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## **BRAINTREE LOCAL PLAN – SECTION 2 EXAMINATION**

**Main Matter 12 – A Prosperous District – Transport and Infrastructure Policies -  
Policy LPP48 New Road Infrastructure**

**Extension to Bluebridge Industrial Estate Halstead**

**Prepared on behalf of Mr G Courtauld (Representor ID: 235732)**

**June 2021**

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## 1. Introduction

- 1.1 This Hearing Statement has been prepared by Strutt & Parker on behalf of Mr G Courtauld (representor ID 235732) and is submitted in respect of the Matters, Issues and Questions (MIQs) raised by the Inspectors examining the Braintree Local Plan – Section 2 relating to Main Matter 12 – A Prosperous District – A Strong Economy; specifically Policy LPP48 for the Day 6 Hearing Session.
- 1.2 Strutt & Parker, on behalf of the landowner, Mr G. Courtauld have submitted representations to Braintree District Council (BDC) in respect of land to the eastern side of Bluebridge Industrial Estate throughout the Plan making process including at the Call for Sites stage in 2014, as part of the Draft Local Plan in 2016 and the 2017 Publication Draft (DLP) (Regulation 19) stage.
- 1.3 The land east of Bluebridge is identified in Policy LPP2 of the Plan as a strategic employment site at d)- *Extension to Bluebridge Industrial Estate*. It is shown on Inset Map 34 as COLE 188. Mr G. Courtauld is the sole owner of the land. This purpose of this Statement is to address the MIQ's as far as they relate to our client's land interests at COLE 188 and particularly LPP 48.

## 2. Response to Main Matter 12 – A Prosperous District-Transport and Infrastructure – Policy LPP48

- Are the above policies justified by appropriate available evidence, having regard to national guidance and local context?

2.1 As set out within our Regulation 19 representations, and although we are now some four years on since that the submission of the Local Plan for Examination, we remain of the view that the allocation of site COLE 188 at LPP 2 for employment development is sound. However, in those representations we made the case that there are elements of the DLP which are unsound, and alterations should be considered to address these defects. To aid the Inspectors consideration, the Regulation 19 representations (R19R) are attached to this Statement at Appendix 1 and specific attention for the purposes of this Hearing Statement is drawn to the response set out at paragraphs 9 -12.

2.2 As far as we can determine, there has been no further evidence since the submission of the Plan for Examination to justify the safeguarding of the route of the A131 Halstead By-Pass shown on inset Map 34. It does not appear in the Local Transport Plan (EB-04 2011) or any known scheme that is formally planned or the subject of feasibility design by Essex County Council Highways. It has been expressed as a “priority” at 6.174 of the DLP but it is noted that the proposals for the A131 Sudbury Western by-pass, as it passes through the District and to the north of Halstead, is to be omitted from Policy LPP48 by the further suggested modifications to the Local Plan as at May 2021 ((MM50 SBDC008a). That scheme has been dropped by Suffolk County Council. As a consequence, the status and requirement for delivery as referred to at 6.171 is questionable. Furthermore, the measures/approach to the implementation of the bypass is not included in the Braintree Infrastructure Delivery Plan (BDC/012- 2017) supporting the DLP.

- 2.3 In terms of national guidance, the identification of the Halstead By-pass corridor appears to conflict with Planning Practice Guidance (PPG) (para: 059 Reference ID: 61-059-20190315). In particular, there is no evidence that the Plan is capable of delivering the Halstead By-pass as a strategic matter. The PPG requires that careful attention is paid to identifying what infrastructure is required and how it can be funded and brought forward. On the basis of the evidence so far available, these tests have not been met. The PPG also identifies a requirement for an Infrastructure Funding Statement to demonstrate the delivery of infrastructure throughout the Plan period. On the face of it, the Halstead By-pass scheme appears as an aspiration that is unlikely to be delivered within the Plan period as referred to at para 12 of the R19R. In the absence of certainty and/or funding for this strategic infrastructure, there would normally be an expectation that the Planning Authority can demonstrate that there is a reasonable prospect that the proposals can be developed within a timescale but none has been provided in the DLP or in its supporting evidence.
- 2.4 As set out in our R19R, we have suggested that the proposed By-pass corridor should be deleted from Inset Map 34 with reference at Policy LPP48 that it is a long term aspiration that may be delivered post 2033.
- Do the policies provide a clear direction as to how a decision maker should react to a development proposal?
- 2.5 Given the comments set out above, the uncertainty of the Halstead By-pass clearly results in some difficulties on how a decision maker should react to a development proposal. This is linked to our representations regarding Matter 3 LPP2 – Location of Employment – Extension to Bluebridge Industrial Estate.
- In relation to Policy LPP48 – New Road Infrastructure: Can the council identify how these roads were identified, what their current status is and how will funding for the projects be secured?
- 2.6 In the light of this question raised by the Inspectors, we reserve the right to comment further on publication of the requested information should this provide any greater clarity on the Halstead By-pass. That information, should it be received, may well have implications for Policy LPP2 – Location of Employment Land – Extension to Bluebridge Industrial Estate, Halstead which will require further consideration.

Appendix 1 – Draft Local Plan Representations – Land East of Bluebridge Industrial Estate, Halstead



## **Braintree District Council Draft Local Plan**

**Land East of Bluebridge Industrial Estate, Halstead**

**July 2017**

**Strutt & Parker LLP**

## Introduction

1. These representations are submitted by Strutt & Parker LLP, acting on behalf of Mr George Courtauld, who has actively promoted the allocation of land east of Bluebridge Industrial Estate, Halstead (site COLE 188) for employment use in the plan-making process. The site is outlined in red on the plan on the cover of these representations. These representations address Policies LPP 48 and LPP 2 of the Publication Draft Local Plan (PDLP), which affect our client's land interests.
2. Whilst we are of the view that the allocation of site COLE 188 for employment development is sound, there are elements of the PDLP which are unsound, and alterations are required to address these defects. This representation sets out the specific elements considered to be unsound and the reasons why, and setting out the changes needed to ensure the Local Plan is sound.

## Policies LPP 2 and the allocation of land east of Bluebridge Industrial Estate for employment development

3. The principle of a proposed allocation of the land east of Bluebridge Industrial Estate (site COLE 188) for employment use is considered to be sound.
4. Bluebridge Industrial Estate is an established employment area, and the identification of site COLE 188 to provide for additional employment is considered to be **consistent with national policy**, which places an emphasis on the need to support and encourage economic growth.
5. The allocation of site COLE 188 is considered to be **justified**, given its location immediately adjacent to the existing Industrial Estate, where the site will appear as a sustainable and logical extension to the existing and successful employment area. Site COLE 188 will be able to use the existing road infrastructure already in place at Bluebridge Industrial Estate to access the site. Indeed, the Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA), in assessing the site, identifies it as being within 400 metres of a bus stop and adjacent to the town of Halstead, which benefits from frequent services.
6. We note that within the Council's evidence base, the Employment Land Needs Assessment August 2015 prepared by AECOM, at page 65, states that employment uses at COLE 188 would be suitable, realising the benefits of the road infrastructure already in place and proximity to the strategic road network. Furthermore, at page 66, it is stated that *"... there are a number of well performing industrial areas, such as the Springwood, Witham and Bluebridge Industrial Estates, that are found in conventional fringe of town locations with good access to the strategic road network. Large and in functional use, there are few signs of contraction in these key locations, with vacancy generally observed to be very low. There is little evidence of the long-term underlying trend of a contraction in industrial uses, with greater demand for distribution and logistics provision at these sites"*. The Assessment therefore certainly lends support for additional employment land in this location. Indeed, the Assessment recognises that employment land is limited in Halstead town centre, with the majority of provision at Bluebridge Industrial Estate. The Assessment also recognises that limited amounts of employment opportunities tend to be scattered throughout the District.

7. Site COLE 188 represents a deliverable employment growth site, which does not require significant infrastructure improvements. It has the potential to deliver employment generating development in a highly sustainable location in the short to medium term, subject to the outcome of this Local Plan process and the response to these representations. Nevertheless, the current PDLP provides for a much reduced site area that has been promoted as part of the Plan process and assessed by the SA/SEA. As a result, we have concerns that the proposed allocation is neither **positively prepared, justified, effective** or **consistent with national policy**. The reasons for this are set out below.

#### **Policy LPP 48 and the provision of Halstead Bypass, and Policy LPP 2 and the restriction of the employment area**

8. Whilst we welcome the identification of site COLE 188, Policies LPP 48 and LPP 2, as currently set out in the PDLP, result in a number of significant issues that bring into question the achievability and deliverability of the site as **effective** employment land.

#### The proposed Halstead Bypass Corridor

9. It is the case that the proposed Halstead Bypass, whilst being a longstanding aspiration of the District Council, has no prospect of being delivered in the Plan period. The road scheme is not included in Essex County Council's capital programme for major road construction, and no design work is being undertaken. There is no commitment by Essex County Council to fund either the design or the construction of the scheme, and there is no formal safeguarded alignment in place for the road.
10. The proposed Halstead Bypass Corridor, as shown on Inset Map 34 of the Proposals Map is entirely aspirational and speculative. It is effectively blighting the land within and adjoining the proposed allocation. There is no basis upon which to confirm that the proposed road will ultimately be constructed within that corridor, and no basis to suggest that the road will be constructed during the Plan period. Indeed, Policy LPP 48 notes that the corridor "*will be subject to change*", illustrating the general uncertainty that exists on this project.
11. At no stage during the preparation of the PDLP has Braintree District Council sought to engage the landowner on the location of a possible future bypass, and therefore it is considered that the local planning authority **has not acted positively** in this respect.
12. In these circumstances, the proposed bypass corridor should be deleted from Inset Map 34 and Policy LPP 48 amended to state that the Halstead Bypass only has the status of being a long-term aspiration that may be delivered post 2033. The safeguarding of this land within the PDLP for the Bypass is not considered to be **justified**.

#### The impact of the Bypass Corridor on the employment land

13. The alignment of the proposed Halstead Bypass Corridor, notated as passing directly through our client's land to the east of Bluebridge Industrial Estate, is effectively now preventing the full extent of that land being brought forward for employment development.



14. Site COLE 188 was put forward to provide 11.39 hectares of employment land, as noted within the SA/SEA and the full extent of this land is available for employment development. However, as noted within Policy LPP 2, the site is now only allocated to provide 2 hectares. This is a significant reduction and one that prevents the site coming forward as **effective** employment land. Indeed, once the infrastructure has been put in place to service site COLE 188, the remaining space will not allow for any meaningful contribution towards increasing local employment (possibly one or two industrial units). This is not an **effective** use of the land, where there is clear potential for the wider land to make a significant contribution towards local employment development. This is contrary to national policy to provide economic development, and also to the District Council's own policies and strategies to boost economic growth. It is important that the Local Plan supports economic growth, rather than restricting it unreasonably through the aspirational allocation of land for a Bypass.
15. Within the Local Plan Sub-Committee Report, dated 15<sup>th</sup> February 2017, it is noted that Officers considered that the landscape impact of the northern area of the site on the wider landscape is greater and particularly along the northern boundary where development would be visible from distant views and the approach from Colne Engaine (structural landscaping is proposed along the northern edge of the Estate, which would help to reduce impact). The recommendation of Officers was to remove the northern and eastern extent of the site. Despite this, in assessing the site against SA objective 15 - to maintain and enhance the quality of landscapes and townscapes, the site is assessed as only having a moderate sensitivity to change, and not being located on visually important space. Furthermore, with the backdrop of the existing Industrial Estate, it is not comprehensible how the landscape can be regarded as being highly sensitive, especially when the majority of the land is now being suggested for safeguarding for the Halstead Bypass. The District Council has not produced sufficiently robust justification to demonstrate why the land area of this site should be so substantially reduced.
16. On the basis of the above, it is considered that in their current form, Policies LPP 48 and LPP 2 are **unjustified**, and are thus unsound. In order for the Plan to be considered sound, Policy LPP 48 should be amended as set out above to account for the fact that the Halstead Bypass will not be delivered during the Plan period, and that the corresponding notation on Inset Map 34 should be deleted. This will then allow site COLE 188 to be extended to provide 11.89 hectares of employment land, which will be delivered during the Plan period.

## Conclusion

17. The site adjacent to Bluebridge Industrial Estate, Halstead (COLE 188) presents an opportunity to make a significant contribution towards employment development within the District and Halstead town, adjacent to a well-established and successful Industrial Estate.
18. However, specific elements of Policies LPP 48 and LPP 2 are considered unsound, for the reasons set out in this representation. The aspects of these Policies that are unsound are:
  - **Unjustified** restriction on the amount of employment land to be allocated, thereby not allowing for the **effective** use of the land; and
  - **Unjustified** requirement for the delivery of Halstead Bypass to north/east of site COLE 188.

- The Plan has not been **positively prepared** and is not **consistent with national policy** in respect of these matters, in that the proposed Halstead Bypass is an aspirational road scheme. It appears to have no prospect of being delivered during the Plan period. As identified in the Plan, it prevents the development of suitable and available land for employment purposes.

### Changes

19. In order to be considered sound, the suggested changes to the PLDP are:

- **To allocate 11.89 hectares of land, as outlined in red on the plan on the cover of these representations, for employment development within Policy LPP 2; and**
- **To delete the Halstead Bypass Corridor on Inset Map 34 and amend Policy LLP 48 to state that this road scheme is a long-term aspiration; it is not part of Essex County Council's capital programme for road schemes; and that it will not be delivered during the Plan period.**

20. We consider that these matters are of significant importance to the future planning of our client's landholding, provision for employment in the District and the wider Halstead area. We request that these matters be identified as a matter for consideration at the forthcoming Examination Hearings. We further request that we be invited to attend the relevant Hearing Session on this matter, in order to present evidence in support of this representation.