subject of this report provides more detailed guidance to support the implementation of the affordable housing policy requirements in the District Local Plan.
- 3.2 The Council's current Affordable Housing SPD was adopted in May 2006, Since then, the Council has adopted a new Local Plan, with new affordable housing policies. National policy and guidance have also significantly changed since May 2006.
- 3.3 The Council's Local Development Scheme indicates that it will produce an SPD on Affordable Housing, which will provide more detailed information regarding the implementation of policy. This document has been prepared by a group of officers from the planning and housing teams.

- 3.4 The SPD supports Local Plan policy LPP31 – Affordable Housing and LPP32 – Affordable Housing in Rural Areas.
- 3.5 The purpose of the SPD is to help facilitate the delivery of affordable housing in accordance with the policies listed above and how they are to be implemented.
- 3.6 The SPD defines what is meant by affordable housing in the context of the Local Plan and National Policy, outlines the affordable housing need in the district and where up to date information on this need can be found. The SPD also specifies the preferred tenure mixes which considers site viability. The document makes clear that the Council expects affordable housing to follow Nationally Designed Space Standards (NDSS).
- 3.7 Other important issues such as accessible and adaptable dwellings, wheelchair accessible and adaptable dwellings and accessibility are also covered within the document.
- 3.8 Guidance is provided for when affordable housing provision can't be achieved on site, and on commuted payments in lieu of affordable housing.
- 3.9 Further information on the design and layout of affordable housing seeks to ensure that such developments are tenure blind in that they are not easily distinguishable from market housing, and that they have a consistent application of decorative elements as market housing.
- 3.10 It has been the case that in some instances the artificial sub-division of sites has been attempted to get below the site size threshold for providing affordable housing. The SPD now sets out what this is, and how the Council will determine whether a site has or has not been sub-divided.
- 3.11 Finally the guide sets out the Council's approach to nomination rights, that is which persons have specific needs and where a person has the most pressing need, they can get houses in schemes.

4. Consultation

- 4.1 If agreed, this document will be subject to a 6 week public consultation period. This will take place after a 6 week focused consultation period which is required for the SEA Screening which is with the Environmental Bodies (Natural England, Environment Agency, and Historic England). The formal public consultation will be launched for at least 6 weeks. The document will be available on line, and in paper copy at Causeway House. Other requests for paper copies will be considered on request.
- 4.2 The consultation will be publicised via the local papers, social media, and the Councils website. Parish Councils, members and statutory consultees will also receive direct notification of the consultation, alongside all those

residents who have signed up to receive notifications of consultations or the planning e-newsletter.

- 4.3 Responses will be encouraged by the Councils online consultation system, however responses via response forms available online or in hard copy by request.

5. Options

- 5.1 To approve the Draft Affordable Housing SPD for consultation as set out in Appendix 1 to this report. This is the preferred option which will allow consultation on a new document to begin.
- 5.2 To approve the Draft Affordable Housing SPD with modifications for consultation.
- 5.3 To not approve the Draft Affordable Housing SPD for consultation. This is not the preferred option as it will not allow the Council to consult with residents and stakeholders on a new SPD.

6. Next Steps

- 6.1 If approved officers will arrange a 6 week consultation period once the Strategic Environmental Assessment for the document has been completed. Once that consultation has concluded the Affordable Housing SPD, with any amendments resulting from the consultation, will return to the Local Plan Sub-Committee for a recommendation to Full Council to adopt it as an SPD.

7. Financial Implications

- 7.1 There will be costs associated with the holding of an consultation on the affordable housing SPD. These costs will be met from the existing Local Plan budget.

8. Legal Implications

- 8.1 Consultation must be carried out in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. The document could be subject to legal challenge.

9. Other Implications

- 9.1 *There are no other implications arising from this report. When the final SPD is adopted it will have implications for the housing and planning teams.*

10. Equality and Diversity Implications

- 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

- 11.1 Draft Affordable Housing SPD 2024.

12. Background Papers

- 12.1 The Braintree District Local Plan 2022
The National Planning Policy Framework 2023
National Planning Practice Guidance

Affordable Housing - Draft SPD



This document helps support the delivery of affordable housing within Braintree District. It is supplementary to the Local Plan Policies LPP31 and LPP32.

February 2024

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1 Introduction

- 1.1** Braintree District is in the heart of Essex, between Colchester, Chelmsford, and Stansted Airport. The district has three main towns of Braintree, Halstead, and Witham. As of 2021 nearly 160,000 people live in the district. Covering 612 square kilometres Braintree is the second largest district in Essex. 90% of the district is green space.
- 1.2** Braintree District Council Corporate Priorities for 2020 to 2024 shows that the district needs to build 14,000 homes by 2033. This is done through the Local Plan, which guides development and plans for infrastructure as well as control where development is located rather than it being delivered in an ad hoc way. We will drive investment in rail, roads and the cycling infrastructure as well as looking at new modes of public transport.
- 1.3** The priorities specifically include the delivery of good quality affordable homes for local people. This was reaffirmed when the Council published the Healthy Housing Strategy for 2023-2028 which identified the need to 'Facilitate a consistent programme of high-quality housing which best meet the needs of the current and future residents.'

2 Role of the Council and other organisations

- 2.1** Braintree District Council no longer own and manage social housing directly, after the housing stock that the Council did hold was transferred to Greenfields Community Housing (now Eastlight Community Homes) in 2007. Almost all social housing in the District is now owned and managed by a Registered Provider of Social Housing (RP). A Registered Provider is the name given to all social housing providers (as defined in Section 80 of the Housing and Regeneration Act 2008). The Regulator of Social Housing, as regulator, maintains a statutory register of all social housing providers. Registered Providers can operate as a Registered Society (such as Eastlight Community Housing); a Charitable Company (The Abbeyfield Braintree, Bocking and Felstead Society); or a For Profit Company (e.g., Sage Housing).
- 2.2** Whilst not a stockholder the District Council still have two important roles in the provision of Affordable Housing – as the local planning authority and the housing authority.
- 2.3** As local planning authority, the Council’s Development Plan contains planning policies which require the provision of affordable housing as part of major planning applications for residential development. The Development Management team will determine planning applications and lead on securing planning obligations from developers through Section 106 legal agreements.
- 2.4** As the housing authority, the Council’s Housing team will provide advice and guidance to the Development Management team on affordable housing need; support the drafting of legal agreements to secure affordable housing provision; and then allocate affordable housing dwellings to eligible households.
- 2.5** The District Council’s Housing team also work to identify opportunities to work proactively with Registered Providers and communities to facilitate or support the delivery of affordable housing. This can involve the provision of land which can be used to deliver new affordable homes; supporting the delivery of renovated or improved homes to meet specific housing needs; or contributing financial backing to make the delivery of additional affordable housing viable.

3 Purpose of this guidance

- 3.1** The purpose of this Supplementary Planning Document is to facilitate the delivery of affordable housing in accordance with the Local Plan policies, providing advice on how the affordable housing policies, as set out in policy LPP31 – Affordable Housing and LPP32 Affordable Housing in Rural Areas, is to be implemented. It does not introduce any new policy but is intended to supplement existing policies in the Council's adopted Local Plan.
- 3.2** A key objective of the Local Plan is to provide sufficient new homes by providing a level and quality of new homes to meet the needs of a growing and aging population in North Essex, and to achieve this by ensuring the availability of developable land in appropriate locations and that the market delivers a suitable mix of housing types and tenures.
- 3.3** This document seeks to provide advice for landowners, developers, including affordable housing providers, and other providers of affordable housing and planning agents. The Council strongly encourages developers to obtain pre-application advice prior to submission of planning applications. This SPD should be used to inform pre-application proposals and planning applications to ensure high quality and successful applications are made which deliver affordable housing reflecting local needs.
- 3.4** This SPD sets out the mechanism for securing affordable housing on residential development sites and where suitable affordable housing cannot be provided on-site financial contributions for affordable housing to be secured off-site. Guidance on the criteria for affordable housing, including thresholds and percentages applicable are included within policy LPP31 – Affordable Housing, but are repeated in this document for ease of reference.
- 3.5** This document will explain what the Council expects from a viability assessment, so that the requirement for affordable housing is embedded into land values.
- 3.6** The SPD also provides advice on Section 106 Agreements (S106), which will be used to secure the provision of affordable housing on new residential development.
- 3.7** Braintree District Local Plan Section 1 and 2 (Adopted February 2021 and July 2022 respectively) provides the basis for seeking planning obligations to provide a range of infrastructure that will comply with the Council's policies and where necessary mitigate the impacts of the development. This could include roads and other transport facilities, schools and other educational facilities, medical facilities, sporting and recreational facilities, and open spaces, as well as affordable housing to help meet local housing need.
- 3.8** This Supplementary Planning Document (SPD) is published to provide more detailed guidance on how the Council will use the Local Plan to implement its affordable housing policies.
- 3.9** The main policies for affordable housing are;

SP4 – Meeting Housing Needs

LPP1 – Development Boundaries

LPP31 – Affordable Housing

LPP32 – Affordable Housing in Rural Areas

LPP35 – Housing Mix, Density and Accessibility

3.10 This SPD is being prepared in accordance with relevant legislation and once adopted is a material consideration in the determination of planning applications. It should be taken into account during the preparation of proposals for residential and mixed use development from the early stages and therefore when negotiating site purchase and undertaking feasibility assessments.

4 Consultation

- 4.1 This document will be subject to a six week public consultation between the XX of XXXX and 5pm on the XX of XXXX.

5 Policy context

National Guidance

- 5.1** The National Planning Policy Framework (NPPF) provides the overarching national planning policy which local planning documents must conform. The definition of what affordable housing is contained within the NPPF and is included in this SPD in the glossary of terms and abbreviations. At the time of producing this SPD the current version of the NPPF was published December 2023.
- 5.2** The NPPF seeks to significantly boost the supply of homes (Para 60), and to achieve healthy, inclusive, and safe places (Para 96). In terms of affordable housing paragraph 63 of the NPPF requires local planning authorities to assess the size, type and tenure of housing needed for different groups within the community including those who require affordable housing, and this should be reflected in planning policies.
- 5.3** The Braintree District has no designated rural areas, so in accordance with Paragraph 65 of the NPPF the Council will only seek the provision of affordable housing on residential developments that are major developments. The glossary to the NPPF defines Major Development for housing, as being development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 5.4** The re-use of brownfield land for new development is also encouraged and where vacant buildings are being reused or redeveloped, any affordable housing contribution due can be reduced by a proportionate amount equivalent to the existing gross floorspace of the existing building provided that the building in question has not been abandoned.
- 5.5** On major developments involving housing the NPPF requires that at least 10% of the homes planned on the site should be available for affordable home ownership as part of the overall quantity of affordable housing being sought, although there are exceptions to this as set out in paragraph 66 of the NPPF.
- 5.6** It should be noted that the current adopted Local Plan was completed within the context of the 2012 NPPF which did not include First Homes.

6 What is meant by Affordable Housing

- 6.1 The NPPF states that affordable housing is housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential workers, and is either affordable housing for rent, starter homes, discounted market sales housing, or other affordable routes to home ownership).
- 6.2 Affordable housing can be broadly split into two groups – affordable housing for rent and affordable housing for purchase.

Affordable Housing for rent

- 6.3 Rented Housing provided by Registered Providers of social housing to households that are eligible for social rented housing. Affordable rent is subject to rent controls that require a rent of **up to 80%** of the local market rent (including service charges, where applicable).

Social Rent

- 6.4 As with Affordable Rent, this is rented housing provided by Registered Providers of social housing to households that are eligible for social rented housing. Social Rent is set at a lower monthly rent than affordable rent – typically around 50-60% of market rent levels, capped at the Local Housing Allowance, and is calculated through a formula published by the Government.
- 6.5 Whilst social rent provides lower cost dwellings for future tenants, the return is lower to the Registered Provider who owns the property. This means that the offer which a Registered Provider is willing to make to a developer, to purchase homes that must be let at social rent levels, will be significantly lower than affordable rent units. This reduced offer will affect scheme viability and may result in a lower number of affordable homes being viable.
- 6.6 The majority of new affordable housing for rent which the District Council secures through new developments is on the Affordable Rent tenure rather than Social Rent.

Affordable routes to home ownership

- 6.7 The Government also require that more affordable routes to home ownership are provided, to help people buy their own home who might not be able to afford to do so through the open market. These routes are also sometimes referred to as Intermediate Housing. Schemes providing these more affordable routes include First Homes, Starter Homes, Discounted Market Sale Housing, and other affordable routes to home ownership including shared ownership and shared equity as set out in Annex 2 of the NPPF. As previously noted, a minimum of 10% of all homes on site should be affordable home ownership products, unless one of the exemptions applies.

Shared Ownership

- 6.8** Traditionally, Intermediate Housing / affordable home ownership in the Braintree District has been delivered as shared ownership (or “part-rent part-buy”).
- 6.9** When assessed against other affordable home ownership products Shared Ownership has consistently been the most **affordable** product for local residents, and this remains the Council’s preferred route.
- 6.10** The applicant purchases a share in the equity of a property. A mortgage and savings are required for the equity share purchased and rent is paid on the remaining share. After the initial purchase, the owner can usually buy extra shares in the property (known as “staircasing”) until eventually the property is 100% owned.
- 6.11** The Council will work with affordable housing providers to ensure that shared ownership on new schemes remains affordable for local households on low incomes. In order to achieve this, the Council will discuss and agree with the provider the equity share which can be purchased, the rent level on the remainder, and ways in which service charges can be kept to a minimum.
- 6.12** Affordable housing providers generally offer initial equity purchase shares of between 10% & 75% of the purchase price / property value. The Council’s requirement will be that initial purchase shares shall be offered from 10%.
- 6.13** To be eligible to buy a home through shared ownership the following statements must apply:
- Household income is £80,000 a year or less
 - The household cannot afford all of the deposit and mortgage payments for a home that meets their needs
- 6.14** One of the following criteria must also apply:
- Be a first-time buyer
 - Previously owned a home but cannot afford to buy one now
 - Be a new household - for example, after a relationship breakdown
 - Be an existing shared owner, and you want to move
 - Be a home owner and want to move but cannot afford a new home that meets your needs

Shared Equity

- 6.15** Purchasers are able to buy between 70% & 80% of the property. The remaining unsold equity is retained by the property owner, but the purchasers will not have to pay rent on the part of the property which is not purchased. The homeowner can apply to purchase the remaining equity after two years.

Discount Market Sale Housing

- 6.16** Also known as reduced market value scheme, qualifying purchasers can purchase a new build property is purchased at a discounted price - usually around 20%.

- 6.17** The reduced purchase price and subsequently reduced mortgage costs reduces the owner's property costs. Unlike [Shared Ownership](#), there is no rent to pay on the remaining interest held by the Registered Provider.
- 6.18** Under the scheme an applicant may buy a new build property on certain developments for a percentage of its current value, provided that when the property comes to be sold, the owners will only receive the same percentage of its current value back, enabling the home to remain affordable to a resale purchaser.

Rent to Buy

- 6.19** This scheme enables occupants to rent a property at 20% below the open market rent, in order that the occupants can save a deposit to purchase the property at a future date. The purpose of the tenure is to provide an opportunity for affordable home ownership.
- 6.20** Under the scheme leases could last up to five years and there is no obligation to buy during the period, although there is an expectation that tenants will.

Starter Homes

- 6.21** Starter Homes were introduced in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.
- 6.22** Secondary legislation has not come forward and this is now unlikely as the Government has introduced First Homes as a new tenure aimed at first time buyers.

First Homes

- 6.23** In addition to the NPPF definition of affordable housing, the government has introduced a new affordable housing tenure, First Homes. First Homes can be included within the 'Other affordable routes to home ownership' and was introduced in May 2021. The scheme is aimed at first time buyers and gives them a chance to buy a discounted home.
- 6.24** However, as the Council's Local Plan was submitted for examination prior to 28th June 2021 it did not need to reflect the First Homes policy requirement. Although there is currently no requirement for the Council to provide or accept First Homes as part of the Affordable Housing provision the Council's Housing Team have considered whether First Homes would be a beneficial product for the District's residents. There is a concern over the affordability of dwellings provided through the scheme at a 30% discount, with reference to income levels in the district. This would mean that if they were offered, they would not be accessible to as many residents looking for an affordable route to home ownership. Whilst the Council could require developers provide a higher level of discount which could make First Homes more affordable this could

impact on scheme viability and result in pressure to reduce the number of affordable homes being provided in a development which is something that the Council would not choose to do. The Council will reconsider the position on First Homes when the Local Plan is next reviewed.

Affordable Housing Need in Braintree District

- 6.25** The Council jointly commissioned a Strategic Housing Market Assessment together with the local planning authorities for Chelmsford, Colchester, and Tendring. The Strategic Housing Market 2015 update provides details of the assessed housing need for different types of housing and different groups in the community.
- 6.26** The total annual affordable housing need in Braintree was assessed to be 212 which is approximately 25.8% of the annual projected household growth in the district up to 2037. The SHMA goes on to say that the Council should pursue an overall affordable housing percentage of around 30%.

Specific Housing Need

- 6.27** Currently there are around 2500 households on the Council's housing register seeking a home to rent in the Braintree District. Just over 700 of these households are in bands that reflect urgent levels of need. More detail on a district, town and parish level can be found on the Council's Housing StatNav which is available to view on the Council's website.

Tenure, type, and size of affordable housing

- 6.28** The tenure, type and size of affordable housing will be the subject of negotiation in each case in light of the District's prevailing needs.
- 6.29** Usually, the Council will seek a 70:30 tenure mix of rented units over units for intermediate housing tenure, although this sometimes needs to be adjusted on smaller developments in order that the NPPF requirement to make at least 10% of the homes available for affordable home ownership.
- 6.30** The 70:30 tenure mix does not reflect the need identified in the SHMA, where the greater need was for affordable rented units, but the 70:30 tenure mix was considered to be more appropriate with regards development viability.
- 6.31** The unit mix that the Council will seek on each development will acknowledge the findings of the 2015 SHMA but more specifically will be based on actual known housing need identified from the housing register. The Council will normally seek a mix of units based upon assessment of what need is in the area at the time of the application, rather than a reflection of the market housing provision. These requirements are likely to be subject to change over a period of time, as factors such as the benefits regime and delivery from the pipeline of new affordable homes in the locality, change. The Council's Housing Service will be able to provide detailed advice and guidance through the Council's Pre-Application planning process.

- 6.32** The Council will require that the size of dwellings will be compliant with Nationally Designed Space Standards (NDSS). This is considered to be of particular importance with affordable homes which are more likely to be occupied at maximum capacity and where tenants have less choice than purchasers of market housing.
- 6.33** To reduce the need for tenants to move home and to ensure that new affordable housing is as flexible as possible the Council will require 1 bed flat to be designed to accommodate two people; 2-bed flats and houses to be designed to accommodate four people; 3-bed houses are required to be designed to accommodate a minimum of five people; and 4-bed houses required to accommodate a minimum of seven people.
- 6.34** It is for the Council to determine the mix of affordable housing that should be provided in each development. On occasions developers have approached Registered Providers and asked them to specify the mix of dwellings and tenure that they would like to see provided on a site. Whilst a Registered Provider may have some experience and knowledge of the local housing need it is the Council that operate the Housing Register and who hold the strongest information about local housing need. The mix of affordable housing on a development must be agreed by the Council.

7 Delivery of Affordable Housing

- 7.1 The aim of policy LPP31 – Affordable Housing is to provide a percentage of affordable housing on residential developments to help meet the needs for Braintree District residents who are unable to buy or rent their own home or afford private market rents.
- 7.2 The percentage of affordable housing required depends on the location of the site, primarily split between urban and rural areas.
- 7.3 Affordable housing will be directly provided by the developer within housing schemes at the targets set out below. The policy is;

Policy LPP31 - Affordable Housing

A requirement of 30% of the total number of dwellings on sites located in the main towns of Braintree (including Great Notley, Bocking and High Garrett), Witham, Halstead, Sible Hedingham and development sites directly adjacent to these areas.

A requirement of 40% of the total dwelling's sites in all other areas.

A threshold of 15 dwellings or 0.5 ha will apply in the main towns of Braintree (including Great Notley, Bocking and High Garrett), Witham and Halstead.

A threshold of 10 dwellings or more or where a site area is 0.5 hectares or more will apply in all other areas of the District.

Where it is impractical to achieve on-site or off-site provision, a financial contribution in lieu of broadly equivalent value, may be accepted.

A mix of units to reflect the current local need will be required to be delivered on the site.

If the affordable housing targets set out in the policy cannot be met then the applicant must provide a viability appraisal. The Council will appoint its own specialist consultant who will assess the applicant's viability appraisal. The applicant will be required to reimburse the Council for the costs incurred in procuring this advice. If the Council's appointed specialist consultant is able to independently verify that the developer cannot be required to provide a policy compliant level of affordable housing, then the number of affordable homes will be set at the maximum viable level.

- 7.4 The higher threshold for affordable housing is set by National Planning Practice Guidance, which states that affordable housing contributions should not be sought on non-major development sites. This does not reflect the high levels of viability on development sites in rural areas within the district previously identified in the Council's evidence base. Exception to this threshold does not apply in designated rural areas but no such areas exist within the Braintree District.

- 7.5** In addition to the standard accessibility requirements specified in the Building Regulations for new dwellings the Government has also introduced Optional Technical Standards for accessible and adaptable dwellings. These standards are set out in Part M of the Building Regulations, but developers can only be required to build to the higher accessibility standards when required to do so by the planning system.
- 7.6** The District Council is aware from the Housing Register that there is a growing need to provide appropriate housing for an aging population, but also to support households where one or more members has mobility impairment. The County Council is the authority responsible for adult social care and their strategy document, the Essex County Council Adult Social Care Market Shaping Strategy (2023-2030), advocates a Home First Approach with the aim supporting people to be as independent as possible, and to remain in a safe place within their community for as long as possible. To achieve this there will need to be a wider range of accommodation options that can provide a better community-based alternative to residential care.
- 7.7** This will include improving accessibility for people who either already use a wheelchair or who rely on walking aids due to mobility impairment, or who will come to be reliant on a wheelchair in the future.
- 7.8** Local Plan Policy LPP 35 states that all new affordable homes which are accessed on the ground floor level (i.e. are not apartments that are on the first floor or higher) must meet either the accessible and adaptable standard - Category M4(2) of Part M of the Building Regulations - or be designed and constructed for use by a wheelchair user – Category M4(3).
- 7.9** For developments within or adjacent to the Main Towns and Key Service Villages, 5% of all new affordable homes will be required to meet Category M4(3)(2)(a)/(b) – Wheelchair Accessible dwellings - of Building Regulations 2015, or as superseded, as appropriate.

8 Accessible and Adaptable Dwellings

- 8.1** Both homeowners and the District Council spend considerable sums of money modifying existing dwellings to meet the needs of owners / tenants as the needs of occupant's changes as a result of age and health. Much of the cost arises from expensive and difficult modifications due to the way that the dwelling was originally designed and constructed.
- 8.2** Building Regulations Part M4(2) provide 'accessible and adaptable dwellings standards' for new properties. New dwellings built to this standard should be cheaper and easier to modify if required in the future. The standards include minimum internal dimensions to future-proof homes and allow safe movement, and the designing-in of space flexibility for necessary subsequent adaptations, for occupants should they need adaptations to the dwelling for wheelchair accessibility in the future (for example, in multiple storey properties, internal space made available for the later fitting of a lift).

Wheelchair Accessible & Adaptable Dwellings

- 8.3** Wheelchair user dwellings provide accommodation that is not only valuable to households with a wheelchair user but also to households where one or more occupants have mobility impairments, providing step free access to the entrance and outdoor spaces, and easy access from vehicle to dwelling, amongst other things. The Council's preference is for wheelchair user dwellings to be provided in the form of bungalows as experience has shown that this provides the most suitable form of accommodation for wheelchair users, provides a degree of greater flexibility for potential extensions and alterations, and presents fewer management issues for the Registered Provider.
- 8.4** Where a Local Planning Authority requires a developer to provide a dwelling(s) designed for wheelchair users Part M of the Building Regulations states that the requirement can either be to design and construct a dwelling that is wheelchair accessible – category M4(3)(2)(b) – or wheelchair adaptable – category M4(3)(2)(a).
- 8.5** There is a strong demand for wheelchair accessible dwellings so currently the Council will require the provision of dwellings built to comply with category M4(3)(2)(b). The Council's Housing Team will continue to monitor the Housing Register and the letting of wheelchair user dwellings, and if appropriate in the future could amend the requirement so that wheelchair adaptable dwellings are required instead.

Accessibility - Design & Construction certificates

- 8.6** Regrettably, the Council's experience is that some developers have in the past constructed either developments, or specific properties, which do not meet the requirements of Category M4(2) or M4(3) despite the fact there was a requirement that properties were built to this standard. To reduce the likelihood of mistakes being made, or house-type plans not being designed to the required standard due to a lack of knowledge, the Council currently impose planning conditions which require that the developer provide the Council with a certificate from a Local Authority Building Inspector, or an Approved Building Control Inspector before construction

commences which confirms that the Affordable Housing has been designed to the required accessibility standard. A second condition requires that a further certificate is provided prior to occupation of the Affordable Housing to confirm that the constructed dwellings also comply with the required standard.

- 8.7** To reduce the necessity for one of these conditions, the Council intend to revise the Local Validation List, requiring that the planning application submission include a certificate from a Local Authority Building Control Officer, or an Approved Building Control Inspector which confirms that the Affordable Housing has been designed to the required accessibility standard.

9 When on-site provision cannot be achieved

- 9.1** The Council will seek to secure Affordable Housing on-site wherever this is possible, however it is acknowledged that there can on occasions be circumstances where this is not desirable, or possible. Examples of such circumstances include:
- Specialist Housing, such as age restricted properties where there are communal areas that would be shared by all residents
 - Where it can be evidenced that there is no interest in receiving Affordable Homes from any Registered Provider. (The Council's Housing Enabling Officer maintains a list of Registered Providers who hold stock in the District, or who have expressed an appetite to acquire stock in the District. The current list of these RPs can be found at Appendix 1 of this SPD).
- 9.2** As Local Plan Policy LPP 31 acknowledges in situations where it is impractical to achieve on-site or off-site provision, a financial contribution in lieu of broadly equivalent value, may be accepted, however the starting point for the Council will always be that Affordable Housing should be provided on-site.

Off -Site provision by the developer

- 9.3** In exceptional circumstances there may be reasons why provision of affordable housing on-site is not considered appropriate. The Council may consider the provision of affordable housing at an alternative site in the ownership of the developer provided the development of site is in accordance with Adopted Local Plan.

Commuted payments in lieu of Affordable Housing

- 9.4** Where provision of affordable housing on-site is not appropriate and the developer cannot offer an alternative site, a commuted payment will be sought from the developer to enable the Council, in conjunction with a registered social housing provider, to provide affordable housing elsewhere. The level of payment required will be based on the amount of subsidy that would be required by a registered social housing provider to purchase units on the open market. The assessment of the level of payment will be based on properties in the same settlement as the proposed development (or settlement with similar characteristics within the district) and will reflect the tenure split and mix that the Council would have normally required on the development site. Any payments received this way through Section 106 contributions, must be spent within the Braintree District.

10 Rural Affordable Housing

10.1 Paragraph 78 of the NPPF encourages Local Authorities to support opportunities which bring forward rural exception sites which provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this.

10.2 The NPPF defines a rural exception site as being:

“Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority’s discretion, for example where essential to enable the delivery of affordable units without grant funding.”

10.3 Policy LPP 32 – Affordable Housing in Rural Areas allows for provision of such sites including provision of up to 30% market housing to help support the sites viability.

Policy LPP 32 - Affordable Housing in Rural Areas

Affordable Housing in Rural Areas

In rural areas, schemes to provide affordable housing will be permitted, providing that all the following criteria are met:

- a. The development is adjacent to a development boundary with reasonable access to services and facilities
- b. The site is located within an area designated as a rural area by the Secretary of State under the Housing Act 1996 (or any successor legislation)
- c. A proven local need for affordable housing must exist to the satisfaction of the local planning authority, which cannot be met within the development boundary
- d. Market housing should be provided at the minimum level to support viability and at no more than 30%
- e. The development should be for less than 15 dwellings.

10.4 Affordable Housing that is provided through this policy is provided solely on the basis of their being a strong local need. For this reason, affordable housing on exception sites will be allocated to people who have a strong local and/or work connection.

10.5 When a village has an affordable housing development, the first lets for that scheme will be to residents from within the village and villages surrounding that parish. This would not include main towns in the District.

11 Neighbourhood Planning

- 11.1** Neighbourhood Plans are non-strategic development plan documents. They can contain policies which relate to affordable housing. In addition, they can allocate sites for housing including rural exception sites or other community led schemes. As such it is important to consider policies in the neighbourhood plan, where they exist, as they form part of the Development Plan for the district.

12 Tenure and mix of affordable housing and “Additionality”

- 12.1** Local Plan policies specify the minimum levels of Affordable Housing that the Council expect a developer to deliver on major housing sites. The Council has not historically imposed controls on the tenure of the remainder of the housing, which is not required as Affordable Housing to comply with the Council’s policies, as it was assumed that the remaining 60% or 70% of properties would be market sales.
- 12.2** More recently several applicants have proposed developments where 100% of the housing being provided will be Affordable Housing. This is usually because of Homes England grant funding, and it is likely that further schemes will be proposed on this basis.
- 12.3** Whilst the Council accept that the increased number of Affordable Homes provided through 100% Affordable Housing schemes offer benefits, particularly for households who are waiting on the Housing Register or who are unable to afford to buy a new market home, but there are also risks and disbenefits which need to be carefully weighed against these benefits.
- 12.4** The NPPF advocates that planning policies and decisions should aim to achieve healthy, inclusive, and safe places which, amongst other things, promote social interaction, including opportunities for meetings between people who might not otherwise meet each other (paragraph 96). It also states that the planning system should deliver affordable housing on-site and that this should contribute to the objective of creating mixed and balanced communities (paragraph 64). Developments where the level of affordable housing exceeds the Council’s policy requirement of 30% or 40% could fail to adhere to these principles.
- 12.5** The Council’s experience is that higher concentrations or groupings of affordable homes that are rented can result in management and social issues. In contrast to owner occupied dwellings, or Shared Ownership tenure dwellings, the turnover of residents in homes that are affordable rent tenure can be significantly higher which can contribute to a less stable community which in turn can exacerbate other social problems. The Council’s Registered Provider partners also report that their experience is that residents who own part of their property on a Shared Ownership feel more strongly the responsibility of being a homeowner and act accordingly, taking a greater pride in their property and to the community, than tenants in rented housing might typically do. For these reasons, the Council will want to control the tenure of the housing that is not secured as Affordable Housing in the Section 106 agreement to help ensure that new developments do indeed create mixed communities and do not create social problems. Applicants who are considering schemes which offer ‘additionality’ should always seek pre-application advice from the Council to discuss what an appropriate tenure mix would be.

13 Affordable Housing Validation Requirements for Planning Applications

- 13.1** The Council's Local Validation List states that an affordable housing statement will need to be provided with any application which will create new residential units where the development will consist of either i) 15 or more dwellings in the main towns of Braintree (including Great Notley, Bocking and High Garrett), Witham, Halstead, Sible Hedingham and development sites directly adjacent to these areas Braintree, Halstead and Witham; ii) 10 or more dwellings in all other areas of the district; or iii) where the application site area is 0.5 hectares or more.
- 13.2** The affordable housing statement will need to explain how the proposed residential development meets the Council's Local Plan affordable housing policies and complies with this SPD.
- 13.3** Specifically, the affordable housing statement must include:
- the percentage of affordable housing units that is proposed in the development
 - how this ratio relates to the 30 per cent and 40 per cent requirement set out in the Local Plan
 - the comparative size mix by number of bedrooms between affordable and open market units
 - details of any Registered Providers that are identified as development partners, or who will be approached
 - a plan showing the location of affordable housing units and an accompanying schedule specifying the precise tenure, floor area and number of bedrooms in each affordable dwelling
- 13.4** The Council's Local Validation List is currently under review. Please check the Council's list on its website <https://www.braintree.gov.uk/planning-building-control/local-validation-list> .

14 Design and Layout

- 14.1** The NPPF requires that planning decisions should ensure that ‘... places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience’ (paragraph 96). The Local Plan also contains a number of policies which set out the Council’s requirements in respect of design and layout, but this SPD will not repeat those in this document. It should however be noted that Local Plan Policy LPP 52 states that the Council will seek **a high standard of layout and design in all developments** in the District. The Council will require that affordable homes are designed to the same high standard as ‘market housing’ so that affordable housing will be indistinguishable from market tenure housing in the development. This requirement is sometimes referred to as ‘tenure blind design.’
- 14.2** The National Design Guide refers to tenure blind design as ‘tenure neutral’ where it states that mixed-tenure development can be considered to be well-designed when ‘... they are well-integrated and designed to the same high quality to create tenure neutral homes and spaces, where no tenure is disadvantaged.’

Tenure Blind Design

- 14.3** The Council will require that within housing developments there should be no distinction in all aspects of elevational and plot design, materials, vehicle parking and access to the property in order that private and affordable housing are well integrated and indistinguishable from each other.

Elevational Treatment

- 14.4** Inconsistent application of decorative elements of the design and materials can be an obvious distinction between Affordable and Market Housing. Feature details such as porches, external lighting, plinths, finials, brickwork, and the openings around windows should all be used consistently across tenures.

Apartment Blocks

- 14.5** Within apartment blocks no more than 15 affordable homes should have access from a common stairwell or lift. This is in line with the Home and Communities Agency’s Housing Quality Indicators (HQI). Whilst the HQI is now withdrawn the Council consider this to be an appropriate standard which will help to create a greater sense of community within blocks and a stronger sense of ownership and responsibility for communal areas, thereby contributing to better living conditions for residents.
- 14.6** The Council encourage the provision of individual front doors at street level within apartment blocks. This can provide both visual and social benefits, including providing a more active frontage.

- 14.7** Where a mixed tenure block is proposed separate entrances and cores will be required as Registered Providers and mortgage lenders are unlikely to support market and affordable homes being accessed through a single shared entrance and shared internal areas such as lobbies and stairwells. Where separate entrances are provided, they will be required to look the same. The Council will not accept there being a 'poor-door'. Design equality should not be limited to just the doors of the entrance but should also to other elements that form the entrance such as the use of the porch canopy, lighting, surfacing materials, and post boxes.

Shared Communal Spaces / Facilities

- 14.8** Whilst the Council want to see mixed communities created there is also a need to consider what the Registered Providers will consider to be a practical arrangement for the management of shared facilities. A growing number of Registered Providers are resistant to the principle of parking courts, bin stores and cycle stores be used by both the occupants of market dwellings and affordable housing. To reduce the risk that Registered Providers will not bid to take affordable housing in new developments schemes should be designed in a manner that shared communal facilities should be tenure specific.
- 14.9** Where communal facilities are provided within the layout, such as bin stores and cycle parking particularly for apartment blocks, these should be provided in the same manner for all tenures.

Vehicle Parking

- 14.10** Vehicle Parking provided for affordable housing dwellings should comply with the Council's adopted parking standards. A reduced level of vehicle parking for affordable dwellings will not be considered. The arrangement of vehicle parking for dwellings should not be tenure specific or feature disproportionately in a way that would prevent tenure blind design.

Distribution

- 14.11** Tenure-blind design also requires that affordable housing should be evenly distributed through a development so that the location of the affordable housing does not indicate the property's tenure, for example by always placing affordable housing in the parts of the site that suffer the worst environmental conditions. The occupants of the affordable housing should not be disproportionately exposed to poor living conditions, such as noise and vibration from main roads, railway lines, or commercial uses.

Other Design Matters

Internal Accommodation

- 14.12** The internal sizing of bedrooms and the size and layout of dwellings which will be Affordable Rent tenure should seek to maximise the number of people that can be housed. For example, the Council will want two bedroom dwellings to be designed so that they can accommodate four people and three bedroom home should be designed to be able to house five or six people, and so on. This is important within the Affordable Rental dwellings as the ability to house this larger numbers provides additional flexibility on the size of the family unit that can occupy the

properties, as well as meeting need identified on the Housing Register. Affordable Rent tenure properties are also more likely to be full occupied than equivalent Market Housing, so this is important in ensuring a good standard of amenity for future occupants. These considerations are particularly relevant to future occupants of the Affordable Rental tenure properties as they may have a more limited choice of property than a household who would be buying or renting a 'Market Dwelling' and they are also likely to be limited in their ability to change, customise, or extend the property post-occupation.

Clustering and Phasing

- 14.13** Paragraph 96 of the NPPF seeks to promote social interaction, through mixed-use developments to opportunities are provided for meetings between people who may otherwise not meet.
- 14.14** Subject to the size of development, the Council would not be supportive of all affordable homes being placed in one area of the site. Instead, it would be expected that affordable units be in various locations and clustered in reasonable numbers to help create mixed communities and to help ensure that affordable housing is delivered proportionately through the build out of a development. More detailed guidance will be provided at planning stage.

Development and Viability

- 14.15** The costs of providing affordable housing are expected to be reflected in the developer's financial appraisal and in pre-application negotiations, as per current planning policy.
- 14.16** In the event that a developer or landowner claims that a development would not be viable with planning obligations at a policy compliant level then the Council would require that the developer provide a viability assessment of the scheme. The Council will appoint an independent viability consultant to review the assessment to ensure that this follows established assessment methodology and that the figures underpinning the assessment are well founded and that the assessment provides a robust assessment of the scheme. The Council will expect that the landowner / developer will cover the costs that the Council incur in obtaining advice from an independent viability consultant.
- 14.17** The Council believe that there should be transparency in decision making and as such the Council would usually publish the viability assessment as part of the planning file.

Sub-division of sites

- 14.18** Subdividing a larger site in two or more separate parcels can appear to be a way that landowners can try and avoid the requirement to provide affordable housing, by submitting separate applications which are below the threshold for affordable housing provision.
- 14.19** However, the Council will consider the 'aggregation' of two or more collocated sites if development is coming forward in a piecemeal manner.

14.20 Whether or not a site should be aggregated with previous development in the immediate area is a matter which will require consideration of a range of factors which include land ownership, site history and the natural boundaries of the site. The Council will also consider relevant case law on the subject.()

14.21 The courts have indicated that a tripartite test is applied for considering whether such an approach is appropriate as a starting point, although other considerations may be material and these tests should only be taken as a starting point.

14.22 The three key core elements of such a test are:

1. Whether the two sites are in single ownership
2. Whether they constitute a single site for planning purposes
3. Whether proposals can be deemed a single development.

14.23 These tests are a starting point rather than a comprehensive definition, and each case will need to be assessed on its merits.

Application Site Capacity and Affordable Housing Thresholds

14.24 When assessing applications against the Local Plan thresholds for Affordable Housing provision the Council will carefully consider whether an applicant has sought to avoid the threshold through design.

14.25 Attempts to engineer an application to avoid the affordable housing threshold can include circumstances where a developer proposes a development of exclusively large dwellings within plots that exceed the Council's standards for amenity provision. Where the Council considers that the application site has capacity to accommodate a number of dwellings that would trigger affordable housing provision the Council will require applicants to redesign the scheme in an appropriate manner and make the required level of affordable housing provision.

14.26 The Council have in the past also had examples where landowners have created an artificial application site where the land within the red line is just below the affordable housing threshold but where adjoining 'blue land' (land which they also own / control) is outside left outside the red line. Where there is no valid planning reason for engineering an application site in this manner the Council will require that the landowner make appropriate affordable housing provision.

15 Delivery and Management

Self-build and custom-build housing

- 15.1** This is defined in the NPPF as being: Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing. A legal definition, for the purpose of applying the Self-build and Custom Housebuilding Act 2015 (as amended), is contained in section 1(A1) and (A2) of that Act.
- 15.2** Although it is acknowledged that self-build and custom-build housing can provide an opportunity for some cost savings as a result of the future occupants of the dwellings completing some of the construction work themselves, self-build and custom-build housing is not by definition affordable housing. It can only be considered 'affordable housing' if it is delivered in a manner that will meet the definition of Affordable Housing in the NPPF.
- 15.3** The Local Plan requires that a proportion of affordable housing is provided as part of qualifying residential developments, and this applies to developments of self-build or custom-build housing.
- 15.4** The Council will expect provision to be made on-site. Whilst the delivery of affordable self-build and custom-build will be more complex than the delivery of just affordable housing or just self-build / custom-build housing, there are means by which they can be delivered. For example, a developer or Registered Provider could construct the shell of the property which is then completed by the occupant through a Shared Ownership scheme; a Registered Provider delivering homes, or a community led housing group commissioning housing, where the future occupants are involved in the design and construction; the provision of serviced plots at least 20% below market value.
- 15.5** For developments where there is a Local Plan policy requirement to provide Affordable Housing, the Council will require that the applicant provides as part of their planning application details of how they intend to deliver the required number of affordable homes.
- 15.6** Where the applicant can demonstrate that it would not be possible to provide affordable self-build / custom-build on-site, and where it can be evidenced that there is no Registered Provider who would be willing to take on the self-build element, the developer could build the affordable homes and transfer these to a Registered Provider.
- 15.7** Where the Council agrees that all reasonable steps have been taken to secure provision of affordable self-build / custom-build homes on-site it will consider a commuted sum in lieu of on-site provision.

Section 106 Agreements

- 15.8** A Section 106 agreement is a legal agreement between the Council and a developer or applicant. Section 106 agreements are used to secure measures that the developer / applicant must carry out to make the development acceptable in planning terms. Where there is a policy requirement for a developer to provide affordable housing as part of a proposed development the Council

will require that the affordable housing is secured through a Section 106 agreement. A Section 106 agreement is bound to the land and the development itself, rather than to the signatory of the agreement. This means that the obligations given in the agreement will continue to apply after the land or dwellings are sold.

- 15.9** Where affordable housing is to be secured by a Section 106 agreement the Council's solicitor will usually produce the first draft of the agreement and the applicant will be required to pay the Council's legal and administrative costs incurred in drafting, negotiating and completing the deed and a monitoring fee towards the cost of Council Officers monitoring the obligations to ensure compliance with the agreement.

Use of Planning Conditions

- 15.10** The Council acknowledge that affordable housing can be lawfully secured via planning conditions, however based on experience this method of securing affordable housing is not desirable for several reasons. Some Registered Providers, and crucially their lenders, prefer that a Section 106 agreement secures the provision of the affordable housing and the terms under which it must be transferred and held. Section 106 agreements provide a greater degree of certainty and can include built in protections, 'mortgagee in possession clauses' and set out procedures around staircasing and how the proceeds are dealt with. Planning conditions in contrast are unlikely to provide the same level of detail and certainty as a Section 106 agreement, even if the planning condition is very long. For these reasons the Council will not secure the provision of affordable housing through planning conditions.

What is secured

- 15.11** For detailed planning applications (Full applications) the S106 agreement will specify the number of affordable homes that are secured; identify the location of the affordable housing, including the precise tenures, sizes, number of bedrooms and which dwellings are to be built to M4(2) or M4(3) standard (if applicable).
- 15.12** For outline applications, percentages rather than absolute numbers will usually be specified. At this stage, the details of the types, sizes and tenures of the affordable housing will not be known. The S106 agreement will usually require the submission of an Affordable Housing scheme providing these details prior to the submission of the Reserved Matters.
- 15.13** If the Council identify a specific need for dwellings designed for wheelchair users, then this requirement would also be specified in the definition of affordable housing.

Other S106 Requirements

- 15.14** The Council will require through S106 agreements that the affordable housing be transferred to a Registered Provider, who will then in the case of the rental properties own and manage the properties, and in the case of the Intermediate Housing will market the properties and where applicable retain an interest in the management of the dwelling / share of the freehold.

15.15 Notwithstanding the obligations within a Section 106 agreement that the affordable housing is retained for that purpose in perpetuity (with the exception of Intermediate Housing which can potentially be purchased outright by the homeowner) the transfer of the affordable housing to a Registered Provider provides an additional safeguard that the dwellings will provide long term benefits in meeting housing need. The Council can also be more confident that the benefit of the affordable housing can be recycled for alternative affordable housing provision if the original affordable housing is lost, for example through Right to Acquire or Right to Buy schemes, or through staircasing of Intermediate Housing. For these reasons the Council will not support affordable housing being owned and retained by a body other than a Registered Provider.

Nomination Rights

15.16 The Council maintain the Housing Register which provides a list of all the people who have registered for social housing in the District. Where individuals have specific needs or need to prioritised the Register will do this. The District Council will allocate Affordable Housing for rent on housing need which is identified via a choice based letting system – currently the Gateway to Homechoice register.

15.17 To ensure that new Affordable Housing can be used to meet the needs of those with the most pressing housing needs in the District, the District Council will require that the landowner is obligated to offer the District Council to nominate the first tenant in any new Affordable Housing dwelling being provided for rent.

Guide to the Nominations:

15.18 Nomination requirements apply to all letting activity for Registered Providers properties within the Braintree district. This includes those inside the District where development was funded by other sources. This requirement is applicable to general needs and sheltered housing but usually excludes supported housing which can be subject to separate lettings arrangements. The nomination requirement is:

- First letting: 100 per cent of new properties (new build or acquisition and rehab) unless there is a scheme specific agreement to vary this.
- Relets: 75%: The Council's entitlement is 75% (unless otherwise required) on relets based on the reason the property becomes vacant/void. Voids usually fall into two categories:
- TRUE VOIDS of which the Council receives 75% nomination rights on relet properties (unless a different percentage requirement for a specific scheme has been negotiated).
- NON-TRUE VOIDS to which the Council has no entitlement on one out of four lets. The Registered Provider (RP) should look at the reason why the property became empty and, using the following guidance to decide whether it is a TRUE or NON-TRUE VOID.

Examples of true voids:

- a tenant moving to another landlord where no reciprocal commitment exists
- the death of a tenant where there is no statutory right of succession
- a tenant moving out to another property
- abandonment of tenancy

- eviction
- rehousing of permanent decant

Examples of non-true voids:

- a temporary move of the tenant
- tenant transfer within the RP's own stock
- Moves via Housing moves and Mutual Exchanges

Mortgagee In Possession

15.19 The Council understand that Registered Providers will often want to borrow from financial institutions against the value of Intermediate Housing / affordable housing secured through Section 106 agreements. Those financial institutions will often only lend against these properties as a security if they are able to realise the asset in the event that they have to take possession. Subject to agreement of appropriate drafting the Council accept in principle a 'mortgagee in possession' clause, subject to a requirement that the mortgagee first actively seeks to dispose of the properties to another Registered Provider first.

Indexation of financial contributions

15.20 Where the Council agree to accept a financial contribution in-lieu of the provision of affordable homes on-site the Council will require that the level of contribution is index linked, to reflect changes in inflation and property values between the date of the agreement and the date when the contribution is paid. The contributed will be indexed against the 'All Properties UK House Price Index' for the Braintree District Council area, published by HM Land Registry and the Office for National Statistics. This will be set out in the Section 106 agreement.

16 Monitoring of Affordable Housing Delivery

16.1 The delivery of affordable housing is reported monthly to Council Members and published annually in the Council's Annual Monitoring Report.

17 Contact Details for Key Braintree District Council Departments

- Housing Enabling Officer

Tel 01376 552525

housinginquiriesinbox@braintree.gov.uk

- Section 106 Monitoring

Tel 01376 552525

Section106@braintree.gov.uk

- Planning ask for the Principal Planning Officer (S106 & Infrastructure)

Tel 01376 552525

planning@braintree.gov.uk

18 Glossary of Terms and Abbreviations

18.1 Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

- a. Affordable housing for rent: meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).
- b. Starter homes: is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.
- c. Discounted market sales housing: is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.
- d. Other affordable routes to home ownership: is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.

18.2 Rural exception sites: Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.

19 Appendices

- **Appendix 1 List of Registered Providers operating in the District**
- **Flagship Housing** – info@flagship-homes.co.uk
- **Eastlight Community Housing** – customer.services@eastlighthomes.co.uk
- **CHP** - <https://www.chp.org.uk/contact-us-form>
- **Home Group** - <https://www.homegroup.org.uk/>
- **Peabody** – 03001233456 [Contact us - Peabody](#)
- **Hastoe Housing Association** - <https://www.hastoe.com/contact-us/>
- **Clarion Housing Group** - <https://www.clarionhg.com/contact-us>
- **Sanctuary** – contactus@sanctuary-housing.co.uk 2028 826 1656
- **Moat** – customer@moat.co.uk
- **Sage Housing** – enquiries@sagehomes.co.uk 02081680500
- **Legal & General** - <https://group.legalandgeneral.com/en/about-us/housing-businesses-partners/affordable-homes>