

PART ONE

GENERAL POLICIES AND REASONED JUSTIFICATION

The 'Plan' referred to in this report is the Braintree District Local Plan Review as amended at Revised Deposit and Pre-Inquiry stages and by concessions and corrections made during the Inquiry.

CHAPTER 1 - INTRODUCTION

1.1 Paragraph 1.2 – Period of Plan

The Objection

466-1275-P1.2 Mr Paul Foster

Main Issue

Whether the Plan period should be changed from 1996-2011 to 2001-2016

Inspectors Reasoning and Conclusions

1.1.1 The Plan has been the subject of review and is not a plan conceived from scratch. There is no certainty for the pattern and distribution of development in the County beyond 2011 and the emerging RPG14, which will replace the Structure Plan, has yet to be adopted. Furthermore, the recently enacted Planning and Compulsory Purchase Act 2004 requires all Councils to proceed towards the adoption of a Local Development Framework well before the end of the Plan period in 2011. Taking all these factors into account there is no justification for amending the Plan period from 1996-2011 to 2001-2016.

RECOMMENDATION

I recommend no change to the Plan.

CHAPTER 2 - DEVELOPMENT STRATEGY AND OVERALL VISION

2.1 Paragraph 2.1 – Growth in the District

The Objections

494-1370-P2.1	English Nature
501-1425-P2.1	Government Office for the East of England
501-1432-P2.1	Government Office for the East of England

Objections to Proposed Change 1

188-3154-P2.1a	House Builders Federation
187-3177-P2.1a	Mr B J Hill

Main Issues

- a) Whether there is a lack of clarity over sustainability principles (494-1370)
- b) Whether the Plan has a vision for the District and the three towns (501-1425)
- c) Whether the proposals of the Planning Green Paper should be reflected in the Plan (501-1432)
- d) Whether the text should be amended to reflect increase traffic on the A120 (187-3177)
- e) Whether the Growth of Stansted will mean a need to provide for more housing (188-3154)

Inspectors Reasoning and Conclusions

2.1.1 Paragraphs 2.2 and 2.3, including additions made at Revised Deposit stage, clearly set out an overall vision for the District and an emphasis on development in the three main towns is reiterated in various chapters in the Plan. The core strategy of the Plan is set out in paragraph 2.5 and the policies in the Plan relate directly to this strategy. There is no need to identify core policies as the Plan should be read as a whole and no policy has any greater weight than any other policy. Where appropriate the Council has specified sites that will be the subjects of development briefs and the Plan includes policies relating to those sites. The Council has also identified subjects that will be covered by the production of supplementary planning guidance.

2.1.2 The Plan is required to be, and is, in conformity with the Structure Plan. Housing provision for the District reflects figures contained within the Structure Plan and for the known future growth

of Stansted Airport, up to 25 mppa, there are no additional housing requirements for the District. Other plans and studies referred to by the House Builders Federation do not set out any clear government or strategic targets for housing growth and to use these references to increase housing provision in the District would be premature. To do so would also place the Plan out of conformity with the Structure Plan. The Structure Plan will be replaced by Regional Planning Guidance which, in fact, though still at an early stage in the statutory process, does not envisage significant housing in the District as a consequence of the growth at Stansted Airport.

2.1.3 The paragraph mentions the recent completion of the A120 dual carriageway between Braintree and Stansted Airport and is not the correct place to address potential problems associated with a road scheme for an extension of the dual carriageway that has not yet been the subject of public consultation. The objection by English Nature has been satisfied by amendments to the Plan.

RECOMMENDATION

I recommend no change to the Plan.

2.2 Paragraph 2.2 – Sustainability principles

The Objection

501-1431-P2.2 Government Office for the East of England

Main Issue

Whether there should be a reference to the London-Stansted-Cambridge Study

Inspectors Reasoning and Conclusions

2.2.1 Reference is made to the London-Stansted-Cambridge study in paragraph 2.4a of the Plan, added at Revised Deposit stage, though the Council has acknowledged that this should be changed to the London-Stansted-Cambridge-Peterborough study.

RECOMMENDATION

I recommend no change to the Plan.

2.3 Paragraph 2.3 - The Vision for the District

The Objections

216-432-P2.3 Essex Wildlife Trust
501-1427-P2.3 Government Office for the East of England

Main Issues

- a) Whether this paragraph should explicitly refer to biodiversity (216)
- b) Whether there should be reference to the Urban White Paper (501)

Inspectors Reasoning and Conclusions

2.3.1 The objections have been satisfied by amendments to the Plan at Revised Deposit stage.

RECOMMENDATIONS

I recommend no change to the Plan.

2.4 Paragraph 2.4 - The Strategy for the Plan period

The Objections

501-1429-P2.4 Government Office for the East of England
309-645-P2.4 Chelmsford Borough Council

Objections to Proposed Change 2

327-4864-P2.4a.P Berkeley Community Villages

Main Issues

- a) Whether there should be a comment on proximity to Stansted Airport (501)
- b) Whether the rate of housing growth should be determined (309)
- c) Whether emerging planning policy will have a fundamental effect on the District (327)

Inspectors Reasoning and Conclusions

2.4.1 Housing provision in the District for the Plan period reflects the target set out in the Structure Plan. Housing completions, as opposed to growth, will be less per annum in the remaining years of the Plan period simply to reflect the rate of completions in the years to date. Paragraph 2.1a, added at Revised Deposit stage, mentions Stansted Airport and its increasing effect on development in the District. The Council cannot take into account the various studies mentioned in paragraph 2.4a, added at Revised Deposit stage, because, unlike the Structure Plan, they do not set out any definite requirements for housing growth in the District. To do otherwise would undermine current strategic guidance for the area.

RECOMMENDATION

I recommend no change to the Plan.

2.5 Paragraph 2.5 - Key elements of the strategy

The Objections

216-434-P2.5	Essex Wildlife Trust
265-586-P2.5	Bryant Projects
309-646-P2.5	Chelmsford Borough Council
319-669-P2.5	Lidl UK GMBH
321-674-P2.5	The Countryside Agency
338-730-P2.5	Mr Austin Bonnet
381-962-P2.5	EW, JR and RW Bucknell
389-1009-P2.5	Laing Homes Strategic Land Ltd
389-1010-P2.5	Laing Homes Strategic Land Ltd
395-1558-P2.5	ETSU (for the DTI)
463-1256-P2.5	Crest Strategic Projects
467-1285-P2.5	Martin Grant Homes Ltd
468-1296-P2.5	Persimmon Homes (Essex)
494-1371-P2.5	English Nature

Main Issues

- a) Whether reference to nature conservation and diversity should be made (216, 309, 494)
- b) Whether the expansion of small towns and large villages should also be permitted (265, 338)
- c) Whether development should be allowed in the rural areas (389-1009)

- d) Whether modest new retail provision should be permitted in Braintree (319)
- e) Whether the rural areas should also be part of the development strategy (321)
- f) Whether reserve land should be included in the Plan (381)
- g) Whether the level of affordable housing should relate to need (389-1010, 463, 467, 468)
- h) Whether the Development of renewable energy should be a key objective (395)

Inspectors Reasoning and Conclusions

2.5.1 Changes and additions made at Revised Deposit stage satisfy objections made by Essex Wildlife Trust, Chelmsford Borough Council, The Countryside Agency and ETSU. The expansion of small towns and large villages, housing provision, the allocation of reserve sites and affordable housing are dealt with in Chapter 3.

2.5.2 Retail studies carried out on behalf of the Council indicate that there is no scope for new retail provision in Braintree town centre and it cannot therefore be a key element of the strategy for the District. A suggested addition to the third bullet point under 'Housing' in paragraph 2.5 of the Plan is not a key element but a matter of detail and is dealt with in Chapter 3.

2.5.3 Preserving and enhancing the biodiversity of the area is now a key element of the Council's strategy under the heading 'Environmental Resources and Protection'. This section of the Plan strategy also includes a reference to there being a 'strong emphasis on nature conservation' and it is not appropriate to mention provision and access to green spaces of nature conservation value, such as country parks and local nature reserves, in the Community Facilities section of the paragraph. The Council can have little influence over these public access areas and there is no evidential support or justification for including a policy in the Plan relating to this matter.

RECOMMENDATION

I recommend no change to the Plan.

CHAPTER 3 - HOUSING

3.1 Paragraph 3.1 Introduction

The Objection

501-1433-3.1 Government Office for the East of England

Main Issue

Whether the Plan makes enough use of development briefs

Inspectors Reasoning and Conclusions

3.1.1 Paragraph 3.29 of the Plan was amended, at Revised Deposit stage, by the addition of text that introduces the principle of master plans and development briefs at an early planning stage. Elsewhere in the Plan allocated mixed use sites will be the subject of development briefs before the planning stages. The changes to paragraph 3.29 and the reference to development briefs elsewhere in the Plan satisfy the objection made by GO-East.

RECOMMENDATION

I recommend no change to the Plan.

3.2 Paragraph 3.3: Policy Background

The Objection

188-372-P3.3 The House Builders Federation

Main Issue

Whether the Paragraph should read Circular 6/98, not 13/96

Inspectors Reasoning and Conclusions

3.2.1 An amendment to paragraph 3.3, at Revised Deposit stage, satisfies the objection.

RECOMMENDATION

I recommend no change to the Plan.

3.3 Paragraph 3.5: Structure Plan Housing Provision

The Objection

338-731-P3.5 Mr Austin Bonnet

Main Issue

Whether the phrase 'urban extensions' should replace 'on the edge of urban areas'

Inspectors Reasoning and Conclusions

3.3.1 Structure Plan (SP) policy H2 refers to 'on the edge of existing large urban areas' in principle 2 so the reference to 'on the edge of large urban areas' in paragraph 3.5 of the Plan is correct.

RECOMMENDATION

I recommend no change to the Plan.

3.4 Paragraph 3.6: Objectives of Housing Provision

The Objections

338-732-P3.6 Mr Austin Bonnet
466-1274-P3.6 Mr Paul Foster

Main Issues

- a) Whether the location of housing land should relate to where it can secure improvements to facilities (338)
- b) Whether there is still a requirement to ensure a 5 year supply of housing (466)

Inspectors Reasoning and Conclusions

3.4.1 An amendment to paragraph 3.6, at Revised Deposit stage, satisfies the objection by Mr A Bonnet.

3.4.2 The objection by Mr P Foster is no more than a question of semantics. "To ensure that a five year supply of housing land is available", objective 2 in paragraph 3.6 of the Plan, is no different to "Sufficient sites should be shown on the Plan's proposals map to accommodate at least the first five years of housing development proposed in the Plan", advice in paragraph 34 of PPG3.

RECOMMENDATION

I recommend no change to the Plan.

3.5 Paragraph 3.7: Housing provision

The Objection

74-163-P3.7 Hunnable Holdings Ltd

Objections to Proposed Change 1

333-2816-P3.7.R Redrow Homes (Eastern) Ltd
333-2822-P3.7.R Redrow Homes (Eastern) Ltd

Main Issues

- a) Some provision should be made for residential development in villages (74)
- b) Expected contribution from small sites figure is unrealistic (333)

Inspectors Reasoning and Conclusions

3.5.1 PPG3 does state, in paragraph 65, that "Not all (housing) development can take place in urban areas". However, the government is committed to maximising housing provision in or adjacent to urban areas and the Council has correctly focused their search for housing sites to the three main urban areas in the District. Nevertheless, 18% of housing provision in the Plan is within settlements outside the three main towns of Braintree, Witham and Halstead. This provision in rural settlements adequately recognises the advice in paragraph 65 of PPG3.

3.5.2 The Council expects overall housing provision for the District, for the period 2003-2011, to include 800 dwellings on small unallocated sites. This figure is generally based on a mean annual average of 104 dwelling completions over the period 1996-2003. Apart from 166 small site dwelling completions in 1999-2000 and 68 small site dwelling completions in 2001-2002 the number of dwellings completed on small sites has been generally consistent and there is no evidence to suggest that the trend will not continue up to 2011. The 1 April 2003 housing land availability review indicates that there were, at that base date, unimplemented planning permissions for 440 dwellings on small unallocated sites. Furthermore, annual additional capacity for small sites over the

period 1996-2003 was about 90 dwellings per year. It is likely therefore that over the period 2003-2011 planning permissions will be granted for the construction of about 720 dwellings on small sites. It would be prudent to discount permissions granted in the last two years of that period for they may not be built until after 2011. Consequently, as a rough estimate, 440 plus 540 (6 x 90) suggests that, potentially, 980 dwellings could be built on small sites up to 2011. Even allowing a generous discount of 20%, to allow for unimplemented permissions, it is likely that about 800 dwellings will be built on small sites in the period 2003-2011. The small sites contribution to housing provision up to 2011 is therefore realistic.

RECOMMENDATION

I recommend no change to the Plan.

3.6 Paragraph 3.8: The Urban Capacity Study

The Objections

288-609-P3.8	Mrs Susan Ireland
327-690-P3.8	Berkeley Strategic Land Ltd
338-733-P3.8	Mr Austin Bonnet
74-164-P3.8	Hunnable Holdings

Main Issues

- a) Whether all of the sites in the UCS will come forward (288)
- b) Whether Double-counting has occurred (327)
- c) Whether the UCS has been a desktop study (338)
- d) Repetition of 74-163-P3.7

Inspectors Reasoning and Conclusions

3.6.1 The Urban Capacity Study (UCS) is considered in section 3.11 below and planned development in villages in paragraph 3.5.1 above. Paragraph 3.8 should be amended to reflect the publication of a UCS review, in response to many objections to the First Deposit Draft version of the Plan review, in February 2004.

RECOMMENDATION

I recommend that paragraph 3.8 be amended to reflect the publication of a review of the UCS in February 2004.

3.7 Paragraph 3.9: Housing strategy

The Objections

288-610-P3.9	Mrs Susan Ireland
338-4891-P3.9	Mr Austin Bonnet
372-908-P3.9	Gray and Dale
376-933-P3.9	Mr and Mrs Peterson
74-165-P3.9	Hunnable Holdings

Main Issues

- a) Whether the UCS should be re-assessed (288, 338)
- b) Whether the paragraph should refer to rural areas & key villages (372, 376)

Inspectors Reasoning and Conclusions

3.7.1 The Urban Capacity Study (UCS) is considered in section 3.11 below and planned development in villages in paragraph 3.5.1 above. No change to paragraph 3.9 is necessary as a result of the objections.

RECOMMENDATION

I recommend no change to the Plan.

3.8 Paragraph 3.10: The sequential approach to housing development

The Objections

74-166-P3.10	Hunnable Holdings
338-4892-P3.10	Mr Austin Bonnet

Main Issues

- a) Whether housing should be allowed outside of the main urban areas (74)
- b) Whether all of the UCS sites will come forward in the Plan period (338)

Inspectors Reasoning and Conclusions

3.8.1 The Urban Capacity Study (UCS) is considered in section 3.11 below and planned development in villages in paragraph 3.5.1

above. No change to paragraph 3.10 is necessary as a result of the objections.

RECOMMENDATION

I recommend no change to the Plan.

3.9 Paragraph 3.11: Meeting of the Structure Plan Provision

The Objections

188-376-P3.11	The House Builders Federation
338-4893-P3.11	Littman & Robeson
372-904-P3.11	Gray and Dale
389-1011-P3.11	Laing Homes Strategic Land
463-1257-P3.11	Crest Strategic Projects
74-167-P3.11	Hunnable Holdings Ltd

Main Issues

- a) Whether New Greenfield sites should be considered (188, 389)
- b) Whether Sites in rural areas should be considered (74)
- c) Whether the Plan should indicate which Greenfield sites have been carried forward (463)
- d) Whether all of the UCS sites will come forward in the Plan period (338)

Inspectors Reasoning and Conclusions

3.9.1 The Urban Capacity Study (UCS) is considered in section 3.11 below and planned development in villages in paragraph 3.5.1 above. Paragraph 3.11 was amended, at Revised Deposit stage, to include a list of greenfield sites, including land at Mill Hill, Braintree, that are committed by way of planning permissions or are under construction. The paragraph also now includes a list of small allocated greenfield sites that have been allocated within the development boundaries of Braintree and Witham. No change to paragraph 3.10 is necessary as a result of the objections.

RECOMMENDATION

I recommend no change to the Plan.

3.10 Paragraph 3.13: Application of the Plan

The Objections

327-691-3.13	Berkeley Community Villages
428-1142-App1	Mr Christopher Butler
428-1145-3.13	Mr Christopher Butler
428-1148-App1	Mr Christopher Butler

Main Issues

- a) Whether the Plan should be monitored in five years time (327)
- b) Whether Reserve housing sites should be identified (327)
- c) Whether an additional site in Halstead should be identified (428)

Inspectors Reasoning and Conclusions

3.10.1 Paragraph 3.13 was amended, at Revised Deposit stage, to include the statement that the Plan will be reviewed in five years time or sooner if dictated by certain circumstances. Specific site allocations are considered in Part 2 of this report and the allocation of reserve sites in section 3.11 below. No change to paragraph 3.13 is necessary as a result of the objections.

RECOMMENDATION

I recommend no change to the Plan.

3.11 Policy RLP 1: Housing Provision

The Objections

81-192-RLP1	Mary Joslin
94-212-RLP1	Peter Hamilton
109-229-RLP1	E W King & Co Ltd
114-240-RLP1	Principality Properties
115-243-RLP1	S H Cooke
117-247-RLP1	Ken Leech Trees
120-255-RLP1	R and E Ward
188-375-RLP1	House Builders Federation
247-524-RLP1	Central Plant Management
247-528-RLP1	Central Plant Management
267-560-RLP1	BC Mitchams Farms
272-589-RLP1	PLC Hunwick Ltd

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288-612-RLP1	Mrs Susan Ireland
326-748-RLP1	NHS Executive Eastern Region
327-692-RLP1	Berkeley Strategic Land Ltd
333-714-RLP1	Redrow Homes (SE) Ltd
333-719-RLP1	Redrow Homes (SE) Ltd
338-734-RLP1	Mr Austin Bonnet
347-753-RLP1	Countryside Strategic Projects plc
351-777-RLP1	Douglas Management Ltd
352-4906-RLP1	Diocese of Chelmsford
355-798-RLP1	Mr & Mrs Kenny (see site 1.32)
356-803-RLP1	J and H Properties Ltd
357-806-RLP1	Roger Turpin
359-810-RLP1	H Whittaker
360-812-RLP1	Executors of Lt Colchester W J Austin Deceased
362-826-RLP1	Bethall Trust
363-852-RLP1	Peter Ratcliffe
364-863-RLP1	Executors of F H Warner
365-872-RLP1	C S and R M Gosling
366-876-RLP1	R W H Properties
372-906-RLP1	Gray and Dale
375-914-RLP1	Lord Rayleigh's Farms Ltd
376-931-RLP1	Mr and Mrs Peterson
381-963-RLP1	E W, J R and R W Bucknell
382-982-RLP1	Jones of Rayne
389-1012-RLP1	Laing Homes Strategic Land
389-1019-RLP1	Laing Homes Strategic Land
415-1103-RLP1	Lord Rayleigh's Accumulation and Maintenance Settlement
415-1104-New	Lord Rayleigh's Accumulation and Maintenance Settlement
428-1146-RLP1	Christopher Butler
433-1159-RLP1	David Wilson Estates
442-1180-RLP1	Booker plc
450-1240-RLP1	Witham and District Chamber of Commerce
463-1258-RLP1	Crest Strategic Projects
463-1264-RLP1	Crest Strategic Projects
463-2924-RLP1	Crest Strategic Projects
466-1273-RLP1	Paul Foster
468-1292-RLP1	Persimmon Homes (Essex)
489-1364-RLP1	First Group plc
494-1372-RLP1	English Nature
495-1415-RLP1	Wilcon Homes Anglia
501-1434-RLP1	GO-East
501-1435-RLP1	GO-East
81-192-RLP1	Mary Joslin
94-212-RLP1	Peter Hamilton

Objections to Proposed Change 1

327-3152-RLP1.R	Berkeley Community Villages
415-3060-RLP1.R	Lord Rayleigh's 1985 Accumulation
415-3061-RLP1.R	Lord Rayleigh's 1985 Accumulation
991-2916-RLP1.R	The Tipping Family Trust

Main Issues

- a) Whether 10,300 dwellings is sufficient to meet demand (109, 120)
- b) Whether the Policy should allow development outside of the three main settlements, and in the rural areas (114, 115, 117, 347, 351, 357, 359, 364, 365, 372, 376)
- c) Whether more allowance for Greenfield sites should be made (188, 333-714, 363)
- d) Whether Reserve sites should be allowed for (327, 415)
- e) Whether the Urban Capacity Study is flawed (288, 333-717, 94)
- f) Whether there is too much reliance on small sites (338, 375, 381, 382, 433)
- g) Whether the existing road network will cope with such an increase (450)
- h) Whether sites will not come forward, resulting in a shortfall (389, 463)
- i) Whether sustainability criteria should be outlined (466)
- j) Whether there is a conflict between housing and wildlife sites (494)
- k) Many site-specific representations put forward (247, 272, 326, 327, 352, 354, 355, 356, 360, 362, 363, 366, 428, 442, 463, 464, 468, 479, 489, 495, 81)
- l) Whether the brownfield target should be higher (501)
- m) Whether the deletion of requirement to monitor annually should be reinstated (327)
- n) Whether a Plan-monitor-manage approach should take place (415, 991)
- o) Whether a new policy on safeguarding should be included (417)
- p) Whether greenfield allocations from the adopted plan should be carried forward (501)

Inspectors Reasoning and Conclusions

3.11.1 The Plan is required to conform to the adopted Structure Plan (SP), the Essex and Southend-on-Sea Replacement Structure Plan 1996-2011. The SP, in policy H1, indicates that Braintree District should provide for the construction of 10,300 dwellings

between 1996 and 2011. The Council has correctly used this requirement as the basis for housing allocations and housing provision in the Plan for the District. There is no justification for altering housing provision to reflect any reports or studies carried out on this subject as these are of insufficient weight and do not contain any specific requirements. To do so would also place the Plan out of conformity with the SP and would undermine the intention that the Development Plan should provide certainty in the planning process. The SP will be replaced by emerging Regional Planning Guidance for the area, RPG14. RPG14 is at an early stage in the statutory process leading to adoption, is far from being part of the Development Plan and, if current figures are carried forward, would result in lower housing growth in the area and the District than that provided for in the SP.

3.11.2 It is quite possible that SP housing provision for the District will not meet demand. However, unfettered housing growth would be contrary to the government's commitment to the control of housing provision and would undermine the nationwide plan led system of development control that is enshrined in the Planning Acts. PPG3 and SP policy H2 clearly indicate a sequential approach to the allocation of housing land. Paragraph 30 of PPG3 also states that the Council "...should not extend the search further than required to provide sufficient capacity to meet the agreed housing requirement". The Council has been able to meet the SP requirement for housing provision from existing commitments and from sites within the three main urban areas identified in the SP. The additional sites are mainly previously developed sites but also include small greenfield extensions within settlement boundaries. This approach accords with the SP and satisfies the government's commitment to maximising the re-use of previously developed land within urban areas. There is no justification for allocating land for housing on sites adjacent to villages outside the three main towns in the District either in preference to urban allocations or in addition to overall housing provision.

3.11.3 Many sites allocated in the First Deposit Draft version of the Plan have been deleted in response to objections and also, in certain instances, to reflect infrastructure, highway or environmental reasons that would prevent a site becoming available for development. No evidence has been brought forward to indicate that any housing allocation in the Plan will not come forward and there is therefore no justification for allocating greenfield urban extensions outside town boundaries either in preference or in addition to urban sites. As detailed in paragraph 3.5.2 above the small sites contribution to housing provision up to 2011 is realistic. Concerns regarding the existing road network relate to the A12,

particularly where it by-passes Witham. The Council is aware of the sub-standard condition of the trunk road and, other than existing commitments at Maltings Lane and a greenfield allocation at Constance Close for 100 dwellings, there are no new major allocations in Witham. Furthermore, whilst sympathetic to concerns the Council is not responsible for improvements to the road and can only be supportive of future plans. There is no justification for including sustainability criteria in the policy for these have been applied in the allocation process and no further allocations are likely to be required during the Plan period. The last sentence has been deleted, at Revised Deposit stage, and the penultimate sentence is considered in paragraph 3.11.9 below.

3.11.4 As detailed in Table 1 of the Plan between 1996 and 2002 5,492 dwellings were built in the District. The table therefore infers that there is a SP requirement for the construction of 4,808 dwellings (10,300-5,492) in the period 2002-2011. Though these figures could be updated to reflect information collated up to 2003 a baseline must be drawn somewhere and it is appropriate therefore not to amend the figures in the Plan, which have already been amended at Revised Deposit stage. There is a realistic expectation that 900 dwellings will be constructed on small sites and large sites have been allocated in the Plan for the construction of 4,714 dwellings in the period 2002-2011. Total provision is therefore 5,614 dwellings which exceeds SP requirements by 806 dwellings, an overprovision of about 16.5%. No substantive information has been provided to indicate that any large site allocations retained in the Plan that do not have the benefit of planning permission, given also the identified demand for housing, will not become available for development during the Plan period. The level of overprovision does provide a degree of flexibility and adequately accounts for the possibility that some sites may not achieve their projected number of dwelling completions. It is worth noting that some planning consultants acting for objectors at the Inquiry have not sought to question the Council's approach to housing provision or their projected figures for dwelling completions against SP requirements.

3.11.5 Following on from the previous paragraph there is no justification for the allocation of any further housing sites. Neither is there any justification, given in particular the degree of overprovision and the Council's commitment to the plan, monitor and manage approach advocated in PPG3, for the allocation of reserve sites or for the introduction of a new policy to safeguard sites. Objections seeking the allocation of reserve sites related mainly to the promotion of greenfield sites adjoining urban areas. Notwithstanding the aforementioned adequate allocation of housing land there is no reason for the allocation of reserve greenfield sites

for they may compare unfavourably with urban brownfield sites that may come forward for development in the future. The Council is required, by the enactment of the Planning and Compulsory Purchase Act 2004, to prepare and adopt a Local Development Document (LDD) for the District to replace the Local Plan. Even allowing for slippage beyond the intended adoption year of 2007 it is very likely that an LDD will be adopted by the end of the decade. The LDD will be required to reflect a Regional Spatial Strategy (RSS) that will set out housing requirements for the District. The Council will be commencing the preparation of the LDD in the near future and housing provision for the District will be assessed in the light of the emerging RSS. The preparation will, no doubt, include the identification of potential housing sites that will be assessed against sustainability criteria set out in current or future government guidance. The sites that have been the subject of objections to the Plan may well be appropriate for consideration at that stage.

3.11.6 Several Objectors have referred to a statement by Mr Keith Hill, Minister of State for Housing and Planning, which indicates, amongst other things, that local authorities should "provide for at least ten years potential supply of housing". The Plan only allocates sufficient land to meet the housing needs of the District up to 2011, which will be only six years after the likely adoption of the Plan review. However, when the review was commenced, in 2001, the Council was planning for ten years supply of housing. More importantly, the SP includes housing requirements for the District up to 2011 and there is no adopted regional or strategic policy for housing requirements post 2011. It would be inappropriate, therefore, for the Council to make provision for housing beyond 2011. In addition, as previously mentioned, the Council is required, by the enactment of the Planning and Compulsory Purchase Act 2004, to prepare and adopt a Local Development Document (LDD) for the District to replace the Local Plan. The LDD will reflect an RSS that will set out housing requirements for the District post 2011.

3.11.7 The Urban Capacity Study (UCS) that informed the First Deposit Draft of the Plan was carried out in 2000 and published in April 2001. In response to objections later in the plan process the Council commissioned a review of the UCS which was published in February 2004 only three months before the start of the Inquiry. The UCS review therefore represents an up-to-date assessment of urban capacity potential in the three urban areas of the District. It also takes into account recent government guidance 'Tapping the Potential' and an East of England Local Government Conference advice note 'Urban Capacity Studies in the East of England:

Ensuring a Greater Consistency of Approach'. The study included site survey work and was not just a desk-top study, study workshops involved representatives of house builders, amongst others, key stakeholders were interviewed and discounting has been applied to arrive at constrained capacities. The most recent study is a robust and thorough assessment of housing land availability and capacity and its conclusions underpin the Council's windfall housing provision and housing allocations.

3.11.8 Several outstanding objections to the Plan relate to the development of a new settlement on land formerly known as Saling Airfield. This land is now mainly farmed Grade 2 agricultural land to the west of Braintree and to the north of the A120 dual carriageway. The site is over 1,000 hectares and extends into the neighbouring Uttlesford District. The Council has allocated sufficient land to meet the housing and employment needs of the District for the Plan period. The objection site would constitute a substantial greenfield development in the countryside. The proposed allocation of the site for a new settlement would also undermine the government's commitment to the re-use of previously developed land and to housing and employment provision being mainly within existing urban areas. There is nothing in current studies on future housing requirements in the south-east to warrant consideration of such a large development of new housing in Braintree District.

3.11.9 Many wildlife sites are too small to be shown on Proposals Maps and, in any event, the application of other policies in the Plan during the development control process will ensure that wildlife sites are not threatened. Objections relating to specific sites are considered in Part 2 of this report. Greenfield allocations from the adopted Plan have been carried forward only if they have the benefit of planning permission, whether implemented or not. The Council is committed to a plan, monitor and manage approach advocated in PPG3 and housing provision is therefore likely to be re-assessed on a regular basis and at least annually. The requirement to move towards the adoption of an LDD will also ensure that housing provision for the District will be completely re-assessed within five years of adoption of the Plan review.

3.11.10 A government target is that 60% of housing should be on previously developed land but the Council maintains that this figure is difficult to achieve in a District such as Braintree. Consequently, RLP 1 states that "It is proposed that 40% of the provision will be on previously developed land". However, the Council has stated that though 37% was achieved in 1996-2003 57% would probably be achieved in 2003-2011 and that, overall, 46% would therefore be achieved in the Plan period 1996-2011.

The provision set out in RLP 1 would therefore appear to be either pessimistic or insufficiently onerous. Furthermore, the policy statement is merely a proposal and, given also the deletion of the last sentence at Revised Deposit stage, makes no specific requirement for development, indicates how the proposal will be achieved or identifies any harm that should be avoided.

3.11.11 There is no doubt that the Council has heeded the government's commitment to maximising the use of previously developed land for housing and is also committed to this objective for the remainder of the Plan period and beyond. There is no particular reason for the inclusion of the percentage target in RLP 1 or in paragraph 3.12. The policy should be amended by the deletion of the last sentence "It is...developed land" and the paragraph should be amended to "The Council is committed to maximising the use of previously developed land for housing. The government has set a national target for 60% of land used for housing to have been previously developed. This figure is difficult to achieve in a District such as Braintree that has a mixture of medium sized towns and extensive rural areas and because the large greenfield sites listed in the previous paragraph have yet to be completed. However, the review of the Local Plan has sought to maximise opportunities for the re-use of previously developed land for housing".

3.11.12 No matters mentioned by objectors, either individually or collectively, merit amendments to RLP1 other than that mentioned in the previous paragraph.

RECOMMENDATIONS

I recommend that RLP 1 be amended by the deletion of the last sentence and that paragraph 3.12 be altered to be "The Council is committed to maximising the use of previously developed land for housing. The government has set a national target for 60% of land used for housing to have been previously developed. This figure is difficult to achieve in a District such as Braintree that has a mixture of medium sized towns and extensive rural areas and because the large greenfield sites listed in the previous paragraph have yet to be completed. However, the review of the Local Plan has sought to maximise opportunities for the re-use of previously developed land for housing".

3.12 Table 1: Housing Provision

The Objections

338-4894-Table 1	Mr Austin Bonnet
347-754-Table 1	Countryside Strategic Projects plc
351-779-Table 1	Douglas Management Ltd
361-813-Table 1	Bellway Homes/Swan Hill Homes
375-4904-Table 1	Lord Rayleigh's Farms
333-4905-Table 1	Redrow Homes

Objections to Proposed Change 1

389-2806-Table 1.R	Laing Homes
468-2882 Table 1.R	Persimmon Homes
188-3155 Table 1.R	The House Builders Federation
991-2917 Table 1.R	The Tipping Family Trust

Objections to Proposed Change 2

1017-4846-Table1.P	Cllr James Abbot (see site 53.1)
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Main Issues

- a) Whether the Sites at Tye Green (347), Hatfield Peverel (375), Kelvedon (351) and Witham (361) should be included in the Table
- b) Whether further allocations will need to be included (389, 463, 468)
- c) Whether the figures are accurate (188)
- d) Whether Brownfield sites should be developed before Greenfield sites (991)
- e) Whether the Table overstates the contribution from large sites that can sensibly be allocated in the plan (338, 333)
- f) Whether 'small sites' should be clearly defined (375)

Inspectors Reasoning and Conclusions

3.12.1 Objections relating to specific sites are considered in Part Two of this report. Matters considered in the previous section indicate that no additional allocations are required and there is no reason to conclude that the figures are inaccurate. The Council has maximised the re-use of previously developed land for housing provision and there is no mechanism available to prevent the implementation of existing planning permissions for the development of greenfield sites in favour of the development of brownfield sites. No evidence has been submitted to indicate that allocated sites will not achieve the expected number of housing

completions and the Council has provided evidence to support their small sites housing provision. No matters mentioned by Objectors, either individually or collectively, warrant an amendment to Table 1.

RECOMMENDATION

I recommend no change to the Plan.

3.13 Appendix 1: Schedule of Residential Sites of 12 dwellings or more

The Objections

288-608-App 1	Mrs Susan Ireland
415-1110-App 1	Lord Rayleighs 1985 Accumulation and Maintenance Settlement
361-857-App1	Bellway Homes/Swan Hill Homes
428-1142-App1	Mr Christopher Butler
428-1145-3.13	Mr Christopher Butler
428-1148-App1	Mr Christopher Butler

Objections to Proposed Change 1

333-2820-App1.R	Redrow Homes
333-2821-App1.R	Redrow Homes
991-2920-App1.R	The Tipping Family Trust
415-3062-App1.R	Lord Rayleighs 1985 Accumulation

Main Issues

- a) Whether Sites included in the schedule should be deleted (288, 415)
- b) Whether sites not included in the schedule should be included (361, 428)
- c) Whether the Expected contribution from small sites is exaggerated (333, 991, 415)
- d) Whether the Brownfield sites are deliverable (333, 991, 415)

Inspectors Reasoning and Conclusions

3.13.1 Taking into account the content of and conclusions in section 3.11 no matters mentioned by Objectors, either individually or collectively, warrant any amendment to Appendix 1 in the Plan.

RECOMMENDATION

I recommend no change to the Plan.

3.14 Paragraph 3.14/ Policy RLP 2 : Town Development Boundaries

The Objections

109-230-RLP2	E W King and Co
113-4913-RLP2	Waterers Farms
115-244-RLP2	S H Cooke and Owners
117-248-RLP2	Ken Leech Trees
122-4911-RLP2	Wendy Abbott
138-281-RLP2	Railtrack plc
138-294-RLP2	Railtrack plc
170-340-RLP2	Mrs & Mr Mackenzie
218-4910-RLP2	Robert Browning & Son
248-529-RLP2	Robin Steward (see site 67.2)
256-542-RLP2	Persimmon Homes
302-636-RLP2	Greene King plc
319-670-RLP2	Lidl UK GMBH
350-774-RLP2	Interesting Developments Ltd
351-780-RLP2	Douglas Management Ltd
355-799-RLP2	Oakwood House see site 1.32
356-804-RLP2	J and H Properties (Chelmsford) Ltd (see site 36.3)
361-815-RLP2	Bellway Homes/Swan Hill Homes Ltd
370-886-RLP2	CML Microsystems and Chelmsford Diocesan Board of Finance
375-915-RLP2	Lord Rayleigh's Farms Ltd (see site 36.6)
428-1137-RLP2	Christopher Butler
428-1144-RLP2	Christopher Butler
468-1293-RLP2	Persimmon Homes (Essex) Ltd
509-1573-RLP2	A W G Plc and Eastland Developments Ltd
509-1588-RLP2	A W G Plc and Eastland Developments Ltd
280-596-P3.14	R A Hunt (see site 67.1)
338-735-P3.14	Mr Austin Bonnet
338-4895-RLP2	Mr Austin Bonnet

Objections to Proposed Change 1

479-2903-RLP2.R	Premdor Crosby (supporting)
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Main Issues

- a) Whether the Policy to concentrate development in the three main towns gives people a choice of where to live (115)
- b) Whether development close to railway lines merit special consideration (138-281)
- c) Whether a new railfreight site should be identified (138-294)
- d) Many site-specific representations (109, 117, 122, 170, 218, 248, 256, 302, 319, 350, 351, 354, 355, 356, 361, 370, 375, 428, 468, 509, 280)
- e) Whether the Brownfield allocation should be reduced to 25% (109)
- f) Whether an additional reason should be included. 'Provide additional dwellings to support the provision and retention of local facilities and affordable housing' (338)

Inspectors Reasoning and Conclusions

3.14.1 Taking into account guidance in PPG3 and the thrust of SP policy H2 the Council has correctly focused the allocation of housing land within the urban areas of the three main towns of the District. Nevertheless, 18% of housing growth is likely to be in rural villages. Objections by Network Rail are either matters to be considered during the development control process or do not warrant any amendment to RLP 2. An objection relating to percentage brownfield development does not merit any amendment to the policy or the supporting text and is considered in paragraphs 3.11.8 and 3.11.9 above. No evidence has been provided to support an additional reason for development boundaries in paragraph 3.14. Objections relating to specific sites are considered in Part Two of this report. No matters mentioned by objectors, either individually or collectively, merit any change to paragraph 3.14 or to RLP 2.

RECOMMENDATION

I recommend no change to the Plan.

3.15 Policy RLP 3 : Development within development boundaries

The Objections

338-737-RLP3	Mr Austin Bonnet
351-781-RLP3	Douglas Management Ltd
372-912-RLP3	Gray and Dale;

376-934-RLP3	Mr and Mrs Peterson
462-1253-RLP3	Mr Anthony Couling
466-1272-RLP3	Mr Paul Foster
48-119-RLP3	English Heritage
508-1537-RLP3	Ashen Parish Council
509-1574-RLP3	A W G Plc and Eastland Developments Ltd
509-1589-RLP3	A W G Plc and Eastland Developments Ltd

Main Issues

- a) Whether the wording of the policy should be changed to qualify the amount of detriment permitted (338)
- b) Whether there should be scope to provide higher density development (338)
- c) Whether the Policy is overly prescriptive (351, 361)
- d) Whether Development should seek to improve local facilities and sustainability (372, 376, 462, 508)
- e) Whether the reference to the Council should be deleted (466)
- f) Whether the Policy should apply to residential development only (466)
- g) A number of site-specific representations (509)

Inspectors Reasoning and Conclusions

3.15.1 RLP 3 was amended, at Revised Deposit stage, to qualify harm by the introduction of 'material' and 'materially' and to delete 'the Council'. Density of development and maintaining local facilities are the subject of other policies and text in the Plan. RLP 3 is a general development policy that is specifically related to residential development and is not overly prescriptive. Objections relating to specific sites are considered in Part Two of this report. No matters mentioned by objectors, either individually or collectively, merit any change to policy RLP 3.

RECOMMENDATION

I recommend no change to the Plan.

3.16 Policy RLP 4: Prevention of Town Cramming

The Objections

113-4914-RLP4	Waterers Farms
216-435-RLP4	Essex Wildlife Trust
265-581-RLP4	Bryant Projects
323-680-RLP4	Rosmoyne Ltd

368-880-RLP4	The Royal Eastern Counties Schools Ltd
466-1276-RLP4	Mr Paul Foster
509-1575-RLP4	A W G Plc and Eastland Developments Ltd
509-1590-RLP4	A W G Plc and Eastland Developments Ltd

Main Issues

- a) Whether there should be a specific reference to nature conservation (216)
- b) Whether the Policy should be amalgamated with RLP3 (265)
- c) Whether there should be an embargo on visually important spaces (323, 368)
- d) Whether the text as written is ambiguous (466)
- e) Whether some site-specific representations should be included (113, 509)

Inspectors Reasoning and Conclusions

3.16.1 Objections by Waterers Farms, Rosmoyne Ltd, The Royal Eastern Counties Schools Ltd and AWG plc are site specific and are considered in Part Two of this report. Objections by Essex Wildlife Trust and Mr Paul Foster have been satisfied by amendments to RLP 4 at Revised Deposit stage. The policy as amended is not ambiguous and there is no justification for the amalgamation of the policy with RLP 3. No matters mentioned by objectors, either individually or collectively, merit any change to paragraph RLP 4.

RECOMMENDATION

I recommend no change to the Plan.

3.17 Paragraph 3.16/ Policy RLP 5 & RLP 162: Planning Obligations

The Objections

155-388-RLP5	Sport England
188-378-RLP5	The House Builders Federation
216-436-RLP5	Essex Wildlife Trust
334-716-RLP5	Essex County Council
338-738-RLP5	Mr Austin Bonnet
466-1277-RLP5	Mr Paul Foster
463-1267-RLP162	Crest Strategic Projects
467-1286-RLP 162	Martin Grant Homes Ltd
48-130-RLP 162	English Heritage

494-1405-RLp 162 English Nature
188-377-P3.16 The House Builders Federation
418-1118-P3.16 Mr Peter Fox

Objections to Proposed Change 1

334-2965-RLP5 Essex County Council
494-3074-RLP162.R English Nature
499-3198-RLP162.R Barrett Eastern Counties

Main Issues

- a) Whether "Open Space" should be amended to include "formal recreation space" (155)
- b) Whether it is appropriate for the Council to indicate in a policy what it seeks from developers (188)
- c) Whether the wording of this policy should include reference to habitat creation/enhancement. (216)
- d) Whether it is necessary in all cases to enter into a planning obligation. Goes beyond the appropriate test in circular 1/97. (265, 338, 361)
- e) Whether the use of 'normally' is ambiguous (466, 501-1439)
- f) Whether RLP5 is to some extent duplicated by RLP 162 (501-1440)
- g) Whether (e) should be amended to 'and where appropriate enhancement of historic buildings...' to discourage an over-decorative approach, and should refer to BAPs. (48, 494)
- h) Whether the Deletion of RLP5 weakens the Plan with regard to education contributions (334)
- i) Whether Formal recreation space must be supported by an assessment of need (499)

Inspectors Reasoning and Conclusions

3.17.1 RLP 5 and its supporting text were deleted at Revised Deposit stage in response to several objections that suggested the policy was duplicated by RLP 162. Amendments to RLP 162 were also introduced at Revised Deposit stage and its supporting text, paragraph 13.3, was amended at Pre-Inquiry stage by the introduction of the sentence "Supplementary Planning Guidance will be prepared on the subject of planning agreements and obligations". The deletion of RLP 5 and amendments and additions to RLP 162 and paragraph 13.3 generally satisfy most objections. Other objections do not merit any further amendments to RLP 162 and paragraph 13.3, and can be considered on preparation of the Supplementary Planning Guidance (SPG). Though not a formal

recommendation the Council should move swiftly towards the adoption of the SPG.

RECOMMENDATION

I recommend no change to the Plan.

3.18 Paragraphs 3.18, 3.20, 3.21, 3.22, 3.23 & 3.24/ Policy RLP 6: Affordable Housing

The Objections

113-4915-RLP6	Waterers Farm Ltd
389-1013-P3.18	Laing Homes Strategic Ltd
389-1014-P3.20	Laing Homes Strategic Ltd
389-1015-P3.21	Laing Homes Strategic Ltd
389-1017-RLP6	Laing Homes Strategic Ltd
463-1259-P3.18	Crest Strategic Projects
463-1260-P3.20	Crest Strategic Projects
463-1261-P3.21	Crest Strategic Projects
467-1288-P3.18	Martin Grant Homes
467-1284-P3.20	Martin Grant Homes
467-1283-P3.21	Martin Grant Homes
467-1288-RLP6	Martin Grant Homes
468-1297-P3.18	Persimmon Homes (Essex) Ltd
468-1295-P3.21	Persimmon Homes (Essex) Ltd
188-380-P3.21	The House Builders Federation
188-385-P3.24	The House Builders Federation
188-386-RLP6	The House Builders Federation
188-387-RLP6	The House Builders Federation
291-615-RLP6	BT Group plc
326-685-RLP6	NHS Executive Eastern Region
327-693-RLP6	Berkeley Strategic Land Ltd
338-739-RLP6	Mr Austin Bonnet
338-4897-P3.21	Mr Austin Bonnet
338-4898-P3.22	Mr Austin Bonnet
338-4899-P3.23	Mr Austin Bonnet
338-4900-P3.24	Mr Austin Bonnet
346-752-RLP6	Nigel Chapman Associates Ltd
351-782-RLP6	Douglas Management Ltd
355-800-RLP6	Oakwood House
361-816-RLP6	Bellway Homes/ Swan Hill Homes
381-964-RLP6	EW, JR and RW Bucknell
382-983-RLP6	Jones of Rayne
415-1106-RLP6	Lord Rayleighs 1985 Accumulation and Maintenance Settlement

433-1163-RLP6	David Wilson Estates
466-1278-RLP6	Paul Foster
481-1331-RLP6	Terling and Fairstead Parish Council

Objections to Proposed Change 1

389-2980-3.18.R	Laing Homes Strategic Land
463-2927-3.18.R	Crest Strategic Projects
468-2886-3.18.R	Persimmon Homes (Essex) Ltd
1010-3185-RLP6.R	Churchill Retirement Living
138-3197-RLP6.R	Network Rail
188-3156-RLP6.R	The House Builders Federation
291-3040-RLP6.R	BT Group PLC
415-3058-RLP6.R	Lord Rayleighs 1985 Accumulation
499-3189-RLP6.R	Barratt Eastern Properties
94-2804-RLP6.R	Peter Hamilton
997-3008-RLP6.R	Fordham Research Ltd
997-3009-RLP6.R	Fordham Research Ltd

Objections to Proposed Change 2

138-4872-RLP6.P	Network Rail
188-4865-RLP6.P	House Builders Federation

Main Issues

- a) Whether the role of low cost market housing should be excluded (188, 389, 463, 467, 468)
- b) Whether the Council is expressing a preference for tenure, which does not comply with Circular (327, 389, 467, 468)
- c) Whether the Fordham survey is out-of-date (188, 389, 463, 467, 468)
- d) Whether the policy should include key worker housing (326)
- e) Whether the policy goes beyond the reasonable test in Circular 1/97 (338)
- f) Whether the new target of 30% is onerous and unjustified, and needs more flexibility (1010)
- g) Whether the target is too prescriptive and does not allow for flexibility (351, 138)
- h) Whether some marginally viable developments will not take place (94)
- i) Whether the new target can withstand scrutiny (997)
- j) Whether consideration should be given to all community gain issues (346)
- k) Whether the threshold should have changed as government guidance is in draft form (138, 188)

- l) Whether the Policy should be more flexible (138)

Inspectors Reasoning and Conclusions

3.18.1 RLP 6 has been advised by a Housing Needs Survey of 2002 (HNS) and therefore reflects, as close as is possible, the current situation. Objectors have sought to dispute the methodology of the HNS and the assessed need for affordable housing. However, the HNS has been carried out, on behalf of the Council by David Couttie Associates (DCA), generally in accordance with 'Local Housing Need Assessment: A Guide to Good Practice', published by the Office of the Deputy Prime Minister, and is a suitably robust assessment of affordable housing need in the District. Though the DCA survey was challenged by a rival consultant at the round table session the debate does not affect the main conclusion that there is a substantial need for affordable housing in the District. Though the actual figures may not be entirely accurate, and none can be as the situation regarding homelessness, housing prices and salaries, amongst other things, can change on daily basis, there is no reason not to consider this issue in the light of the conclusions reached by David Couttie Associates and guidance in Circular 6/98 and an emerging revision of PPG3.

3.18.2 The HNS concluded that there was an annual affordable housing shortfall of 547 units for the period 2002-2011; a shortfall that is not uncommon nationally and that is not going to be met even if all major housing sites were to be wholly affordable housing. The Council has therefore set a realistic target of about 100 new affordable housing completions per annum. RLP 6 was amended, at Pre-Inquiry stage, to require the provision of affordable housing in new developments of 15 dwellings or more or in residential sites of 0.5 hectares or more. These thresholds are advocated in Circular 6/98 but only, outside London, where exceptional local constraints exist. However, a draft revised PPG3, which contains government guidance that is more up-to-date than Circular 6/98, states that "Affordable housing should not normally be sought on sites of less than 0.5 hectares or developments of less than 15 dwellings". The thresholds in the policy therefore accord with current, albeit unadopted, government guidance and there is no planning or other reason why sites of 15 or more dwellings, as opposed to sites of 25 or more dwellings, should not include an element of affordable housing. Furthermore, it is worth noting that there have been few objections to this element of the policy.

3.18.3 There have been objections regarding the requirement in RLP 6 that, on sites above the aforementioned thresholds,

"...provision should be made for 30% of the total number of dwellings to be in the form of affordable housing". Circular 6/98 refers to the 'economics of provision', amongst other things, in relation to establishing the percentage of affordable housing on a particular site. The draft revised PPG3 states that "The affordable housing provision sought should not make development unviable" and refers to 'the costs of bringing sites to market'. The Council's own consultant, furthermore, has recommended the Council to 'negotiate with prospective developers towards achieving 30% subsidised affordable housing from...suitable sites coming forward ...over the period of the...Plan'. It would be unreasonable for the Council to refuse planning permission for a development on the grounds that it does not include 30% affordable housing if that level of provision would render it not viable. Previously developed sites, in particular, are all different and have individual constraints and RLP 6 does not include sufficient flexibility, as advocated in current adopted and draft national guidance, for constraints to influence, if necessary, the level of affordable housing. Flexibility should be introduced by including 'up to' between 'for' and '30%' in RLP 6. Otherwise, though the Council has given no clear reasons for arriving at such a percentage, there have been few objections to the figure of 30% which is a realistic and not unreasonable target for the provision of affordable housing in residential schemes.

3.18.4 Circular 6/98, in paragraph 4, advises that affordable housing encompasses "...both low-cost market and subsidised housing that will be available to people who cannot afford to rent or buy houses generally available on the open market". There is no dispute with the inclusion of subsidised housing and the Council, in the Plan as amended at Revised Deposit stage, has not sought to specify the tenure of such housing. The inclusion of 'low cost market' housing in the definition and the Council's interpretation of this matter in paragraph 3.18 of the Plan, are, however, the subject of several objections. The Council makes a distinction, in paragraph 3.18, between low cost housing with subsidy, i.e via shared equity, and low cost housing without subsidy, i.e. small starter homes. However, the aforementioned extract from Circular 6/98 clearly indicates that low cost market housing, i.e without subsidy, and subsidised housing fall within the definition of affordable housing and it is clear that both can contribute to meeting the affordable housing needs of the District.

3.18.5 The contribution of low cost market housing is recognised in DCA's main conclusions in their 2002 HNS that include "The delivery of 150 new units in the unsubsidised 'starter' market sector in the period to 2007 should be promoted to meet the needs of new forming households...". There is nothing wrong with the

Council's definition of affordable housing in paragraph 3.18 of the Plan, even though it may differ from that in Circular 6/98, for it rightly identifies subsidised housing as being the type of housing most needed to meet the affordable housing needs of the District. However, the provision of low cost market housing on a site, in accordance with guidance in Circular 6/98 and to meet the affordable housing needs of newly formed households, may offset, to a degree, the provision of subsidised housing. This would be a matter for negotiation between the Council and the developer, an opportunity that would be afforded by the aforementioned inclusion of 'up to' in the policy. It is not likely, however, that even the provision of more than 30% of low cost market housing on a site would offset the need to provide a percentage of subsidised housing. The emphasis should be on the provision of subsidised housing. This emphasis is ensured by the definition of affordable housing in paragraph 3.18.

3.18.6 RLP 6 states that "The Council will publish Supplementary Planning Guidance setting out further detailed requirements". There is detailed national guidance on affordable housing and a proposed revision of PPG3 will provide further up-to-date guidance. There does not therefore appear to be any great need for the publication of SPG on this subject and the Council has not indicated the matters they would wish to cover in SPG. The aforementioned sentence specifies something that may not be necessary and should be deleted. Its deletion, furthermore, would not prevent the Council from publishing SPG on affordable housing if changing circumstances dictated that this was required. The provision of housing specifically for key workers would be a matter for consideration during negotiations between the Council and the developer of a housing site and may influence the percentage provision of affordable housing. No matters mentioned by Objectors, either individually or collectively, outweigh the conclusion that the only amendments necessary to RLP 6 are the inclusion of 'up to' and the deletion of the last sentence.

RECOMMENDATION

I recommend that RLP 6 be amended by the inclusion of 'up to' between 'for' and '30%' and by the deletion of the last sentence.

3.19 Policy RLP 7: Affordable Housing in Rural Areas

The Objections

218-441-RLP7	Robert Browning and Son
351-783-RLP7	Douglas Management Ltd
361-817-RLP7	Bellway Homes/Swan Hill Homes Ltd
381-965-RLP7	EW, JR and RW Bucknell
382-984-RLP7	Jones of Rayne
466-1279-RLP7	Paul Foster
481-1332-RLP7	Terling and Fairstead Parish Council

Main Issues

- a) Whether provision has been made for White Colne (218) and Kelvedon (351)
- b) Whether reference to 'in perpetuity' is objected to (361, 381, 382)
- c) Whether Parish Council support should be vital to the scheme, or is 'ultra vires'(361, 381, 382)
- d) Whether the Policy is too flexible (466)
- e) Whether the Word 'normally' shall be deleted (481)

Inspectors Reasoning and Conclusions

3.19.1 Paragraph 9 of Circular 6/98 advises that "If need for affordable housing ceases in a particular area the basis for the policy will disappear and the local planning authority will need to reflect this in their policy". However, paragraph 2 of Annex B to PPG3 states that a rural exception policy should be included in a local plan "...in order to provide affordable housing to meet local needs in perpetuity". PPG3 was published in 2002 and guidance contained therein on the matter of affordable housing outweighs that found in Circular 6/98. The Council is correct therefore, in RLP 7, to require that affordable housing on rural exception sites is provided 'in perpetuity for local need'. Furthermore, given the level of unsatisfied affordable housing need in the District, and ever increasing house prices, it is unlikely that the need in any rural area would cease.

3.19.2 RLP 7 does not state that "...the Parish Council should support local needs housing". It does, however, indicate that "There should normally be Parish Council support for local needs housing". The inclusion of 'normally' in this instance recognises the possibility that a Parish Council, for one reason or another and possibly not for any planning reason, might be opposed to a particular rural needs housing proposal. Parish Council's,

furthermore, can be the instigators of such schemes and their support is usually forthcoming. If it is not, in any situation, then the policy would still be permissive of an affordable housing scheme in a rural area.

3.19.3 The use of "...proven to the satisfaction of the District Council" is appropriate for it is the Council who must be satisfied that there is a need before they grant planning permission. The fourth bullet point is appropriate in this instance because RLP 7 relates to a specific type of development. The use of the phrase 'may be acceptable' suggests that even if all criteria are met that planning permission could be refused for an unspecified reason. The Council has provided no reasoned justification for this departure from normal practice and has given no indication that there may be other factors to take into account. Consequently, 'may be acceptable' should be replaced by 'will be permitted'. No other matters mentioned by Objectors, either individually or collectively, justify any other amendment to RLP 7.

RECOMMENDATION

I recommend that RLP 7 be amended by substituting 'will be permitted' for 'may be acceptable'.

3.20 Policy RLP 8: Housing and Mixed Use Sites

The Objections

381-966-RLP8 EW, JR and RW Bucknell
382-985-RLP8 Jones of Rayne
433-1165-RLP8 David Wilson Estates
499-1419-RLP8 Barratt Eastern Properties

Main Issues

- a) Whether the policy should only apply to sites of 1 ha or more (381, 382)
- b) Whether Urban extensions should be provided (433)
- c) Whether the Policy needs to be worded more flexibly (499)

Inspectors Reasoning and Conclusions

3.20.1 The inclusion of 'where appropriate' and other changes to RLP 8, at Revised Deposit stage, introduces the possibility that a housing development, possibly because of size, could not include a suitable mix of different house types and tenures. There is

therefore no need to include a site size threshold in the policy. A housing development on an urban extension site is no more likely to achieve a suitable mix of house types and tenures than a similar development on an urban brownfield site. The revised wording of RLP 8 satisfies the objection by Barratt Eastern Properties.

RECOMMENDATION

I recommend no change to the Plan.

3.21 Policy RLP 9: House Types

The Objections

381-967-RLP9	EW, JR and RW Bucknell
382-986-RLP9	Jones of Rayne
466-1280-RLP9	Mr Paul Foster
481-1334-RLP9	Terling and Fairstead Parish Council

Main Issues

- a) Whether the Policy should only apply on sites of more than one hectare (361, 381, 382)
- b) Whether the Policy will carry much weight in decision making (466)
- c) Whether the needs of the single homeless are taken into account (481)

Inspectors Reasoning and Conclusions

3.21.1 It is not unreasonable to expect sites of all sizes to accommodate a range of house sizes and types and RLP 9 provides local plan policy for government guidance found in PPG3. The housing needs of single homeless people, amongst other types of household, can be met by recourse to the provisions of RLP 7 that is permissive of wholly affordable housing schemes in rural areas where there is an identified need.

RECOMMENDATION

I recommend no change to the Plan.

3.22 Paragraph 3.29/ Policy RLP 10: Design and Layout of Housing Areas

The Objections

264-552-P3.29	Essex Police
264-553-P3.29	Essex Police
258-544-RLP10	Mrs Sylvia Abbott
268-562-RLP10	Mr Peter Abbott
338-740-RLP10	Mr Austin Bonnet
361-820-RLP10	Bellway Homes/Swan Hill Homes Ltd
381-968-RLP10	EW, JR and RW Bucknell
382-987-RLP10	Jones of Rayne
443-1185-RLP10	Essex County Council
466-1281-RLP10	Mr Paul Foster
494-1373-RLP10	English Nature
494-3064-RLP10.R	English Nature
499-1422-RLP10	Barratt Eastern Properties
499-3190-RLP10.R	Barratt Eastern Properties

Objections to Proposed Change 1

466-4849-RLP10.P	Paul Foster
1017-4845-RLP10.P	Cllr James Abbot
394-4873-RLP10.P	Environment Agency

Main Issues

- a) Whether 'Secured by Design' should be a condition of planning consent (264)
- b) Whether the policy should be guidance only (338), or should form SPG (361, 381, 382)
- c) Whether the first sentence of the policy is superfluous (443)
- d) Whether Protected species should also be covered by a site appraisal (494-1373)
- e) Whether to consider objections to site-specific proposals (258, 268)
- f) Whether Criteria 3 should include the requirement to also take account of priorities and targets in national and local Biodiversity Action Plans (494-3064)
- g) Whether the proposed rewording is too prescriptive and inflexible (499-3190)
- h) Whether the Criteria should state 'the potential for' energy, water efficiency and sustainable drainage (499-1422)
- i) Whether the Change has made the policy ambiguous and unclear (466, 1017, 394)

Inspectors Reasoning and Conclusions

3.22.1 Planning permission cannot be granted subject to a condition that the development is 'Secured by Design' certified as such a condition would be imprecise and would therefore fail a test in Circular 11/95. RLP 10 does, furthermore, require 'Secured by Design' principles to be taken into account in housing design and the introduction of these principles in local plan policy should ensure that they adequately influence the design of housing developments. PPG3, amongst other government guidance, advocates high design standards and promotes sustainable development that takes all diverse factors into account and it is appropriate for these objectives to be included in local plan policy, and therefore part of the development plan framework, rather than supplementary planning guidance.

3.22.2 RLP 10, as amended at Revised Deposit and Pre-Inquiry stages and during the Inquiry, is clear, precise and unambiguous and sets out clearly matters 'to be met' in the design of housing developments. The use of this particular phrase introduces a degree of flexibility by recognising the fact that not all factors may always be relevant. Protected species are mentioned in the revised policy as is the enhancement and creation of wildlife habitats and site specific concerns are considered elsewhere in this report. Amendments suggested by Barrett Eastern Properties and Essex County Council have been incorporated at Revised Deposit stage and the proposed alternative wording contained in an objection by Councillor J Abbot has been conceded by the Council.

RECOMMENDATION

I recommend no change to the Plan.

3.23 Policy RLP 11: Residential Density

The Objections

443-1186-RLP11	Essex County Council
466-1503-RLP11	Mr Paul Foster

Main Issues

- a) Whether this statement should be amended to address the requirements of non-motorised users (443)
- b) Whether this is a policy or a list of features which affect density and massing (466)

Inspectors Reasoning and Conclusions

3.23.1 Essex County Council has suggested the inclusion of a criterion relating to the effect of development whereas the policy relates to matters that can affect the density of massing and density of residential development. It would therefore be inappropriate to include the suggested criterion. PPG3 advocates making the most efficient use of land, recommends ranges of density that would be appropriate in given situations but also recognises that there are many other factors that can influence density. It would not therefore be appropriate to specify densities in RLP 11, which is appropriately included given the importance of government guidance in PPG3.

RECOMMENDATION

I recommend no change to the Plan.

3.24 Paragraph 3.31: Vehicle Parking in Residential Areas

The Objection

264-554-P3.31 Essex Police

Main Issue

Whether the Essex Design Guide should support the principles of Secured by Design

Inspectors Reasoning and Conclusions

3.24.1 The Essex Design Guide is prepared and published by Essex County Council and recommendations relating to its amendment by including adequate reference to Secured by Design should be submitted to the County Council for consideration in a current review of the guide. Paragraph 3.31 relates to levels of car parking in residential areas rather than to 'car parks' generally and, in any event, no information has been submitted on a 'secured car park scheme' on which to base a conclusion that it should be mentioned in the paragraph.

RECOMMENDATION

I recommend no change to the Plan.

3.25 Policy RLP 12: Changes of Use affecting Residential Areas

The Objection

252-536-RLP12 Mr Andrew Waddell

Main Issue

Whether Quality of life should be considered before any new development is given the go ahead.

Inspectors Reasoning and Conclusions

3.25.1 Protecting residential amenity and 'quality of life' is the purpose of RLP 12 and specifically relates to the introduction of new uses in residential areas. The objection does not warrant an amendment to the policy.

RECOMMENDATION

I recommend no change to the Plan.

3.26 Policy RLP 13: Permanent Agricultural Dwellings

The Objection

466-1508-RLP13 Mr Paul Foster

Main Issues

- a) Whether Criterion e is necessary
- b) What is meant by 'sound financial basis'

Inspectors Reasoning and Conclusions

3.26.1 Though the Plan should be read as a whole there are instances, such as where a policy is clearly focused on a particular form of development, when reference to satisfying other normal planning requirements is appropriate. RLP 13 relates specifically to permanent agricultural dwellings, which is a particular topic of government guidance, and the inclusion of criterion (e) is reasonable. The last two criteria relate to instances where a permanent agricultural dwelling might be allowed to support a newly-created agricultural unit. Such a proposal could not be supported by financial accounts and it is not therefore unreasonable

for the policy to require that the agricultural unit 'has been planned on a sound financial basis'.

RECOMMENDATION

I recommend no change to the Plan.

3.27 Paragraph 3.34/ Policy RLP 16: Replacement of Dwellings in the Countryside

The Objections

466-1510-3.34	Mr Paul Foster
466-1509-RLP16	Mr Paul Foster
309-648-RLP16	Chelmsford Borough Council

Main Issues

- a) Whether the policy should state that increase in the footprint should reflect the size of the original dwelling, rather than be fixed (466-1510)
- b) Whether the policy will permit larger, and consequently more significant dwellings through extensions than would be permissible through replacements (309)
- c) Whether to delete 'normally and 'each and' from policy (466-1509)

Inspectors Reasoning and Conclusions

3.27.1 Paragraph 3.34 gives a concise guide to the size of a replacement dwelling that is in line with the provisions of the General Development Order. Using volume as a method of comparison is preferred to floorspace as it includes area as well height and therefore reflects the three dimensional characteristics of the building. Suggested word deletions in RLP 16 have been incorporated and criterion 1 in the policy has been amended to remove ambiguity. RLP policies 16 and 19 both seek to prevent harm being caused by replacement dwellings and extensions to existing dwellings. There is no conflict between the two policies that deal with quite different types of development.

RECOMMENDATION

I recommend no change to the Plan.

3.28 Policy RLP 17: Hamlets and Small Groups of Dwellings

The Objections

114-1544-RLP17	Principality Properties Ltd
216-440-RLP17	Essex Wildlife Trust
225-475-RLP17	CPRE Essex
324-681-RLP17	T F Wilson Property Services Ltd

Main Issues

- a) Whether the policy regarding hamlets and small groups of dwellings is loosely drawn and it is clear whether this policy is applicable to the subject site
- b) Whether this policy should also include a cross-reference to RLP4 (Town cramming)
- c) Whether it is clear how any "nucleus of at least 10 dwellings" will be defined or who will do this
- d) If the term 'defined nucleus' is misleading
- e) Whether it is possible to define 'a gap which could accommodate more than one dwelling'

Inspectors Reasoning and Conclusions

3.28.1 Protection of the countryside from encroachment is advocated in national, strategic and local planning policy but it is also recognised that there may be circumstances where the infilling of a small gap in a hamlet with one dwelling would not necessarily cause harm or result in encroachment. RLP 17 is clear in this respect for it limits development in hamlets of a given minimum size to the infilling of a gap for one dwelling only. In paragraph 40.6.1 of Part Two of this report it is accepted that Countess Cross is a hamlet with a nucleus of more than 10 dwellings but it is a matter of planning judgement whether a gap in the hamlet is too large to justify the construction of one dwelling. The Council has previously concluded that RLP 17 is not applicable to the objection site in Countess Cross.

3.28.2 There is no need to cross reference RLP 17 to RLP 4 or any other policy as the Plan should be read as a whole, as mentioned in paragraph 1.6 of the Plan. It will either be a matter of fact or of planning judgement whether a group of buildings in the countryside constitutes a hamlet of at least 10 dwellings and is therefore applicable to RLP 17. No information has been provided to support the view that the policy has been, as part of the adopted Plan in a slightly different form, or would be open to abuse. RLP 17

is clear that it applies only to the infilling of a gap for one dwelling and to permit developments of a greater size would lead to inevitable pressure for sizeable housing schemes in the countryside that would, in principle, cause harm to the character of the surroundings. The Council has accepted that there is no distinction between a gap between two buildings or two dwellings but this does not warrant any change to the wording of the policy.

RECOMMENDATION

I recommend no change to the Plan.

3.29 Policy RLP 18: Extensions and Alterations

The Objection

466-1511-RLP18 Mr Paul Foster

Objections to Proposed Change 1

494-3604-RLP18.R English Nature

Main Issues

- a) Whether the policy, as worded, is ambiguous (466)
- b) Whether the policy should include reference to considering protected species (494)

Inspectors Reasoning and Conclusions

3.29.1 Amendments to RLP 18 at Revised Deposit and Pre-Inquiry stages have satisfied the objections.

RECOMMENDATION

I recommend no change to the Plan.

3.30 Policy RLP 19: Extensions to existing dwellings in the Countryside

The Objections

466-1512-RLP19 Mr Paul Foster

Main Issue

Whether many of the phrases are ambiguous (466)

Inspectors Reasoning and Conclusions

3.30.1 Two of the three elements have been accepted by the Council and amendments have been incorporated, at Revised Deposit stage, in RLP 19. The last sentence of the policy is clear and unambiguous as it simply relates successive extensions to the original character of a property as opposed to the character of a previously extended property.

RECOMMENDATION

I recommend no changes to the Plan.

3.31 Policy RLP 20: Sheltered Housing

The Objections

466-1513-RLP20 Mr Paul Foster

Main Issue

Whether the policy is ambiguous in that it fails to state the criteria that require to be met before permission is granted.

Inspectors Reasoning and Conclusions

3.31.1 The objection has been satisfied by amendments to RLP 20 at Revised Deposit stage.

RECOMMENDATION

I recommend no change to the Plan.

3.32 Policy RLP 21: Residential Institutions in Towns and Villages

The Objections

326-686-RLP21 NHS Executive Eastern Region

Main Issue

Whether the policy wording appears to focus solely on such institutions being provided 'for the elderly' (326)

Inspectors Reasoning and Conclusions

3.32.1 'For the elderly' was omitted from RLP 21 at Revised Deposit stage. This omission satisfies the objection.

RECOMMENDATION

I recommend no change to the Plan.

3.33 Policy RLP 22: Institutional Uses in the Countryside

The Objections

309-650-RLP22	Chelmsford Borough Council
326-687-RLP22	NHS Executive Eastern Region

Main Issues

- a) Whether the Policy acknowledges the potential impact of increased and unsustainable traffic movements (309)
- b) Whether the policy wording appears to focus solely on such institutions being provided 'for the elderly' (326)

Inspectors Reasoning and Conclusions

3.33.1 The policy provides for the creation of a residential care home in the countryside through the conversion of an existing dwelling that may include a minor extension. Given also the residential nature of such a use there is not likely to be any significant increase in traffic movements. 'For the elderly' was omitted from RLP 22 at Revised Deposit stage. This omission satisfies the objection by NHS Executive Eastern Region.

RECOMMENDATION

I recommend no change to the Plan.

3.35 Policy RLP 23: Accessible Housing and Lifetime Housing

The Objections

188-388-RLP23	House Builders Federation
381-969-RLP23	EW, JR and RW Bucknell
382-988-RLP23	Jones of Rayne

Main Issues

- a) Whether the internal layout of buildings is a planning matter & the policy should be deleted (188, 381, 382)
- b) Whether at the very least a degree of flexibility needs to be built into the policy (381, 382)

Inspectors Reasoning and Conclusions

3.35.1 The internal layout of a building is not a planning matter but compliance with other legislation regarding wheelchair access for disabled could alter the internal layout to the extent that the outside form of the building is affected, which is a planning matter. No harm is caused by the inclusion of RLP 23 which will also be the focus for supplementary planning guidance. A degree of flexibility has been incorporated by the inclusion of 'where appropriate' at Revised Deposit stage.

RECOMMENDATION

I recommend no change to the Plan.

3.36 Policy RLP 24: Gypsies and Travelling Showpersons

The Objection

48-122-RLP24	English Heritage
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Main Issue

Whether the first sentence in this policy should be expanded to protect not only conservation areas, but also other areas of historic interest (48)

Inspectors Reasoning and Conclusions

3.36.1 The objection has been satisfied by an amendment to RLP 24 at Revised Deposit stage.

RECOMMENDATION

I recommend no change to the Plan.

3.37 Policy RLP 25: Subdivision of Dwellings

The Objections

309-651-RLP25 Chelmsford Borough Council
466-1514-RLP25 Mr Paul Foster

Main Issues

- a) Whether the policy differentiates between the different impacts that might arise in urban and rural areas (309)
- b) Whether the policy is ambiguous as it fails to make clear the criteria that will need to be met before permission is granted (466)

Inspectors Reasoning and Conclusions

3.37.1 The sub-division of dwellings in rural areas is unlikely to result in any significant increase in traffic. Various amendments suggested by Mr Paul Foster have been incorporated in RLP 25 at Revised Deposit stage.

RECOMMENDATION

I recommend no change to the Plan.

3.38 Policy RLP 26: Garden Extensions within Built-Up Areas

The Objections

216-442-RLP26 Essex Wildlife Trust
443-1188-RLP26 Essex County Council

Objections to Proposed Change 1

216-3072-RLP26.R Essex Wildlife Trust

Main Issues

- a) Whether the policy should focus on any habitats of nature conservation interest (216-442)
- b) Whether 'and they do not result in the removal of highway rights' should be added (443)
- c) Whether the word "open" should be deleted to simplify the wording (216-3072)

Inspectors Reasoning and Conclusions

3.38.1 Objections by the Essex Wildlife Trust have been satisfied by amendments to RLP 26 at Revised Deposit and Pre-Inquiry stages. Highway rights are not planning matters and there is no justification for an additional criterion in the policy.

RECOMMENDATION

I recommend no changes to the Plan.

3.39 Policy RLP 27: Garden Extensions into the Countryside

The Objections

443-1189-RLP27	Essex County Council
45-135-RLP27	The National Trust
466-1514-RLP27	Mr Paul Foster
501-1448-RLP27	Government Office for the East of England

Objections to Proposed Change 1

501-3153- RLP27.R Go East

Main Issues

- a) Whether 'and the existing public rights of way network is taken into consideration' should be added to the policy (443)
- b) Whether an addition to the paragraph should be added, which seeks control over use of inappropriate walls, fences and boundaries which may be alien to the countryside (45)

- c) Whether the word 'material, should be inserted before 'adverse' in bullet points 2 and 5 (466)
- d) Whether the first part of the 4th bullet point up to and including 'agricultural land' should be deleted. (466)
- e) Whether 'may' should replace 'will' in the final sentence (466)
- f) Whether the last sentence should be deleted (501)

Inspectors Reasoning and Conclusions

3.39.1 All objections have been satisfied by amendments to RLP 27 at Revised Deposit and Pre-Inquiry stages.

RECOMMENDATIONS

I recommend no change to the Plan.

CHAPTER 4 - EMPLOYMENT

4.1 Paragraph 4.2: Introduction

The Objection

309-653-P4 Chelmsford Borough Council

Main Issue

Whether the employment chapter acknowledges the District's proximity to Stansted Airport

Inspectors Reasoning and Conclusions

4.1.1 A new paragraph has been added in Chapter 2 of the Plan specifically related to Stansted Airport and commuting to the airport is recognised by an addition to paragraph 4.2. These amendments to the Plan at Revised Deposit stage satisfy the objection made by Chelmsford Borough Council.

RECOMMENDATION

I recommend no change to the Plan.

4.2 Paragraph 4.10: Objectives

The Objection

216-448-P4.10 Essex Wildlife Trust

Main Issue

Whether the stated aim "to re-use derelict land" has repercussions relating to the potential nature conservation value of certain brownfield sites.

Inspectors Reasoning and Conclusions

4.2.1 The Objector has not given any indication which 'certain' sites they are referring to. This factor notwithstanding the potential for the re-use of derelict land is a central theme of national, strategic and local planning policy and the nature conservation interests of any site are protected by other policies in the Plan.

RECOMMENDATION

I recommend no change to the Plan.

4.3 Policy RLP 28 / Appendix 2: Location of Employment Land

The Objections

138-291-RLP28	Railtrack plc
228-490-RLP28	Esco Business Services
380-953-RLP28	E Hobbs (Farms Ltd)
494-1374-RLP28	English Nature
370-896-PApp2	CML Microsystems Ltd
378-936-RLP28	Grove Smith Ltd

Main Issues

- a) Whether development should be located away from railway lines (138)
- b) Whether the policy should also state that rural businesses should be encouraged (228)
- c) Whether the 80ha figure should be regarded as a rigid quota (380)
- d) Whether Sturmer should be included within the 80ha requirement (380)
- e) Whether 3.73 ha should be located at Earls Colne Business Park (380)
- f) Whether 'primarily' should be added before 'on suitable...' in the first sentence of the policy (380)
- g) Whether boundaries for wildlife sites should be shown on the Proposals Map (494)
- h) Whether land at Burghey Brook should be identified as an employment site (370)
- i) Whether the potential for the re-use of agricultural facilities for alternative employment uses be noted (378)

Inspectors Reasoning and Conclusions

4.3.1 The Plan is required to conform to the adopted Structure Plan (SP), the Essex and Southend-on-Sea Replacement Structure Plan 1996-2011. The SP, in policy BIW1, indicates that Braintree District should provide for a net employment land increase of 80 hectares between 1996 and 2011 in the urban areas. A note to the policy states that the figure is indicative only and should not be regarded as a rigid quota. Also, the SP does not indicate that there

should be 80 hectares of employment land available at all times. It is realistic to presume that available land will decrease as sites are developed over the Plan period until District requirements can be reassessed in the light of future strategic, or regional, policy.

4.3.2 Though the settlement of Sturmer is not one of the three main towns in the District it is close to the urban area of Haverhill, which is in a neighbouring District and County, and it is therefore reasonable to include allocated employment land in that settlement in a District-wide assessment of available land. This approach accords with that taken in the SP. Between the beginning of the Plan period in 1996 and 31 March 2002 about net 13.7 hectares of land were developed for employment purposes. At 31 March 2002 there remained about 55.1 hectares of urban land available for employment purposes, which includes land proposed to be allocated as part of the Plan review. The Council has therefore fallen short of the SP target by about 11.2 hectares. This shortfall is offset, to a degree, by land available in rural areas but this does not count towards compliance with SP requirements.

4.3.3 The development rate for the period 1996-2002 was about 2.3 hectares per annum. The 55.1 hectares of currently available land, if developed at a similar rate, would constitute about a 24 year supply. Objectors contend that development rates in the future will be higher but even if the aforementioned rate was tripled there would still be about an 8 year supply. Furthermore, Objectors have not provided any substantive evidence to support their contention other than to suggest that the recently completed dual carriageway between Stansted and Braintree will encourage developers to consider sites in and around Braintree. Even if this were the case there is 14.5 hectares of land at Great Notley and a further 11.7 hectares of land within the Braintree urban area currently available for employment development.

4.3.4 Objectors have also suggested that additional employment land allocations are required to provide greater flexibility. They have not, however, provided any information to demonstrate how further allocations would provide greater flexibility or to indicate that potential developers are disadvantaged or discouraged by the opportunities that already exist. Furthermore, with two exceptions, all the sites being promoted by Objectors are either within the countryside, such as Earls Colne Airfield, or adjacent to rural settlements, such as land north of Honeywood School at Coggleshall. These allocations would not count towards the SP provision and would not satisfy the government's commitment to locate employment development in locations

accessible by public transport and close to employees' homes.

4.3.5 There is 26.2 hectares of employment land available for development within and close to Braintree that is accessible from the A120 and a further 16.5 hectares at Witham accessible from the A12. These trunk roads provide dual carriageway access to the motorway network and the towns are the two largest in the District. A further 3.5 hectares are available at Halstead, the third urban area in the District, and 8.9 hectares at Sturmer that is close to the urban area of Haverhill in a neighbouring District. With about a further 7.1 hectares available in the outlying rural areas the Council has, with likely maximum development rates in mind, made adequate provision of land to meet the employment needs of the District for the Plan period.

4.3.6 The location of employment creating development relative to railway lines is a matter for consideration at planning application stage on submission of detailed development proposals and does not require any addition to RLP 29. The possibility of business re-use of former agricultural buildings, both traditional and modern, is permitted by RLP 40 and there is no need to cross-reference or add to RLP 29 in this regard. Changing the use of a redundant agricultural building to a business use does not require allocation of sites on Plan proposals maps. Wildlife sites are generally too small to be shown on Proposals Maps and a list of wildlife sites, once compiled, will be included in supplementary planning guidance.

4.3.7 There is no justification for the inclusion of 'primarily' in the first sentence of RLP 28 as the policy reflects SP policy BIW1 by mentioning 'towns and villages' rather than 'primarily within urban areas'. Neither is there any justification for amendments to supporting paragraphs to reflect objections relating to additional allocations at Earls Colne Business Park. The business park, given its countryside location remote from urban areas and the trunk road network, is not a sustainable location for additional employment land allocation. Objections relating to specific sites are considered in Part Two of this report. No matters mentioned by Objectors, either individually or collectively, outweigh the conclusion, amongst others, that there is no requirement to recommend additional employment land allocations in the Plan.

RECOMMENDATION

I recommend no change to the Plan.

4.4 Policy RLP 29: Employment Land Provision

The Objections

336-722-RLP29	B and Q plc
349-762-RLP29	Grove Smith Ltd
361-864-RLP29	Bellway Homes/Swan Hill Homes Ltd
370-888-RLP29	CML Microsystems and Chelmsford Diocesan Board of Finance
375-918-RLP29	Lord Rayleighs Farms Ltd
381-970-RLP29	EW, JR and RW Bucknall
474-1311-RLP29	St. Edmundsbury Borough Council
493-1377-RLP29	Carisbrooke Alliance

Main Issues

- a) Whether the Policy is too restrictive and allows for alternative uses (336)
- b) Should other sites be allocated (349, 361, 370, 375, 378, 380, 381)
- c) Whether allowing the display and sale of vehicles and indoor sports and recreational uses accords with PPG6 (474-1311)
- d) Whether the policy should explicitly make reference to trade counter uses as acceptable within industrial areas (493)

Inspectors Reasoning and Conclusions

4.4.1 Sites allocated for business use should remain available for that use for the Plan period to ensure that adequate opportunities are available for employment generating business development. To allow such land to be used for retail use would undermine employment land availability in the District and would compromise the conclusions of retail studies carried out on behalf of the Council that has underpinned retail policy in the Plan. The display, repair and sale of vehicles etc., permitted by criterion b) in RLP 29, is an appropriate use in an industrial estate and indoor sports and recreational uses, permitted by criterion c), would have to satisfy the sequential approach specified in RLP 128 before being considered in an industrial estate situation. Criterion d) permits a limited element of retailing and this provision is likely to include trade counters associated with storage and distribution businesses.

RECOMMENDATION

I recommend no change to the Plan.

4.5 Policy RLP 30: Business Parks

The Objections

336-723-RLP30 B and Q plc
501-1450-RLP30 Government Office for the East of England

Main Issues

- a) Whether the policy is overly restrictive and alternative uses should be considered (336).
- b) Whether 'normally' should be deleted (501)

Inspectors Reasoning and Conclusions

4.5.1 Sites allocated for Class B1 business use should remain available for that use for the Plan period to ensure that adequate opportunities are available for employment generating development in that use class. To allow such land to be used for retail use would undermine employment land availability in the District and would compromise the conclusions of retail studies carried out on behalf of the Council that has underpinned retail policy in the Plan.

4.5.2 There is no record of the Council's concession that 'normally' should be deleted from RLP 30. This word, in accordance with current government guidance, should be deleted.

RECOMMENDATION

I recommend that 'normally' be deleted from RLP 30.

4.6 Policy RLP 31: Diversity of Industrial and Commercial Premises

The Objections

466-1516-RLP31 Mr Paul Foster

Main Issue

Whether this is a corporate statement rather than a land-use policy

Inspectors Reasoning and Conclusions

4.6.1 Amendments to RLP 31, at Revised Deposit stage, have satisfied the objection and reference in the policy to sites of 1

hectare or more is appropriate as sites of this size can accommodate a range of size and type of industrial premises.

RECOMMENDATION

I recommend no change to the Plan.

4.7 Policy RLP 32: Design and Layout of Business Parks

The Objections

309-655-RLP32	Chelmsford Borough Council
494-1375-RLP32	English Nature

Objections to Proposed Change 1

138-3200-RLP32.R Network Rail

Objections to Proposed Change 2

138-4870-RLP32.P Network Rail (supporting)

Main Issues

- a) Whether Public transport, walking and cycling should be included (309, 443, 138)
- b) Whether a high quality of design should be imposed (494)

Inspectors Reasoning and Conclusions

4.7.1 Reinstatement of wording in RLP 32 at Pre-Inquiry stage satisfies the objections made by Chelmsford Borough Council and Network Rail.

4.7.2 The Essex Design Guide is for Residential and Mixed Use Areas but is primarily for use in designing residential estates. Business Parks are not mixed use areas and it cannot therefore be assumed that the Essex Design Guide is applicable. Furthermore, RLP 32 only states that business parks should "...conform to suitable design and layout standards..." and the Plan does not prescribe what those suitable standards are. The standards need not be prescribed in the policy but 'suitable' should be clarified by the adoption of supplementary planning guidance, which could be expanded to encompass design standards for not just business parks but other forms of development not either residential or for mixed use.

RECOMMENDATIONS

I recommend that supplementary planning guidance be ultimately adopted to set out standards for the design and layout of business parks and that an explanatory text paragraph be added to the Plan after RLP 32 to direct applicants for planning permission to the supplementary planning guidance.

4.8 Policy RLP 33: Workplace Nurseries

The Objections

466-1517-RLP33	Mr Paul Foster
501-1451-RLP33	Government Office for the East of England

Objections to Proposed Change 1

501-3160-RLP33.R	Government Office for the East of England
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Main Issues

- a) Whether the first sentence is a corporate statement, not a land use planning policy, and should be deleted (466)
- b) Whether the word 'normally' should be deleted (501)

Inspectors Reasoning and Conclusions

4.8.1 'Normally' has been deleted in accordance with government guidance and RLP 33 has been reworded to require, as opposed to encourage, the provision of workplace nurseries. These amendments satisfy the objections.

RECOMMENDATION

I recommend no change to the Plan.

4.9 Policy RLP 34: Employment Policy Areas

The Objections

336-724-RLP34	B and Q plc
466-1518-RLP34	Mr Paul Foster
501-1452-RLP34	Government Office for the East of England

Objections to Proposed Change 1

247-3182- RLP34.R Central Plant Management Ltd
1001-3045- RLP34.R Tesco Stores Ltd

Main Issues

- a) Whether the policy should allow for alternative uses such as retail (336, 1001)
- b) Whether the first sentence is a corporate statement which should be deleted, or subsumed in the lower text (466)
- c) Whether the final sentence is ambiguous as it is unclear what is meant by 'fully explored' (466)
- d) Whether the word 'normally' should be deleted (501)
- e) Whether the Central Plant Management site in Halstead should be allocated as an employment policy area (247)

Inspectors Reasoning and Conclusions

4.9.1 Employment policy areas allocated for Classes B1, B2 and B8 use should remain available for those uses for the Plan period to ensure that adequate opportunities are available for employment generating development in those use classes. To allow such land to be used for retail use would undermine employment land availability in the District and would compromise the conclusions of retail studies carried out on behalf of the Council that has underpinned retail policy in the Plan. It is always possible, if there are compelling special circumstances, to allow alternative uses that would otherwise be contrary to adopted policy. It is for applicants to bring forward evidence in support of a proposed alternative use.

4.9.2 The Central Plant Management site in Halstead is currently in industrial use and therefore merits allocation as an employment policy area. The proximity of the industrial use to nearby housing and public open space was raised as an issue when the planning application for the nearby development was considered by the Council. None of the matters mentioned by the Objector, either individually or collectively, outweigh the conclusion that the site should be allocated as an employment policy area in the Plan.

4.9.3 Amendments to RLP 34 made at Revised Deposit stage have removed ambiguity and 'normally' and have therefore satisfied various objections.

RECOMMENDATION

I recommend no change to the Plan.

4.10 Policy RLP 35 : Buffer Areas between Industry and Housing

The Objection

443-1191-RLP35 Essex County Council

Main Issue

Whether buffer areas could provide opportunities to create transport links for non-motorised users

Inspectors Reasoning and Conclusions

4.10.1 RLP 35 relates to the creation of buffer areas between industry and housing to prevent harm to residential amenity and is not an appropriate policy for mention of non-motorised transport. This matter is dealt with in RLP 48 and RLP 49.

RECOMMENDATION

I recommend no change to the Plan.

4.11 Policy RLP 36: Non-Conforming/ Un-neighbourly Industry

The Objections

466-1519-RLP36 Mr Paul Foster
501-1453-RLP36 Government Office for the East of England

Main Issues

- a) Whether it is clear how the Council will encourage the cessation of unneighbourly uses (466)
- b) Whether the first sentence is a corporate statement, not a policy and should be re-worded (466)
- c) Whether the second sentence explains what 'inappropriate sites' are (466)
- d) Whether the word 'normally' should be deleted (501)

Inspectors Reasoning and Conclusions

4.11.1 RLP 36 has been reworded to delete 'normally' and a reference to 'inappropriate' sites in the second sentence. Other amendments have resulted in a clear and unambiguous policy and generally satisfy objections.

RECOMMENDATION

I recommend no change to the Plan

4.12 Policy RLP 37: Industrial and Environmental Standards

The Objections

216-449-RLP37	Essex Wildlife Trust
309-656-RLP37	Chelmsford Borough Council
466-1520-RLP37	Mr Paul Foster

Main Issues

- a) Whether there is an omission from the bullet points relating to detrimental impacts (216)
- b) Whether the policy omits to mention the availability of access by public transport, cycling and walking (309)
- c) Whether the words 'in particular' are superfluous and should be deleted (466)
- d) Whether it is clear what is meant by 'adequate' in the final sentence (466)
- e) Whether the word 'resist' should be replaced by 'refuse' to avoid ambiguity (466)

Inspectors Reasoning and Conclusions

4.12.1 RLP 37 is seeking to resist industrial development that would have an unacceptable impact by various means that are unlikely to include "the availability of access by public transport, cycling and walking". There is therefore no need to include the criterion suggested by Chelmsford Borough Council. Amendments to the policy, at Revised Deposit stage, satisfy other objections and there is no need to qualify 'adequate' in the last sentence as this is a matter that will be for consideration by the highway authority.

RECOMMENDATION

I recommend no change to the Plan.

4.13 Policy RLP 38: New Commercial and Industrial Activities

The Objection

466-1521-RLP38 Mr Paul Foster

Main Issues

- a) Whether the policy is ambiguous as it is unclear what is meant by 'favourably consider'
- b) Whether the use of the words 'Local Planning Authority' is superfluous
- c) Whether the policy should be re-worded to resist commercial development in residential areas.

Inspectors Reasoning and Conclusions

4.13.1 Amendments to RLP 38 made at Revised Deposit stage have removed ambiguity and 'Local Planning Authority' and have therefore partly satisfied the objection. B1 business uses are not necessarily inappropriate in residential areas and can provide sustainable employment opportunities. Inappropriate change of use within the same use class can be avoided by the imposition of suitable conditions on any permission granted for a B1 use.

RECOMMENDATION

I recommend no change to the Plan.

4.14 Paragraph 4.23/ Policy RLP 39: Industry and Commerce within villages

The Objections

380-957-P4.23 E Hobbs (Farms) Ltd
48-123-RLP39 English Heritage
466-1522-RLP39 Mr Paul Foster

Main Issues

- a) Whether reference to Earls Colne Business Park should be added (380)
- b) Whether the last sentence should also include a reference to the historic interest of the site (48)
- c) Whether the use of the words 'may be granted' are ambiguous (466)
- d) Whether the policy should be deleted, as RLP38 as amended will be sufficient (466)

Inspectors Reasoning and Conclusions

4.14.1 Adding a reference to Earls Colne Business Park, which is remotely located in the countryside, in the first sentence would be contrary to national, strategic and local plan policy that seeks to focus employment development to main urban areas. Paragraph 4.23 has been amended, at Revised Deposit stage, to delete reference to employment uses in villages and RLP 39 has been deleted, at the same stage. No matters mentioned by Objectors, either individually or collectively, warrant any change to RLP 39 or its supporting text.

RECOMMENDATION

I recommend no change to the Plan.

4.15 Policies RLP 40, RLP 89 & RLP 102: Conversion of Rural Buildings

The Objections

45-91-RLP 89	The National Trust
45-134-RLP 102	The National Trust
48-124-RLP40	English Heritage
48-112-RLP 89	English Heritage
225-476-RLP40	CWS Pension Trustees Ltd
322-678-RLP40	CWS Pension Trustees Ltd
443-1192-RLP40	Essex County Council
466-1523-RLP40	Mr Paul Foster
79-184-RLP 102	Lord Rayleighs Farms Ltd
375-922-RLP 102	Lord Rayleighs Farms Ltd
375-916-New	Lord Rayleighs Farms Ltd
309-659-RLP 89	Chelmsford Borough Council
432-1161-RLP 89	Gosfield Parish Council
494-1391-RLP 89	English Nature

291-621-new BT Group plc

Objections to Proposed Change 1

990-2914-P8.32.R Bidwells Property Consultants

990-2915-P8.32a.R Bidwells Property Consultants

Objections to Proposed Change 2

322-4861-RLP40.P CWS Pension Trustees

444-4848-RLP40.P Matthew Clark

Main Issues

- a) Whether the policy should state that there should be no adverse impact on the historic environment (48-124)
- b) Whether parts of the policy should be deleted or reworded (225, 322-678, 309, 466, 501)
- c) Whether it is important that the presence of existing public rights of way is taken into account (443)
- d) Whether RLP 89 should exclude residential conversions (45, 48)
- e) Whether residential conversion should be considered earlier and not as a last resort (79, 375)
- f) Whether a new policy for residential conversions should be included (291)
- g) Whether insertion of the word 'listed' is restrictive and inconsistent with PPG7 (990)
- h) Whether the proposed deletion is contrary to Government policy on redundant buildings (444)

Inspectors Reasoning and Conclusions

4.15.1 Planning Policy Statement 7 (PPS7) was published in August after the close of the Inquiry and replaces PPG7. Paragraph 17 of PPS7 relates to the re-use of buildings in the countryside and advises that "Re-use for economic development purposes will usually be preferable, but residential conversions may be appropriate in some locations, and for some types of buildings". The Plan, in RLP 40 as amended at Revised Deposit stage, made provision for residential conversion but only "...where this is a subordinate part of a scheme for business re-use". This element of RLP 40, however, was deleted at Pre-Inquiry stage. The only possibility for a residential conversion is for listed rural buildings, in RLP 102, where the applicant has made every effort to secure employment or community re-use or where the residential conversion is a subordinate part of a scheme for business re-use.

The Plan does not make any policy provision for the conversion of unlisted rural buildings for solely residential use.

4.15.2 The Council's policy position is contrary to advice in PPS7 and inconsistent between listed and unlisted buildings. With regard to a listed rural building, use is a separate matter to preserving its architectural and historic interest, a matter that is covered by RLP 101, as recommended to be amended. Whereas PPS7 envisages situations where residential conversions 'may be more appropriate' the Council has taken the view that 'residential re-use can harm countryside and landscape character through suburbanisation and domestication'. It is worth noting that the Council has used the word 'can', which suggests that there may be situations where residential re-use might not cause harm. These are the situations recognised in PPS7 and it is necessary to carry forward this position in the Plan. It is worth reiterating here that the Plan should be read as a whole and all applications for development in the countryside would be subject to the application of all policies in the Plan that seek to protect the countryside from harmful development.

4.15.3 To remedy the inconsistency between RLP 40 and RLP 102 and to bring the Plan into line with recently published government policy in PPS7 it is recommended that the last part of RLP 102 be repeated in RLP 40, as detailed below and with minor amendments to reflect the subtle difference in criteria notation in the two policies.

4.15.4 RLP 89 duplicates RLP 40 and RLP 102 and its deletion, at Revised Deposit stage, is appropriate. The historic environment is protected by other policies in the Plan, protecting the safe use of public rights of way is implied in policy criteria and would be for consideration during the development control process, and the inclusion of 'listed' in paragraph 8.32 is appropriate as the policy to which the paragraph relates concerns listed buildings. No other matters mentioned by Objectors, either individually or collectively, warrant any amendment to RLP 40 or RLP 102 or to any supporting text paragraphs, other than that detailed in the previous paragraph.

RECOMMENDATION

I recommend that the following text be added to RLP 40:

Conversion to residential use will only be acceptable where:

- (i) The applicant has made every reasonable effort to secure suitable employment or community re-use and**

the application is supported by a statement of the efforts that have been made; or

- (ii) Residential conversion is a subordinate part of a scheme for business re-use of the building or group of buildings; and**
- (iii) In either case, the criteria set out above are met.**

4.16 Paragraph 4.27/ Policy RLP 41 : Expansion of Local Firms

The Objections

309-654-P4.27	Chelmsford Borough Council
309-658-RLP41	Chelmsford Borough Council
48-125-RLP41	English Heritage
225-477-RLP41	CPRE Essex
228-493-RLP41	Esco Business Services
361-823-RLP41	Bellway Homes/Swan Hill Homes Ltd
370-891-RLP41	CML Microsystems and Chelmsford Diocesan Board of Finance
375-920-RLP41	Lord Rayleigh's Farms Ltd
380-958-RLP41	E Hobbs (Farms) Ltd
443-1193-RLP41	Essex County Council
466-1524-RLP41	Mr Paul Foster

Main Issues

- a) Whether paragraph 4.27 should clarify what is meant by development limits (309-654)
- b) Whether the policy should also include a reference to the impact on scheduled ancient monuments (48)
- c) Whether perpetuation of an inappropriate development might be encouraged (225)
- d) Whether the policy is unduly restrictive in the criteria to be applied (228)
- e) Whether the policy should have an extra criterion relating to public transport, cycling and walking (309-658)
- f) Whether there should be a deletion of all reference to the need for Parish Council support and 'named users' (361, 370, 375, 380)
- g) Whether 'there is no unacceptable impact on the existing public rights of way network' should be added (443)

h) Whether some of the bullet points need deleting or amending (466)

Inspectors Reasoning and Conclusions

4.16.1 PPS7 carries forward the thrust of guidance in the superseded PPG7 and advises that "Away from larger urban areas, planning authorities should focus most new development in or near to local service centres where employment, housing, services and other facilities can be provided close together. This should help to ensure these facilities are served by public transport and provide improved opportunities for access by walking and cycling". This national policy guidance is carried forward by RLP 41 that permits the expansion of local businesses on to sites 'adjacent to a town development boundary, a village envelope or an industrial development limit'. An objective of PPS7 is the "focusing (of) most development in, or next to, existing towns and villages" and a key principle of PPS7 is "new building development in the open countryside away from existing settlements...should be strictly controlled; the government's overall aim is to protect the countryside for the sake of its intrinsic character..." etc..

4.16.2 Paragraph 4.27 and RLP 41 have been amended, at Revised Deposit and Pre-Inquiry stages, to satisfy objections by Chelmsford Borough Council and English Heritage. The policy is consistent with PPS7 and the superseded PPG7 by seeking to restrict development in the countryside except where it is "...adjacent to a town development boundary, a village envelope, or an industrial development limit". The criteria in RLP 41 are necessarily restrictive and there is no justification, given recently published national planning policy, to permit, even in exceptional circumstances, the relocation of established rural businesses to sites in the open countryside remote from settlements. Adequate vacant employment land has been allocated in the three main towns and in the larger villages in the District to satisfy the needs of businesses wishing to relocate. The allocations are in areas where opportunities for walking or cycling to work are maximised and where public transport is also generally accessible.

4.16.3 CPRE Essex has objected on the grounds that RLP 41 would lead to the "Perpetuation of an inappropriate development..." but they have not given any indication of what constitutes an inappropriate development. The criteria in the policy are necessarily restrictive because they relate to development in the countryside whilst the policy does recognise the benefits for rural employment by encouraging the expansion of established businesses. Taken together the criteria would prevent the

perpetuation of inappropriate development and it is unlikely, given that one criterion requires that there would be 'no unacceptable impact on the landscape', amongst other things, that harmful incremental growth would be permitted. It is also necessary, given the thrust of national policy, to restrict the development to a named user which would inevitably be the user of the existing facility proposed to be extended. None of the matters mentioned by CPRE Essex warrant deletion of RLP 41. With regard to the 'named user' criterion this is also necessary to prevent speculative development that would be contrary to national, strategic and local plan policy relating to the countryside.

4.16.4 Industrial development in the form of business expansion is necessarily focused on sites within or, in this case, adjacent to defined settlements and industrial areas because they maximise the opportunities for access by walking or cycling or public transport. This is in line with the thrust of national policy and there is no need therefore to include the criteria suggested by Chelmsford Borough Council. Essex County Council rightly point out that there is a statutory requirement, when considering a planning application, 'to take full account of the public rights of way network' and there is therefore no need to add the suggested criterion to the policy.

4.16.5 Several Objectors have commented on the criterion relating to support for a proposal from the Parish or Town Council "...where appropriate". No indication is given in the supporting text to suggest the circumstances where the support of a Parish or Town Council would be appropriate or necessary. Furthermore, the Council is required to consult the relevant Parish or Town Council on any application but their representation, if forthcoming, is a material consideration but not compelling, whether for or against a proposal, in itself. The inclusion of "where appropriate" in the criterion alludes to this. There is no justification, given the aforementioned consultation exercise and also that the Council is required to determine an application with regard to all material considerations, for the inclusion of the sixth and penultimate criterion in RLP 41.

4.16.6 No other matter mentioned by any Objector, either individually or collectively, outweighs the conclusions that paragraph 4.27, as proposed to be amended, should be retained unaltered and that RLP 41 should be amended only by the deletion of the sixth and penultimate criterion.

RECOMMENDATION

I recommend that RLP 41 be amended by the deletion of the sixth and penultimate criterion.

4.17 Policy RLP 41a: Minor Industrial and Commercial Development in the Countryside

The Objection

216-3108-RLP41a Essex Wildlife Trust

Main Issue

Whether 'wildlife habitat loss' should be replaced by 'nature conservation interests'

Inspectors Reasoning and Conclusions

4.17.1 An amendment to RLP 41Aa, at Pre-Inquiry stage, satisfies the objection by Essex Wildlife Trust.

RECOMMENDATION

I recommend no change to the Plan.

4.18 Policy RLP 42: Springwood Drive, Braintree

The Objections

132-268-RLP42 North East Essex Badger Group
216-451-RLP42 Essex Wildlife Trust

Main Issue

Whether allowing for employment use would affect one of the largest & possibly oldest badger sett in Braintree District.

Inspectors Reasoning and Conclusions

4.18.1 Badgers are active in the area surrounding the objection site. Evidence indicates, however, that the North East Essex Badger Group is being consulted on an application for leisure use of the objection site and there is no reason to suppose that they would not be consulted on any future applications. Given also that badgers

are protected by the Protection of Badgers Act 1992 it is safe to assume that development on the objection site would not be allowed to adversely affect the badgers or their habitat. None of the other matters mentioned by Objectors, either individually or collectively, outweigh the conclusion that there is no justification for any amendment to RLP 42.

RECOMMENDATION

I recommend no change to the Plan.

4.19 Policy RLP 43: Bluebridge Ind Estate

The Objections

225-3134-RLP43	CPRE Essex
216-452-RLP43	Essex Wildlife Trust

Main Issues

- a) Whether the Development Brief should be agreed by the Council and the Developer (225)
- b) Whether Policy wording should be strengthened to include habitat creation (216)

Inspector's Reasoning and Conclusions

4.19.1 Amendments made at Revised Deposit and Pre-Inquiry stages satisfy the objections.

RECOMMENDATION

I recommend no change to the Plan.

(See also Site 34.5)

4.20 Paragraph 4.32a/Policy RLP 44A: Rayne Foundry

The Objections

415-1108-RLP44A	Lord Rayleigh's 1985 Accumulation & Maintenance Settlement
240-516-RLP44A	Fairview New Homes

Objections to Proposed Change 1

415-3057-P4.32a.R Lord Rayleighs 1985 Accumulation & Maintenance Settlement

Main Issues

- a) Whether Contamination, need for demolition, and remediation make this site undeliverable within the plan period (415)
- b) Whether the site is a non-conforming use in an residential area (240)

Inspectors Reasoning and Conclusions

4.20.1 A development brief has been prepared for the site and planning permission has been granted, subject to a Section 106 Agreement, for a mixed use development that will provide employment opportunities in Rayne. Contamination of the site will be dealt with during implementation of the planning permission and, given also that demolition and removal of existing buildings is not likely to take more than a few months, the mixed use development is deliverable within the Plan period. There is no justification for the deletion of the allocation of the site for a mixed use development in the Plan or, therefore, for the allocation of an alternative site at Humber Road, Witham.

4.20.2 The site previously provided employment opportunities in Rayne that were lost on closure of the foundry. The loss of the foundry is sufficient justification in itself for the allocation of the site for a mixed use development that will provide replacement employment opportunities in the village. A mixed development would not undermine the character of the surrounding residential area and is an entirely appropriate objective for this village centre site. Nothing mentioned by Objectors, either individually or collectively, outweighs the conclusion that RLP 44A and its supporting text, paragraph 4.32a, as proposed to be included at Revised Deposit stage, should be retained in the Plan.

RECOMMENDATION

I recommend no change to the Plan.

4.21 Paragraph 4.36.R /Policy RLP 45: Earls Colne Airfield

The Objections

169-4908-RLP45	Thomas Philip Price Trust
169-3211-RLP45	Thomas Philip Price Trust
169-3212-P4.36R	Thomas Philip Price Trust
169-3213-RLP 45.R	Thomas Philip Price Trust
225-3135-RLP45.R	CPRE Essex

(Also see objections to site 21.1)

Main Issues

- a) Whether the land should be zoned as industrial (169)
- b) Whether doubling of land for expansion and the additional HGV traffic generated on surrounding unsuitable roads should be permitted (225)

Inspectors Reasoning and Conclusions

4.21.1 The Objections by Thomas Philip Price Trust relate to a site that adjoins the industrial development limit of Earls Colne Business Park. The site is also the subject of objections by E Hobbs Farms Ltd., along with another site adjoining Earls Colne Business Park, and is considered in section 11.1 of Part Two of this report. A conclusion in section 11.1 of Part Two is that no further land should be allocated for employment use at Earls Colne Business Park. Allocations in the Plan for development at the Business Park relate to previously developed sites that have recently been developed for employment uses. Traffic generated by these developments and its impact on roads in the area were considered during the development control process leading to planning permission being granted.

RECOMMENDATION

I recommend no change to the Plan.

CHAPTER 5 – TRANSPORT

5.1 Paragraph 5.6: Objectives

The Objection

48-106-5.6 English Heritage

Main Issue

Whether a conservation-led approach to transport policies should be adopted (48)

Inspectors Reasoning and Conclusions

5.1.1 Sustainability is at the heart of the Council's objectives and is mentioned at the very beginning of the chapter, in paragraph 5.1, and again in paragraph 5.5. The more specific concern expressed by English Heritage is with regard to the detailed design of transport improvements in historic areas. Though all the matters they refer to are not included in the additional wording in item 2 in paragraph 5.6, added at Revised Deposit stage, it has been made clear that materials and street furniture should be considered in a sensitive manner, in any situation. Such a detailed design matter is not suitable for a separate policy in itself and the Council has rightly dealt with the objection by adding to explanatory text.

RECOMMENDATION

I recommend no change to the Plan.

5.2 Paragraphs 5.13/5.14/5.15/5.16: Creating an Inclusive Transport System

The Objections

411-1097-P5.13	Witham Town Council
411-1098-P5.15	Witham Town Council
411-1099-P5.16	Witham Town Council
443-1195-P5.13	Essex County Council
443-1196-P5.14	Essex County Council
443-1197-P5.15	Essex County Council
187-368-P5.15	Bradwell Parish Council
63-147-P5.13	Witham and Braintree Rail Users Association
63-146-P5.14	Witham and Braintree Rail Users Association
418-1121-P5.15	Witham Cycling Campaign

501-1458-P5.15 GO-East

Objections to Proposed Change 1

138-3203-P5.14.R Network Rail
501-3161-P5.15.R GO-East

Objections to Proposed Change 2

138-4871-P5.14.P Network Rail (supporting)

Main Issues

- a) Whether there is a need for such a bus service in the Maltings Lane development area (411)
- b) Whether P5.13 Should be split into 2 paragraphs (443)
- c) Whether the comments are lacking in clarity (63-147)
- d) Whether P5.14 should be reworded to read "the Council, in partnership with Essex County Council, will work with the rail industry (443-1196)
- e) Whether the threat posed to Hatfield Peverel and Kelvedon by the proposed new station at Boreham should be mentioned (63)
- f) Whether reference to combined footpaths and cycleways, wide enough to avoid conflict between the two types of user, should be made (187, 418, 501)
- g) Whether the Council should consider where appropriate the provision of public bridleways in place of combined footpaths and cycleways (443-1197)
- h) Whether there is a need for a social car scheme in Witham (411)
- i) Whether the impression is given that Hatfield Peverel and Kelvedon are within the remit of the Partnership, which is incorrect (138)
- j) Whether in P5.15 , the word '*most*' should be replaced by with the word '*all*' (501-3161)

Inspectors Reasoning and Conclusions

5.2.1 It would be inappropriate to mention a specific requirement for the Maltings Lane development in Witham in paragraph 5.13 as this deals generally with bus services and the potential for improvements throughout the District. Similarly, detailed matters, such as the identification of routes and sources of funding, are not appropriate for inclusion in background explanatory text. The changes to the paragraph recommended by Essex County Council have been incorporated.

5.2.2 The Council works with several public and private organisations towards improving rail services and facilities so mention specifically of Essex County Council in paragraph 5.14 would be inappropriate. Text has been added to the paragraph, at both Revised Deposit and Pre-Inquiry stages, to mention the Essex and South Suffolk Community Rail Partnership and their assistance in improving patronage of the rail network and the long term future of branch lines. No substantive evidence has been provided to indicate what threat is posed to Hatfield Peverel and Kelvedon by the construction of a new station at Boreham so mention of this development in paragraph 5.14 would be inappropriate.

5.2.3 With regard to paragraph 5.15 economics and the availability of space generally dictate that new cycleways are normally constructed alongside footpaths or provided on existing footpaths by surface markings. Safety is an issue and the Council has included text that indicates the intention to segregate walkers and cyclists by including a 'raised white line or kerb' on combined cycleways/footpaths. It has been suggested that such an approach is 'negative for cyclists and...negative for pedestrians' but no evidence has been provided to substantiate this claim. The word 'most' has been deleted and the inclusion of 'all' would be superfluous.

5.2.4 Horse riding is a recreation and not therefore a matter appropriate for consideration in a chapter on Transport. The Council has indicated that the provision of bridleways may be appropriate in rural locations but rightly does not consider this to be a matter appropriate for inclusion in the Plan. A social car scheme for Witham is not a land use planning matter.

RECOMMENDATION

I recommend no change to the Plan.

5.3 Policy RLP 48: Pedestrian Networks

The Objections

216-453-RLP48	Essex Wildlife Trust
381-971-RLP48	EW, JR and RW Bucknell
382-989-RLP48	Jones of Rayne
443-1198-RLP48	Essex County Council
450-1242-RLP48	Witham and District Chamber of Commerce
466-1525-RLP48	Mr Paul Foster

Objections to Proposed Change 1

216-3089-RLP48.R	Essex Wildlife Trust
499-3191-RLP48.R	Barratt Eastern Properties
1010-3186-RLP48.R	Churchill Retirement Living

Objections to Proposed Change 2

291-4858-RLP48.P	BT Group
188-4866-RLP48.P	House Builders' Federation

Main Issues

- a) Whether there needs to be acknowledgement of nature conservation issues in areas where the policy affects County Wildlife Sites (216)
- b) Whether the policy needs greater flexibility (381, 382)
- c) Whether the wording should be changed to include opportunities that may arise to improve existing pedestrian routes and networks (443)
- d) Whether the link between the Grove Centre and Newlands Shopping Precinct in Witham should be pedestrianised (450) (This objection does not state how the policy should be amended)
- e) Whether this is a corporate statement of intent rather than a land-use planning policy (466)
- f) Whether clarification is required (499)
- g) Whether it is unreasonable to expect all developments to improve existing pedestrian routes (1010)
- h) Whether the planning obligation sought may not be needed and relevant to the proposal (291)
- i) Whether such improvements could be dealt with by planning conditions (188)

Inspectors Reasoning and Conclusions

5.3.1 RLP 78 relates to development within County wildlife sites and other designated areas and its application would prevent harm being caused by the introduction of pedestrian networks and footpaths. There is no need therefore to refer to this detailed matter in RLP 48. The policy has been altered to reflect concerns about flexibility and the improvement of existing pedestrian routes and to better express the subject as a land use planning matter. Nothing in the revised policy suggests that all proposals will require improvements to existing pedestrian routes. The policy, as amended, indicates that such improvements will be sought through planning obligations, which would have to satisfy the tests set out in Circular 1/97, and it is unlikely that the imposition of planning

conditions would be appropriate as the existing routes would probably be outside the application site area. The need to include 'where necessary' at the end of the policy was conceded by the Council during the Inquiry.

RECOMMENDATION

I recommend no change to the Plan.

5.4 Policy RLP 49: Cycleways

The Objections

216-454-RLP49	Essex Wildlife Trust
443-1199-RLP49	Essex County Council
450-1244-RLP49	Witham and District Chamber of Commerce
466-1526-RLP49	Mr Paul Foster

Objections to Proposed Change 1

188-3157-RLP49.R	House Builders Federation
216-3091-RLP49.R	Essex Wildlife Trust
1010-3187-RLP49.R	Churchill Retirement Living

Main Issues

- a) Whether, where the routes of proposed cycleways adjoin or bisect County Wildlife Sites, there should be acknowledgement of potential impact (216)
- b) Whether the provision of bridleways would be more relevant than merely cycleways. (443)
- c) Whether expansion of the Cycle Network must take into account the planned changes in housing stock (450)
- d) Whether the policy is ambiguous as currently worded (466)
- e) Whether the policy will not always be applicable to all types of development (188)
- f) Whether the requirements are onerous and without justification in terms of Circular 1/97, and the words, 'where appropriate' should be inserted.(1010)

Inspectors Reasoning and Conclusions

5.4.1 RLP 78 relates to development within County wildlife sites and other designated areas and its application would prevent harm being caused by the introduction of cycleways. There is no need therefore to refer to this detailed matter in RLP 49. It is likely

that development proposals, such as large housing schemes, to which RLP 49 would be applied would be within or adjacent to urban areas. The provision of bridleways in such locations, though probably beneficial for horse riders, would be inappropriate for cyclists and walkers. Furthermore, it is likely that bridleways in urban areas would not be used by anything other than the occasional horse rider so it is not unreasonable for the policy to focus on the needs of cyclists.

5.4.2 The policy is aimed at the provision of cycleways in new developments and these would certainly include residential developments contributing to meet the housing needs of the District. The policy, as amended at Revised Deposit stage, is unambiguous and not unduly onerous and would not be relevant to all proposed developments, such as house extensions. There is therefore no need to include 'where appropriate' in the policy.

RECOMMENDATION

I recommend no change to the Plan.

5.5 Policy RLP 50: Cycle Parking

The Objections

466-1527-RLP50	Mr Paul Foster
499-1430-RLP50	Barratt Eastern Properties

Objections to Proposed Change 1

188-3158-RLP50.R	House Builders Federation
238-2948-RLP50.R	Wm Morrison Supermarkets
1010-3188-RLP50.R	Churchill Retirement Living

Main Issues

- a) Whether the policy, as worded, is ambiguous and more a corporate statement of intent (466)
- b) Whether clarification is needed within this policy of where to find the Council's Cycle Parking Standards (499)
- c) Whether the policy will always be applicable to all types of development (188)
- d) Whether the policy is unnecessarily restrictive, and will result in the excessive cycle parking provision at food superstores (238)

e) Whether the cycle-parking standards in Appendix 3 should be amended(1010)

Inspectors Reasoning and Conclusions

5.5.1 The policy, as amended at Revised Deposit stage, is unambiguous and indicates where, in the Plan, cycle parking standards can be found. The policy is clear and concise and it is open to any applicant to bring forward evidence to justify allowing a proposal that does not meet the standards required. Such a material consideration may result in a proposal being allowed that is contrary to policy but this possibility reflects guidance in paragraph 40 of PPG1. The standards set out in Appendix 3 of the Plan are, furthermore, countywide standards and it would not be appropriate to amend them.

RECOMMENDATION

I recommend no change to the Plan.

5.6 Policy RLP 51: Public Transport

The Objections

138-284-RLP51	Railtrack plc
443-1200-RLP51	Essex County Council
466-1528-RLP51	Mr Paul Foster

Main Issues

- a) Whether Railtrack, TOCs and other relevant authorities should be consulted at all key stages of progressing the policy (138)
- b) Whether there is a lack of a policy about the routing of bus services in the town (443)
- c) Whether the provision of cycle parking at key bus stops should be included (443)
- d) Whether the policy as worded is a corporate statement of intent rather than a development control tool (466)

Inspectors Reasoning and Conclusions

5.6.1 Consultation by the Council of private and public organisations on transport matters is not relevant for inclusion in a policy and paragraph 5.13 includes 'Consultation with public transport operators will also be undertaken at an early stage'. Whereas improvements for bus passengers at Fairfield Road is a

specific objective and there is, as the Council suggests, insufficient information on the future routing of bus services in the town for this matter to be included in the policy. Cycle parking at bus stops has been included, at Revised Deposit stage, as an objective of the policy. The Plan does not just include policies for development control but also seeks to guide development that might not require permission or be subject to planning control for the benefit of the residents of the District.

RECOMMENDATIONS

I recommend no change to the Plan.

5.7 Policy RLP 52: Generators of Travel Demand

The Objections

361-830-RLP52	Bellway Homes/Swan Hill Homes
443-1203-RLP52	Essex County Council

Objections to Proposed Change 1

188-3159-RLP52.R	House Builders Federation
499-3192-RLP52.R	Barratt Eastern Properties

Main Issues

- a) Whether it is possible to adhere rigidly to a distance of 400m and the proposed policy should allow for some flexibility (351)
- b) Whether the last bullet point should be changed to "Bus services are introduced at first occupation of the development." (443)
- c) Whether it is appropriate to require bus services to be introduced at first occupation of a development (188, 499)

Inspectors Reasoning and Conclusions

5.7.1 The Council has amended RLP 52, at revised deposit stage, to relate the policy to 'major new developments', as opposed to simply 'new developments' and to clarify the definition of 'major'. They have also amended the policy, in line with a suggestion made by Essex County Council, to state that 'bus services are introduced at first occupation of the development'. There is no doubt that residents, for instance, of a major new housing development would be more inclined to use public transport if it were available 'at first

occupation of the development'. However, the Council does not indicate how the public transport is to be provided and Objectors have quite fairly pointed out that bus operators, even though they may be encouraged to consider new services, would consider this to be appropriate only if it were economically viable. This would be very unlikely, for instance, for a 'major' development of 30 dwellings.

5.7.2 The first bullet point in RLP 52 includes "...or there is potential for the development to be well served by public transport". This requirement is at odds with the definite requirement of the third bullet point and probably reflects the most likely scenario where a bus operator would consider introducing bus services to serve a new development where that development may tip the balance when considered with neighbouring existing development. Furthermore, the Council has given no indication in the policy or supporting text how the applicant is to guarantee bus services. It would be unreasonable to expect the developer to operate a bus service and subsidising a bus operator would require the agreement of the operator and, probably, a planning obligation.

5.7.3 The third bullet point in RLP 52, as originally proposed and as amended, is unreasonable and unworkable. The first bullet point includes the requirement that there is the potential for a major new development to be served by public transport and, given that such a service is outside any normal planning controls, is as far as the policy can go towards ensuring the availability of bus services. The third bullet point in RLP 52 should be deleted.

5.7.4 The inclusion of 'normally' in the second bullet point satisfies an Objector's concern that the requirement is inflexible and does not allow for the consideration of specific circumstances.

RECOMMENDATION

I recommend that RLP 52 be amended by the deletion of the third bullet point.

5.8 Policy RLP 53: Community Transport

The Objection

466-1529-RLP53

Mr Paul Foster

Main Issue

Whether the policy as stated is a statement of corporate intent rather than a land-use planning policy (466)

Inspectors Reasoning and Conclusions

5.8.1 Policy RLP 53 has been deleted at Revised Deposit stage. The deletion satisfies the objection.

RECOMMENDATIONS

I recommend no change to the Plan.

5.9 Policy RLP 54: Transport Assessments

The Objection

443-1204-RLP54 Essex County Council

Main Issue

Whether transport assessments should determine the effect of the proposal on all forms of non-motorised transport including horse riding

Inspectors Reasoning and Conclusions

5.9.1 The Objector's concern regarding horse riding is general and there is no indication about any specific problems or possible consequences relating to the effect of new development on this generally recreational activity. Furthermore, PPG13 makes no reference to the effect of development on horse riding, as opposed to walking and cycling, and there is no need to include this matter in RLP 54.

RECOMMENDATIONS

I recommend no changes to the Plan.

5.10 Policy RLP 55: Travel Plans

Objection

443-1205-RLP55 Essex County Council

Main Issue

Whether reference to the definition of major new developments in the note at the end of the Policy should read PPG13 not PPG3

Inspectors Reasoning and Conclusions

5.10.1 The suggested amendment has been incorporated in RLP 55.

RECOMMENDATIONS

I recommend no change to the Plan.

5.11 Paragraph 5.19: Management of Overall Travel Demand

The Objection

63-148-P5.19 Witham and Braintree Rail Users Association

Main Issue

Whether the Council should identify sites for surface car parking and bus and ride schemes for commuters

Inspectors Reasoning and Conclusions

5.11.1 The Plan includes allocated car parks at stations in Braintree, Witham, Kelveden and Hatfield Peverel. No evidence has been brought forward to suggest that park and ride schemes are viable or necessary and no detailed proposals have been brought before the Inquiry.

RECOMMENDATION

I recommend no change to the Plan.

5.12 Paragraph Appendix 3/ Policy RLP 56: Vehicle Parking Standards

The Objections

463-1269-App3	Crest Strategic Projects
467-1290-App3	Martin Grant Homes Ltd

468-1299-App3	Persimmon Homes (Essex)
503-1502-App3	Braintree District Business Council
361-840-RLP56	Bellway Homes/Swan Hill Homes
450-1245-RLP56	Witham and District Chamber of Commerce
499-1420-RLP56	Barrett Eastern Counties

Objections to Proposed Change 1

989-3224-RLP56.R	David Cope
1008-3151-RLP56.R	Lynn Cope
991-2918-RLP56.R	The Tipping Family Trust
1005-3102-RLP56.R	Victor Dieters
1006-3133-RLP56.R	John Pollard
1014-3226-RLP56.R	Derek Pike

Main Issues

- a) Whether the rigid adherence to maximum standards is likely to lead to a severe shortage of car parking (503)
- b) Whether this Standard is reasonable and complies with Government guidance in Circular No.1 /97 (463, 467, 468)
- c) Whether reference to developer contributions should be deleted (463, 467, 468)
- d) Whether the proposed policy is over prescriptive with reference to land at Cut Throat Lane being 'safeguarded and protected' for car parking (361)
- e) Whether the plans are adequate and will meet the long term needs of the Community in Witham (450)
- f) Whether in some instances, the special circumstances of a particular development site may mean that it is not appropriate for these standards to be applied (499)
- g) Whether the policy protects neighbouring residents' amenity from the negative affects of multi-storey car parking facilities (989, 1005, 1006, 1008, 1014)
- h) Whether the policy should be amended to exclude land at White Horse Lane, Witham as its viability cannot be guaranteed for the length of Plan period (991)

Inspectors Reasoning and Conclusions

5.12.1 The vehicle parking standards set out in Appendix 3 of the Plan were created by the Essex Planning Officers Association in response to government guidance in PPG3 and PPG13 and were published in August 2001. The standards do reflect the government's commitment to reducing reliance on the motor car by establishing maximum standards and are intended for application throughout Essex, Southend and Thurrock. The Council cannot

therefore independently alter the standards or the text relating to developer contributions. With regard to developer contributions the guidance states that "...further work will be undertaken..." and any comments relating to this issue should be submitted to either the County Council or the Planning Officers Association. The document does include the proviso that "...the local economic environment and the availability of alternative means of travel to the motor car may lead to parking provision that is more appropriate to local circumstances". Flexibility exists, therefore, to alter the standards where appropriate.

5.12.2 There is a recognised long-term demand for commuter car parking in close proximity to Witham railway station so it is appropriate for RLP 56 to protect the car parks at Cut Throat Lane and elsewhere. To this end planning permission has been granted for a multi-storey car park at Cut Throat Lane, which should alleviate pressure for parking in the vicinity of the railway station. If the car park results in significantly reduced use of the most distant of the three car parks serving Witham railway station, at White Horse Lane, the Council would be unreasonable to reject a proposal for an alternative use. However, until the multi-storey car park is in use there is no reason to delete the allocation of the car park at White Horse Lane. With regard to concerns regarding multi-storey car parking the Council stated at the Inquiry that paragraph 5.19 of the Plan's explanatory text will be amended by the addition of "Bures, Kelveden and Hatfield Peverel stations should be allocated for surface level car parking only".

RECOMMENDATION

I recommend no change to the Plan.

5.13 Paragraphs 5.22/ 5.23/ 5.50: Expanding Transport Capacity

The Objections

123-258-P5.22	Mr Geoffrey Griffiths
63-150-P5.23	Witham and Braintree Rail Users Association

Main Issues

- a) Whether Braintree District Council should lead on improvements to the A120 east of Braintree (123)
- b) Whether the Council should put forward proposals for the development of the branch lines (63)

Inspectors Reasoning and Conclusions

5.13.1 The Council's stance on the future for the A120 east of Braintree is set out in paragraph 5.48 and it is reasonable for the Council to be neutral on this issue pending assessment of all possible options and routes. The merits of any particular route or proposal can only be considered if all possibilities are considered at the same time. The Council does not have the necessary expertise to put forward proposals for the development of branch lines. It is for the Essex and South Suffolk Community Rail Partnership, amongst others, to put forward detailed proposals that can then be considered against policies in the Plan and by other interested parties such as the Strategic Rail Authority.

RECOMMENDATION

I recommend no changes to the Plan.

5.14 Paragraphs 5.24/5.26: Protecting Environments

The Objections

230-492-P5.24	Mr Roy Cox
230-494-P5.26	Mr Roy Cox
225-479-P5.26	CPRE Essex

Main Issues

- a) Whether BDC should follow other local authorities and put residents quality of life before the rising tide of traffic (230)
- b) Whether the District Council should press the Highways Authority to establish 'Quiet Lanes'. (225)

Inspectors Reasoning and Conclusions

5.14.1 The Council cannot impose or alter speed restrictions and access by heavy goods vehicles on the highway network. These are matters for the highway authority to consider and representations on these matters should be submitted to them. The Council has amended paragraph 5.26 by the addition of '...and the establishment of 'Quiet Lanes''.

RECOMMENDATION

I recommend no changes the Plan.

5.15 Paragraphs 5.30/5.33: Braintree Transport

The Objection

443-1206-P5.30 Essex County Council

Main Issue

Whether to add 'and extend the platform lengths from 8 to 12 cars along the branch line' after 'to construct a passing loop at Crossing Station' in the second sentence (433)

Inspectors Reasoning and Conclusions

5.15.1 The Objector's suggested amendment has been incorporated in the Plan.

RECOMMENDATIONS

I recommend no change to the Plan.

5.16 Policy RLP 57: Freeport Special Policy Area

The Objections

138-285-RLP57 Railtrack
443-1207-RLP57 Essex County Council

Main Issues

- a) Whether the local plan should establish that developer contributions, whether financial or in kind, should be sought, where appropriate (138)
- b) Whether specific reference should be made to the construction of the foot/cycle bridge over the railway linking Freeport to the housing estate to the south (443)

Inspectors Reasoning and Conclusions

5.16.1 RLP 162 makes adequate provision for developer contributions for public transport improvements in situations where a development would, by virtue of its location, density, scale and nature, result in increased demand. There is no need to repeat this requirement in RLP 57. Paragraph 5.30 has been amended to include reference to the proposed construction of a pedestrian/cycle bridge at Braintree Freeport Station.

RECOMMENDATION

I recommend no change the Plan.

5.17 Policy RLP 58: Galleys Corner Special Policy Area

The Objection

374-910-RLP58 Countryside Strategic Properties

Main Issue

Whether the site's designation, as set out within Policy BDP69C of the Adopted Local Plan, should be reinstated

Inspectors Reasoning and Conclusions

5.17.1 The Panners Roundabout Special Policy Area was reinstated at Revised Deposit stage therefore satisfying the objection.

RECOMMENDATIONS

I recommend no change to the Plan.

5.18 Policy RLP 58a: Panners Roundabout Special Policy Area

The Objections

347-3129-RLP58a.R Countryside Strategic Projects
443-2945-RLP58a.R Essex County Council

Main Issues

- a) Whether the wording is too prescriptive and constrains alternative uses (347)
- b) Whether the policy should provide for high-quality long-distance coach interchange facilities and goods vehicle overnight parking (443)

Inspectors Reasoning and Conclusions

5.18.1 The Special Policy Area has the benefit of a planning permission for a petrol station, motel and restaurant and there is

nothing to prevent that permission being implemented. However, just because a permission for a particular use has been granted does not mean that another use might be equally acceptable or appropriate. The Council, by use of the phrase "...to provide...", effectively prevents the submission of an application for an alternative use and though they may regard the permitted use to be preferable to any other the opportunity should exist for alternative uses to be explored by the submission of further applications. The suggested change to "...such as..." would provide that opportunity but, at the same time, would not prevent the permitted permission being implemented.

5.18.2 No evidence has been submitted to substantiate the suggestion that the site should "...include the potential for high-quality interchange facilities for long distance coaches and the potential for goods vehicle overnight parking". Such a proposal could only be included if supported by evidence of demand.

RECOMMENDATION

I recommend that the first sentence in the second paragraph of RLP 58a should be amended by the replacement of 'to provide' with 'such as'.

5.19 Paragraphs 5.37-5.39: Witham Transport Issues

The Objections

63-152-P.5.37	Witham and Braintree Rail Users Association
63-153-P5.38	Witham and Braintree Rail Users Association
138-288-P5.38	Railtrack plc
138-289-P5.39	Railtrack plc
443-1208-P5.39	Essex County Council

Main Issues

- a) Whether the Council should identify further works which are required at Witham station when current works are completed (63-152)
- b) Whether there should be clarification in respect of the accessibility study for the station (138-288)
- c) Whether the Council should identify new sites for the construction of new stations in the District (63-153)
- d) Whether the paragraph should state that proposals which involve crossing the railway would have to be by means of footbridges (138-289)

e) Whether consideration should be given to the construction of a bridge capable of accommodating horse riders as well as pedestrians and cyclists (443).

Inspectors Reasoning and Conclusions

5.19.1 No detailed evidence has been submitted by Witham and Braintree Rail Users Association to substantiate their claim that the Plan should provide for additional works at Witham station and for new stations in the District. There are no plans to reduce car parking at Witham railway station, planning permission has recently been granted in fact for a multi-storey car park next to the station, and Railtrack would inevitably be involved with an accessibility study for the station. Such a study, when it is carried out, would include the possibility of providing a new footbridge over the railway that might also be used by horses and their riders. None of these matters require any amendment or addition to the Plan.

RECOMMENDATION

I recommend no change to the Plan.

5.20 Paragraph 5.42: Halstead By-pass

The Objection

263-550-P5.42 Greenstead Green and Halstead Rural Parish Council

Main Issue

Whether the route of the Halstead by-pass may result in increased traffic through surrounding villages

Inspectors Reasoning and Conclusions

5.20.1 The route of a Halstead by-pass has been identified but the paragraph indicates that "...no further (investigative) work is being carried out at present". It is likely that the further investigative work would include an assessment of the possible increase in traffic passing through nearby villages. Given that the by-pass is at an early planning stage it would be inappropriate to include any detail about it in the Plan.

RECOMMENDATION

I recommend no change to the Plan

5.21 Paragraphs 5.45-5.46: Rural Areas Transport

The Objections

187-371-P5.46	Bradwell Parish Council
443-1209-P5.45	Essex County Council
418-1120-P5.46	Witham Cycling Campaign

Main Issues

- a) Whether the Plan should include provision for a transfer depot in an industrial area (187)
- b) Whether any proposals for the creation of cycle routes in rural areas should be considered in terms of public bridleways rather than cycle tracks (443)
- c) Whether villages around Witham should also be provided with cycle links (418)

Inspectors Reasoning and Conclusions

5.21.1 The possible provision of a transfer depot in a suitable location is a matter that is covered by the eighth bullet point in paragraph 5.46 of the Revised Deposit version of the Plan which provides for the 'Production of a strategy for dealing with HGV movements, and implementation of identified schemes'. The use of a proposed cycleway as a bridle path could be considered on submission of a detailed proposal and is not a matter that needs to be prescribed in the Plan. Cycle links for villages around Witham could equally be applied to villages near to the other main towns in the District. It is not appropriate for proposals for such links to be restricted to one part of the District and the Council has set out, in paragraph 5.46, proposed transport measures for the rural areas. These are likely to have been restricted to those for which funding could be allocated and it is not unrealistic for the Council to state that they have no proposals at present for the construction of cycle links connecting villages around Witham, or any other town.

RECOMMENDATIONS

I recommend no change to the Plan.

5.22 Paragraphs 5.48/5.49: Inter Urban Schemes

The Objections

136-277-P5.48 Feering and Kelvedon Preservation Society

Main Issue

Whether the proposed dual carriageway should go south of Coggeshall

Inspectors Reasoning and Conclusions

5.22.1 The Council's stance on the future for the A120 east of Braintree is set out in paragraph 5.48 and it is not unreasonable for the Council to be neutral on this issue pending examination and assessment of all possible options and routes. The merits or otherwise of any particular route or proposal can only be considered if all possibilities are considered at the same time. No matters mentioned by the Objector, either individually or collectively, outweigh the conclusion that there is no justification for any change or addition to paragraphs 5.48 or 5.49 in the Plan.

RECOMMENDATION

I recommend no change to the Plan.

5.23 Policy RLP 59: Braintree Branch Line Improvement

The Objections

138-286-RLP59	Railtrack plc
347-756-RLP59	Countryside Strategic Projects
443-1211-RLP59	Essex County Council
481-1337-RLP59	Terling and Fairstead Parish Council

Objections to Proposed Change 1

138-3201-RLP59.R Network Rail

Objections to Proposed Change 2

1017-4844-RLP59.P Cllr James Abbot

Main Issues

- a) Whether Braintree District Council should consult Railtrack, TOCs and other relevant authorities at all key stages of progressing the above policy (138)
- b) Whether there are proactive means of achieving the proposed improvements (347)
- c) Whether to add 'extensions to the platform lengths, an additional platform at Cressing and a foot/cycle bridge at Freeport' into the policy (443)
- d) Whether a rail link between Braintree and Stansted Airport should be encouraged (481)
- e) Whether the policy should specify at which stations additional parking will be sought (1017)

Inspectors Reasoning and Conclusions

5.23.1 RLP 59, as amended at Revised Deposit and Pre-Inquiry stages and by a concession made by the Council, satisfies objections made by Essex County Council and Cllr J Abbot. The feasibility of a Braintree to Stansted Airport branch line is the subject of explanatory text paragraph 5.50 and is not a matter for inclusion in RLP 59. Paragraph 5.49 states that branch line improvements are being progressed through a Rail Passenger Partnership bid to Strategic Rail Authority and this will involve input by parties mentioned in the objection by Railtrack. Neither these nor any other matters mentioned by Objectors, either individually or collectively, warrant changes to the Plan.

RECOMMENDATION

I recommend no change to the Plan.

5.24 Policy RLP 60: New Road Schemes

The Objections

216-455-RLP60	Essex Wildlife Trust
98-215-RLP60	Maldon District Council

Objections to Proposed Change 1

216-3092-RLP60.R	Essex Wildlife Trust
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Main Issues

- a) Whether the proposed bypasses affect County Wildlife Sites (216)
- b) Whether support should be given to improved road links between Maldon and the A12 via Hatfield Peverel (98)

Inspectors Reasoning and Conclusions

5.24.1 The Halstead by-pass has yet to be the subject of statutory procedures or an environmental assessment. Concerns regarding the effect of the proposal on wildlife could be brought forward during any necessary future public consultation exercise. No details have been provided about a road link between Maldon and the A12 and this matter cannot therefore be a matter for inclusion in the Plan.

RECOMMENDATION

I recommend no change to the Plan.

5.25 New Policy on General Aviation

The Objection

31-53-RLPNew General Aviation Awareness Council

Main Issue

Whether there should be a policy regarding general aviation

Inspectors Reasoning and Conclusions

5.25.1 As the Council suggests general aviation developments are not likely to be anything other than rare occurrences and the Plan cannot make provision for every possible type of development. Given also that the Structure Plan includes policy BIW9, which relates to proposals for new development relating to any existing operational airport or airfield, it is not unreasonable for the Council to take the view that a Plan policy simply reiterating SP policy is unnecessary. Furthermore, countryside policies in the Plan are also relevant to consideration of general aviation proposals and there is no justification for repeating the provisions of those policies in a policy specifically relating to general aviation. Advice in Annex B of PPG13 does not endorse the inclusion of policy relating to general aviation but recommends that account should be taken of various

factors if a policy were to be introduced. Neither this nor any other matter mentioned by the Objector, either individually or collectively, outweighs the conclusion that there is no justification for the inclusion of a general aviation policy in the Plan.

RECOMMENDATION

I recommend no change to the Plan.

CHAPTER 6 - ENVIRONMENTAL RESOURCES AND PROTECTION

6.1 Paragraph 6.1: Introduction

The Objection

494-1376-P6.1 English Nature

Main Issue

Whether Biodiversity is a policy omission from this chapter

Inspectors Reasoning and Conclusions

6.1.1 Biodiversity is a matter that is covered in Chapter 7, and paragraph 1.6 of the Plan indicates that "The Plan should be read as a whole...". There is therefore no need to cross-reference or repeat policies.

RECOMMENDATION

I recommend no changes to the Plan.

6.2 Paragraph 6.7-6.8/ Policy RLP61: Pollution

The Objections

394-1059-P6.7	Environment Agency
349-763-RLP61	Grove Smith Ltd
378-938-RLP61	Grove Smith Ltd
381-972-RLP61	EW, JR, and RW Bucknell
382-990-RLP61	Jones of Rayne
361-828-RLP61	Bellway Homes/Swan Hill Homes Ltd

Main Issues

- a) Whether the third sentence about surface water system effluent control should be removed as it is not accurate (394)
- b) Whether the Policy is superfluous on the basis that it is covered under separate legislation (349, 378, 361, 381, 382)

Inspectors Reasoning and Conclusions

6.2.1 Inclusion of a policy such as RLP 61, which is supported by the Environment Agency, ensures that the Plan provides a

comprehensive policy background for all types of development within the District. Furthermore, those seeking to develop are provided, by reference to the Plan, with guidance on environmental issues that they might not otherwise be aware of. No harm is caused by including a policy that relates to a matter that might be covered by other legislation.

RECOMMENDATIONS

I recommend no change to the Plan.

6.3 Policy RLP62: Air Quality

The Objections

349-764-RLP62	Grove Smith Ltd
378-939-RLP62	Grove Smith Ltd
381-973-RLP62	EW, JR, and RW Bucknell
382-991-RLP62	Jones of Rayne
466-1530-RLP62	Mr Paul Foster

Main Issues

- a) Whilst the general principles are supported it is considered that the policy is superfluous on the basis that it is covered under separate legislation (349, 378, 381, 382)
- b) The policy is ambiguous and unclear as it does not specify the air quality objectives, nor the circumstances when the Council considered these are likely to be breached (466)

Inspectors Reasoning and Conclusions

6.3.1 Inclusion of a policy such as RLP 62, which is supported by the Environment Agency, ensures that the Plan provides a comprehensive policy background for all types of development within the District. Furthermore, those seeking to develop are provided, by reference to the Plan, with guidance on environmental issues that they might not otherwise be aware of. No harm is caused by including a policy that relates to a matter that might be covered by other legislation.

6.3.2 The text added to paragraph 6.9 at Revised Deposit stage correctly indicates that air quality objectives and standards are subject to review and could be altered during the life of the Plan. The Council has also correctly included in the text the advice

that "Applicants should refer to the most up to date legislation at the time an application is made".

RECOMMENDATION

I recommend no change to the Plan.

6.4 Policy RLP 63: Contaminated Land

The Objections

349-765-RLP63	Grove Smith Ltd
378-940-RLP63	Grove Smith Ltd
382-992-RLP63	Jones of Rayne

Main Issue

Whether the policy is superfluous on the basis that it is covered under separate legislation

Inspectors Reasoning and Conclusions

6.4.1 Inclusion of a policy such as RLP 63 ensures that the Plan provides a comprehensive policy background for all types of development within the District. Furthermore, those seeking to develop are provided, by reference to the Plan, with guidance on environmental issues that they might not otherwise be aware of. No harm is caused by including a policy that relates to a matter that might be covered by other legislation.

RECOMMENDATION

I recommend no changes to the Plan.

6.5 Paragraph 6.11: Light Pollution

The Objection

264-556-P6.11	Essex Police
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Main Issue

Whether the Council should use High Pressure Sodium Lighting on footpaths, High Streets (to aid CCTV) and car parks.

Inspectors Reasoning and Conclusions

6.5.1 The type of lighting to be used on public highways is a matter that is too specific for the Plan. The Objector is rightly concerned about safety and the inclusion of the phrase "...compatible with community safety objectives" at the end of paragraph 6.11 satisfies their concern.

RECOMMENDATION

I recommend no change to the Plan.

6.6 Policy RLP 64: External Lighting

The Objection

466-1531-RLP64 Mr Paul Foster

Main Issue

Whether the policy needs to make clear the criteria that have to be met before planning permission will be granted

Inspectors Reasoning and Conclusions

6.6.1 The policy has been amended to reflect the change suggested by the Objector.

RECOMMENDATION

I recommend no changes to the Plan.

6.7 Paragraphs 6.12-6.14/ Policy RLP 65: Flood Protection

The Objections

113-4917-RLP65	Waterers Farm Ltd
136-279-P6.12	Feering and Kelvedon Preservation Society
394-1040-new	Environment Agency
394-1042-new	Environment Agency
394-1043-new	Environment Agency
216-456-RLP65	Essex Wildlife Trust
327-700-RLP65	Berkeley Strategic Land Ltd
349-766-RLP65	Grove Smith Ltd

378-946 RLP 65	Grove Smith Ltd
361-833-RLP 65	Bellway Homes/Swan Hill Homes Ltd
381-974-RLP 65	EW, JR, and RW Bucknell
382-993-RLP 65	Jones of Rayne
411-1100-RLP 65	Witham Town Council
464-1266-RLP 65	George Tanner Shalford Ltd (response listed under 464-4903-M1)
481-1339-RLP 65	Terling and Fairstead Parish Council
494-1378-RLP 65	English Nature
503-1497-RLP 65	Braintree District Business Council
509-1584-RLP 65	Anglian Water
509-1594-RLP 65	Anglian Water
223-473-RLP65	Mr Ian Peaty

Objections to Proposed Change 1

1001-3046-P6.13.1.R Tesco Stores

Objections to Proposed Change 2

80-4852-RLP65a.P	Kelvedon & Feering Heritage Society
394-4878-RLP65c	Environment Agency
1016-4841-RLP65a.P	Feering Parish Council

Main Issues

- a) Whether the policy should stress the Provision of Adequate Prevention and Protection Schemes to ensure Lives and Property are safe (136)
- b) Whether there are concerns over knock-on effects of mitigation measures. (216)
- c) Whether a site in Braintree will result in increased flood risk (327)
- d) Whether the policy is superfluous on the basis that it is covered under separate legislation (349, 378, 381, 382)
- e) Whether policy RLP 65 should be reworded in a more positive light as PPG25 does not specifically preclude development within flood plains (361)
- f) Whether new policies should replace existing one (394)
- g) Whether a reference to information held by other organisations than the EA should be made (1001)
- h) Whether all future proposed development must take into account the ability, or lack of ability, of existing drainage and rivers and flood plains to accommodate increased rapid run-off (223)
- i) Whether flood risk requires a much clearer definition (80)
- j) Whether there should be development on floodplains (1016)

k) Whether the policy should also state that functional floodplains should be restored (394)

Inspectors Reasoning and Conclusions

6.7.1 In response to objections by the Environment Agency RLP 65 was deleted, at Revised Deposit stage, and substituted by three policies, RLP 65A, RLP 65B and RLP 65C. As amended at Pre-Inquiry stage the policies provide a comprehensive local policy background for development within indicative floodplains and are included in the Plan to ensure, amongst other things, that development does not prejudice lives and property in areas subject to flooding. Flooding is a recognised material planning consideration and the policies accord with government guidance set out in PPG25. Indicative floodplains are the sole responsibility of the Environment Agency and only they can amend floodplain boundaries. The boundaries are monitored and revised, where necessary, on a regular basis and the Council is encouraged to include the most up-to-date information when publishing the adopted version of the Plan review.

6.7.2 The three plan policies are permissive of development in flood risk areas subject to mitigation measures being implemented to overcome potential flood problems and there is no justification for the Plan to prevent any development in flood risk areas. It is reasonable for RLP 65B to require that "Mitigation measures should have no adverse impact on nature conservation interests..." as opposed to having a 'minimal impact on' as this is not sufficiently precise. It is also reasonable for this policy to require that flood protection "...must be maintained for the expected lifetime of the development" as this is consistent with paragraph 57 of PPG25 and, in any event, paragraph 6.13, as amended at Revised Deposit stage, states that the "...lifetime of the development (is) (normally taken to be 50 years)". The Council conceded, during the Inquiry, that "Functional floodplains should be restored wherever possible" should be added to RLP 65C.

6.7.3 There is inconsistency between the three policies as RLP 65A and RLP 65C require full flood risk assessments to be carried out whereas RLP 65B does not. It will be necessary, therefore, for "Any application for development in an undeveloped area must be accompanied by a full flood risk assessment" to be added at the end of RLP 65B. With this exception, no other matter mentioned by Objectors, either individually or collectively, warrants any amendment to explanatory text and policies in the Flood Protection section of Chapter 6 of the Plan.

RECOMMENDATION

I recommend that the sentence "Any application for development in an undeveloped area must be accompanied by a full flood risk assessment" be added to RLP 65B

6.8 Policy RLP 67: Water Efficiency

The Objections

349-767-RLP 67	Grove Smith Ltd
378-941-RLP 67	Grove Smith Ltd
361-835-RLP 67	Bellway Homes/Swan Hill Homes
381-975-RLP 67	EW, JR and RW Bucknell
382-994-RLP 67	Jones of Rayne
499-1421-RLP 67	Barratt Eastern Properties

Main Issues

- a) Whether the Policy is overly prescriptive and should be deleted (349, 361, 378, 381, 382)
- b) Whether the policy should be amended to introduce appropriate flexibility (499)

Inspectors Reasoning and Conclusions

6.8.1 RLP 67 relates to water efficiency in new developments and, as the Council suggests, there should be scope for reducing demand for water in such developments. Dealing with such a matter as water efficiency through the adoption of Supplementary Planning Guidance without a policy background would be inappropriate. The policy is clear and precise and an applicant can always bring forward substantive evidence to demonstrate to the Council that material considerations, such a site specific circumstances, outweigh the policy requirements. There is no justification for the inclusion of 'where appropriate' in the policy to provide flexibility or for its deletion.

RECOMMENDATION

I recommend no change to the Plan.

6.9 Paragraphs 6.20/6.21: Policy RLP 68

The Objections

394-1085-RLP68 Environment Agency
481-1340-RLP68 Terling and Fairstead Parish Council

Objections to Proposed Change 1

394-3014-P6.20.R Environment Agency

Main Issues

- a) Whether policy should take into account land drainage at side and over roads form hard surfaces created by development in rural areas (481)
- b) Whether a condition should be added to any planning permissions, restricting the occupancy of buildings until the necessary infrastructure is in place and operational (394-1085)
- c) Whether the changes made to the paragraph are accurate. The names of the Water Companies are incorrect (394-3014)

Inspectors Reasoning and Conclusions

6.9.1 The Plan relates to development that requires planning permission and RLP 68 clearly indicates that development that has inadequate land drainage systems, amongst other things, will not be permitted. Many forms of agricultural development do not require planning permission and are therefore outside planning control. The policy will ensure that new development that does require planning permission will not be granted unless adequate drainage, to prevent run-off onto roads, amongst other things, is part of the development.

6.9.2 The Council accepts the Environment Agency's comments regarding the need for conditions, relating to infrastructure and where appropriate, to be attached to permissions for development but rightly indicates that this is a matter to be dealt with at planning application stage rather than in the Plan. Amendments to paragraphs 6.20 and 6.21 suggested by the Environment Agency have been incorporated in the Plan.

RECOMMENDATION

I recommend no change to the Plan.

6.10 Paragraph 6.23.R : Policy RLP 70: Waste Minimisation

The Objections

349-768-RLP 70	Grove Smith Ltd
378-942-RLP 70	Grove Smith Ltd
381-976-RLP 70	EW, JR and RW Bucknell
382-995-RLP 70	Jones of Rayne

Main Issue

Whether the policy is superfluous and should be deleted

Inspectors Reasoning and Conclusions

6.10.1 Waste minimisation is a government objective and the Council is correct in making this matter the subject of a Plan policy. Dealing with such a matter as waste minimisation through the adoption of Supplementary Planning Guidance without a policy background would be inappropriate.

RECOMMENDATIONS

I recommend no change to the Plan.

6.11 Policy RLP 71/71a: Recycling

The Objections

349-769-RLP71	Grove Smith Ltd
378-943-RLP71	Grove Smith Ltd
381-977-RLP71	EW, JR and RW Bucknell
382-996-RLP71	Jones of Rayne
394-1079-RLP71	Environment Agency

Objections to Proposed Change 1

98-3052-RLP71a.R Maldon District Council

Main Issues

- a) Whether the policy is overly prescriptive and should be deleted (349, 378, 381, 382)
- b) Whether there should be a mention in the policy that it should apply to new housing developments (394)

c) Whether the policy is already covered by the Essex Waste Local Plan (98)

Inspectors Reasoning and Conclusions

6.11.1 The matters covered by RLP 71 and RLP 71A are reasonable subjects for Plan policies and carry forward strategic guidance. Dealing with such matters through the adoption of Supplementary Planning Guidance without a policy background would be inappropriate. RLP 71 relates to all new developments and there is justification for specifically mentioning new housing developments. The Essex Waste Local Plan does not indicate where waste reprocessing facilities should be located in the County's districts. RLP 71A makes it clear that the Council consider employment policy areas to be suitable locations for such facilities.

RECOMMENDATION

I recommend no change to the Plan.

6.12 Paragraph 6.25 : Policy RLP 72: Renewable Energy Schemes

The Objections

395-1557-P6.25	ETSU (for the DTI)
349-770-RLP 72	Grove Smith Ltd
378-942-RLP 72	Grove Smith Ltd
381-978-RLP 72	EW, JR and RW Bucknell
382-997-RLP 72	Jones of Rayne
361-839-RLP 72	Bellway Homes/Swan Hill Homes Ltd
501-1465-RLP 72	GO-East

Main Issues

- a) Whether Para 6.25 should contain a summary of Government's policies on renewables; separate policy on renewable technology should be included (395)
- b) Whether the policy is overly prescriptive and should be deleted (349, 361, 378, 381, 382)
- c) Whether the policy should be more positive towards Renewable Energy and should encourage greater dialogue between developers and the District Council (501)

Inspectors Reasoning and Conclusions

6.12.1 PPG22 is mentioned in paragraph 6.25 and the Plan is an inappropriate place for simply summarising the guidance contained in that document. Other matters suggested for inclusion in the text by ETSU are detailed matters not appropriate for inclusion. The matter covered by RLP 72 is a reasonable subject for a Plan policy. Dealing with such a matter through the adoption of Supplementary Planning Guidance without a policy background would be inappropriate. The addition of a sentence in RLP 72 satisfies the concern expressed in an objection by GO-East.

RECOMMENDATION

I recommend no change to the Plan.

6.13 Policy RLP 73: Energy Efficiency

The Objections

349-771-RLP 73	Grove Smith Ltd
378-945-RLP 73	Grove Smith Ltd
361-841-RLP 73	Bellway Homes/Swan Hill Homes Ltd
381-979-RLP 73	EW, JR, and RW Bucknell
382-998-RLP 73	Jones of Rayne

Main Issue

Whether the policy is overly prescriptive and should be deleted

Inspectors Reasoning and Conclusions

6.13.1 RLP 73 relates to energy efficiency in new developments and, as the Council suggests, there should be scope for reducing demand for energy in such developments. Dealing with such a matter as energy efficiency through the adoption of Supplementary Planning Guidance without a policy background would be inappropriate. The policy is clear and precise and an applicant can always bring forward evidence to demonstrate to the Council that material considerations, such a site specific circumstances, outweigh the policy requirements. There is every justification for encouraging energy efficiency as this matter is a clear government objective.

RECOMMENDATION

I recommend no change to the Plan.

CHAPTER 7 - COUNTRYSIDE, NATURE CONSERVATION AND LANDSCAPE

7.1 Paragraph 7.3: Aims and Objectives

The Objection

48-108-P7.3 English Heritage

Main Issue

Whether there should be a more specific commitment to protecting the historic character of the countryside

Inspectors Reasoning and Conclusions

7.1.1 Amendments made at Revised Deposit stage satisfy the objection.

RECOMMENDATION

I recommend no change to the Plan.

7.2 Policy RLP 73A: Countryside

The Objection

347-3127-RLP73a.R Countryside Strategic Projects

Main Issue

Whether this new policy is excessive in its requirements and should be deleted, or the second sentence altered

Inspectors Reasoning and Conclusions

7.2.1 RLP 73a reflects government guidance in PPS7, which replaces PPG7 but which also carries forward the principles set out in the superseded guidance. Whereas other policies in the Plan deal with particular types of development, such as housing and employment, the policy reflects government guidance that seeks to strictly control development other than for purposes appropriate in the countryside. Matters such as affordable housing, community facilities, tourism and the re-use of rural buildings for business purposes, amongst other matters, are specifically covered by other policies and there is, given the thrust of advice in paragraph 1(iv) of

PPS7, every reason to include a policy restricting all forms of inappropriate development in countryside areas outside defined development boundaries.

7.2.2 There is no justification for the suggested amendment to the policy for 'the economic and social needs of people who live and work in rural areas' and 'creating sustainable living rural communities' are adequately provided for elsewhere in the Plan. These objectives, furthermore, are unlikely to be met by the use of greenfield land in a countryside area for large scale housing. Advice in paragraph 9(ii) of PPS7 is instructive in this regard: "(Councils should) strictly control new house building in the countryside away from established settlements...".

7.2.3 RLP 73A is within text under the heading 'Special Landscape Areas...' and is somewhat misplaced in the Chapter. It is therefore recommended that a sub-heading 'Countryside' be introduced after the main heading 'Policies' and that RLP 73A be relocated under that sub-heading.

RECOMMENDATION

I recommend that a sub-heading 'Countryside' be introduced after the main heading 'Policies' and that RLP 73A be relocated under that sub-heading.

7.3 Paragraph 7.7/ Policy RLP 74: Special Landscape Areas

The Objections

208-423-RLP74	Mrs Judith Slater
304-639-RLP74	Persimmon Homes
338-742-RLP74	Mr Austin Bonnet
350-772-RLP74	Interesting Developments
350-773-RLP74	Interesting Developments
361-842-RLP74	Bellway Homes/Swan Hill
381-980-RLP74	EW&JR and RW Bucknell
382-999-RLP74	Jones of Rayne
481-1342-RLP74	Terling and Fairstead Parish Council
509-1579-RLP74	Anglian Water

Main Issues

a) Whether SLAs should be retained and be included in Second Draft (78, 208)

- b) Whether the landscape assessment methodology used to identify Special Landscape Areas is now entirely out of date (304)
- c) Whether any development that causes damage to the countryside will need to be assessed against the benefits (338)
- d) Whether Landscape Character Assessments should replace SLAs (350, 361, 381, 382)
- e) Whether there should be a firm statement on the continual management for replacement of trees and hedges (481)
- f) Whether an area in Bocking warrants inclusion in SLA (509)

Inspectors Reasoning and Conclusions

7.3.1 Special Landscape Areas (SLAs), in accordance with national guidance and to reflect strategic policy set out in replacement SP policy NR4, are to be replaced by landscape character areas that will cover the whole District, unlike SLAs that are specific to certain areas specified in RLP 74. The necessary assessment work has yet to be completed and SP policy NR4 states that "Until such assessments have been completed SLAs, where they are currently defined in adopted local plans, will be taken to identify areas where conservation...should be given high priority". To delete SLAs from the Plan would, until landscape character assessments have been incorporated into a forthcoming Local Development Document (LDD) for the District, leave areas recognised for their special character open to development that would otherwise be inappropriate.

7.3.2 Landscape character areas (LCAs) cannot replace SLAs because the necessary assessment work has not been completed. Furthermore, it is worth noting that the relevant Government Office has not objected to the retention of SLAs in the Plan and that other Districts in the County have similarly retained SLA designations in their Plan reviews. Development that might be inappropriate in policy terms in an SLA, or in any countryside area, could be acceptable if material circumstances are sufficiently compelling to outweigh the presumption that development contrary to adopted policy should not be allowed. Objections to specific sites and their relationships to SLAs are considered in Part Two of this report. There is no evidence to support an extension of the Terling SLA and the management of replacement trees and hedgerows is not an appropriate subject for Plan policy.

RECOMMENDATION

I recommend no change to the Plan.

7.4 Policy RLP 75: Countryside Landscape Features, RLP 79: Habitats and Wildlife Features & RLP 80: Wildlife Impact Assessment

The Objections

494-1379-RLP75	English Nature
494-1380-RLP79	English Nature
494-1381-RLP80	English Nature
216-459-RLP79	Essex Wildlife Trust
501-1467-RLP80	GO-East

Objections to Proposed Change 1

188-3168-RLP75.R	House Builders Federation
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Main Issues

- a) Whether there is an overlap of policies 75, 79 & 80 (494)
- b) Whether the Council should encourage the management of landscape features (494)
- c) Whether the 2nd sentence should be made stronger by deleting the wording "where possible" and adding "of value" after "wildlife features." (216)
- d) Whether the requirement for a wildlife impact assessment should be qualified with the additional wording, "where appropriate (188)
- e) Whether to delete the word 'normally' in RLP80 (501).

Inspectors Reasoning and Conclusions

7.4.1 The Council has acknowledged the overlap in policy and RLP 79 and RLP 80 were deleted at Revised Deposit stage. This amendment to the Plan satisfied the main objection by English Nature and objections relating to deleted policies. The Council has also introduced an additional sentence to paragraph 7.7 in the Plan that satisfies a secondary objection by English Nature. It is reasonable to expect a wildlife impact assessment for any new development in the countryside if only to conclude that there is no impact on wildlife. County Wildlife Sites are too numerous and generally too small to be shown on Proposals Maps and there are no RIGS in the District.

RECOMMENDATION

I recommend no change to the Plan.

7.5 Policy RLP 76: Trees, Woodlands and Hedgerows

The Objections

51-110-RLP76	The Woodland Trust and Ancient Tree Forum
494-1382-RLP76	English Nature

Main Issues

- a) Whether the Policy provides adequate protection for ancient woodland or ancient trees (51)
- b) Whether reference should be made to the Hedgerow Regulations 1997 (494)

Inspectors Reasoning and Conclusions

7.5.1 Ancient Woodlands are protected by SP policy NR5, which is part of the Development Plan for the District and therefore a fundamental consideration when planning applications are determined. Furthermore, RLP 76 relates to trees, woodlands, grasslands and hedgerows in general rather than to any historic elements of the District's landscape, several ancient woodlands are SSSIs and therefore protected from harmful development by RLP 77, and areas of woodland and individual trees are, and could, be the subject of Tree Preservation Orders. There is no justification for making ancient woodlands the subject of Plan policy and this report cannot instruct the Council to undertake surveys of woodland in the District. Amendments incorporated at Revised Deposit stage to RLP 76 and paragraph 7.8 satisfy objections made by English Nature.

RECOMMENDATIONS

I recommend no change to the Plan.

7.6 Paragraph 7.11: Sites, areas and features of Nature Conservation Importance

The Objection

494-1383-P7.11	English Nature
59-141-P7.11	Judith Slater

Objections to Proposed Change 1

216-3053-P7.11.R	Essex Wildlife Trust
216-3054-P7.11.R	Essex Wildlife Trust

Main Issues

- a) Whether the supporting text should be split reflecting the levels of protection afforded to national and-local sites by national legislation, policy and the Braintree District Local Plan (494)
- b) Whether a particular site should be designated as an SSSI/Nature Reserve/County Wildlife Site (59)
- c) Whether Advice on Wildlife Sites should be sought directly from Essex Wildlife Trust (216)
- d) Whether Essex County Wildlife Sites are the same as Sites of Local Nature Conservation Importance (SLNCI's) (216)

Inspectors Reasoning and Conclusions

7.6.1 SSSIs are designated by English Nature and any request for the creation of such a site should be submitted to them. Objections made by English Nature have been generally satisfied by amendments made at Revised Deposit stage. County Wildlife Sites are too numerous and generally too small to be shown on Proposals Maps and there are no RIGS in the District. Objections to amendments at Revised Deposit stage have been satisfied by amendments at Pre-Inquiry stage. The amendment to the penultimate sentence in paragraph 7.11a, however, omits one word and this should be corrected

RECOMMENDATION

I recommend that 'mitigation' be inserted between 'or' and 'measures' in the penultimate sentence in paragraph 7.11a of the Plan.

7.7. Policies RLP 78: Local Nature Reserves

The Objections

216-458-RLP78	Essex Wildlife Trust
394-1072-RLP78	Environment Agency
494-1384-RLP78	English Nature
509-1581-RLP78	Anglian Water
509-1582-RLP79	Anglian Water

Objections to Proposed Change 1

51-3176-RLP78.R	The Woodland Trust
188-3169-RLP78.R	The House Builders Federation
216-3119-RLP78.R	Essex Wildlife Trust

Main Issues

- a) Whether County Wildlife Sites should be shown on the proposals maps (216)
- b) Whether policy should state that impacts can only be reduced (not "solved") (216)
- c) Whether any mitigation measures to allow development to proceed would be imposed as a planning condition(s) (394)
- d) Whether the policy title and text should include Wildlife sites (formerly known as SINCs) and RIGS (494)
- e) Whether the lagoon at Whetmead should be shown as a Local Nature Reserve (509)
- f) Whether omitting Wildlife Sites from the body of the policy lessens their protection under the terms of the policy (51)

Inspectors Reasoning and Conclusions

7.7.1 County Wildlife Sites are too numerous and generally too small to be shown on Proposals Maps and there are no RIGS in the District. Amendments at Revised Deposit stage satisfied other objections by Essex Wildlife Trust and the additional sentence to RLP 78 satisfied the objection made by the Environment Agency. Wildlife Sites are mentioned in the title and in the body of the text and changes made to paragraph 7.11a acknowledge the significant contribution that these and Local Nature Reserves make to the District's biodiversity resource. Designations of specific sites are covered in Part Two of this report. There is no reason to consider the areas that are the subjects of RLP 78 to be of lesser value than SSSIs and the wording of the policy generally reflects PPG9.

RECOMMENDATIONS

I recommend no change to the Plan.

(Policies RLP 79 & 80 – see RLP 75)

7.8 Paragraph 7.12/Policy RLP 81: Protected Species

The Objections

216-460-RLP81	Essex Wildlife Trust
44-87-RLP81	RSPB
494-1387-RLP81	English Nature
494-1386-P7.12	English Nature
501-1468-RLP81	GO-East

Objections to Proposed Change 1

216-3099-RLP81.R;	Essex Wildlife Trust
494-3067-RLP81.R	English Nature
188-3170-P7.12.R	House Builders Federation

Main Issues

- a) Whether the Policy is weak and in favour of the developer (216)
- b) Whether the Policy is superfluous and should be deleted (361)
- c) Whether reference should be made to protected species in RLP40 (44)
- d) Whether reference to habitats should be dropped (494)
- e) Whether the policy should be made more flexible (494)
- f) Whether applicants should be required to supply protected species survey information (494)
- g) Whether it should be cross-referenced to other policies (494)
- h) Whether the changes proposed weaken the policy (216)
- i) Whether the words 'where appropriate' should be added (188)

Inspectors Reasoning and Conclusions

7.8.1 Amendments made at Revised Deposit and Pre-Inquiry stages generally satisfy all objections made to paragraph 7.12 and RLP 81, which relates to protected species and not habitats that are covered by RLP 75 as amended. Cross referencing of policies is unnecessary as the Plan, as indicated in paragraph 1.6, should be read as a whole. There is no reason to include 'where appropriate' as it would be necessary for survey information to be provided if only to prove that protected species are not present or would not be adversely affected. The policy has been strengthened by the amendments rather than weakened.

RECOMMENDATION

I recommend no change to the Plan.

7.9 Paragraph 7.13/ Policy RLP 82: Sustainable Access to the Countryside/ Paragraph 7.14a

The Objections

113-4918-RLP82	Waterers Farms Ltd
481-1344-RLP82	Terling and Fairstead Parish Council
225-483-RLP82	CPRE Essex

Objections to Proposed Change 1

394-3037-RLP82.R Environment Agency
169-3216-P7.13.R Thomas Phillips Price Trust

Main Issues

- a) Whether the Essex Way should be included in this policy (481)
- b) Whether the policy of designating bridleways as BOATS (Byways open to all traffic) is leading to more traffic across areas that were previously quiet (225)
- c) Whether supporting text should include reference to the Countryside and Rights of Way Act (394)

Inspectors Reasoning and Conclusions

7.9.1 RLP 82 was deleted at Revised Deposit stage and reference to the Essex Way has been incorporated in paragraph 7.13, at the same stage. The County Council is responsible for the designation of BOATS and any comments about these should be directed to them. Paragraphs 7.13 and 7.14a were amended at Pre-Inquiry stage to satisfy objections made by the Environment Agency and the Thomas Phillips Price Trust.

RECOMMENDATION

I recommend no change to the Plan.

7.10 Policy RLP 83: Equestrian Facilities

The Objections

449-1220-RLP83 British Horse Society
501-1469-RLP83 GO-East

Objections to Proposed Change 1

501-3162-RLP83.R GO-East

Main Issues

- a) Whether the word 'vehicular' is needed in front of highways in RLP83(b) to make it make sense (449)
- b) Whether the word 'normally' should be deleted (501)

Inspectors Reasoning and Conclusions

7.10.1 Amendments made at Revised Deposit and Pre-Inquiry stages generally satisfy objections and (c) in RLP 83 relates to both existing and proposed bridleways.

RECOMMENDATION

I recommend no change to the Plan.

7.11 Paragraph P7.17/ Policy RLP 84: Green Wedges

The Objections

187-384-P7.17	Bradwell Parish Council
327-701-P7.17	Berkeley Strategic Land Ltd
327-702-RLP84	Berkeley Strategic Land Ltd
355-801-RLP84	Mr and Mrs Kenny (see site 1.32)
370-893-RLP84	CML Microsystems and Chelmsford Dioscesan Board of Finance
361-846-RLP84	Bellway Homes/Swan Hill Homes
387-1005-RLP84	Hunnable Investments Ltd (see site 1.6)
392-1027-RLP84	Mr R J Hawkes
433-1166-RLP84	David Wilson Estates
494-1388-RLP84	English Nature
495-1385-RLP84	Wilcon Homes Anglia
500-1423-RLP84	The Springwood Trust

Objections to Proposed Change 1

187-3178-P7.17.R	Bradwell Parish Council
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Objections to Proposed Change 2

1017-4842-P7.17.P	Cllr James Abbot (see site 1.46)
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Main Issues

- a) Whether there should be a green wedge between Bradwell and Braintree (187)
- b) Whether the green wedge between Great Notley and Braintree should be redrawn (327)
- c) Whether an immediate review of green wedges should take place (327)
- d) Whether the policy should be deleted and green wedges removed (370, 361)

- e) Whether site specific objections should be accepted (355, 374, 387, 392, 468, 495, 500)
- f) Whether the policy should rule out development altogether (433)
- g) Whether green wedges should also be designated as corridors between urban centres and rural areas (494)
- h) Whether the loss of the green wedges on the change map should be reinstated (1017)

Inspectors Reasoning and Conclusions

7.11.1 Council and Objector written representations mainly refer to PPG7 because this guidance was not superseded by PPS7 until after the close of the Inquiry. PPG7 is no longer current government guidance, except for Annex E which is not relevant, and this report must refer instead to PPS7. However, guidance relating to local landscape designations in PPS7 is similar to that in PPG7 and reference to PPS7 alone will not prejudice either the Council or any Objector. Reference to LDDs in PPS7 applies equally, at this present time, to Local Plans including the Plan for Braintree District.

7.11.2 Paragraph 25 of PPS7 is particularly relevant to consideration of land designated as 'green wedge' in the District. To paraphrase the guidance: "Local landscape designations should only be maintained...where it can be clearly shown that criteria-based planning policies cannot provide the necessary protection" and "When reviewing their local...plans...planning authorities should rigorously consider the justification for retaining existing local landscape designations...(and)...they should ensure that such designations are based on a formal and robust assessment of the qualities of the landscape concerned". The thrust of the guidance in paragraph 25 is that there must be robust and compelling reasons for the retention of the 'green wedge' land designation in the Plan.

7.11.3 The Council appointed consultants to review the green wedge policy and to examine the areas to which it applied. Their report, 'Review of Braintree District Local Plan – Green Wedge Policy', was published in October 2003 and therefore represents an up to date review. Section 2 of the report deals with a 'Review of Green Wedge Policy and Definition of Criteria'. The review states that 'recent government studies' were assessed but only one was referred to; this being 'Strategic Gap and Green Wedge Policies in Structure Plans' issued by the ODPM. The review, furthermore, with reference to the ODPM study, deals solely with precedent.

7.11.4 The ODPM study, as its title indicates, relates to Structure Plans. In this regard, as acknowledged in the report, the

Essex and Southend-on-Sea Replacement Structure Plan does not contain any strategic gap or green wedge policy. There is therefore no strategic support for RLP 84. Moreover, the only district in Essex referred to in the report as a precedent for RLP 84 is Colchester where an Inspector recommended, in a 2003 Local Plan Inquiry report on their strategic open land designations, that the relevant policy should be deleted. The two other boroughs in the south-east of England referred to in the report both had strategic backing for their 'gap policies'. This part of the report is not robust and does not provide any justification, in the light of guidance in PPS7, for the retention of RLP 84.

7.11.5 The report identifies two main purposes for green wedge policy; the prevention of coalescence of the built up areas and maintaining the separation of settlements. These are essentially the same because maintaining the separation of settlements would prevent their coalescence. Green wedge areas designated by the Plan are, without exception, outside development limits of settlements and therefore subject to the application of countryside policies. RLP 73A: Countryside reiterates SP policy C5 and the thrust of government guidance by stating that "The countryside will be protected for its own sake...This will be achieved by the restriction of new uses to those appropriate to a rural area, and the strict control of new building in the countryside...to that required to support, agriculture, forestry or other rural uses or development".

7.11.6 At the round table session on 'green wedges' and at other times during the Inquiry the Council accepted that the application of RLP 73A would prevent virtually all forms of development in the countryside that might result in the coalescence of settlements. They did, however, suggest that equestrian facilities and golf courses might comply with countryside policies and could therefore be permissible in areas between settlements thus leading to their coalescence. This is considerably less than a compelling justification for RLP 84. The golf course between Witham and Rivenhall, including its associated buildings, has done nothing to reduce the gap between these two settlements and, for similar reasons, equestrian centres require large areas of open land to function and are also unlikely to contribute to the coalescence of two settlements if sited between them. In any event, RLP 73A also states that "Development should be well related to existing patterns of development...". Consequently, if a proposed development appropriate to a rural area would not be well related to existing patterns of development, such as the pattern of development found between two settlements, then it could be refused permission for being in conflict with RLP 73A. This countryside policy, backed up

by national and strategic policy, is quite sufficient, on its own, to prevent the coalescence of settlements in the District.

7.11.7 Residents of the District value RLP 84 for the 'extra level of protection' it affords to areas of countryside between settlements. The first sentence of RLP 73A, which begins "The countryside will be protected for its own sake...", provides all the protection necessary to prevent inappropriate development in all countryside areas including those between settlements. A proposed development is no more unacceptable if it is in conflict with two Plan policies than if it is in conflict with only one. No other matters mentioned by the Council or Objectors, either individually or collectively, outweigh the conclusion that there are no robust or compelling reasons for the retention of the 'green wedge' land designation in the Plan.

7.11.8 RLP 84 should be deleted along with explanatory text paragraphs 7.17 and 7.17.1, the sub-heading 'Green Wedges' and all green wedge areas on Proposals and Inset Maps. Paragraph 7.16 under the heading 'Green Wedges' in Chapter 7 simply repeats strategy outlined elsewhere in the Plan and should also be deleted. Deletion of this part of the Plan, which is a stand alone element, will not delay the progress or adoption of the Plan.

7.11.9 The Council may decide not to accept the aforementioned recommendation. It is necessary, therefore, to give consideration to objections relating to individual green wedge areas on the basis that RLP 84 and designated areas are retained in the Plan. Most of these are dealt with in Part Two of this report. With regard to the objection by Bradwell Parish Council, there is a gap of at least 2.5 kms between Braintree and Bradwell and there is no intravisibility or intervisibility between the two settlements. For these and other reasons there is no justification for designating a green wedge area between Braintree and Bradwell.

RECOMMENDATIONS

I recommend that the sub-heading 'Green Wedges', explanatory text paragraphs 7.16, 7.17 and 7.17.1, and RLP 84 be deleted from the Plan.

7.12 Paragraphs 7.18 & 7.19/ Policy RLP 85: River Corridors

The Objections

394-1046-P7.19	Environment Agency
394-1050-RLP85	Environment Agency
494-1389-RLP85	English Nature

Objections to Proposed Change 1

394-3039-P7.19.R	Environment Agency
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Main Issues

- a) Whether reference should be made to paragraph 6.14 (394-1046)
- b) Whether there is the opportunity to extend it to other wildlife corridors (394-1050), or the entire floodplain (494)
- c) Whether the policy should apply to all development not just residential sites (394-3039)

Inspectors Reasoning and Conclusions

7.12.1 Amendments made at Revised Deposit and Pre-Inquiry stages satisfy objections made by the Environment Agency to paragraph 7.19. RLP 85 seeks to protect the floodplains of named rivers and their tributaries and other elements of the landscape, such as protected lanes, are the subjects of other Plan policies. The Conservation Regulations 1994 are mentioned in paragraph 7.7 as amended and there is no reason to repeat this reference elsewhere in the Plan.

RECOMMENDATION

I recommend no change to the Plan.

7.13 Policy RLP 86: Protected Lanes

The Objections

187-396-RLP86	Bradwell Parish Council
494-1390-RLP86	English Nature
501-1470-RLP86	GO-East

Main Issues

- a) Whether some lanes in Bradwell Parish should also be protected (187)
- b) Whether links with regulation 37 of the Conservation (Natural Habitats, &c.) Regulations 1994 should be made (494)
- c) Whether the word 'normally' should be deleted (501)

Inspectors Reasoning and Conclusions

7.13.1 The Conservation Regulations 1994 are mentioned in paragraph 7.7 as amended and there is no reason to repeat this reference elsewhere in the Plan. The Council has made a written commitment to the possibility of including certain lanes in Bradwell Parish in the schedule of protected lanes and no change at this stage can be made to the Plan. The Council has acknowledged an error in not deleting 'normally' from RLP 86 at any stage and has indicated that they would accept a recommendation to this effect.

RECOMMENDATION

I recommend that 'normally' be deleted from RLP 86.

7.14 Policy RLP 87: Agricultural Land

The Objection

381-981-RLP87	EW, JR and RW Bucknell
382-1000-RLP87	Jones of Rayne
501-1473-RLP87	GO-East

Objections to Proposed Change 1

225-3136-RLP87.R	CPRE Essex
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Main Issues

- a) Whether the reference to 3a within the policy should be removed (381, 382)
- b) Whether the policy reflects advice in PPG7 (501)
- c) Whether the wording is open to misinterpretation (225)

Inspectors Reasoning and Conclusions

7.14.1 PPG7 sets out a definition of 'the best and most versatile land' as land in grades 1, 2 and 3a and there is no conflict

with the objectives set out in the countryside white paper of November 2000. In any event, reference to grades of land was deleted at Revised Deposit stage. RLP 87 as amended reflects PPS7 and is not open to interpretation. The preference for utilising brownfield land within urban areas, in preference to other land, for development is clearly set out elsewhere in the Plan.

RECOMMENDATION

I recommend no change to the Plan.

7.15 Policy RLP 88: Agricultural Buildings

The Objection

501-1471-RLP88 GO-East

Main Issue

Whether the word 'normally' should be deleted

Inspectors Reasoning and Conclusions

7.15.1 The Council has acknowledged an error in not deleting 'normally' from RLP 88 at any stage and has indicated that they would accept a recommendation to this effect.

RECOMMENDATIONS

I recommend that 'normally' be deleted from RLP 88.

(RLP 89 see RLP 40)

CHAPTER 8 - DESIGN AND HERITAGE

8.1 Paragraph 8.6/8.7: Policy Context

The Objections

443-1212-P8.6	Essex County Council
48-105-RLP	English Heritage

Main Issues

- a) Whether reference should be made to Historic Town SPG (443)
- b) Whether the term 'built heritage' should be replaced by 'historic environment' (48)

Inspectors Reasoning and Conclusions

8.1.1 Objections have been met by changes to the Plan.

RECOMMENDATION

I recommend no changes to the Plan.

8.2 Paragraph 8.12/ Policy RLP 90: Design of Development

The Objections

309-660-RLP90	Chelmsford Borough Council
466-1532-RLP90	Mr Paul Foster
48-113-RLP90	English Heritage
494-1392-RLP90	English Nature

Main Issues

- a) Whether RLP10 and RLP90 should be cross-referenced or RLP90 deleted (265, 361)
- b) Whether point (vi) should be preceded by an extra sentence on sustainable modes of transport (309)
- c) Whether the policy should be reworded to make clear that permission will be refused if the criteria set out at (i) to (viii) are not met (466)
- d) Whether section (iii) should be expanded (48)

e) Whether high quality design as reflected in this policy should include landscape design that promotes and enhances biodiversity (494)

Inspectors Reasoning and Conclusions

8.2.1 Objections have been met by changes to the Plan.

RECOMMENDATION

I recommend no changes to the Plan.

8.3 Policy RLP 91: Site Appraisals

The Objection

336-725-RLP91 B & Q plc

Main Issue

Whether there should be a requirement to submit a site appraisal for all non- residential buildings exceeding 1,000 square metres

Inspectors Reasoning and Conclusions

8.3.1 A non-residential building exceeding 1000 square metres would be a major development in any location in the District and the principle established by RLP 91 is reasonable to ensure that the requirements set out in RLP 90 are properly considered before a planning application is submitted. Furthermore, the requirements in RLP 90 are all necessary to ensure satisfactory development and would be carried out by any competent building designer.

RECOMMENDATION

I recommend no changes to the Plan.

8.4 Policy RLP 94: Public Art

The Objection

499-1426-RLP94 Barratt Eastern Properties

Main Issue

Whether the policy should be amended to include the words "where appropriate" within the second sentence

Inspectors Reasoning and Conclusions

8.4.1 Including the phrase 'where appropriate' would introduce an element of uncertainty into RLP 94. Furthermore, if the Council considered a scheme for the creation or modification of a public place did not warrant, by virtue of its design, layout or function, the inclusion of public art then they would be unlikely to impose the requirements of the policy.

RECOMMENDATION

I recommend no changes to the Plan.

8.5 Paragraph 8.21/ Policy RLP 95: Conservation Areas

The Objections

225-485-RLP95	CPRE Essex
48-114-RLP95	English Heritage
78-188-RLP95	Witham and Countryside Society

Objections to Proposed Change 1

188-3171-RLP95	House Builder's Federation
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Main Issues

- a) Whether applications in CA's should be 'full' (225)
- b) Whether the policy should be expanded to include methods of enclosure (48)
- c) Whether heritage lighting should be installed in Chipping Hill CA (78)
- d) Whether there is a necessity for 'full' applications (188)

Inspectors Reasoning and Conclusions

8.5.1 Annex B in PPG15 relates to listed building control procedures and paragraph B.3 does not provide support for the requirement that planning applications in Conservations Areas should, in all cases, be full applications. Paragraph 4.18 in PPG15

does advise that "Local planning authorities will often need to ask for detailed plans....before considering a planning application" but there is no support in this document for the need for full applications in all cases.

8.5.2 There may well be instances where the principle of a proposed development in a Conservation Area needs to be considered and approved before the Applicant embarks upon costly design work and it is for the local planning authority to assess, with regard to advice in paragraph 4.18 of PPG15, whether they have sufficient evidence to assess an outline application. They could 'ask' for additional information and, if this were not forthcoming, the Council could reasonably refuse the application on the grounds that they had insufficient information to properly assess the proposal. Furthermore, even if a proposed development in a Conservation Area was granted outline permission no development could take place until a reserved matters application is submitted and approved. There is no justification for the inclusion, in RLP 95, of the requirement that all applications in Conservation Areas must be 'full' applications.

8.5.3 The inclusion of "...the grouping of buildings, enclosure, protection of historic street patterns, and protection of trees and hedges and other means of enclosure" in RLP 95 would render the policy clumsy and over prescriptive. There is no reason to suppose that these matters would be threatened if not mentioned in the policy or would not be given due consideration if necessary. Heritage lighting is referred to in RLP 99 and there is no justification for the mention of a specific Conservation Area simply because improvements to lighting would be beneficial.

RECOMMENDATIONS

I recommend that the Plan be amended by the deletion of the last sentence in RLP 95.

8.6 Policy RLP 96: Demolition in Conservation Areas

The Objection

48-469-RLP96 English Heritage

Main Issue

Whether replacement proposals should make a greater environmental contribution than the structure to be demolished

Inspectors Reasoning and Conclusions

8.6.1 The objection has been met by changes to the Plan. However, the legal requirement in Conservation Areas is that development should preserve or enhance the character and appearance of the area and paragraph 4.27 of PPG15 advises that consent for demolition should not be given unless there are "...acceptable...plans for any redevelopment". Requiring redevelopment proposals to "...make a positive contribution..." goes somewhat beyond the legal requirement and the advice in PPG15, and introduces a phrase that could be regarded as confusing. On balance, reiterating the phrase 'preserve or enhance' would be consistent with the legal requirement and with advice in PPG15 and would be preferable to simply requiring a redevelopment proposal to be acceptable.

RECOMMENDATION

I recommend that criteria (d) in RLP 96 be amended by the replacement of 'make a positive contribution to' with 'preserve or enhance'.

8.7 Policy RLP 97: Changes of Use in Conservation Areas

The Objections

267-561-RLP97	BC Mitchams Farms (Burwell Ltd) & Associate Companies
466-1533-RLP97	Mr Paul Foster
48-468-RLP97	English Heritage

Main Issues

- a) Whether emerging plans could be more proactive and seek to identify sites which could materially enhance the character of a Conservation Area (267)
- b) Whether the policy is ambiguous and unclear (466)
- c) Whether the qualification 'where possible' unduly weakens the policy and should be deleted (48)

Inspectors Reasoning and Conclusions

8.7.1 RLP 97 and other policies provide a policy framework for the assessment of proposed developments in Conservation Areas. Given the number and extent of Conservation Areas in the District

it would be unrealistic for RLP 97 to identify individual sites where changes of use would be acceptable or desirable and environmental concerns are matters that would normally be assessed at either full or reserved matters application stage. The phrase 'where possible' has been deleted in an amendment to RLP 97.

8.7.2 Whilst the requirements imposed by RLP 97 are reasonable the second part of the policy is confusing and ambiguous, particularly for someone unfamiliar with development plans. The policy should be reworded.

RECOMMENDATION

I recommend that RLP 97 be amended to 'The change of use of a building within a Conservation Area will only be permitted if the change of use, and any associated alteration to the appearance or setting of the building, preserves or enhances the character and appearance of the area'.

8.8 Policy RLP 99: Environmental Improvements

The Objections

78-188-RLP95 Witham and Countryside Society

Objections to Proposed Change 1

48-2849-RLP99.R English Heritage

Main Issues

- a) Whether heritage lighting should be installed in Chipping Hill CA (78)
- b) Whether the phrase 'appropriate lighting' should replace 'heritage lighting' (48)

Inspectors Reasoning and Conclusions

8.8.1 The phrase 'heritage lighting' satisfies one objection and 'heritage' is a commonly used word that does not suggest fancy or pastiche but indicates a requirement for proposed lighting in a Conservation Area to reflect its historical surroundings.

RECOMMENDATION

I recommend no changes to the Plan.

8.9 Paragraph 8.26 & 8.27/ Policy RLP 100: Demolition of Listed Buildings

The Objections

48-115-RLP100 English Heritage

Objections to Proposed Change 1

48-2850-P8.26.R English Heritage

Main Issues

- a) Whether the policy should be strengthened by the inclusion of a specific presumption in favour of the preservation of listed buildings (48-115)
- b) Whether the word 'normally' should be deleted (501, 48-115)
- c) Whether the phrase 'locally unlisted buildings' should read 'Locally Listed Buildings' (48-2850)

Inspectors Reasoning and Conclusions

8.9.1 RLP 100 specifically relates to the demolition of listed buildings and there is no need to mention the preservation of listed buildings, which is the subject of other Plan policies and SP policy HC3. 'Normally' has been removed from the policy in accordance with current practice and other changes satisfy other objections.

RECOMMENDATIONS

I recommend no changes to the Plan.

8.10 Policy RLP 101: Alterations and Extensions to Listed Buildings

The Objection

48-116-RLP101 English Heritage

Objections to Proposed Change 1

48-2851-RLP101.R English Heritage

Main Issues

- a) Whether the heading should be amended to include change of use (48-116)
- b) Whether the list of criteria should be expanded (48-116)
- c) Whether there should be a distinction between historical and heritage (48-2851)

Inspectors Reasoning and Conclusions

8.10.1 RLP 101 is within a section of the Plan relating to listed buildings and the policy was originally titled 'Alterations and Extensions to Listed Buildings'. In response to objections the title of the policy was changed to that found in the Revised Deposit Plan which omits 'listed buildings' in favour of 'Buildings of Architectural, Historical or Heritage Importance and their settings'. This change was made to reflect additional explanatory text, in paragraph 8.26, which correctly introduces and defines the term 'Locally Listed Buildings'. However, apart from an additional element introduced in the Revised Deposit Plan, the policy itself relates to works to listed buildings.

8.10.2 The title and content of RLP 101 are confusing and muddled. The policy should relate to listed buildings and their settings and mention of Locally Listed Buildings, particularly as there is no list of these, should be within the explanatory text. The proposed Supplementary Planning Guidance would be the correct place to introduce guidance for the protection of Locally Listed Buildings. A return to the original title would also avoid the need to mention 'historical' and 'heritage' in the same sentence and the introduction of 'and changes of use' in the title would appropriately recognise the harm that may occur when the use of a listed building is altered.

RECOMMENDATION

I recommend that the Council move speedily towards the adoption of Supplementary Planning Guidance relating to Locally Listed Buildings and that RLP 101 be amended to:

Policy RLP 101 Alterations and extensions and changes of use of listed buildings and their settings.

Development involving internal or external alterations, extensions and partial demolitions of a listed building or structure (including any structures defined as having equivalent status due to being situated within its cartilage) and changes of use will only be permitted if the proposed works or uses:

- (i) do not harm the setting, character, structural stability and fabric of the building (or structure); and**
- (ii) do not result in the loss of, or significant damage to, the building or structure's historic and architectural special importance, and include the use of appropriate materials and finishes.**

The Council will seek to preserve and enhance the settings of listed buildings by appropriate control over the development, design and use of adjoining land.

8.11 Policy RLP 104: Parks and Gardens

The Objection

481-1347-RLP104 Terling & Fairstead Parish Council

Main Issue

Whether owners of such sites and gardens should permit public access on certain days for the benefit of local community

Inspectors Reasoning and Conclusions

8.11.1 The Plan cannot dictate or request public access to land in private ownership.

RECOMMENDATION

I recommend no changes to the Plan

8.12 Paragraph 8.37 & 8.38/ Policy RLP 105: Ancient Monuments

The Objections

443-1213-P8.37 Essex County Council

443-1214-P8.38	Essex County Council
48-117-RLP105	English Heritage
481-1349-RLP105	Terling & Fairstead Parish Council
481-1350-RLP105	Terling & Fairstead Parish Council

Objections to Proposed Change 1

499-3194-RLP105.R Barratt Eastern Properties

Main Issues

- a) Whether the text should be amended, for clarity (443)
- b) Whether policies 105 & 106 should be regrouped (48)
- c) Whether further listing of buildings should be made (481)
- d) Whether the policy is contradictory and contrary to PPG16 (499)

Inspectors Reasoning and Conclusions

8.12.1 Two explanatory text paragraphs have been amended wholly in line with suggestions made and RLP 106 has been subdivided to meet other objections. The Plan cannot add buildings to the statutory list of architecturally and historically important buildings that is maintained by the Department of Culture, Media and Sport. The second paragraph in RLP 105 is consistent with advice in PPG16 and sets out a sequential approach for the preservation of archaeological remains at locally important sites.

8.12.2 Paragraph 27 in PPG16, referred to by the Council, does not advise that development adversely affecting a Scheduled Ancient Monument should automatically be refused planning permission. Though English Heritage suggested strengthening RLP 105 the insertion of "...and planning permission will be refused" is not supported by advice in PPG16 and such an automatic presumption is inappropriate.

RECOMMENDATION

I recommend that RLP 105 be amended by the deletion of 'and planning permission will be refused'.

8.13 Policy RLP 106: Archaeological Assessment

The Objections

443-1215-RLP106 Essex County Council

48-118-RLP106 English Heritage

Main Issues

- a) Whether the policy should be sub-divided (443)
- b) Whether the policy should be regrouped with RLP105 (48)

Inspectors Reasoning and Conclusions

8.13.1 Objections have been met by changes to the Plan.

RECOMMENDATION

I recommend no changes to the Plan.

8.14 Policy RLP 107: Outdoor Advertisements

The Objections

451-1221-RLP107 Liberal Democrat Group
501-1477-RLP107 GO-East

Objections to Proposed Change 1

501-3164-RLP107.R GO-East

Main Issues

- a) Whether a tougher and more proactive approach needed to sites on urban fringe (451)
- b) Whether to delete the word 'normally' (501)

Inspectors Reasoning and Conclusions

8.14.1 The deletion of 'normally' in the Revised Deposit Plan was misplaced and must be clear in the adopted version. Other objections have been met by changes to the Plan.

RECOMMENDATION

I recommend no changes to the Plan though the deletion of 'normally' in RLP 107 should be confirmed.

8.15 Policy RLP 108: Fascias and Signs in Conservation Areas

The Objections

309-661-RLP108 Chelmsford Borough Council
501-1478-RLP108 GO-East

Main Issues

- a) Whether to correct spelling mistake (309)
- b) Whether to delete 'normally' (501)

Inspectors Reasoning and Conclusions

8.15.1 Objections have been met by changes to the Plan.

RECOMMENDATION

I recommend no changes to the Plan

8.16 Policy RLP 109: Illuminated Signs in Conservation Areas

The Objections

225-486-RLP109 CPRE Essex
501-1479-RLP109 GO-East

Main Issues

- a) Whether the wording is poor and unnecessarily long (225)
- b) Whether the word 'normally' should be deleted (501)

Inspectors Reasoning and Conclusions

8.16.1 RLP 109 clearly sets out the type of illuminated signs that would not be appropriate in Conservation Areas and those that may be considered favourably. It is not unnecessarily long. The Council has conceded the error in maintaining 'normally' in part (b) of the policy and will make the necessary change.

RECOMMENDATION

I recommend no changes to the Plan.

8.17 New Paragraph/ New Historic Buildings Policy

The Objections

48-470-RLPnew	English Heritage
48-104-RLP	English Heritage

Main Issues

- a) Whether a new policy should be introduced which protects unlisted buildings (48-470)
- b) Whether the plan should state that other relevant policies apply in each case (48-104)

Inspectors Reasoning and Conclusions

8.17.1 The Council has indicated a commitment, in explanatory text paragraph 8.26, to the production of SPG that would include a list of Locally Listed Buildings. This SPG should also include policy for the protection of these buildings once they have been identified. The introduction of a policy in the Plan would be inappropriate for buildings that have yet to be identified. Additional text, in paragraph 1.6, introduced in the Revised Deposit Plan indicates that the Plan should be read as a whole and cross referencing of policies is therefore unnecessary.

RECOMMENDATION

I recommend no changes to the Plan.

CHAPTER 9 - TOWN CENTRES, LOCAL CENTRES AND SHOPPING

9.1 Paragraphs 9.13, 9.15: Town Centres and Shopping Areas

The Objections

164-332-P9.15 Somerfield Stores Ltd

Objections to Proposed Change 1

1012-3218-P9.13.R Crossman Group of Companies

Main Issues

- a) Whether guidance should be given on how to apply the sequential approach (164)
- b) Whether to amend revised text to exclude Great Notley, Maltings Lane, Masefield Road and Kings Park as District Centres (1012)

Inspectors Reasoning and Conclusions

9.1.1 Policies introduced in the Revised Deposit Plan satisfy objections relating to a sequential approach for site selection, the demonstration of need and regard for impact on vitality and viability of existing retail provision. Great Notley, Maltings Lane, Masefield Road and Kings Park meet the criteria for designation as district centres. Proposed retail expansion of these district centres would be assessed against criteria in RLP 109B; one of which would require that a proposal does not materially affect the vitality and viability of town centres such as Braintree Town Centre. Objector concern regarding Braintree Town Centre is therefore satisfied by the policies proposed.

RECOMMENDATIONS

I recommend no changes to the Plan.

9.2 Policy RLP 109a: The Sequential Approach

The Objections

1012-3217-RLP109a.R Crossman Group of Companies

Main Issue

Whether major retail proposals should be given consent in local centres

Inspectors Reasoning and Conclusions

9.2.1 A major retail proposal in a local centre cannot be ruled out because this would be preferable to an out of centre location. Such a proposal would, however, only be allowed, under the terms of RLP policy 109A, if a site was not available in a town centre or at the edge of a town centre or in a district centre. This sequential approach to site selection fully accords with advice in PPG6.

RECOMMENDATIONS

I recommend no change to the Plan

9.3 Policy RLP 109b: Retail Development

The Objections

1001-3049-RLP109b.R Tesco Stores Ltd.

Main Issue

Whether guidance/criteria should be included to indicate when it is appropriate to use land allocated to other major land uses

Inspectors Reasoning and Conclusions

9.3.1 The suggested guidance/criteria would undermine the purpose of RLP 109B and would render it cumbersome. The policy complies with advice in paragraph 3.23 of PPG6 and does not preclude, by inclusion of criterion 6, the opportunity for an applicant to demonstrate that a retail proposal on land allocated for a different use would not prejudice the provision of land for that use.

RECOMMENDATION

I recommend no changes to the Plan.

9.4 Policy RLP 110: Town Centre Uses

The Objections

188-389-RLP110	The House Builders Federation
336-726-RLP110	B and Q plc

Main Issues

- a) Whether town centres are an appropriate and sustainable location for housing and this should be referred to specifically in policy RLP 110 (188)
- b) Whether the Retail study should draw any conclusions regarding retail warehouses; and is this a significant omission and should be addressed (336)

Inspectors Reasoning and Conclusions

9.4.1 The Council clearly regards town centres to be an appropriate location for housing and have allocated in the Plan many sites within town centres for housing. Furthermore, nothing in the Plan precludes the submission of applications for housing on windfall sites in town centres. It is not therefore necessary to mention this possibility in RLP 110 which does, in any event, state that "Within town centres, a diverse range and mix of uses will be encouraged".

9.4.2 The main policies in this part of the Plan clearly set out a sequential approach to the location of retail development advocated in PPG6. The changes made at Revised Deposit stage generally satisfy objectors' concerns and there is no need for any changes or additions in response to the objections.

RECOMMENDATION

I recommend no changes to the Plan.

9.5 Policy RLP 111: Shopping Areas

The Objections

325-683-RLP111	Safeway Stores Ltd
336-727-RLP111	B and Q plc
489-1362-RLP111	First Group plc
489-1363-M10	First Group plc

Main Issues

- a) Whether established shopping areas should be included in this proposal (325)
- b) Whether it is appropriate to state that proposals outside these areas will normally be resisted (336)
- c) Whether shopping areas have been drawn too tightly (489)

Inspectors Reasoning and Conclusions

9.5.1 RLP 109A sets out the required sequential approach to site selection for retail development and there is therefore no need to expand RLP 111, which relates to the main town shopping areas, to mention the potential for retail development outside town centres. The phrase 'will normally be resisted' has been deleted in the Revised Deposit Plan and RLP policy 109A does not preclude the possibility of retail development on edge of centres sites, such as the bus depot site on Fairfield Road in Braintree. Given also the main conclusions of the Braintree Retail Study there is no justification for the expansion of the shopping area in Braintree.

RECOMMENDATION

I recommend no changes to the Plan.

9.6 Policy RLP 115: Shopfronts in Conservation Areas

The Objections

48-129-RLP115	English Heritage
78-189-RLP115	Witham and Countryside Society

Objections to Proposed Change 1

48-2852-RLP115R	English Heritage
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Main Issues

- a) Whether the Council should consider expanding this policy to prevent inappropriate division within the building which would result in facadism. (48)
- b) Whether the policy goes far enough (78)

Inspectors Reasoning and Conclusions

9.6.1 Any alteration to a shopfront in a Conservation Area would require planning permission which could be refused if it would result in facadism. There is therefore no reason to expand RLP 115 and changes to the policy introduced in the Revised Deposit Plan satisfy concerns that the policy 'does not go far enough'.

RECOMMENDATION

I recommend no changes to the Plan.

9.7 Policy RLP 116: Retail Warehouse Development

The Objections

336-728-RLP116 B and Q plc

Main Issues

Whether the policy currently lacks clarity and does not accord with government guidance

Inspectors Reasoning and Conclusions

9.7.1 The Plan should be read as a whole and there is no justification for expanding RLP 116 to reiterate the sequential approach to retail development required by RLP 109A. This policy also requires the demonstration of need and criterion (2) in RLP 116 is necessary to ensure that retail warehouse development does not initially or potentially change in nature to threaten the viability and vitality of retail outlets situated in town centres.

RECOMMENDATION

I recommend no changes to the Plan

9.8 Policy RLP 117: Conversions to Retail Warehouse Use

The Objection

336-729-RLP117 B and Q plc

Main Issue

Whether the policy is repetitive and should be omitted from the plan

Inspectors Reasoning and Conclusions

9.8.1 If RLP 117 were to be deleted then there would be no requirement to give consideration to the effect of the loss of industrial sites and premises on the overall provision of industrial land in the District. This is a matter of acknowledged importance and, in itself, justifies the retention of RLP 117.

RECOMMENDATIONS

I recommend no changes to the Plan.

9.9 Paragraphs 9.24/9.25/ Policy RLP 118: Braintree Town Centre

The Objections

455-1233-P9.24	Tesco Stores Ltd
238-514-P9.25	Wm Morrison Supermarket
450-1248-P9.25	Witham and District Chamber of Commerce
455-1230-P9.25	Tesco Stores Ltd

Objections to Proposed Change 1

238-3207-P9.25R	Wm Morrison Supermarket
455-3202-P9.25R	Tesco Stores Ltd
1012-3219-RLP118R	Crossman Group of Companies

Objections to Proposed Change 2

188-4867-RLP118P	House Builders Federation
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Main Issues

- a) Whether additional retail capacity is, or may be, needed in Braintree (455-1233, 238)
- b) Whether a Town Centre Manager should be appointed (450)
- c) Whether a criteria based policy is more appropriate (455-1230)
- d) Whether the policy is a statement of intent (501)
- e) Whether foodstore development should be enabled in edge of centre, or district centre locations (238, 455)

f) Whether there should be reference to contributions towards maintenance (1012, 188)

Inspectors Reasoning and Conclusions

9.9.1 The Council has acknowledged additional research carried out on behalf of Tesco Stores Ltd and has agreed revised wording for paragraphs 9.24 and 9.25. These changes should be effected in the adopted Plan. The Plan can recommend matters such as the appointment of a Town Centre Manager but cannot guarantee an appointment that would be subject to budget constraints. There is no justification for a criteria based policy and RLP 118 is more than a statement of intent.

9.9.2 RLP 118 sets out a commitment to improve areas of Braintree town centre and indicates that proposals that prejudice these improvements will not be permitted. The policy also indicates, in line with advice in Circular 1/97, that developments permitted in the town centre and other qualifying developments permitted elsewhere will contribute towards the cost of the improvements and their future maintenance. The circular does advise that it may be appropriate to require contributions to future maintenance but only in certain circumstances. The policy therefore goes further than the circular and should be amended by replacing 'and their future maintenance' with 'and towards their future maintenance where appropriate'.

RECOMMENDATIONS

9.9.3 I recommend that RLP 118 be amended by replacing 'and their future maintenance' with 'and towards their future maintenance where appropriate'.

9.10 Paragraphs 9.27, 9.29, 9.30: Halstead

The Objections

263-551-P9.29 Greenstead Green and Halstead Rural Parish Council

Objections to Proposed Change 1

996-3000-P9.27 R Bayer plc
996-3002-P9.30 R Bayer plc

Main Issues

- a) Whether issues of access and parking in The Centre require careful planning (263)
- b) Whether reference to a 1000 sq m food store should be deleted (996)

Inspectors Reasoning and Conclusions

9.10.1 Original objections relating to the deletion of a reference to a foodstore capacity were not carried forward at the Inquiry. The necessary careful planning regarding access and parking at The Centre will be ensured by adoption of the supplementary planning guidance mentioned in paragraph 9.29 and through the necessary development control process.

RECOMMENDATION

I recommend no changes to the Plan.

9.11 Policy RLP 119: Land East of Halstead High Street

The Objection

244-520-RLP119 National Westminster Bank

Main Issue

Whether there is a need for this site to be allocated for car parking, or, as a town centre site, it should be allocated for residential use

Inspectors Reasoning and Conclusions

9.11.1 Car park surveys carried out indicate a need for additional car parking in Halstead town centre. Justification therefore exists for the Council's commitment in RLP 119 to include an element of car parking in the Comprehensive Development Area on land to the east of the High Street. Furthermore, PPG6 advises that town centres must remain attractive to people who arrive by car and there exists, in Halstead, a need for additional shoppers car parking.

RECOMMENDATION

I recommend no changes to the Plan.

9.12 Policy RLP 120: New Foodstore in Halstead

The Objections

164-334-RLP120	Somerfield Stores Ltd
490-1365-RLP120	Somerfield Stores Ltd
238-513-RLP120	Wm Morrison Supermarket
460-1237-RLP120	Sainsburys Supermarkets
502-1436-RLP120	Ipswich and Norwich Co-operative Society

Objections to Proposed Change 1

996-2998-RLP120	R Bayer plc
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Main Issues

- a) Whether the policy should be removed or reinstated (164, 330, 490, 502, 996, 1001)
- b) Whether the size criterion should be more flexible (238)
- c) Whether Halstead Town Football Club represents an opportunity for such a proposal (330)

Inspectors Reasoning and Conclusions

9.12.1 To meet the main objections RLP 120 has been deleted. Other concerns expressed are satisfied by the inclusion of RLP 109A and 109B that set out, amongst other things, a sequential approach to the provision of retail floorspace in town centres including Halstead. The policies also require that need for additional floorspace must be demonstrated. Proposed retail developments in Halstead on any site should be judged against policies in the Plan.

RECOMMENDATION

I recommend no changes to the Plan

9.13 Policy RLP 121: Environmental Improvements in Halstead

The Objection

1001-3051-RLP121	Tesco Stores Ltd
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Main Issue

Whether the policy wording is contrary to Circular 1/97

Inspectors Reasoning and Conclusions

9.13.1 RLP 121 does not imply that all impact would be negative and if impact was positive then, under the terms of Circular 1/97, it would be unreasonable for the Council to seek contributions towards environmental improvements. The policy does not, furthermore, undermine the principles of 'fair and reasonable' set out in Circular 1/97, which remains government guidance on the use of Planning Obligations.

9.13.2 With regard to conclusions reached in paragraph 9.9.2 and in the interests of consistency the wording of RLP 121 should be altered to reflect that recommended for RLP 118.

RECOMMENDATION

I recommend that RLP 121 be amended by replacing 'and their future maintenance' with 'and towards their future maintenance where appropriate'.

9.14 Policy RLP 122: The Centre, Halstead

The Objection

460-1238-RLP122 Sainsburys Supermarkets

Main Issue

Whether a sequential site selection process could be completed with the opportunities identified and possibly allocated or, alternatively, a criteria based policy for food retailing

Inspectors Reasoning and Conclusions

9.14.1 The deletion of RLP 120 and the introduction of a sequential approach to the identification of sites in RLP 109A and 109B overcome the Objectors concerns. Nothing in the Plan suggests that the Council is promoting a particular site for a potential new foodstore in Halstead.

RECOMMENDATION

I recommend no changes to the Plan.

9.15 Paragraphs 9.33/9.34: Witham

The Objections

238-512-P9.33	Wm Morrison Supermarket
238-511-P9.34	Wm Morrison Supermarket
325-682-P9.33	Safeway Stores Ltd
460-4902-P9.33	Sainsbury's Supermarkets

Main Issues

- a) Whether the sentence is unnecessarily prescriptive and restricts competition and is contrary to PPG6 (238)
- b) Whether the role of the Safeway store should be acknowledged (325)
- c) Whether the Plan should identify one or more sites with the potential to accommodate a convenience food store (460)

Inspectors Reasoning and Conclusions

9.15.1 The insertion of 'for instance' in the third sentence of paragraph 9.33 in the Revised Deposit Plan has satisfied an Objector's concern that the Council is indicating a preference for the location of additional food retailing in Witham. Given the disposition of food retailing in Witham town centre it is not unreasonable for the Council, in the first bullet point in paragraph 9.34, to indicate a preference for additional food retailing to be provided by existing retailers. The bullet point does not preclude new proposals and there is no justification for its rewording.

9.15.2 The thrust of shopping policy and of guidance in PPG6 is that retailing should be concentrated in town centres. RLP 109A and 109B emphasise this and set out a sequential approach for the location of retail developments. The extension of an existing food retailing outlet in an out of town centre location should be judged against this sequential approach and it would be inappropriate to indicate in the Plan that such an opportunity exists. With a sequential approach in place there is no justification for the identification of suitable sites for additional food retailing.

RECOMMENDATION

I recommend no changes to the Plan.

9.16 Policy RLP 123: Environmental Improvements in Witham

The Objection

450-1249-RLP123 Witham and District Chamber of Commerce

Objections to Proposed Change 1

188-4868-RLP123.P House Builders Federation

Main Issues

- a) Whether consideration should be given to extending the existing Town Market to enable additional capacity (450)
- b) Whether maintenance contributions should be sought (188)

Inspectors Reasoning and Conclusions

9.16.1 The possibility of extending Witham Town Market is not a matter relevant to consideration of environmental improvements. With regard to conclusions reached in paragraph 9.9.2 and in the interests of consistency the wording of RLP 123 should be altered to reflect that recommended for RLP 118.

RECOMMENDATION

I recommend that RLP 123 be amended by replacing 'and their future maintenance' with 'and towards their future maintenance where appropriate'.

9.17 Policy RLP 124: Newlands Precinct, Witham

The Objections

460-1239-RLP124 Sainsburys Supermarkets
481-1351-RLP124 Terling and Fairstead Parish Council

Main Issues

- a) Whether the Draft should emphasise if the identified retail need will be met on this site (460)
- b) Whether the policy should promote a permanent pedestrian link between The Grove and Newlands Shoppings Centres in Witham (481)

Inspectors Reasoning and Conclusions

9.17.1 The thrust of shopping policy and of guidance in PPG6 is that retailing should be concentrated in town centres. RLP 109A and 109B emphasise this and set out a sequential approach for the location of retail developments. With a sequential approach in place there is no justification for the identification of suitable sites for additional food retailing. The possibility of a permanent pedestrian link between the Grove and Newlands shopping centres has been investigated previously and, for highway reasons, has been found to be impractical. Safe pedestrian access between the two centres is provided by traffic signals and a permanent pedestrian link is not therefore considered necessary for inclusion in the Plan.

RECOMMENDATION

I recommend no changes to the Plan.

9.18 Policy RLP 125: Local Shopping Facilities

The Objections

326-688-RLP125 NHS Executive Eastern Region
466-1534-RLP125 Mr Paul Foster

Objection to Proposed Change 1

238-3210-RLP 125 Wm Morrison Supermarkets Ltd

Main Issues

- a) Whether health facilities located at street level can positively contribute to the vitality of a town or local shopping centre (326)
- b) Whether the Council can "encourage" the retention of local shops in villages (466)
- c) Whether Criteria (i) is consistent with the PPG6 sequential approach and draft policy RLP109a (238)

Inspectors Reasoning and Conclusions

9.18.1 There is nothing in RLP 125 to prevent proposals for non A1 uses in town and local shopping centres and the policy has been amended to generally satisfy concerns relating to the effect of proposed development on amenity and traffic. Criterion (i) is consistent with current national guidance and, in any event, the

proposed change to this criterion would not alter its intent to ensure that the size of a proposed retail outlet is appropriate to its locality.

RECOMMENDATION

I recommend no changes to the Plan.

9.19 Policy RLP 127: Maintenance of Rural Services

The Objections

338-741-RLP127	Mr Austin Bonnet
481-1352-RLP127	Terling and Fairstead Parish Council

Main Issues

- a) Whether there is a role that further housing development can play in securing the maintenance of rural services and facilities (338)
- b) Whether the policy should include a pro-active and positive statement to 'take over and run if necessary for benefit of local community by Braintree District Council' (481)

Inspectors Reasoning and Conclusions

9.19.1 Housing development in rural areas can assist in the maintenance of rural services and facilities but must also be judged against housing policies in the Plan. The management and funding of rural services and facilities is not a land use planning matter.

RECOMMENDATIONS

I recommend no changes to the Plan.

CHAPTER 10 - SPORT, RECREATION AND TOURISM

(Para 10.2 – see RLP 144a at end of chapter)

10.1 Policy RLP 128: Sports and Leisure Facilities

The Objections

309-663-RLP128	Chelmsford Borough Council
438-1172-RLP128	Mr P Pawsey
508-1539-RLP128	Mr Christopher Lovell
462-1254-RLP128	Mr Anthony Couling
494-1401-RLP128	English Nature
501-1488-RLP128	GO-East

Main Issues

- a) Whether the end of the first bullet point should be amended to 'and by walking and cycling from nearby residential areas' (309)
- b) Whether the policy should have a clear definition of 'edge of centre' (438, 462, 508)
- c) Whether the policy or the supporting text should seek to promote and enhance biodiversity within proposals including open space (494)
- d) Whether the word 'normally' should be deleted (501)

Inspectors Reasoning and Conclusions

10.1.1 'Normally' is a qualification that is considered inappropriate and which would undermine the clear understanding of the policy. The promotion of biodiversity is referred to elsewhere in the Plan and there is no need for its inclusion in RLP 128 or for cross-referencing. All other concerns raised have been satisfied by amendments to the Plan.

RECOMMENDATION

I recommend no changes to the Plan.

10.2 Policy RLP 132: Golf Courses

The Objections

216-463-RLP132	Essex Wildlife Trust
494-1402-RLP132	English Nature
443-1216-RLP132	Essex County Council

501-1489-RLP132 GO-East

Objections to Proposed Change 1

216-3104-RLP132.R Essex Wildlife Trust

Main Issues

- a) Whether the policy needs to refer to nature conservation interests (216)
- b) Whether the policy and the supporting text should ensure golf course design promotes and enhances biodiversity (494)
- c) Whether proposals for golf courses must take account of existing public rights of way crossing the site (443)
- d) Whether the word 'normally' should be deleted (501)

Inspectors Reasoning and Conclusions

10.2.1 Paragraph 10.8 refers to the 'Essex Golf Report' that was adopted by the Council in 1990 as Supplementary Planning Guidance. The SPG requires applications for golf courses to be accompanied by ecological statements which demonstrate that existing ecological features and habitats are fully safeguarded. This requirement adequately deals with the concern that RLP 132 does not refer to nature conservation interests or to biodiversity, which is also referred to elsewhere in the Plan. The SPG also requires that existing footpaths and bridleways are safeguarded and that the provision of extensions to the existing footpath and bridleway network will be encouraged. Given also advice in PPG17 it is not necessary to include in policy RLP 132 reference to public rights of way. Other objections have been satisfied by changes to the Plan.

RECOMMENDATION

I recommend no changes to the Plan.

10.3 Paragraph 10.14: Sports Causing Noise or Disturbance

The Objections

187-400-P10.14 Bradwell Parish Council
216-464-P10.14 Essex Wildlife Trust

Objections to Proposed Change 1

216-3105-P10.14.R Essex Wildlife Trust

Main Issues

- a) Object most strongly to the inclusion of the A120 in the first sentence (187)
- b) Should be altered to add: "subject to no adverse impact on nature conservation interests" (216)

Inspectors Reasoning and Conclusions

10.3.1 The reference to the A120 has been deleted and the wording of the first sentence in paragraph 10.14 has been altered to generally satisfy concerns. Furthermore, an application for noisy sport development close to the A120 in and near Bradwell would require planning permission and the possible re-routeing of the trunk road would be a matter for consideration at that time. Biodiversity is promoted elsewhere in the plan and protected species that might occupy former mineral workings are the subject of RLP 81.

RECOMMENDATION

I recommend no changes to the Plan.

10.4 Policy RLP 133: General Aviation Policy

The Objections

293-622-RLPNew	Essex Gliding Club
293-623-RLP133	Essex Gliding Club
438-1173-RLP133	Airfield Joint Action Group
462-1255-RLP133	Anthony Couling
508-1538-RLP133	Ashen Parish Council

Main Issues

- a) Whether there should be policy provision in the Draft Plan for small aerodromes for General Aviation purposes (293-622)
- b) Whether the policy adopts a negative attitude to Sports "causing noise or disturbance" such as Airsport flying site (293-623)
- c) Whether policy should be clarified to include the impact on countryside amenities and other uses in the countryside together with residential amenity (438, 462, 508)

Inspectors Reasoning and Conclusions

10.4.1 The Structure Plan includes policy BIW9 that relates to proposals for new development relating to any existing operational airport or airfield. This policy sets out various criteria against which a proposal would be assessed. Though RLP 128 would preclude substantial buildings for sports and leisure facilities in the countryside away from towns and villages it is always possible, given advice in paragraph 40 of PPG1, for a Council to grant a permission if material considerations justify allowing a proposal that is contrary to the Plan. Furthermore, creating a policy for every possible type of development would render the Plan cumbersome. Taking all these factors into account there is no justification for creating a separate policy for airfield developments.

10.4.2 RLP 133 does not adopt a negative approach but indicates, quite properly, that a development proposal will be judged on its planning merits. The policy is not contrary to PPG24 and is in conformity with the Structure Plan. It is generally accepted now that policies should not include 'normally'. Proposals for airfield developments would be assessed against all relevant policies in the Plan including policies that seek to protect countryside amenities as well as residential amenity.

RECOMMENDATION

I recommend no changes to the Plan.

10.5 Policy RLP 134: Floodlighting

The Objections

216-465-RLP134	Essex Wildlife Trust
225-495-RLP134	CPRE Essex

Main Issues

- a) Whether the wording from Para 10.15 should be carried over into this policy (216)
- b) Whether consideration should be given to limiting the hours of use (225)

Inspectors Reasoning and Conclusions

10.5.1 Changes have been made to the Plan to satisfy objectors' concerns.

RECOMMENDATION

I recommend no change to the Plan.

10.6 Policy RLP 136: Open Space Standards

The Objections

218-444-RLP136	Robert Browning
288-613-RLP136	Susan Ireland
361-854-RLP136	Bellway Homes & Swan Hill Homes Ltd
494-1403-RLP136	English Nature
509-1596-RLP136	AWG Plc and Land
149-307-M35	Bernard Mison

Objections to Proposed Change 1

499-3195-RLP136.R Barratt Eastern Properties

Main Issues

- a) Whether provision should be made for White Colne (218)
- b) Whether the Council should make its own open space assessment (288, 149, 499)
- c) Whether the Council should adopt a more flexible approach (361)
- d) Whether there should also be a target related to informal open green space (494)
- e) Whether site-specific proposal should be accepted (509)

Inspectors Reasoning and Conclusions

10.6.1 PPG17 indicates that "...open space standards are best set locally". However, objectors who have referred to this advice have not suggested why NPFA standards would not be appropriate for the District or what standards they would consider to be appropriate. No evidence has been brought forward to indicate that NPFA standards are not appropriate for the District and it is not therefore reasonable or necessary for the Council to investigate, at the tax payers expense, what local standards might be.

10.6.2 The Council has carried out a survey of open space in the District that has indicated a deficiency, against NPFA standards, in all three main towns. To ensure that deficiencies do not increase the Council has properly identified all formal and informal recreation areas on the Plan Proposals Maps. Redressing the deficiencies is a matter to be considered when planning applications come forward. PPG3, in Annex C, indicates that housing density should be calculated as a net site density and that the site includes incidental open space and children's play areas. Achieving housing densities advocated by PPG3 must therefore take into account the inclusion of open space and play areas and RLP 136 does not therefore need to provide greater flexibility.

10.6.3 Informal green space standards have been suggested by English Nature but it is not clear from where the standards suggested have been derived and how they would be applied to the specific circumstances prevailing in the District. Other policies cover the protection of local nature reserves and there is no need to include, in RPL 136 or in any other policy, the standards suggested. The need for designating a specific site for informal recreation in White Colne, possibly with a development of affordable housing, has not been proven and should be first discussed with the Council. The boundary of an informal recreation area relative to Skitts Hill Sewage Treatment Works is dealt with in section 1.8 of Part Two of this Report.

RECOMMENDATION

I recommend no changes to the Plan.

10.7 Appendix 4: Schedule of Open Space

The Objection

432-1156-App4

Gosfield Parish Council

Main Issue

Whether both the playing field and the golf course should be identified as "Formal Recreation" under the Gosfield heading on this page.

Inspectors Reasoning and Conclusions

10.7.1 The playing field and golf course at Gosfield are outside the development boundary for the village. They are therefore

protected from development by countryside policies and it is not therefore necessary to identify these areas on the Proposal Map for Gosfield.

RECOMMENDATION

I recommend no changes to the Plan.

10.8 Policy RLP 137: Open Space in New Housing Development

The Objections

155-319-RLP137	Sport England
188-390-RLP137	The House Builders Federation
288-614-RLP137	Susan Ireland
361-855-RLP137	Bellway Homes/ Swan Hill Homes Ltd.
463-1268-RLP137	Crest Strategic Projects
467-1287-RLP137	Martin Grant Homes
468-1298-RLP137	Persimmon Homes
501-1490-RLP137	GO-EAST

Objections to Proposed Change 1

499-3196-RLP137.R Barratt Eastern Properties

Main Issues

- a) Whether the 10% principle will not provide suffice POS (155, 288)
- b) Whether 'a minimum of 10%' should be replaced by 'an element' (188)
- c) Whether the Council should undertake its own assessment (288, 463, 467, 468, 499)
- d) Whether the defined period for the payment of commuted sums needs to be identified (361)
- e) Whether the policy fails to adopt a contextual approach to the provision of open space (463, 467, 468)

Inspectors Reasoning and Conclusions

10.8.1 RLP 137 relates to the provision of open space in new housing developments. The policy does not seek to redress current deficiencies in open space but seeks to ensure that the need for open space created by new housing is met on site and does not exacerbate existing deficiencies. To provide some certainty it is not

unreasonable for the Council to indicate a percentage standard rather than suggesting that 'an element' of open space be provided. There is, however, a lack of evidence to support the 10% requirement included in the policy. It is not clear, in fact, whether 10% would provide sufficient formal and informal open space to meet NPFA standards that are given in areas per 1000 population.

10.8.2 The policy indicates that the Council will be preparing Supplementary Planning Guidance on open space provision in new housing developments. This SPG should clearly set out the standards to be applied and how those standards have been derived. The SPG will be the subject of a public consultation exercise and residents of the District and other interested parties, such as housing developers and the HBF, will be able to influence its content. At this stage, given lack of evidence, it is not possible to ascertain whether 10% open space provision would be too high or too low and whether a standard percentage should be applied in all cases. The inclusion of a percentage figure in RLP 137 is not therefore appropriate and the speedy adoption of SPG is recommended and should set out clear requirements for open space provision in new housing developments. The policy should be amended accordingly.

10.8.3 The SPG should clearly set out requirements for commuted sums for both the provision of play equipment and for the future maintenance of the open space. The inclusion of a specified period for maintenance is not appropriate in the policy. The SPG should also set out the circumstances where the provision of open space off-site would be appropriate or where, given the local situation, reduced provision would be appropriate.

RECOMMENDATIONS

I recommend that the Council ultimately adopt, in as short a time as possible, Supplementary Planning Guidance on the provision of open space in new housing developments and that the first three sentences of RLP 137 be amended to 'In proposals for new residential development the District Council will require land to be made available for open space. The open space will be for play areas and for formal recreation and shall be adequate in terms of size and location to meet the needs of the development that it serves'.

10.9 Paragraph 10.18/Policy RLP 138: Allotments

The Objections

288-616-P10.18	Susan Ireland
225-496-RLP138	CPRE Essex
481-1355-RLP138	Terling & Fairstead Parish Council

Objections to Proposed Change 1

188-3172-RLP138.R	House Builders Federation
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Main Issues

- a) Whether the Plan makes a distinction between different types of allotment site e.g. private and publicly owned (288)
- b) Whether the second point in this policy should read 'it is demonstrated that the allotments are no longer needed now or in the foreseeable future.(225)
- c) Whether the second point should be changed (188)
- d) Whether the return of historic village allotments outside the drawn envelope must be encouraged (481)

Inspectors Reasoning and Conclusions

10.9.1 The Council has sought to protect all allotments, whether in private or public ownership, from development and no evidence has been brought forward to indicate that an allotment or allotments worthy of protection have not been protected. Allotments outside settlement boundaries are protected by countryside policies. The inclusion, at Revised Deposit stage, of 'now, or in the foreseeable future' is reasonable for usage of any allotment area is likely to fluctuate and a snapshot view is not likely to indicate whether the area should be retained in its current use.

RECOMMENDATION

I recommend no changes to the Plan.

10.10 Policy RLP 139: River Walks

The Objections

481-1354-RLP139	Terling & Fairstead Parish Council
509-1597-RLP139	A.W.G. Plc and Eastland Developments Ltd
509-1598-RLP140	A.W.G. Plc and Eastland Developments Ltd

327-704-RLP139

Berkeley Strategic Homes

Main Issues

- a) Whether there should be a reference to the 'Ter Valley Walk' (481)
- b) Whether a site-specific representation should be included (509, 327)

Inspectors Reasoning and Conclusions

10.10.1 The boundary of an informal recreation area relative to Skitts Hill Sewage Treatment Works is dealt with in section 1.8 of Part Two of this Report. Land to the rear of 78-112 London Road, Braintree is dealt with in section 1.31 of Part Two of this report. A reference to 'Ter Valley River Walk' has been included in paragraph 10.25 of the Plan.

RECOMMENDATION

I recommend no changes to the Plan.

10.11 Policy RLP 140: Informal Countryside Recreation Areas

The Objections

218-445-RLP140 Roger Browning
494-1404-RLP140 English Nature

Objections to Proposed Change 1

494-3071-RLP140.R English Nature

Main Issues

- a) Whether site-specific objection should be included (218)
- b) Whether access to informal green space for recreation is not only required in countryside areas but also in urban areas close to populations (494)

Inspectors Reasoning and Conclusions

10.11.1 Informal green space standards have been suggested by English Nature but it is not clear from where the standards suggested have been derived and how they would be applied to the

specific circumstances prevailing in the District. Furthermore, the Council has included in RLP 140 a reference to informal recreation space within urban areas. The policy does not seek to impose planning obligations on land owners but is encouraging facilities for informal recreation in the countryside.

RECOMMENDATION

I recommend no changes to the Plan.

10.12 Policy RLP 142: Touring Caravan and Camping Sites

The Objections

225-497-RLP142 CPRE Essex
501-1491-RLP142 GO-East

Objections to Proposed Change 1

501-3166-RLP142R GO-East

Main Issues

- a) Whether the policy should differentiate between types of landscape (225)
- b) Whether the word 'normally' should be deleted (501)

Inspectors Reasoning and Conclusions

10.12.1 Changes have been made to the Plan to satisfy the objections.

RECOMMENDATION

I recommend no changes to the Plan.

10.13 Paragraph 10.29: Visitor Facilities in Villages

Objections to Proposed Change

48-2853-P10.29.R English Heritage

Main Issue

Whether the sentence should read 'without detracting from the features' rather than 'without losing the features'

Inspectors Reasoning and Conclusions

10.13.1 A change has been made to the Plan to satisfy the objection.

RECOMMENDATION

I recommend no changes to the Plan.

10.14 Para P10.2/Policy RLP 144a/b: New Hotel Policies

The Objection

491-1367-P10.2 Essex County Showgrounds

Objections to Proposed Change

225-3137-RLP 144A CPRE Essex
347-3130-RLP 144B Countryside Strategic Projects Ltd

Main Issues

- a) Whether a new policy should be introduced to allow for new hotels (491)
- b) Whether the Policy should state that new buildings in the countryside for tourism accommodation should be considered (225)
- c) Whether the policy should not state that the hotel should be 'high quality' (347)

Inspectors Reasoning and Conclusions

10.14.1 Objections by Essex County Showgrounds led to the Council introducing, at Revised Deposit Stage, several explanatory paragraphs and RLP 144A, a policy relating to tourist accommodation. Though not the same as the policy suggested by the objector it does generally provide a policy background for the development of hotels and bed and breakfast accommodation in towns and villages and within the countryside. The statement that "...conversion of existing buildings...will be encouraged in preference to the construction of new buildings" does not provide a loophole for new buildings to be constructed as these would have to satisfy other

policies in the Plan and the developer would have to demonstrate that there are no opportunities for conversion of existing buildings. 'High quality hotels' in RLP 144B was clarified, at Pre-Inquiry stage, to be 'high quality design hotels' and the policy was amended accordingly.

RECOMMENDATION

I recommend no changes to the Plan.

CHAPTER 11 - COMMUNITY FACILITIES

11.1 Policy RLP 148: Educational Establishments

The Objections

232-517-RLP148 Braintree Further Education College
422-1150-RLP148 Essex County Council Property Services

Main Issues

- a) Whether owners should be able to use or develop their land as they judge best unless the consequences for the environment or the community would be unacceptable (232)
- b) Whether the policy is unduly onerous and counter productive in seeking to introduce a linkage between change of use and redevelopment of redundant educational facilities and public open space (422)

Inspectors Reasoning and Conclusions

11.1.1 It is reasonable for the Council to seek to ensure that educational and community facilities are not threatened by proposed development. As the Council suggests educational buildings are often used to provide community facilities at times when the buildings are not used for educational purposes. If the educational use has ceased and an alternative use is proposed then granting permission for that use without regard to a part-time community use would undermine the provision of community facilities. If there is no existing part-time community use and there is no genuine shortfall in community facilities in the area then the Council would be unreasonable to withhold planning permission for the re-use of a redundant educational facility. In these circumstances a shortfall in community facilities in an area must be genuine and sufficiently well documented and there should not be any other possibilities for satisfying the need. The reference in criterion a) of RLP 148 to 'or community use' is reasonable.

11.1.2 Essex County Council Property Services have referred to a paragraph in a superseded version of PPG17. The last paragraph in RLP 148 is wholly in line with advice in paragraph 12 of the current PPG17. Even though a redundant school playing field is surplus to requirements, in an area where there is a deficiency in public open space, it is reasonable, given current government advice, for the Council to seek to partly offset the deficiency by the inclusion of public open space in a redevelopment scheme. It is important to note that RLP 148 includes the phrase 'could make to

remedying that deficiency' and that paragraph 12 of PPG17 includes 'to secure part of the development site for the type of open space....that is in deficit'.

RECOMMENDATION

I recommend no changes to the Plan.

11.2 Policy RLP 149: Protection of Community Services

The Objections

225-498-RLP149	CPRE Essex
326-689-RLP149	NHS Executive Eastern Region

Main Issues

- a) Whether the policy could be turned into a land use policy by wording it to say that changes of use to a private residence will be resisted. Alternatively it should be deleted (225)
- b) Whether the wording of this policy should be changed as it seeks to use economic viability as a test to prevent the loss of such facilities (326)

Inspectors Reasoning and Conclusions

11.2.1 The protection of community services is a reasonable objective and a land use planning matter. It would be incorrect to refer only to change of use to residential as a building in community use could be used for other non-community purposes. Reference in the policy to 'loss of key community facilities' is thus appropriate. The policy provides two tests. One is economic viability and the other is replacement in another location. It is the latter that would probably be appropriate if a proposal for the redevelopment of a health facility were to be proposed. Replacement need not be on a like-for-like basis as the type of health care provided might change. In this circumstance the local planning authority would be unreasonable to resist redevelopment of a health care facility if sufficient evidence were provided to demonstrate that public health provision would not be compromised.

RECOMMENDATION

I recommend no changes to the Plan.

*(Policy RLP150 objections can be found under Site 1.20)
(Policy RLP151 objections can be found under Site 1.1)*

11.3 Policy RLP 152: Community and Village Halls

The Objection

188-391-RLP152 House Builders Federation

Main Issue

Whether the policy and supporting text should be reversed

Inspectors Reasoning and Conclusions

11.3.1 The change suggested by the Objector has been incorporated in the Plan. The objective of RLP 152 is a reasonable land use planning matter and there is no justification for the deletion of the policy or any other supporting text.

RECOMMENDATION

I recommend no changes to the Plan.

(Policy RLP155 objections can be found under Site 35.5)

11.4 Policy RLP 158: Off Maltings Lane, Witham

The Objection

298-634-RLP158 North Essex Health Authority

Main Issue

Whether the provision of health care facilities should be considered as part of the Maltings Lane development proposal

Inspectors Reasoning and Conclusions

11.4.1 RLP 158 was amended at Revised Deposit stage to reflect the inclusion suggested by the Objector.

RECOMMENDATION

I recommend no change to the Plan.

CHAPTER 12 - UTILITIES

12.1 Policy RLP 160: Utilities Development

The Objection

291-618-RLP160 BT Group Plc

Main Issue

Whether the policy should also give regard to technical and operational reasoning.

Inspectors Reasoning and Conclusions

12.1.1 PPG8, referred to by the Objector, relates to telecommunications, which is the subject of RLP 161 and not RLP 160. RLP 161 gives due regard to technical and operational considerations for telecommunication developments.

RECOMMENDATION

I recommend no change to the Plan.

12.2 Policy RLP 161: Telecommunications Development

The Objections

138-298-RLP161 Railtrack plc
187-402-RLP161 Bradwell Parish Council

Objections to Proposed Change 1

216-3125-RLP161.R Essex Wildlife Trust
998-1013-RLP161.R Orange OCS Ltd
1002-3063-RLP161.R T-Mobile

Main Issues

- a) Whether the policy should encourage site sharing (138)
- b) Whether to add "Special Landscape Areas" after "Registered Parks and Gardens" (187)
- c) Whether the removal of special protection weakens areas of nature conservation interest (216)
- d) Whether telecommunications development can enhance conservation areas, etc (998)

e) Whether a minor wording change should be introduced (1002)

Inspectors Reasoning and Conclusions

12.2.1 The preference for mast sharing was introduced at Revised Deposit stage and a reference to the 'settings' of protected areas was introduced at Pre-Inquiry stage. Special Landscape Areas are implicitly referred to in the phrase '..and similar areas with special designations' in criterion (d) and the omission of the last sentence of that criterion does not weaken the policy. The policy does not suggest that masts can enhance protected areas. The inclusion of the phrase 'preserve or enhance' simply reflects terminology that is commonly used when referring to conservation areas and listed buildings for instance.

RECOMMENDATION

I recommend no change to the Plan.

CHAPTER 13 - IMPLEMENTATION, MONITORING AND REVIEW

13.1 Paragraph 13.1: Introduction

The Objection

501-1437-P13.1 GO-East

Main Issue

Whether the plan needs to dovetail with regional studies to support monitoring and analysis

Inspectors Reasoning and Conclusions

13.1.1 Paragraph 13.9 was extended in response to the objection at Revised Deposit stage.

RECOMMENDATIONS

I recommend no change to the Plan.

(Policy RLP162 objections can be found under RLP5)

13.2 Policy RLP 163/ Para 13.3: Environmental Impact Assessment

The Objection

188-392-RLP163 House Builders Federation

Objection to Proposed Change 1

188-3173-RLP163 House Builders Federation

Objection to Proposed Change 2

188-4869-P13.3 House Builders Federation

Main Issues

- a) Whether the words 'where appropriate' should appear at the beginning of this policy (188)
- b) Whether SPG might go beyond minor matters of detail

Inspectors Reasoning and Conclusions

13.2.1 Only proposed developments of a certain size and type require the submission of an environmental impact assessment. In this instance, therefore, it is appropriate and necessary to include 'where appropriate' at the beginning of the policy. Paragraph 13.3, as amended at Pre-Inquiry stage, indicates that Supplementary Planning Guidance will be prepared on the subject of planning agreements and obligations. The SPG will be the subject of a public consultation exercise and the Objector will have adequate opportunity to influence its content and scope.

RECOMMENDATION

I recommend that 'where appropriate' be re-instated at the beginning of RLP 163.

13.3 Paragraph 13.9/ Policy RLP 164: Monitoring

The Objections

216-466-P13.9	Essex Wildlife Trust
443-1217-P13.9	Essex County Council
494-1406-P13.9	English Nature
415-1109-RLP164	Lord Rayleighs 1985 Accumulation & Maintenance Settlement
494-1407-RLP164	English Nature

Objections to Proposed Change 1

216-3107-P13.9.R	Essex Wildlife Trust
494-3075-P13.9.R	English Nature

Main Issues

- a) Whether under "Environment" the Council should consider that biodiversity (habitats/species) should be one of the key indicators monitored (216)
- b) Whether it may be more appropriate to measure the number of cycle trips as opposed to the use of cycleway networks (443)
- c) Whether to consider measures that better represent achievement of policies and proposals re sustainability (494-1406-1407)
- d) Whether biodiversity should be included under 'Environment' subtitle (216)

e) Whether non-statutory conservation designations i.e. SINCs/ County Wildlife Sites and RIGs should also be included (494)

Inspectors Reasoning and Conclusions

13.3.1 The Structure Plan lists policy performance indicators against which policies relating to biodiversity will be monitored. Biodiversity is essentially a County matter, is adequately covered in the Structure Plan and the District Council does not have the resources and expertise necessary to monitor this important matter effectively. There is no justification for duplicating the Structure Plan and for including biodiversity under key indicators under the 'Environment' heading of paragraph 13.9. Other indicators suggested by English Nature are relevant at the District level and have been included in the Plan.

13.3.2 Sustainability is a key objective of the Plan, is mentioned as such at the beginning of paragraph 13.9 and there is therefore no need to repeat this objective in RLP 164 which relates simply to policy on monitoring. Again, key indicators for housing are listed in paragraph 13.9 and the plan, monitor and manage approach to housing provision is set out in Chapter 3 of the Plan. There is therefore no need to reiterate this approach in RLP 164. An inclusion under the heading of 'Transport' in paragraph 13.9 suggested by Essex County Council was incorporated in the Plan at Revised Deposit stage.

RECOMMENDATION

I recommend no change to the Plan.

13.4 Paragraph 13.12/ Policy RLP 165: Enforcement

The Objections

494-1408-P13.12 English Nature

Main Issue

Whether Priority 1 should include damage to designated and non-designated nature conservation sites (494)

Inspectors Reasoning and Conclusions

13.4.1 The inclusion suggested by the Objector was included in the Plan at Revised Deposit stage.

RECOMMENDATION

I recommend no change to the Plan.

13.5 Paragraph 13.14: Review

The Objection

494-1409-P13.14 English Nature

Main Issue

Whether monitoring results should be included to demonstrate a feedback loop via best value to policy development

Inspectors Reasoning and Conclusions

13.5.1 The Objection was accepted by the Council and an additional sentence was added to paragraph 13.14 at Revised Deposit stage.

RECOMMENDATION

I recommend no change to the Plan.

Appendix 1 – See RLP1

Appendix 2 – See RLP28

Appendix 3 – See RLP56

Appendix 4 – See after RLP136

OTHER OBJECTIONS

14.1 Objection

63-297 Witham and Braintree Rail Users

Main Issue

Whether the Association has had sufficient time to view the proposals.

Inspectors Reasoning and Conclusions

14.1.1 The Objection relates to a procedural matter and does not relate to the content of the Plan.

RECOMMENDATION

I recommend no changes to the Plan.
