

2 Presumption in Favour of Sustainable Development

Presumption in Favour of Sustainable Development

- 2.1** The authorities will apply a presumption in favour of sustainable development in accordance with guidance in the National Planning Policy Framework.

Policy SP 1

Presumption in Favour of Sustainable Development

When considering development proposals the Local Planning Authorities will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. They will always work pro-actively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Development that complies with the Plan will be approved without delay, unless material considerations indicate otherwise.

- 2.2** A Habitats Regulations Assessment (HRA) was completed for Section 1 of the Plan. The loss of off-site habitat, water quality and increased recreational disturbance were identified as issues with the potential to result in likely significant effects on European Sites, without mitigation to address the effects.
- 2.3** The Appropriate Assessment (AA) identified a number of avoidance and mitigation measures to be implemented, to ensure that development proposals in the Plan will not result in adverse effects on the integrity of any Special Area of Conservation, Special Protection Area or Ramsar site, and are HRA compliant.
- 2.4** To mitigate for the loss of off-site habitat, the AA identified the need for wintering bird surveys for the Tendring/Colchester Borders Garden Community as part of any project level development proposals and masterplanning (see also paragraph 8.3 and Policy SP8 paragraph F.20).
- 2.5** To protect water quality, the AA recommended the inclusion of policy safeguards to ensure that adequate water and waste water treatment capacity or infrastructure upgrades are in place prior to development proceeding.
- 2.6** Recreation activities can potentially harm Habitats Sites. The AA identified disturbance of water birds from people and dogs, and impacts from water sports/watercraft as the key recreational threats to Habitats Sites.

- 2.7** To mitigate for any increases in recreational disturbance at Habitats Sites, the AA identified the need for a mitigation strategy. Natural England's West Anglian Team identified the Essex coast as a priority for a strategic and proactive planning approach as it is rich and diverse ecologically, and many of the coastal habitats are designated as Habitats Sites. Consequently, 12 local planning authorities in Essex have prepared an Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).
- 2.8** The Essex Coast RAMS sets out specific avoidance and mitigation measures by which disturbance from increased recreation can be avoided and mitigated thus enabling the delivery of growth without adversely affecting Habitats sites. These measures are deliverable, realistic, underpinned by robust up to date evidence, precautionary and provide certainty for developers around deliverability and contributions. The Essex Coast RAMS Strategy Document was completed in 2019 and is supported by a SPD.

Policy SP 2

Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

Contributions will be secured from development towards mitigation measures in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy 2018-2038 (RAMS).

Policy SP 3

Spatial Strategy for North Essex

Existing settlements will be the principal focus for additional growth across the North Essex Authorities area within the Local Plan period. Development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area.

Future growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting. Re-use of previously developed land within settlements is an important objective, although this will be assessed within the broader context of sustainable development principles, particularly to ensure that development locations are accessible by a choice of means of travel.

In Section 2 of its Local Plan each local planning authority will identify a hierarchy of settlements where new development will be accommodated according to the role of the settlement, sustainability, its physical capacity and local needs.

Beyond the main settlements the authorities will support diversification of the rural economy and conservation and enhancement of the natural environment.

As part of the sustainable strategy for growth, the Tendring / Colchester Borders Garden Community will be developed and delivered at the broad location shown on Key Diagram 10.2 and on the Colchester and Tendring Local Plans Policies Maps. This new community will provide a strategic location for homes and employment within the Plan period in North Essex. The expectation is that substantial additional housing and employment development will be delivered in the Garden Community beyond the current Local Plan period.

Policy SP 4

Meeting Housing Needs

The local planning authorities will identify sufficient deliverable sites, developable sites and/or broad locations for their respective plan period, to meet the housing requirements in the table below, and will incorporate additional provision to ensure flexibility and choice and competition for land.

Each authority will maintain a sufficient supply of deliverable sites to provide for at least five years' worth of housing, plus an appropriate buffer in accordance with national policy, and will work proactively with applicants to bring forward sites that accord with the overall spatial strategy and relevant policies in the plan. The annual housing requirement figures set out below will be used as the basis for assessing each authority's five-year housing land supply, subject to any adjustments in Section 2 of each plan to address any undersupply since 2013.

The authorities will review their housing requirements regularly in accordance with national policy requirements, and in doing so will have regard to the housing needs of the wider area.

Local Authority	Housing requirement per annum	Total minimum housing requirement for the plan period (2013 – 2033)
Braintree	716	14,320
Colchester	920	18,400
Tendring	550	11,000
Total	2,186	43,720

Policy SP 5

Employment

A strong, sustainable and diverse economy will be promoted across North Essex with the local planning authorities pursuing a flexible approach to economic sectors showing growth potential across the Plan period.

In order to meet the requirements for office, research & development, industrial, storage and distribution uses and to maintain appropriate flexibility in provision to meet the needs of different sectors, Section 2 of each plan will allocate employment land to ensure that provision is made within the ranges set out in the table below.

Hectares of employment land required for office, research & development, industrial, storage and distribution uses:

	Baseline	Higher Growth Scenario
Braintree	20.9	43.3
Colchester	22.0	30
Tendring	12.0	20.0
North Essex	54.9	93.3

Policy SP 6

Infrastructure & Connectivity

All development must be supported by the provision of the infrastructure, services and facilities that are identified to serve the needs arising from the development.

The requirements in section A of this policy apply only to the Tendring / Colchester Borders Garden Community, whilst the remaining sections B, C, D and E apply to all allocations and development proposals in the North Essex Authorities area.

A. Tendring / Colchester Borders Garden Community

1. The Development Plan Document (DPD) for the Tendring / Colchester Borders Garden Community will include:

- a) An infrastructure delivery strategy and phasing plan that sets out how infrastructure, services and facilities will be provided. Infrastructure delivery will align with each development phase and be supported by suitable mechanisms to deliver the infrastructure both on and off-site;
- b) Details of the design and delivery of Route 1 of the rapid transit system, and a programme for the integration of the garden community into the system. The route will be designed to accommodate future route enhancements and technology improvements; and
- c) Target modal shares for each transport mode and details of sustainable transport measures to support their achievement.

2. Before any planning approval is granted for development forming part of the Tendring / Colchester Borders Garden Community, the following strategic transport infrastructure must have secured planning consent and funding approval:

- a) A120-A133 link road: and
- b) Route 1 of the rapid transit system as defined in the North Essex Rapid Transit System: From Vision to Plan document (July 2019).

3. Sustainable transport measures will be provided from first occupation at the Tendring / Colchester Borders Garden Community to support the achievement of the target modal shares as defined in the DPD for the garden community.

4. Other strategic infrastructure requirements for the Tendring / Colchester Borders Garden Community are set out in sections D, E and F of Policy SP9, and will be further defined in the DPD for the garden community.

Policy SP 7

Place Shaping Principles

All new development must meet high standards of urban and architectural design. Development frameworks, masterplans, design codes, and other design guidance documents will be prepared in consultation with stakeholders where they are needed to support this objective.

All new development should reflect the following place shaping principles, where applicable:

- Respond positively to local character and context to preserve and enhance the quality of existing places and their environs;
- Provide buildings that exhibit individual architectural quality within well-considered public and private realms;
- Protect and enhance assets of historical or natural value;
- Incorporate biodiversity creation and enhancement measures;
- Create well-connected places that prioritise the needs of pedestrians, cyclists and public transport services above use of the private car;
- Provide a mix of land uses, services and densities with well-defined public and private spaces to create sustainable well-designed neighbourhoods;
- Enhance the public realm through additional landscaping, street furniture and other distinctive features that help to create a sense of place;
- Provide streets and spaces that are overlooked and active and promote inclusive access;
- Include parking facilities that are well integrated as part of the overall design and are adaptable if levels of private car ownership fall;
- Provide an integrated and connected network of biodiverse public open space and green and blue infrastructure, thereby helping to alleviate recreational pressure on designated sites;
- Include measures to promote environmental sustainability including addressing energy and water efficiency, and provision of appropriate water and wastewater and flood mitigation measures including the use of open space to provide flora and fauna rich sustainable drainage solutions; and
- Protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.

3.14 Development within a development boundary is generally considered sustainable and acceptable in principle subject to the detailed assessment of issues such as design, amenity, highways and impact on historic assets. The approach that the Council will take in assessing these matters is set out in policies within this Plan.

3.15 Outside of the development boundaries, it is considered that new development would not normally be able to meet the 2012 NPPF core planning principles and that the test of sustainable development would be unable to be met. Areas outside of a development boundary are considered 'Countryside'.

Policy LPP 1

Development Boundaries

Within development boundaries, development will be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material adverse detriment to the existing character and historic interest of the settlement.

Development outside development boundaries will be confined to uses appropriate to the countryside whilst also protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils to protect the intrinsic character and beauty of the countryside.

Policy LPP 9

Retailing and Regeneration

To ensure the long-term vitality and viability of the District's Town, District and Local Centres, the Town Centres of Braintree, Halstead and Witham will be the primary location for main town centre uses such as retail, office, leisure and entertainment in the District.

Proposals that positively contribute towards creating attractive, vibrant and safe centres offering a diverse mix of uses, including those uses which offer wider community benefit, and that promote and improve choice, will be supported. In the main towns proposals which support the diversification of the evening economy, will be supported subject to amenity impact on residents and the surrounding area.

Convenience (Food) retailing across the District is expected to grow, with evidence suggesting that across the District 2,927sq.m (gross) of new floorspace will be required. For comparison goods (Non-food retailing) 10,315sqm (gross) will be required and for food and beverage provision 4,506sqm (gross) is needed.

The improvement and regeneration of the town centres will be promoted and the regeneration of the following locations is proposed to meet the identified need for additional retailing, community facilities and services and other main town centre uses:

- Land at Manor Street/Victoria Street, Braintree
- Land at Sainsbury, Braintree
- Land at Tesco, New Street, Braintree
- Land at Newlands Street, Witham.

Proposals for main town centre uses will be permitted when a sequential test, and if required an Impact Assessment, demonstrates that there are no sequentially preferable sites which could accommodate the development.

Impact Assessments will be required for main town centre use proposals for sites that are not within a Town, District, or Local Centre, which are in excess of the following floor space thresholds:

- 2,500 sqm (Gross) - Braintree Town Centre
- 1,500 sqm (Gross) - Halstead and Witham Town Centres
- 1,000 sqm (Gross) - Great Notley District Centre
- 500 sqm (Gross) - Local Centres
- 400 sqm (Gross) - Sudbury.

The scale of development will need to be consistent with the following hierarchy, with larger scale development focused on the town centres:

- Town Centres – Braintree, Witham and Halstead town centres
- District Centre – Great Notley Neighbourhood Centre
- Local Centres – Coggeshall, Earls Colne, Hatfield Peverel, Kelvedon and Sible Hedingham, with local centres proposed as part of Strategic Growth Locations and at Maltings Lane, Witham.

Local Centres will be protected from inappropriate development and enhanced to provide small-scale shops, services and community facilities for local residents.

Policy LPP 16

Housing Provision and Delivery

The Council will plan, monitor and facilitate the delivery of a minimum of 14,320 new homes between 2013 and 2033. These homes will be located primarily in the Main Towns and Key Service Villages and on the following strategic growth locations.

Strategic Growth Locations	Number of Homes (within the Plan period)
East of Great Notley (in Black Notley Parish)	1,750
Land East of Broad Road, Braintree	1,000
Former Towerlands Park site, Braintree	575
Land at Feering	795
Wood End Farm, Witham	400
North West Braintree - Panfield Lane	825

Sites suitable for more than 10 homes are allocated on the Proposals Map and are set out in Appendix 3.

4.55 All sites suitable for delivering ten or more homes are allocated for development on the Proposals Map. These are primarily located in accordance with the spatial strategy in the Main Towns and Key Service Villages. Opportunities for development of less than 10 homes within development boundaries, rural exception sites, prior approvals and windfall sites are not specifically allocated on the Proposals Maps.

4.56 Appendix 1 to the Local Plan includes a full housing trajectory. This includes all the sites which currently have planning permission and sites of 10 or more which are allocated for future development, as well as an allowance for windfall rate. The phasing of the developments set out in LPP16 can be found in this trajectory.

4.57 Each of the strategic growth locations has a policy to accompany it which sets out the expectations for the delivery of the site and these are set out on the following pages.

Former Towerlands Park Site

4.61 The former Towerlands golf, equestrian and conference centre closed a number of years ago and has remained vacant since that time. The site is therefore part previously developed. The site would benefit from working with the developer of the neighbouring North West Braintree Growth Location to ensure a comprehensive redevelopment for this part of Braintree.

Policy LPP 19

Strategic Growth Location - Former Towerlands Park Site

A Strategic Growth Location has been identified at Towerlands Park and is shown on the Proposals Map. Development will be expected to provide:

- Up to 575 new homes of a mixed size and type appropriate to the area
- Affordable housing as per the Council's policy requirements
- Primary school or contributions towards new primary school provision in the locality
- A new 56 place stand-alone early years and childcare nursery on 0.13 hectares of suitable land allocated for education and childcare use
- All access points will have to be agreed to the satisfaction of Essex County Council, as Highway Authority
- Community facilities, including contributions to or provision of infrastructure for new NHS facilities
- Local retail facilities
- Public open space in accordance with the Open Space Study, Formal recreation in accordance with the Playing Pitch Strategy and informal recreation including landscaping to the rural edge.

The main access to the site will be from Deanery Hill/Panfield Lane. An additional vehicle access will be sought from the Growth Location to the south at North West Braintree. All access points will have to be agreed to the satisfaction of Essex County Council Highways.

The delivery of each facility shall coincide with the completion of different phases of development to ensure that local services are in place when they are needed.

Policy LPP 31

Affordable Housing

Affordable housing will be directly provided by the developer within housing schemes at the targets set out below.

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

A requirement of 40% of the total dwellings sites in all other areas.

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

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

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

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

If the affordable housing targets set out in the policy cannot be met then the applicant must provide a viability appraisal which will be independently verified and the affordable housing contribution will be set at the maximum viable level.

Policy LPP 35

Housing Mix, Density and Accessibility

Development shall create sustainable, inclusive and mixed communities through providing a mix of house types and size at an appropriate density for the area, which reflects local need.

The density and massing of residential development will be related to all the following criteria:

- a. The character of the site and its immediate surroundings, as well as the wider locality
- b. The adequacy of the access and the local road system to accommodate the traffic likely to be generated
- c. The existing vegetation, including trees on the site and the necessity for further landscaping
- d. On-site amenity space to be provided in accordance with the adopted guidance
- e. An appropriate standard of residential accommodation is provided for the occupants.

Housing mix should be in line with the identified local need as set out in the 2015 SHMA update (or its successor), unless material considerations indicate otherwise.

All new development should be in accordance with the national technical housing standards.

A minimum of 10% of new market homes on sites of 10 or more dwellings must meet Category M4(2) or Category M4(3)(2)(a)/(b) – Wheelchair Accessible dwellings of Building Regulations 2015, or as superseded, as appropriate.

All new affordable homes on ground floor level must meet Category M4(2) or M4(3). For developments within or adjacent to the Main Towns and Key Service Villages, 5% of all new affordable homes will be required to meet Category M4(3)(2)(a)/(b) – Wheelchair Accessible dwellings - of Building Regulations 2015, or as superseded, as appropriate.

On sites of 500 dwellings or more, serviced plots equating to 2% of overall homes will be required to be made available for self or custom builders.

4.139 Public transport networks in the town are adequate during the day and weekdays but during the evening and in rural areas the availability of public transport can be limited. With an aging population in the District, we need to ensure that public transport is accessible and available to all, providing access to key facilities. Fragmented cycleway networks are also available in Witham and Braintree.

4.140 The Essex Cycling Strategy recommended that Cycling Actions Plans are prepared for each district. These will consider the current level of cycle demand, how cycling levels can be increased; cycle safety issues; gaps in the existing cycle provision, particularly relating to key routes; how any gaps can be closed through enhancements, better connectivity to recreation, key employment areas, development zones and schools; and ways of marketing existing and proposed routes. The ECC Sustainable Modes of Travel Strategy provides further detail on requirements relating to the preparation of a number of types of Travel Plans for businesses, schools and developers.

4.141 The internal design of new developments should prioritise walking and cycling, as well as public transport, over private vehicle movements, to ensure that they encourage shorter internal journeys to take place by these modes. New developments will also be expected to connect safely and directly to the existing external footpath and cycle way routes in the local area, and contributions will be sought as appropriate to improve connections from new developments to the main commuter, community and retail centres or recreational links. Public rights of way which are impacted upon by new development may require protection or enhancement to accommodate new users.

4.142 Cycle parking will also be expected to be provided at homes and also at destination points such as work places, train stations and the town centre. The amount of cycle parking required is set out in the Essex Vehicle Parking Standards, as adopted. This document also includes guidance on layout and positioning of the parking.

Policy LPP 42

Sustainable Transport

Sustainable modes of transport should be facilitated through new developments to promote accessibility and integration into the wider community and existing networks.

Priority should be given to cycle and pedestrian movements and access to public transport.

Development proposals should provide appropriate provision for all the following transport modes:

- Pedestrians (including disabled persons and those with impaired mobility), through safe, accessible, direct and convenient design and layout of routes within the new development and wider pedestrian network. Safeguarding existing Public Rights of Way and promoting enhancements to the network, where appropriate, to offer multi-user routes for walking, cycling and other recreational opportunities such as horse riding
- Cyclists, through safe design and layout of routes integrated into the new development and contributing towards the development and enhancement of the cycle network and provision of secure cycle parking and where appropriate, changing and shower facilities

- Public transport, through measures that will improve and support public transport and provide new public transport routes
- Community transport, through measures that will promote car pools, car sharing and voluntary community buses, community services and cycle schemes
- Servicing, refuse and emergency vehicles where viable and practical
- Facilities for charging plug-in and other ultra-low emission vehicles will be provided at all new residential properties.

Development will be required to be consistent with and contribute to the implementation of the 'Essex Transport Strategy' Local Transport Plan for Essex or its successors.

Developers may be required to produce Travel Plans, Transport Assessments and Statements as considered appropriate by the Local Planning Authority. The Essex County Council Transportation Development Management Policies provide further detail on requirements relating to accessibility and access including Transport Assessment and Statement thresholds for each land use category.

Highway works (S.278) and/or financial contributions (S.106) from development proposals will be sought, where appropriate and viable, towards achieving the above objectives including the construction of new or improvements to the existing PROW network and/or off-site cycleway and footpaths, and additional off-site public car parking, if required.

Development which would adversely affect the character of, or result in loss of existing or proposed rights of way, will not be permitted unless alternative provision or diversions can be arranged which are at least as attractive, safe and convenient for public use. This will apply to rights of way for pedestrian, cyclist or horse rider use.

Improvements to such rights will be sought in association with new development to enable new or improved links to be created within the settlement, between settlements and/or providing access to the countryside or green infrastructure sites.

Policy LPP 43

Parking Provision

Development will be required to provide vehicular and cycle parking in accordance with the Essex Vehicle Parking Standards.

Existing car parks serving the main town centres, retail, leisure facilities and train stations, are allocated on the Proposals Map and set out below, and will be protected for this use:

- a. Station Car Park, Braintree
- b. Station Approach, Braintree
- c. Braintree Village South
- d. Braintree Retail Park
- e. Braintree Village North & West
- f. Station Car Park, Bures
- g. Station Forecourt, Hatfield Peverel
- h. Station Car Park, Hatfield Peverel
- i. Station Car Park, Kelvedon
- j. Rear of Village Hall, Little Yeldham
- k. Albert Road, Witham
- l. Station Car Park, Witham
- m. Station Car Park Extension, Witham.

Proposals for alternative uses of the above sites will only be acceptable where it can be shown to the satisfaction of the Local Planning Authority that these car parking spaces are being re-provided in an equal or better position to serve that main use.

Policy LPP 46

Broadband

The Council will work with the telecommunications and broadband industry to maximise access to broadband, wireless hotspots and improved mobile signal for all residents and businesses, assisting them in delivering their investment plans and securing funding to address any infrastructure deficiencies or barriers.

All new residential and commercial developments must be served by a fast and reliable broadband connection to the premises. Connection should include the installation of appropriate cabling within the homes or business units, as well as a fully enabled connection of the developed areas to the full main telecommunications network, to provide capability for the fastest available broadband access.

In exceptional circumstances applicants may be able to demonstrate, through consultation with broadband infrastructure providers, that fast broadband would not be practical or economically viable. In these cases an equivalent developer contribution towards off-site works, or contributions to other Next Generation Access complaint solutions, and suitable ducting to all premises that can be accessed by broadband providers in the future, will be sought, which could enable greater access in the future.

An Inclusive Environment

5.2 Inclusive environments are about designing places for the diverse needs of all users, including families, disabled people and older people.

5.3 Paragraph 57 of the 2012 NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. The NPPG adds that public spaces and routes should be attractive, accessible, safe and uncluttered for all users.

5.4 Under the Equality Act 2010, the Council has a statutory duty to promote the interests of access for disabled people. As design can have potential to include or exclude from the outset, applicants should demonstrate in their design and access statements how they will ensure inclusive and accessible environments. All users should be able to access retail, services and employment and live dignified and independent lives.

5.5 Standard accessible toilets meet the needs of some disabled people but not all. Being mindful of the Council's responsibility under the Equality Act, developments such as major leisure facilities, shopping centres, transport hubs, and other large buildings where the public have access, are encouraged to provide a Changing Places toilet in addition to a standard accessible toilet.

5.6 Part M of the Building Regulations and BS 8300 provides a minimum standard for inclusive design. The Council expects these to be considered at the beginning of the design process. Where conflict between inclusive design and conservation exists, the Council will work positively with the developer to arrive at an acceptable solution.

Policy LPP 48

An Inclusive Environment

Developments shall achieve a high standard of accessible and inclusive design to ensure that they:

- Can be used safely, easily and with dignity by all
- Are convenient and welcoming with no disabling barriers, so everyone can use them independently without undue effort, separation or special treatment
- Are flexible and responsive taking account of the needs of different users
- Are maintained and managed to ensure they remain inclusive.

Policy LPP 50

Provision for Open Space, Sport and Recreation

All developments will be expected to provide new open spaces in line with the requirements set out in the Open Spaces Supplementary Planning Document 2009 or successor document.

Where the Council has identified, in an up-to-date and robust evidence base and strategy, a surplus in one type of open space or sports and recreational facility but a deficit or qualitative issues in another type, planning conditions or obligations may be used to secure part of the development site for the type of open space or sports and recreational facility that is in deficit or needs quality improvements to increase capacity. The Council will also consider where development may also provide the opportunity to exchange the use of one site for another to substitute for any loss of open space, or sports or recreational facility. Such replacement provision should be equivalent or better in terms of quality and quantity and be in a suitable location.

For small sites where on-site provision is impractical, consideration will be given to opportunities for off-site provision or improvements within the ward or an adjacent ward.

Open space, sports and recreational land and buildings that are identified as needed in the Council's Open Space Study and/or are of particular value to a local community, will be protected by the Council. Areas of particular quality may include:

- Small areas of open space in urban areas that provide an important local amenity and offer recreational and play opportunities
- Areas of open space that provide a community resource and can be used for informal or formal events such as community, religious and cultural festivals
- Areas of open space that particularly benefit wildlife and biodiversity
- Areas identified as visually important on the Proposals Map
- Play areas, and sport and recreation grounds and associated facilities.

Existing open space, sports and recreational buildings shall not be built on unless a robust and up to date assessment has been undertaken which has clearly demonstrated that they are surplus to requirements or the proposed development is otherwise compliant with this policy as a whole. For open space, 'surplus to requirements' should include consideration of all the functions that open space can perform. Not all open space, sport and recreational land and buildings are of equal merit and some may be available for alternative uses. Developers will need to consult the local community and demonstrate that any proposals are widely supported by them.

In considering planning applications which could impact on open space, the Council shall weigh any benefits being offered to the community against the loss of open space that will occur. The Council will seek to ensure that all proposed development takes account of, and is sensitive to, the local context. In this regard, the Council shall consider applications with the intention of:

- Avoiding any erosion of recreational function and maintaining or enhancing the character of open spaces
- Ensuring that open spaces do not suffer from increased overlooking, traffic flows or other encroachment
- Protecting and enhancing those parts of the rights of way network that may benefit open space and access to the wider countryside
- Mitigating the impact of any development on biodiversity and nature conservation.

5.32 Noise category C and D in the policy below, refers to noise situations such as development adjacent to trunk roads or railway lines, and is noise level which would not permit the opening of windows.

Policy LPP 52

Layout and Design of Development

The Council will seek a high standard of layout and design in all developments in the District and encourage innovative design where appropriate. Planning permission will be granted where the relevant following criteria are met:

- a. The scale, layout, height and massing of buildings and overall elevation design should reflect or enhance the area's local distinctiveness and shall be in harmony with the character and appearance of the surrounding area; including their form, scale and impact on the skyline and the building line
- b. Buildings and structures should be of high architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm and comprise details and materials that complement, but not necessarily replicate, the local architectural character
- c. There shall be no unacceptable impact on the amenity of any nearby properties including on privacy, overshadowing, loss of light and overbearing impact
- d. The public realm including buildings, open areas, circulation spaces, and other townscape and landscape features shall be of a high standard of design and materials and they shall be consistent with affordable long term maintenance which is appropriate to the character and historic value of the area
- e. Designs shall be sensitive to the need to conserve and enhance local features of architectural, historic and landscape importance, particularly within Conservation Areas and in proximity to heritage assets
- f. Development proposals will incorporate measures for environmental sustainability throughout the construction, occupation and demolition of the development; in relation to energy conservation, water efficiency, waste separation (internal and external), climate change, flood resilience and resistant construction and the use of materials with low overall energy requirements
- g. Designs shall incorporate details of waste storage and collection arrangements, including provision for recycling, within the site to ensure that the impact on amenity and character are considered and recycling is optimised

- h. Designs and layouts shall promote a safe and secure environment, crime reduction and prevention, and shall encourage the related objective of enhancing personal safety with the maximum amount of natural surveillance of roads, paths and all other open areas and all open spaces incorporated into schemes
- i. Landscape proposals should consist of native plant species and their design shall promote and enhance local biodiversity and historic environmental assets. Biodiversity net gain in line with the requirements of national policy through the provision of new priority habitat where appropriate is encouraged. Development layouts must be appropriately designed to accommodate structural tree and hedge planting and ensure that future interference with highway safety, roads, pavements, services and properties is minimised
- j. The design and level of any lighting proposals will need to be in context with the local area, comply with national policy and avoid or minimise glare, spill and light pollution on local amenity, intrinsically dark landscapes and nature conservation
- k. Use of sustainable modes of transport are promoted in the design and layout of new development. The highway impact shall be assessed and the resultant traffic generation and its management shall seek to address safety concerns. Developments which will result in a severe impact upon the highway network (taking into account cumulative impacts) will be refused unless they can be effectively mitigated
- l. Proposals for the long-term maintenance of public areas and landscaping are included
- m. The development proposed should not have a detrimental impact on the safety of highways or any other public right of way, and its users
- n. Developments shall be legible and accessible to all and create or contribute to a coherent sense of place that is well articulated and visually interesting and welcoming
- o. Developments shall be permeable and well-connected to walking and cycling networks, open spaces and facilities
- p. Residential developments shall provide a high standard of accommodation and amenity for all prospective occupants
- q. Developments should avoid single aspect dwellings that are: North facing; exposed to noise categories C or D; or contain three or more bedrooms. Where single aspect dwellings are proposed, the designer should demonstrate how good levels of ventilation, daylight and privacy will be provided to each habitable room
- r. The provision of private outdoor amenity space shall be provided having regard to the standards set out in the Essex Design Guide, or it's successor, and shall be accessible, usable and well-related to the development
- s. Development proposals should demonstrate that adequate foul water treatment and disposal already exists or can be provided in time to serve the development.

Sites of Archaeological Importance

5.45 A Historic Environment Characterisation Report (HECR) has been produced for the Braintree District which outlines the sensitivity, diversity and value of the historic environment within the District. It provides a comprehensive account of the character of the District's historic environment and the heritage assets that contribute towards that character. The Historic Environment Record contains 6,622 records relating to the historic environment in the Braintree District. The majority of archaeological sites are not designated; however, it is recognised that many are of a similar significance to designated assets.

5.46 Where a site on which development is proposed includes, or has the potential to include, heritage assets of archaeological interest, the applicant should describe the significance of any heritage assets affected. As a minimum, the Historic Environment Record should have been consulted and an appropriate assessment produced.

5.47 Although it may not always be feasible to retain archaeological remains where they are found there will be presumption in favour of retaining such remains wherever possible. Proposals will be encouraged which incorporate any archaeological or historic features that are discovered within the development.

Policy LPP 59

Archaeological Evaluation, Excavation and Recording

Where important archaeological remains are thought to be at risk from development, or if the development could impact on a Scheduled Monument or Registered Park and Garden, the developer will be required to arrange for an archaeological evaluation of the site to be undertaken and submitted as part of the planning application. The Essex Historic Environment Record should be the primary source for assessment for archaeological potential. The evaluation will assess the character, significance and extent of the archaeological remains and will allow an informed decision to be made on the planning application. Such assessments should be proportionate to the importance of the site and a programme of archaeological investigation may be necessary for sites likely to contain significant archaeology.

Planning permission will not be granted if the remains identified are of sufficient importance to be preserved in situ and cannot be so preserved in the context of the development proposed, taking account of the necessary construction techniques to be used.

Where archaeological potential is identified but there is no overriding case for any remains to be preserved in situ, development which would destroy or disturb potential remains will be permitted, subject to conditions ensuring an appropriate programme of archaeological investigation, recording, reporting and archiving, prior to development commencing. There will be a requirement to make the result of these investigations publicly accessible.

6.7 The concept of Green Infrastructure encourages connecting such spaces and seeking opportunities to increase their function and connectivity to the benefit of the community and natural world. While connectivity is to be encouraged, there will be instances where it will not be appropriate e.g. public access to fragile priority habitats or sensitive wildlife sites.

6.8 Green Infrastructure, including open spaces and sports provision contributes to the quality of life and health of its residents. Green space and functioning ecosystems help in human and biodiversity's adaptation to the extremes of climate change. These areas counterbalance the heat island effect of built-up areas and particularly, where there is tree planting, can provide opportunities for people to keep cool in hot weather.

6.9 Green Infrastructure will be provided through application of a range of policies in the Local Plan including those covering climate change, development design, and application of the Open Space and Trees Strategies.

Policy LPP 63

Natural Environment and Green Infrastructure

Development proposals must take available measures to ensure the protection and enhancement of the natural environment, habitats, biodiversity and geodiversity of the District and to be acceptable, also taking climate change and water scarcity into account in their design. This will include protection from pollution. Proposals inside the District which are likely to adversely affect, either individually or cumulatively, International or Nationally designated nature conservation sites within and outside the District will not normally be acceptable.

The Council will expect all development proposals, where appropriate, to contribute towards the delivery of new Green Infrastructure which develops and enhances a network of multi-functional spaces and natural features throughout the District. This will be proportionate to the scale of the proposed development and the rural or urban context. The Council will support and encourage development which contributes to the District's existing Green Infrastructure and where possible, enhances and protects networks and adds to their functions. It will secure additional provision where deficiencies have been identified. Open space and green infrastructure may in some instances be required to provide alternatives to European sites and that such sites should be designed and managed appropriately to maximise their potential effectiveness in this role. Proposals which undermine these principles will not be acceptable.

Policy LPP 64

Protected Sites

International Designations

Sites designated for their international importance to nature conservation; including Ramsar sites, Special Protection Areas (SPA), Special Areas of Conservation (SAC), should be protected from development likely to have an adverse effect on their integrity whether they are inside or outside the District.

Proposals which are considered to have a likely significant effect on these sites will require an Appropriate Assessment (AA) in line with European and domestic legislation. Developers should provide information sufficient to inform this assessment. Planning permission will only be granted if, in light of the AA, it can be ascertained that the development would not adversely affect the integrity of these sites or, if there are no alternative solutions, imperative reasons of overriding public interest can be demonstrated.

In accordance with the Habitats Regulations, development proposals should follow the avoid-mitigate-compensate hierarchy. Where this cannot be achieved, development proposals will not be permitted.

Residential developments must contribute to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy 2018-2038 (RAMS) where they fall within the Zones of Influence of international designations as defined in the RAMS, in accordance with SP2.

Nationally Designated sites

Sites designated for their national importance to nature conservation; including Sites of Special Scientific Interest (SSSIs) should also be protected from development which is likely to adversely affect the features for which they are designated. Where necessary, developers should therefore ensure that sufficient assessment of potential impacts to SSSIs is also submitted with any planning application.

Locally Designated sites

Proposals likely to have an adverse effect on a Local Wildlife Site (LWS), Local Nature Reserve (LNR) and Special Roadside Verge will not be permitted unless the benefits of the development clearly outweigh the harm to the nature conservation value of the site. If such benefits exist, the developer will be required to demonstrate that impacts will be avoided, and impacts that cannot be avoided will be mitigated on-site.

Protected Species, Priority Species and Priority Habitat

Proposals that result in a net gain in priority habitat will be supported in principle, subject to other policies in this plan. Where priority habitats are likely to be adversely impacted by the proposal, the developer must demonstrate that adverse impacts will be avoided, and impacts that cannot be avoided are mitigated on-site. Where residual impacts remain, off-site compensation will be required so that there is no net loss in quantity and quality of priority habitat in Braintree District.

Where there is a confirmed presence or reasonable likelihood of protected species or priority species being present on or immediately adjacent to a development site, the developer will be required to undertake an ecological survey and will be required to demonstrate that an adequate mitigation plan is in place to ensure no harm to protected species and no net loss of priority species.

Proposals resulting in the loss, deterioration or fragmentation of irreplaceable habitats such as ancient woodland or veteran trees will not normally be acceptable unless the need for, and benefits of the development in that location clearly outweigh the loss.

All development proposals

In all cases a precautionary approach will be taken where insufficient information is provided about avoidance, management, mitigation and compensation measures. Management, mitigation and compensation measures will be secured through planning conditions/obligations where necessary.

Policy LPP 65

Tree Protection

The Council will consider the protection of established healthy trees which offer significant amenity value to the locality by:

- Assessing the value and contribution made by trees to the Conservation Areas in which they are located when determining S211 notifications for works to trees, including their removal
- Serving Tree Preservation Orders in response to an objection to such a notification or in other circumstances as detailed below.

Prominent trees which contribute to the character of the local landscape and are considered to have reasonable life expectancy will be protected by tree preservation orders particularly if they are considered to be under threat from removal.

Trees which make a significant positive contribution to the character and appearance of their surroundings will be retained unless there is a good arboricultural reason for their removal for example they are considered to be dangerous or in poor condition. Similarly alterations to trees such as pruning or crown lifting should not harm the tree or disfigure it; any tree surgery should be carried out to reflect BS3998:2010 (as superseded).

When considering the impact of development on good quality trees the Council will expect developers to reflect the best practice guidance set out in BS5837:2012 (as amended). The standard recommends that trees of higher quality are a material consideration in the development process.

Where trees are to be retained on new development sites there must be a suitable distance provided between the established tree and any new development to allow for its continued wellbeing and ensure it is less vulnerable to pressures from adjacent properties for its removal. Planning conditions will be applied to protect trees during development. New landscape proposals for tree planting on development sites should reflect the recommendations set out in BS5837:2012 (as amended) and BS8545:2014 (as superseded).

In considering works to trees, new planting and the trees in new development schemes the Council will expect proposals to be in general conformity to and contribute to the aims of Braintree District's Tree Strategy.

Policy LPP 67

Landscape Character and Features

In its decision-making on applications, the Local Planning Authority will take into account the different roles and character of the various landscape areas in the District, and recognise the intrinsic character and beauty of the countryside, in order to ensure that any development permitted is suitable for the local context. In doing so regard must be given to the hierarchy of designations as expressed in NPPF 2012 paragraph 113.

At a landscape scale, Braintree is located primarily in the South Suffolk and North Essex Clayland National Character Area and this character assessment is relevant in considering applications for development.

Proposals for new development should be informed by, and be sympathetic to, the character of the landscape as identified in the District Council's Landscape Character Assessments. Proposals which may impact on the landscape such as settlement edge, countryside or large schemes will be required to include an assessment of their impact on the landscape and should not be detrimental to the distinctive landscape features of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Development which would not successfully integrate into the local landscape will not be permitted.

Where development is proposed close to existing features, it should be designed and located to ensure that the condition and future retention/management will not be prejudiced but enhanced where appropriate.

Additional landscaping including planting of native species of trees, hedgerows and other flora may be required to maintain and enhance these features.

The restoration and enhancement of the natural environment will be encouraged through:

- Maximising opportunities for creation of new green infrastructure and networks in sites allocated for development
- Creating green infrastructure networks to link urban areas to the countryside, and creating and enhancing the biodiversity value of wildlife corridors.

Development proposals which result in harm to the setting of the AONB will not be permitted.

6.35 Green buffers are identified around Braintree, Great Notley, Witham, between Sible and Castle Hedingham, and Earls Colne and White Colne, in order to prevent to coalescence with neighbouring villages.

Policy LPP 68

Green Buffers

The following areas are identified on the Proposals Map as Green Buffers:

- Land between Braintree, Rayne, Deanery Hill, Panfield, Bocking and High Garrett
- Land between Earls Colne and White Colne
- Land between Great Notley and Black Notley
- Land between Witham, Rivenhall and Rivenhall End
- Land between Sible Hedingham and Castle Hedingham.

Uses considered appropriate in green buffers include agricultural and forestry development, formal and informal recreation, footpaths and cycle ways, cemeteries, the re-development of suitable brownfield sites, development which relates to an existing use, and the extension or replacement of existing homes. Proposals for strategic infrastructure within green buffers would be supported provided suitable consideration is given to their impact on the surrounding area.

Where development is necessary it will have regard to the local landscape character and be of a design, density and layout which minimises the coalescence and consolidation between built areas and preserves the setting of those areas.

An assessment of the local landscape and physical separation between settlements will be required, demonstrating that the development is to be located on an area which has the least detrimental impact to the character of the countryside and does not reduce the visually sensitive buffer between settlements or groups of houses.

Appropriate landscaping, comprising of local native species, will be required in order to enhance the countryside character of these areas, and encourage biodiversity.

6.45 Planning policy can play an important role in the minimisation of the sources of air pollution. For example, in line with other sustainable development policies, proposed residential development is likely to be favoured where it is situated close to available public transport options and there are provisions in place to promote and increase cycling rates. This can help reduce private vehicle usage and hence minimise local emissions.

6.46 When assessing new developments, particularly larger proposals, the Council will look positively on measures put forward such as;

- The provision and maintenance of trees to mitigate the effects of air pollution and of climate change by provision of shade and reduction in the heat island effect associated with anticipated increased temperatures
- Design considerations to avoid traffic 'pinch points' or contribution to existing pinch points
- Avoidance of air quality concerns caused by 'canyoning' of residential streets
- Renewable energy within the development
- High quality build with particular emphasis on insulation
- Consideration of District heating schemes.

Policy LPP 70

Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

Proposals for all new developments should prevent unacceptable risks from all emissions and other forms of pollution (including light and noise pollution) and ensure no deterioration to either air or water quality. All applications for development where the existence of, or potential for creation of, pollution is suspected must contain sufficient information to enable the Local Planning Authority to make a full assessment of potential hazards. Development will not be permitted where, individually or cumulatively and after mitigation, there are likely to be unacceptable impacts arising from the development on:

- a. The natural environment, general amenity and the tranquillity of the wider rural area
- b. The health and safety of the public including existing residents, and future occupiers of all new developments
- c. Air quality
- d. Surface water and groundwater quality, groundwater source protection areas, drinking water protected zones

- e. Odour
- f. Compliance with statutory environmental quality standards
- g. Noise.

Development will be permitted when there is no unacceptable risk due to:

- Siting on known or suspected unstable land
- Siting on land which is known to be or potentially affected by contamination or where the land may have a particularly sensitive end use
- The storage or use of hazardous substances.

Proposals for development on, or adjacent to land which is known to be potentially affected by contamination, or land which may have a particular sensitive end use, or involving the storage and/or use of hazardous substances, will be required to submit an appropriate assessment of the risk levels, site investigations and other relevant studies, remediation proposals and implementation schedule prior to, or as part of any planning application.

Soil quality must be protected during development to protect good quality land and to protect the ability of soil to allow water penetration by avoiding compaction.

In appropriate cases, the Local Planning Authority may impose planning conditions, or through a legal obligation, secure mitigation measures, remedial works and/or monitoring processes.

Policy LPP 71

Climate Change

The Council will adopt strategies to mitigate and adapt to climate change. In addressing the move to a low carbon future for Braintree District, the Council will plan for new development in locations and ways that reduce greenhouse gas emissions.

Applicants will be expected to demonstrate that measures to lower carbon emissions, increase renewable energy provision and adapt to the expected impacts of climate change have been incorporated into their schemes, other than for very minor development. Planning permission will only be granted for proposals that demonstrate the principles of climate change mitigation and adaptation into the development. Guidance will be made available by the Council on the contents to be included in the Sustainability Statement. The Council intends the District to meet part of its future energy needs through renewable and low carbon energy sources and will therefore encourage and support the provision of these technologies subject to their impacts on landscape and visual amenity, residential amenities including noise, pollution, heritage assets and their settings, biodiversity and designated nature conservation sites, soils, and impact on the highway, being acceptable.

Energy Efficiency

6.58 15% of the country's greenhouse gas emissions come from residential sources according to the 2019 UK Greenhouse Gas Emissions: Final Figures – statistical summary.

6.59 The development of new buildings, extension of residential properties and the conversion of buildings are also opportunities to improve energy efficiency and lower demand for energy. Simple cost effective, efficient measures could include upgrading loft insulation, insulating cavity walls improving heating controls, installation of reflective panels behind radiators, installation of low energy lighting or upgrading heating systems. Many of these changes will either not require planning permission or be allowable without consent under permitted development rights. The siting, layout and design of development, construction methods, building fabric and materials and air tightness standards play an essential part in reducing total energy requirements by reducing energy demand. It should be recognised that making buildings airtight can have adverse consequences for wildlife for example by reducing nesting opportunities.

6.60 It is important to support adaptations which improve the energy efficiency of historic and traditionally constructed buildings but do not harm their built fabric, nor detract from their special character or appearance or that of their curtilage or setting. Similarly, the appearance of energy efficiency measures should not seriously harm the character or significance of any Conservation Area.

6.61 Developers and the Local Authority shall have regard to Historic England's advice Energy Efficiency and Historic Buildings - Application of Part L of the Building Regulations to historic and traditionally constructed buildings outlines categories of buildings which are exempt from Part L

(Listed Buildings, Scheduled Monuments, buildings within Conservation Areas) or where 'special considerations' apply (Locally Listed Buildings, traditionally constructed buildings or those within AONBs, registered Historic Parks and Gardens, curtilages of Scheduled Monuments).

6.62 The Council recognises that associated increased construction costs of more energy efficient buildings have fallen significantly and therefore strongly encourages new development to exceed building regulations requirements. However, major development schemes will be encouraged to take the lead and deliver more sustainable buildings in advance of changes to building regulations.

Policy LPP 72

Resource Efficiency, Energy Generation and Energy Efficiency

The Local Planning Authority will encourage appropriate energy conservation and efficiency measures in the design of all new development. Such measures could include site layout and building orientation, natural light and ventilation, air tightness, solar shading, reducing water consumption and increasing water recycling in order to contribute to the reduction in their total energy consumption.

Opportunities for decentralised energy networks will be encouraged and promoted where possible and where they conform to other Local Plan policies, in order to reduce carbon emissions.

All new dwellings shall meet the Building Regulations optional requirement for water efficiency of 110 litres/person/day.

All planning applications for new residential dwellings shall include renewable and low carbon energy technology to provide at least a 19% improvement in energy performance over the requirements of the Building Regulations (2013) unless:

- a. Revised Building Regulations standards exceed this requirement, or
- b. All new non-residential buildings with a floor area in excess of 500sqm shall achieve a minimum BREEAM rating (or its successor) of 'Very Good'.

Renewable Energy

6.63 The 2012 NPPF recognises that planning plays a key role in supporting the delivery of renewable and low carbon energy and associated infrastructure. This contributes to the economic, social and environmental dimensions of sustainable development.

6.64 The increase in sources of renewable energy in the District could contribute towards diversity and security of supply, reduce demand on the national power network, address fuel poverty, support the local economy and reduce harmful emissions to the environment.

6.83 Any proposed development within 8m of a main river watercourse will require an environmental permit from the Environment Agency, and any development that could impact the flow within an ordinary watercourse will require consent from Essex County Council as Lead Local Flood Authority.

Policy LPP 74

Flooding Risk and Surface Water Drainage

Where development must be located in an area of higher flood risk, it must be designed to be flood resilient and resistant and safe for its users for the lifetime of the development, taking climate change and the vulnerability of the residents into account.

New development shall be located on Flood Zone 1 or areas with the lowest probability of flooding, taking climate change into account, and will not increase flood risk elsewhere. Any proposals for new development (except water compatible uses) within Flood Zones 2 and 3a will be required to provide sufficient evidence for the Council to assess whether the requirements of the sequential test and exception test have been satisfied, taking climate change into account. Where development must be located in an area of higher flood risk, it must be designed to be flood resilient and resistant and safe for its users for the lifetime of the development, taking climate change and the vulnerability of any residents into account.

For developments within Flood Zones 2 and 3, and for developments elsewhere involving sites of 1ha or more, development proposals must be accompanied by a site specific Flood Risk Assessment which meet the requirements of the NPPF and Planning Practice Guidance. Flood Risk Assessments submitted must take into account an assessment of flood risk across the life of the development taking climate change into account by using the most up to date allowances available.

For all developments (excluding minor developments and change of use) proposed in Flood Zone 2 or 3, a Flood Warning and Evacuation Plan should be prepared.

For developments located in areas at risk of fluvial flooding, safe access/egress must be provided for new development as follows in order of preference:

- a. Safe dry route for people and vehicles
- b. Safe dry route for people
- c. If a. is not possible a route for people where the flood hazard is low and should not cause risk to people
- d. If a-c is not possible planning permission will not usually be granted.

All new development in Flood Zones 2 and 3 should not adversely affect flood routing and thereby increase flood risk elsewhere.

All new development in Flood Zones 2 and 3 must not result in a net loss of flood storage capacity. Where possible opportunities must be sought to achieve an increase in floodplain storage.

All more Vulnerable and Highly Vulnerable development within Flood Zones 2 and 3 should set finished floor levels 300mm above the known or modelled 1 in 100 annual probability (1% AEP) flood level including an allowance for climate change.

In areas at risk of flooding at low depths (<0.3m), flood resistance measures should be considered as part of the design and in areas at risk of frequent or prolonged flooding, flood resilience measures should also be included.

Where applicable proposals for new development should:

- Demonstrate that the scheme does not have an adverse impact on any watercourse, floodplain or flood defence
- Not impede access to flood defence and management facilities
- demonstrate that the cumulative impact of development would not have a significant effect on local flood storage capacity or flood flows
- Where appropriate opportunities may be taken to reduce wider flood risk issues by removing development from the floodplain through land swapping
- Where applicable retain at least an 8m wide undeveloped buffer strip alongside Main Rivers, or at least a 3m buffer strip on at least one side of an Ordinary watercourse, and explore opportunities for riverside restoration
- Ensure there is no adverse impact on the operational functions of any existing flood defence infrastructure and new development should not be positioned in areas which would be in an area of hazard should defences fail.

Where the development site would benefit from the construction of Flood Management Infrastructure such as Flood Alleviation Schemes, appropriate financial contributions will be sought.

Policy LPP 76

Sustainable Urban Drainage Systems

All new development of 10 dwellings or more and major commercial development, car parks and hard standings will incorporate Sustainable Drainage Systems (SuDs) appropriate to the nature of the site. Such systems shall provide optimum water runoff rates and volumes taking into account relevant local or national standards and the impact of the Water Framework Directive on flood risk issues, unless it can be clearly demonstrated that they are impracticable.

SuDs design quality will be expected to reflect the up-to-date standards encompassed in the relevant BRE and CIRIA standards, Essex County Council SuDs Design Guide (as updated) and Non-Statutory Technical Standards for Sustainable Drainage Systems, to the satisfaction of the Lead Local Flood Authority.

Large development areas with a number of new allocations will be required to develop a strategy for providing a joint SuDs scheme.

Surface water should be managed as close to its source as possible and on the surface where practicable to do so. Measures such as rain water recycling, green roofs, water butts and permeable surfaces will be encouraged incorporating measures to prevent pollution where appropriate.

Only where there is a significant risk of pollution to the water environment, inappropriate soil conditions and/or engineering difficulties, should alternative methods of drainage be considered. If alternative methods are to be considered, adequate assessment and justification should be provided and consideration should still be given to pre and post runoff rates.

SuDS design should be an integral part of the layout and clear details of proposed SuDS together with how they will be managed and maintained will be required as part of any planning application. Only proposals which clearly demonstrate that a satisfactory SuDs layout with appropriate maintenance is possible, or compelling justification as to why SuDs should not be incorporated into a scheme, or are unviable, are likely to be successful. Contributions in the form of commuted sums may be sought in legal agreements to ensure that the drainage systems can be adequately maintained into the future. The SuD system should be designed to ensure that the maintenance and operation requirements are economically proportionate.

The dual use of land for Sustainable Urban Drainage and Open Space can be supported where neither use is compromised by the other. It may be supported in circumstances where land is safely usable by the public as open space, and where use as open space does not compromise the efficient and effective functioning of the SuDs in the short or longer term.

External Lighting

6.95 Although artificial lighting can be essential for reasons of safety, security and some leisure activities, insensitive lighting can cause an intrusive source of pollution. Glare and insensitive lighting can have serious implications for motorists who may become distracted or blinded by glaring lights spilling out on to a road network. This artificial light pollution can also impact on the character of rural and tranquil areas at night, settings of listed buildings and other heritage assets and also cause a negative impact upon biodiversity. Artificial lighting can also harm local character by introducing a suburban feel into rural areas. In addition to these particular problems, obtrusive light represents a waste of energy, money and resources.

6.96 While the Council recognises these environmental problems associated with artificial lighting, it also appreciates the importance of reducing crime, improving some aspects of road safety and providing leisure opportunities. Therefore, this section does not seek to prevent lighting as part of a new development but to ensure that lighting should be carefully directed and sensitively designed so as to reduce obtrusiveness, and that appropriateness will be evaluated on a case-by-case basis. This direction is in line with the 2012 NPPF, which identifies the need to minimise the impact of light pollution.

6.97 Lighting proposals that neighbour or are close enough to significantly affect areas of nature conservation importance, e.g. Sites of Special Scientific Interest, Local Nature Reserves and Local Wildlife Sites, will only be permitted in exceptional circumstances. External artificial lighting can have severe implications for the natural diurnal rhythms of a range of animals and plants. Therefore sites which are deemed important in terms of their suitability for wildlife must not be negatively affected in any way by artificial lighting.

6.98 The Supplementary Planning Document produced by Braintree District Council, External Artificial Lighting (2009), supports the implementation of the accompanying policy.

Policy LPP 77

External Lighting

Proposals for external lighting within development proposals and standalone lighting schemes, will be permitted where all the following criteria are met:

- a. The lighting is designed as an integral element of the development and shall be capable of adoption by the Highway Authority when it is on the public highway
- b. Low energy lighting is used in conjunction with features such as movement sensors, daylight sensors and time controls, and hours of illumination shall be controlled
- c. The alignment of lamps and provision of shielding minimises spillage, glare and glow, including into the night sky
- d. The lighting intensity is no greater than necessary to provide adequate illumination

- e. There is no loss of privacy or amenity to nearby residential properties and no danger to pedestrians and road users
- f. There is no harm to biodiversity, natural ecosystems, intrinsically dark landscapes and/or heritage assets.

7 Delivery & Implementation

7.1 The 2012 NPPF requires Local Planning Authorities to work with other authorities to assess the quality and capacity for a range of infrastructure requirements including but not limited to transport, water supply, wastewater and its treatment, energy, telecommunications, utilities, waste, health, social care, education, flood risk and coastal change management, and its ability to meet forecast demands as well as taking into account the need for strategic infrastructure including nationally significant infrastructure proposals within their areas. Braintree District Council will work with key infrastructure providers to ensure that the necessary infrastructure is available as and when it is required, in order to support growth within the District, and that development is not unduly delayed by the slow delivery of that infrastructure.

7.2 In considering the potential requirements from development on ECC services and infrastructure, reference should be made to the ECC Developers' Guide to Infrastructure Contributions.

Policy LPP 78

Infrastructure Delivery and Impact Mitigation

Permission will only be granted if it can be demonstrated that there is sufficient appropriate infrastructure capacity to support the development or that such capacity will be delivered by the proposal. It must further be demonstrated that such capacity as is required will prove sustainable over time both in physical and financial terms.

Where a development proposal requires additional infrastructure capacity, to be deemed acceptable, mitigation measures must be agreed with the Council and the appropriate infrastructure provider. Such measures may include (not exclusively):

- Financial contributions towards new or expanded facilities and the maintenance thereof
- On-site construction of new provision
- Off-site capacity improvement works and/or
- The provision of land.

Developers and land owners must work positively with the Council, neighbouring authorities and other infrastructure providers throughout the planning process to ensure that the cumulative impact of development is considered and then mitigated, at the appropriate time, in line with their published policies and guidance.

The Council will consider introducing a Community Infrastructure Levy (CIL) and will implement such for areas and/or development types where a viable charging schedule would best mitigate the impacts of growth. Section 106 will remain the appropriate mechanism for securing land and works along with financial contributions where a sum for the necessary infrastructure is not secured via CIL.

For the purposes of this policy the widest reasonable definition of infrastructure and infrastructure providers will be applied. Exemplar types of infrastructure are provided in the glossary appended to this plan.

Exceptions to this policy will only be considered whereby:

- It is proven that the benefit of the development proceeding without full mitigation outweighs the collective harm
- A fully transparent open book viability assessment has proven that full mitigation cannot be afforded, allowing only for the minimum level of developer profit and land owner receipt necessary for the development to proceed
- Full and thorough investigation has been undertaken to find innovative solutions to issues and all possible steps have been taken to minimise the residual level of unmitigated impacts and obligations are entered into by the developer that provide for appropriate additional mitigation in the event that viability improves prior to completion of the development.

7.3 These matters will be monitored by each authority as part of its usual activities leading to the production of an annual monitoring report. They will, however, report separately on progress towards achievement of strategic targets included in the above policies and particularly progress on delivery of strategic growth locations with cross-boundary implications. The monitoring against the BDC policies are set out in the table below.

Key: Local Plan 2013-2033

	District Boundary		Designer Outlet Centre		Formal Recreation
	Inset Map		Strategic Growth Location		Informal Recreation
	Development Boundary		Residential Site 10 or more Dwellings		Visually Important Space
	Conservation Area		Specialist Housing		Structural Landscaping
	Road Proposal		Proposed Gypsy/Travellers Site		Local Wildlife Site
	Halstead Bypass Corridor		Business Parks		Cemetery/Churchyard
	Protected Lanes		Employment Policy Area		Local Nature Reserve
	Proposed WCH Route		Comprehensive Development Area		Green Buffer
	Local Centre		Special Employment Area		Suitable Accessible Natural Greenspace
	District Centre		Vehicle Storage		Site of Special Scientific Interest (SSSI)
	Town Centre		Transport Related Policy Area		Historic Parks and Gardens
	Primary Shopping Area		Education		Scheduled monument
	Primary Frontage		Car Park		Flood Zone 2
	Secondary Frontage		Community Uses		Flood Zone 3
	Retail & Town Centre Uses		Leisure and Entertainment		Flood Zone 3B
	Retail Warehousing		Allotments		

