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

**Main Matter 3 – A Prosperous District – a Strong Economy- Policy LPP2 Location  
of Employment Land**

**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 3 – A Prosperous District – A Strong Economy; specifically Policy LLP2 for the Day 3 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.

## 2. Response to Main Matter 3 – A Prosperous District- A Strong Economy – Policy LPP2

- Are policies LPP2 to 9 and site allocations justified by appropriate available evidence, having regard to national guidance, and local context, including the meeting the requirements of the BLP Section 1?

- 2.1 Although we are now some four years on since that 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, as set out within our Regulation 19 representations (R19R), 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 R19R are attached to this Statement at Appendix 1. Specific attention is drawn to the response set out at paragraphs 3, 4, 5 and 6.
- 2.2 It will be noted that paragraph 7 of the R19R refers to the DLP at Inset map 34 showing a much reduced area (approx. 2 hectares) than that put forward at all stages of the Local Plan process. The larger site was some 10.5 hectares and is shown on the extract from the AECOM Employment Needs Assessment (BDC/010 – Aug 2015) at Appendix 2. It will be noted that the Needs Assessment recommended the designation of COLE 188 as shown for B1(c)/ B2/B8 use class/mixed use.
- 2.3 The reasons for BDC excluding the larger site are summarised at page 58 of the BDC Consultation Statement (SBDC006 2017 – Updated Jan 18) as follows:

*Bluebridge Industrial Estate – COLE188 Allocation of employment land here was reduced from circa 12ha (actually 10.5) to 2ha due to landscape impact, highways impact of a larger allocation and implications for the Halstead Bypass. Consequently, the landowner is also objecting to the bypass.*

- 2.4 Whilst it is acknowledged that this Examination will not consider the merits of development sites not included in the Plan (omission sites) our representation regarding the larger site are linked to the Council's reasons for exclusion and in particular the implications arising out of the proposed Halstead by-pass provided for at LPP 48 of the DLP. For the reasons set out at paragraphs 9 to 19 of Appendix 1 and in our separate Hearing Statement relating to Main Matter 12 and Policy LPP 48.
- 2.5 The other reasons for exclusion also refer to landscape impact which appears anomalous if BDC are promoting a by-pass in this location and highways impact which would be a matter for detailed consideration as part of any proposals for development by reason of policy LPP 48 of the DLP.
- Do the employment policies (LPP 2 to LPP 9) within the "A Prosperous District" chapter of the BLP Section 2 make adequate provision to meet Braintree's economic growth requirements for the plan period and its timescale for delivery?
- 2.6 The proposed allocation at Bluebridge Industrial Estate as currently set out in the DLP would make a meaningful contribution to BDC's economic growth requirements for the Plan period. However, the Employment Needs Assessment (BDC/010) did recommend a larger site than that shown to be allocated as shown at Appendix 2. The larger area is affected by the line of the proposed by-pass for Halstead which is the subject of a separate Hearing Statement to Main Matter 12 and Policy LPP 48. If it is accepted that the line of the by-pass should not be safeguarded the allocation of the larger area would represent an opportunity, in accordance with paragraph 11 of the NPPF, for the Plan to be sufficiently flexible to adapt to rapid change. The provision of larger area for employment land in this location and in accordance with our R19R would help facilitate this. A safety margin is also important to allow for unforeseen circumstances that may arise during the Plan period, such as the loss of employment sites through permitted development rights or in the case of certain employment sites being delayed in coming forward or not coming forward in the manner that they are intended.

- Do policies LPP 2 to LPP 9 provide clear direction as to how a decision maker should react to a development proposal?

2.7 With regard to Policy LPP2, and as far as the Extension to Bluebridge Industrial Estate is concerned the uncertainty surrounding the delivery of the Halstead By-Pass does not assist in providing a clear direction as to how a decision maker should react to a development proposal for this site for the reasons set out in this Statement and that for Hearing Matter 12 and Policy LPP 48. It is hoped that the Examination will be able to provide greater clarity on whether the line for the By-pass should continue to be safeguarded, which we suggest would not be appropriate to aid future planning for the site for the reasons set out in the R19R.

2.8 Whilst we have no specific comments in relation to other elements of this MiQ, it is assumed that the Examination will need to give consideration to Policy LPP2 and 3 setting out the uses to be permitted, having regard to the changes to business use classes with the introduction of Class E brought about by the changes to The Town and Country Planning (Use Classes) Order from September 2020.

## Appendices

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

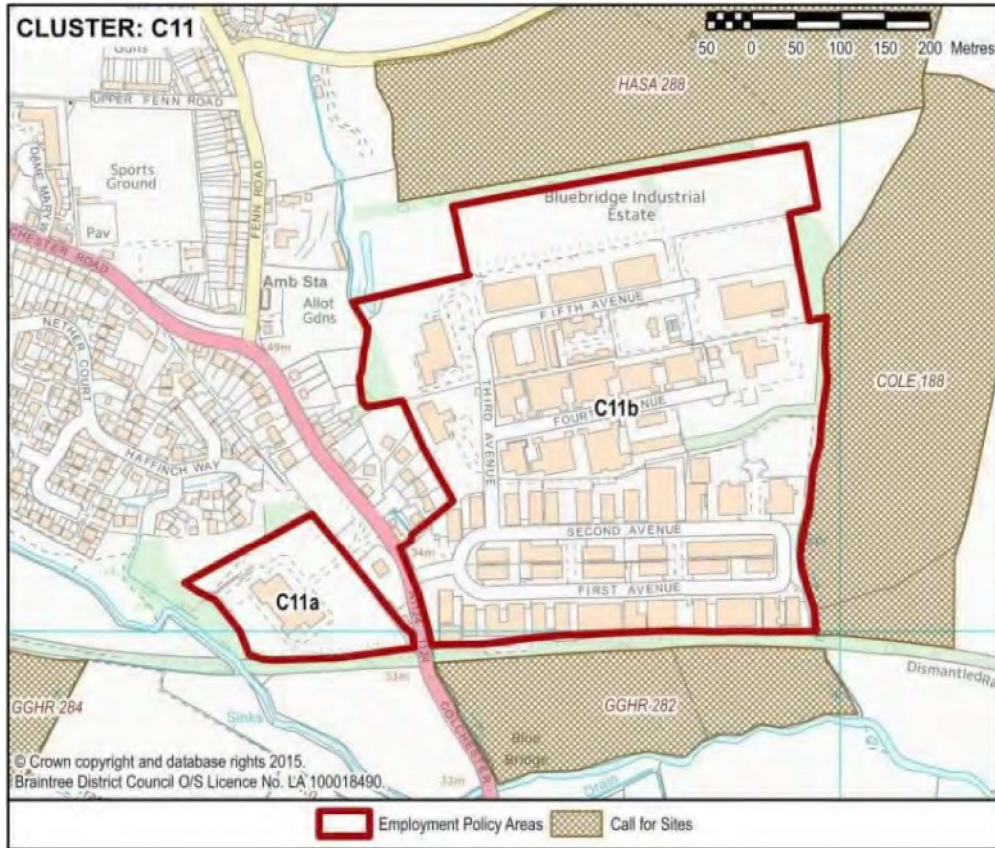
19. In order to be considered sound, the suggested changes to the PLDP are:

- **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.

Appendix 2 – Extract Aecom Employment Land Needs Assessment (2015)

**C11 – BLUEBRIDGE INDUSTRIAL ESTATE**



**Summary and Key Characteristics**

Business uses: General industrial estate, warehouse/distribution park. Unit typologies: Small warehouse space, workshop space, yard space/open storage.

Cluster quality and vacancy: Quality of environment / public realm: Poor, it could be improved across whole site. The quality of the public realm at Central Piling site is very poor. Conditions of buildings: Good, a minority poor. Vacant and available floorspace: None observed.

Cluster constraints: Access to facilities and amenities: Very poor. Ecological issues: None. Bad neighbourhood uses: HGV traffic, significant car traffic. Physical site constraints: Layout issues associated with accessing the site, located on steep ground.

Parking and servicing: Parking facilities: Dedicated parking within cluster, on street parking. Parking provision: Too little. Servicing of businesses: Off-road loading/unloading, loading bays. Provision of Servicing: Adequate.

Access: Strategic road access: Indirect. Access to public transport: Indirect.

Cluster occupancy information: Vacant / derelict buildings: None. Has any part of the site been redeveloped for residential / mixed use in the last ten years?: None. Presence of high growth sector occupiers: None.

Cluster suitability: Potential to provide lower cost industrial accommodation / accommodation for SMEs: No. Suitable for wider industrial uses: Land for transport functions, waste management/recycling, utilities. Possibility for intensification/ redevelopment: Large potential for expansion into areas surrounding the site (identified as part of the Call for Sites). Possibility for estate management: Some unit areas could benefit from renewal.

ELNA Recommendation: C11a – retain as Employment Policy Area.  
 C11b – retain as Employment Policy Area.  
 COLE118 – designate for B1c/B2/B8 use class/mixed use.  
 HASA288 – designate for B1c/B2/B8 use class/mixed use.  
 GGHR282 – designate for B1c/B2/B8 use class/mixed use.