

## **Braintree Local Plan – Section 2 Examination**

### **MAIN MATTERS, ISSUES AND QUESTIONS WITH DRAFT HEARINGS PROGRAMME**

Inspectors – Jameson Bridgwater PGDipTP MRTPI and Anne  
Jordan BA (Hons) MRTPI

Hearings commence Tuesday 6 July 2021

To be held Virtually using Teams

This programme should be read in conjunction with  
the Inspector’s Briefing Note

---

**Andrea Copsey**  
Programme Officer

**Tel:** 01303 853289

**E-mail:** [copseyandrea@gmail.com](mailto:copseyandrea@gmail.com)

**Web:** <https://www.braintree.gov.uk/planning-building-control/section-2-examination-local-plan>

*The Examination Library is managed by the Programme Officer and contains all submission documents, representations and information relating to the examination. It will be updated as further documents are submitted. Documents can be downloaded from the examination website. In the run up to the examination paper copies can be provided if necessary, by contacting the Examination Office, PO Box 12607, Clacton-on-Sea, CO15 9GN*

## Important Notes

- 'Teams' is an online video conferencing system that allow virtual meetings to be held. The use of this technology allows us to progress with the Local Plan hearings despite the restrictions imposed by Covid-19. Therefore, you will be able to take part at home or from a safe place.
- Participants should only respond to the questions which directly relate to their previously submitted written representations on the plan. Please clearly indicate in your statement(s) the question(s) you are answering.
- Further statements should be proportionate in length to the number of questions being answered and should not, in total, exceed 3,000 words per Matter.
- The plan is being examined as submitted by the Council. Therefore, at this stage, it is not necessary to consider the merits for development of sites not included in the plan ("omission sites"). Should it be determined that there is a need for additional or different sites to be allocated, we will, in the first instance, ask the Council to consider how it would wish to proceed with the Examination.
- The questions concerning soundness are primarily focussed on the plan's policies. Insofar as they relate to the plan's soundness other elements of the plan, including the supporting text, will be considered as part of the discussion of the relevant policies.
- The revised National Planning Policy Framework (NPPF) was published in July 2018 and further revised in February 2019. It includes a transitional arrangement in paragraph 214 which indicates that, for the purpose of examining this Plan, the policies in the 2012 NPPF will apply. Similarly, where the Planning Practice Guidance (PPG) has been updated to reflect the revised NPPF, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. Therefore, unless stated otherwise, references in this document are to the 2012 NPPF and the versions of the PPG which were extant prior to the publication of the 2018 NPPF.
- The duty to cooperate, public consultation, accordance with the local development scheme and the plan period are all matters which have been addressed as part of the Section 1 Examination.

## **TIMETABLE**

*The Main Matters (MM) are set out in detail below.*

### **Day 1 – 1000 - Tuesday 6 July 2021**

- Inspector's Opening Statement
- Council's Opening Statement
- Main Matter 1 – Legal Requirements and Overarching Issues relating solely to the policies within BLP Section 2
- Main Matter 2 – The Spatial Strategy
- Main Matter 3 – A Prosperous District - A Strong Economy – Policies LPP 2 to LPP 9
- Main Matter 4 - A Prosperous District – Shops and Services – Policies LPP 10 to LPP 16

#### **Participants [Day 1]**

Braintree District Council and TBC

### **Day 2 – 0930 - Wednesday 7 July 2021**

- Main Matter 5 - A Prosperous District – Homes – Policy LPP 17
- Main Matter 6 - A Prosperous District – Homes – Strategic Growth Locations 1
- Main Matter 7 - A Prosperous District – Homes – Strategic Growth Locations 2

#### **Participants [Day 2]**

Braintree District Council and TBC

### **Day 3 – 0930 - Thursday 8 July 2021**

- Main Matter 8 - A Prosperous District – Homes – Comprehensive Redevelopment Areas 1
- Main Matter 9 - A Prosperous District – Homes – Comprehensive Redevelopment Areas 2
- Main Matter 10 - A Prosperous District – Homes – Specialist Housing and Residential Allocation

#### **Participants [Day 3]**

Braintree District Council and TBC

### **Day 4 – Friday 9 July 2021**

Reserve Day if Required (MM1 to MM10)

#### **Participants [Day 4]**

Braintree District Council and TBC

**Day 5 – 0930 - Tuesday 13 July 2021**

- Main Matter 11 - A Prosperous District – Homes - Policies LPP 33 – LPP 43
- Main Matter 13 - Creating Better Places - Policies LPP 50 - LPP 66

**Participants [Day 5]**

Braintree District Council and TBC

**Day 6 – 0930 - Wednesday 14 July 2021**

- Main Matter 12 - A Prosperous District – Transport and Infrastructure - Policies LPP 44 - LPP 49
- Main Matter 14 - The District's Natural Environment - Policies LPP 67- LPP 81
- Main Matter 15 - A Delivery & Implementation - Policy LPP 82
- Main Matter 16 – Monitoring

**Participants [Day 6]**

Braintree District Council and TBC

**Day 7 – 0930 - Thursday 15 July 2021**

Reserve Day if Required

**Participants [Day 7]**

Braintree District Council and TBC

***Please note***

*Timings - whilst the start time for each day is fixed, the morning, afternoon, and lunch breaks and close of sessions are dependent on the discussions during the hearing and therefore maybe subject to change.*

*The Inspector has set out his Main Matters and Issues below. These are based on the main headings and chapters of the Braintree District Local Plan – Section 2. This will allow everyone who wishes to make representations at the Hearing to participate at the appropriate time.*

*The hearings programme is draft and maybe subject to minor changes please ensure that you keep updated at the examination website.*

## **MAIN MATTERS, ISSUES AND QUESTIONS (MIQs)**

### Abbreviations

BLP Section 1 – Braintree Local Plan – Section 1

BLP Section 2 – Braintree Local Plan – Section 2

NPPF – National Planning Policy Framework (2012)

### **Main Matter 1**

#### **Legal Requirements and Overarching Issues relating solely to the policies within BLP Section 2**

#### **Legal Requirements**

Does BLP Section 2 meet all other legal requirements, specifically:

- Does the content and timescale for preparation of BLP Section 2 accord with the latest version of the Local Development Scheme?
- Has BLP Section 2 consultation complied with the Statement of Community Involvement and public consultation requirements in the Town and Country Planning (Local Plan) (England) Regulations 2012?
- Has BLP Section 2 been subject to a Sustainability Appraisal (SA) and have the requirements for Strategic Environmental Assessment been met? Is it clear how the SA influenced the final plan and dealt with mitigation measures?
- Have the requirements for appropriate assessment under the Habitats Regulations been met? Have the results of the Habitats Regulations Assessment been carried forward in the PPLP?
- Has the preparation of BLP Section 2 complied with the Town and Country Planning (Local Plan) (England) Regulations 2012?
- Does the policies map correctly illustrate geographically the application of policies in the BLP Section 2?

#### **Consistent with National Policy**

Does BLP Section 2 accord with national policy for plan making in the NPPF, specifically:

- Does BLP Section 2 contribute to the achievement of the three dimensions of sustainable development – economic, social and environmental?
- Has it been positively prepared and is it 'aspirational but realistic'? (paragraph 154 of the NPPF)
- Is BLP Section 2 consistent with the NPPF in all other respects? Or if not, what is the justification for any inconsistency?
- Are there any policies within BLP Section 2 which are Strategic Policies, and should they be identified as such?
- Do the policies in BLP Section 2 provide a clear indication of how a decision maker should react to a development proposal?

## **Main Matter 2 The Spatial Strategy**

### Policy LPP 1 Development Boundaries

Is the Spatial Strategy for Braintree justified by appropriate available evidence, having regard to national guidance, and local context, including Section 1 of the BLP?

- In light of removal of the 2 garden communities from Section 1 of the BLP is Braintree's spatial strategy supported by robust and up to date evidence and otherwise soundly based?
- Are the development boundaries in BLP Section 2 supported by robust and up to date evidence, otherwise soundly based and appropriately drawn?

## **Main Matter 3 A Prosperous District - A Strong Economy – Policies LPP 2 to LPP 9**

Policy LPP 2 Location of Employment Land

Policy LPP 3 Employment Policy Areas

Policy LPP 4 Kelvedon Park

Policy LPP 5 Allshot's Farm, Rivenhall

Policy LPP 6 Business Parks

Policy LPP 7 Design and Layout of Employment Policy Areas and Business Uses

Policy LPP 8 Rural Enterprise

Policy LPP 9 Tourist Development within the Countryside

- Are the above policies and site allocations justified by appropriate available evidence, having regard to national guidance, and local context, including the meeting the requirements of the BLP Section 1?
- Do the employment policies (LPP 2 to LPP 9) within the "A Prosperous District" chapter of the BLP Section 2 make adequate provision to meet Braintree's economic growth requirements for the plan period and its timescale for delivery?
- Do policies LPP 2 to LPP 9 provide clear direction as to how a decision maker should react to a development proposal?

#### **Main Matter 4**

#### **A Prosperous District – Shops and Services – Policies LPP 10 to LPP 16**

Policy LPP 10 Retailing and Regeneration

Policy LPP 11 Primary Shopping Areas

Policy LPP 12 District Centre

Policy LPP 13 Freeport Outlet Centre

Policy LPP 14 Leisure and Entertainment

Policy LPP 15 Retail Warehouse Development

Policy LPP 16 Retail Site Allocations

- Are the above policies and site allocations justified by appropriate available evidence, having regard to national guidance, and local context, including the meeting the requirements of the BLP Section 1?
- Do policies LPP 10 to LPP 16 provide clear direction as to how a decision maker should react to a development proposal in relation to these allocations and policies?

#### **Main Matter 5**

#### **A Prosperous District – Homes – Policy LPP 17**

- Does BLP Section 2 and in particular Policy LPP 17 Housing Provision and Delivery demonstrate an adequate supply to meet Braintree's housing requirement as set out in BLP Section 1 (14320 new homes) and its timescale for delivery within the plan period 2013 - 2033?

- Does BLP Section 2 adequately address the needs for all types of housing and the needs of different groups in the community (as set out in paragraphs 50 and 159 of NPPF)?
- Does BLP Section 2 make adequate provision through site allocations to meet the housing requirement of for Gypsies, Travellers and Travelling Showpeople in Braintree?

## **Main Matter 6**

### **A Prosperous District – Homes – Strategic Growth Locations 1**

Policy LPP 18 Strategic Growth Location - Land East of Great Notley, south of Braintree

Policy LPP 19 Strategic Growth Location - Land East of Broad Road, Braintree

Policy LPP 20 Strategic Growth Location - Former Towerlands Park Site

- Are the above policies and site allocations justified by appropriate available evidence, having regard to national guidance, and local context, including the meeting the requirements of the BLP SECTION 1?
- Do the housing land site allocations identified above show how they will contribute to the achievement of the overall housing requirement of the BLP Section 1 (14320 new homes) and its timescale for delivery?
- Do policies LPP 18 to LPP 20 provide clear direction as to how a decision maker should react to a development proposal in relation to these allocations?

## **Main Matter 7**

### **A Prosperous District – Homes – Strategic Growth Locations 2**

Policy LPP 21 Strategic Growth Location - North West Braintree

Policy LPP 22 Strategic Growth Location - Land at Feering

Policy LPP 23 Strategic Growth Location - Wood End Farm, Witham

- Are the above policies and site allocations justified by appropriate available evidence, having regard to national guidance, and local context, including the meeting the requirements of the BLP Section 1?



- Do the housing land site allocations identified above show how they will contribute to the achievement of the overall housing requirement of the BLP Section 1 (14320 new homes) and its timescale for delivery?
- Do policies LPP 21 to LPP 23 provide clear direction as to how a decision maker should react to a development proposal in relation to these allocations?

### **Main Matter 8**

#### **A Prosperous District – Homes – Comprehensive Redevelopment Areas 1**

Policy LPP 24 Comprehensive Redevelopment Area - Land East of Halstead High Street

Policy LPP 26 Comprehensive Redevelopment Area - Factory Lane West/Kings Road

Policy LPP 27 Comprehensive Redevelopment Area - Former Dutch Nursery, West Street, Coggeshall

Policy LPP 31 Comprehensive Redevelopment Area - Land between A12 and GEML, Hatfield Peverel

- Are the above policies and site allocations justified by appropriate available evidence, having regard to national guidance, and local context, including the meeting the requirements of the BLP Section 1?
- Do the housing land site allocations identified above show how they will contribute to the achievement of the overall housing requirement of the BLP Section 1 (14320 new homes) and its timescale for delivery?
- Do policies LPP 24 to LPP 27 and LPP 31 provide clear direction as to how a decision maker should react to a development proposal in relation to these allocations?

### **Main Matter 9**

#### **A Prosperous District – Homes – Comprehensive Redevelopment Areas 2**

Policy LPP 28 Comprehensive Redevelopment Area - Kings Chase, Witham

Policy LPP 29 Comprehensive Redevelopment Area - Newlands Precinct, Witham

Policy LPP 30 Comprehensive Redevelopment Area - Rickstones Neighbourhood Centre, Witham

- Are the above policies and site allocations justified by appropriate available evidence, having regard to national guidance, and local context, including the meeting the requirements of the BLP Section 1?
- Do the housing land site allocations identified above show how they will contribute to the achievement of the overall housing requirement of the BLP Section 1 (14320 new homes) and its timescale for delivery?
- Do policies LPP 28 to LPP 30 provide clear direction as to how a decision maker should react to a development proposal in relation to these allocations?

**Main Matter 10**  
**A Prosperous District – Homes – Specialist Housing and Residential Allocation**

Policy LPP 24 Specialist Housing - Mount Hill, Halstead  
Policy LPP 32 Residential Allocation - Gimsons, Witham

- Are the above policies and site allocations justified by appropriate available evidence, having regard to national guidance, and local context, including the meeting the requirements of the BLP Section 1?
- Do the housing land site allocations identified above show how they will contribute to the achievement of the overall housing requirement of the BLP Section 1 (14320 new homes) and its timescale for delivery?
- Do policies LPP 24 and LPP 32 provide clear direction as to how a decision maker should react to a development proposal in relation to these allocations?

**Main Matter 11**  
**A Prosperous District – Homes - Policies LPP 33 – LPP 43**

LPP 33 - Affordable Housing  
LPP 34 - Affordable Housing in the Countryside  
LPP 35 - Specialist Housing

LPP 36 - Gypsy and Traveller and Travelling Showperson's  
Accommodation

LPP 37 - Housing Type and Density

LPP 38 - Residential Alterations, Extensions and Outbuildings

LPP 39 - Replacement Dwellings in the Countryside

LPP 40 - Rural Workers Dwellings in the Countryside

LPP 41 - Infill Development in Hamlets

LPP 42 - Residential Conversion of Buildings in the Countryside

LPP 43 - Garden Extensions

- Are the above policies justified by appropriate available evidence, having regard to national guidance and local context?
- Do the policies provide clear direction as to how a decision maker should react to a development proposal?
- Are the Council's proposed modifications to the policies necessary for soundness?

In addition, in relation to LP33 & LP34- Affordable Housing and Affordable Housing in Rural Areas:

- On what evidence has the 30% and 40% thresholds been set?
- Is the requirement for 15 dwellings or 0.5ha sufficiently clear?
- How was the threshold of a village population of 3,000 identified?

In relation to LPP 35 – Specialist Housing:

- Which sites are allocated for specialist housing and does this meet local need?
- Should the criteria for new developments also apply to extensions?

In relation to LP36 - Gypsy and Traveller and Travelling Showperson's  
Accommodation:

Is the policy justified and consistent with national policy? Are the requirements of the policy clear, and would they be effective?

- (a) Is the Gypsy and Traveller Accommodation Assessment (2017) up to date and robust in its identification of needs for plots and pitches?
- (b) Does the Council's approach in relation to traveller sites generally conform with the expectations of Planning Policy for Traveller Sites (August 2015)?
- (c) Does policy LP36 provide an adequate criterion-based policy for the assessment of Gypsy and Traveller site proposals.

In relation to LPP37 - Housing Type and Density:

- Are the Council's requirements in relation to custom and self-build housing reasonable and necessary? On what evidence has the threshold been set?

In relation to LPP42 Residential Conversion of Buildings in the Countryside:

- Are the requirements of the policy and supporting text, reasonable, necessary, and consistent with national policy?

## **Main Matter 12**

### **A Prosperous District – Transport and Infrastructure Policies LPP 44 - LPP 49**

LPP 44 – Sustainable Transport

LPP 45 – Parking Provision

LPP 46 - Protected Lanes

LPP 47 - Transport Related Policy Areas

LPP 48 – New Road Infrastructure

LPP 49 - Broadband

- Are the above policies justified by appropriate available evidence, having regard to national guidance and local context?
- Do the policies provide clear direction as to how a decision maker should react to a development proposal?
- Are the Council's proposed modifications to the policies necessary for soundness?

In addition, in relation to LPP44 – Sustainable Transport:

- Are the requirements of the policy sufficiently clear in relation to the nature of contributions and when they will be sought.

In relation to LP45 – Parking Provision:

- How were the car parks identified for protection?

In relation to Policy LPP 47 - Transport Related Policy Areas and Policy LPP 48 - New Road Infrastructure:

- Can the Council identify how these roads were identified, what their current status is and how will funding for the projects will be secured?

### **Main Matter 13**

#### **Creating Better Places Policies LPP 50 - LPP 66**

Policy LPP 50 - Built and Historic Environment

Policy LPP 51 - An Inclusive Environment

Policy LPP 52 - Health and Wellbeing Impact Assessment

Policy LPP 53 - Provision for Open Space, Sport and Recreation

Policy LPP 54 - Equestrian Facilities

Policy LPP 55 - Layout and Design of Development

Policy LPP 56 - Conservation Areas

Policy LPP 57 - Demolition In Conservation Areas

Policy LPP 58 - Shop Fronts, Fascias and Signs in Conservation Areas

Policy LPP 59 - Illuminated Signs in Conservation Areas

Policy LPP 60 - Heritage Assets and their settings

Policy LPP 61 - Demolition of Listed Buildings or Structures

Policy LPP 62 - Enabling Development

Policy LPP 63 - Archaeological Evaluation, Excavation and Recording

Policy LPP 64 - Educational Establishments

Policy LPP 65 - Local Community Services and Facilities

Policy LPP 66 - Cemeteries and Churchyards

- Are the above policies justified by appropriate available evidence, having regard to national guidance and local context?
- Do the policies provide clear direction as to how a decision maker should react to a development proposal?

- Are the Council's proposed modifications to the policies necessary for soundness?

In addition, in relation to Policy LPP52 - Health and Wellbeing Assessment:

- Is the requirement for all development proposals to assess their impact on health and wellbeing reasonable?
- Are the requirements of the policy in relation to C5 uses supported by clear evidence?
- Does the policy provide sufficient guidance as to the scope of such assessments and what mitigation might be considered reasonable to offset impacts? Does it provide sufficient clarity as to how assessments might be calculated or required?

In relation to Policy LPP 53 - Provision for Open Space, Sport and Recreation:

- Are the standards based on sound criteria? What evidence are they based on?
- Should the policy define the quantity of open space required? How will a surplus be identified? Is the approach to the loss of playing fields appropriate?

In relation to Policy LPP 54 - Equestrian Facilities:

- Is the approach taken to new accesses consistent with national policy?

In relation to Policy LPP 55 - Layout and Design of Development:

- Are the criteria within the policy reasonable and in accordance with national policy?

In relation to LP56-LP63 – policies relating to Heritage Matters:

- Are the policies consistent with national policy?
- Are there any omissions from the policies?

In relation to Policy LPP 65 - Local Community Services and Facilities:

- Are local community services and facilities clearly defined?
- Are the requirements of the policy reasonable and based on sound evidence?

### **Main Matter 14**

#### **The District's Natural Environment (Policies LPP 67- LPP 81)**

Policy LPP 67 Natural Environment and Green Infrastructure

Policy LPP 68 Protected Species, Priority Spaces and Priority Habitat

Policy LPP 69 Tree Protection

Policy LPP 70 Protection, Enhancement, Management and Monitoring of Biodiversity

Policy LPP 71 Landscape Character and Features

Policy LPP 72 Green Buffers

Policy LPP 73 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

Policy LPP 74 Climate Change

Policy LPP 75 Energy Efficiency

Policy LPP 76 Renewable Energy Schemes

Policy LPP 77 Renewable Energy Within New Developments

Policy LPP 78 Flooding Risk and Surface Water Drainage

Policy LPP 79 Surface Water Management Plan

Policy LPP 80 Sustainable Urban Drainage Systems

Policy LPP 81 External Lighting

- Are the above policies justified by appropriate available evidence, having regard to national guidance and local context?
- Do the policies provide clear direction as to how a decision maker should react to a development proposal?
- Are the Council's proposed modifications to the policies necessary for soundness?

In addition, in relation to Policy LPP 68 - Protected Species, Priority Spaces and Priority Habitat:

- Does the approach to major development in national and internationally protected areas conform with national policy?

In relation to Policy LPP70 - Protection, Enhancement, Management and Monitoring of Biodiversity:

- Does the policy take an appropriate approach to biodiversity net gain?

In relation to Policy LPP 72 Green Buffers:

- Is the approach taken by the policy consistent with the Framework and the aims of sustainable development? Is it supported by appropriate evidence? Does it duplicate other policies in the plan?

In relation to Policy LPP 73 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards:

- Does the policy take appropriate account of the potential for mitigation?

In relation to Policy LPP 74 Climate Change:

- Is the supporting text to the policy up to date? What will the sustainability statement require, and will it be effective? Is the policy consistent with national policy?

In relation to Policy LPP 75 Energy Efficiency:

- Is the supporting text to the policy up to date? What does the policy require of developers and will it be effective? Is the policy consistent with national policy? Are the proposed amendments supported by clear evidence?



In relation to Policy LPP 76 Renewable Energy Schemes:

- Is the supporting text to the policy up to date? Is the policy consistent with national policy? have the Council considered identifying zones for renewable energy projects?

In relation to Policy LPP 77 Renewable Energy Within New Developments:

- How have the thresholds identified been arrived at and is the policy supported by appropriate evidence? Is the policy consistent with national policy?

In relation to Policy LPP 78 Flooding Risk and Surface Water Drainage:

- Is the supporting text to the policy up to date? Is the wording of the policy clear and would it be effective? Is the policy consistent with national policy? Are the proposed amendments supported by clear evidence?

In relation to Policy LPP 79 Surface Water Management Plan:

- Is the wording of the policy clear and would it be effective?

In relation to Policy LPP 80 Sustainable Urban Drainage Systems:

- Is the wording of the policy clear and would it be effective?
- Are the proposed amendments supported by clear evidence?

## **Main Matter 15 Delivery & Implementation (Policy LPP 82)**

Is Policy LPP 82 Infrastructure Delivery & Impact Mitigation justified and consistent with national policy? Are the requirements of the policies clear, and would they be effective?

- (a) Are there any omissions from the proposed policy and supporting text?

- (b) Are the policies' requirements supported by up to date evidence?
- (c) Have the implications of the policy in relation to viability been appropriately tested?
- (d) Is the policy sufficiently flexible?
- (e) Is the plan sufficiently clear as to how its implementation will be monitored?
- (f) Are the Council's proposed modifications necessary for soundness?

**Main Matter 16  
Monitoring**

- Can the Council set out their monitoring and review processes for the BLP SECTION 2?