



Braintree Section 2 Local Plan
Examination in Public

Hearing Statement

on behalf of

Mr Simon Brice

Matter 3 – A Prosperous District – A Strong
Economy – Policy LPP2

June 2021

AM-P Ref: 17001



INTRODUCTION

1. This Hearing Statement has been prepared by Andrew Martin – Planning Limited (AM-P) on behalf of Mr Simon Brice, who owns:
 - 15.6 hectares (ha) of agricultural land at Pond Farm Field, between Witham and Rivenhall End, north of the existing A12 corridor; and
 - in excess of 200 ha of agricultural land, buildings and an active quarry at Coleman's Farm and Appleford Farm, to the east of Witham and south of Rivenhall End, and south of the existing A12 corridor.
2. These sites are shown on the Site Location Plan at Appendix 1, marked with an orange line and a red line boundary respectively.
3. The latter of these two sites includes Highways England's preferred route for the new A12 corridor, which will incorporate a three-lane wide carriageway in each direction between Boreham (near Chelmsford) and Marks Tey (near Colchester). The proposals also include a new 'all movements' Junction 22 serving Witham and the surrounding area, and the downgrading of the existing A12 corridor to a single-lane road providing local access. Archaeological survey work is currently being carried out along the preferred route and Highways England hope to commence construction in 2023/24, with completion anticipated in 2027/28.
4. Although both sites are currently located in the 'countryside' in planning policy terms, Pond Farm Field is adjacent to the proposed extension of the Eastways Industrial Estate and the western-most part of Coleman's Farm is opposite the Eastways and Freebournes Industrial Estates, which comprise Witham's main employment area.
5. This Hearing Statement supplements our client's original representations in July 2017 and considers the Inspectors' Questions for Main Matter 3 of the Braintree Local Plan – Section 2 – Examination.

MATTER 3 – A PROSPEROUS DISTRICT – A STRONG ECONOMY – LPP2

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

Do the employment policies (LPP2 to LPP9) 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?

6. At the point that the Braintree Local Plan (SDBDC/001) was submitted to the Secretary of State (SoS) in 2017, Policy LPP2 sought to provide 32.1 ha of industrial land and 19.5 ha of office land in the District, in order to meet identified employment needs. However, Braintree District Council (BDC) is now seeking to modify Policy LPP2 (as set out in document SDBDC/008a) to refer to Policy SP5 in the adopted Section 1 Plan, which expects between 20.9 ha (baseline scenario) and 43.3 ha (higher growth scenario) of employment land to be provided in the District during the plan period.



7. The proposed modifications to Policy LPP2 also include:
 - the removal of two new major business parks (i.e. one at each of the Garden Communities that were deemed undeliverable and removed from the Section 1 Plan); and
 - reference to there being a total of 40.8 ha of employment land allocations in the Plan, which is down by circa 20% from the 51.1 ha identified when the Plan was submitted to the SoS.
8. Our client objects to the employment provision in Policy LPP2 on the basis that it: (i) is insufficient to meet the full economic growth requirements in the District during the Plan period; and, (ii) includes two sites that were added at the pre-submission stage in 2017 without supporting evidence.
9. First, the 40.8 ha of employment land now identified in the modified version of Policy LPP2 is 2.5 ha short of the higher growth scenario in Policy SP5 of the adopted Section 1 Plan. It is noted that Policy SP5 provides a 'range' for provision to fall within, however, if BDC really is committed to a strong, sustainable and diverse economy then there is a case to say that the upper end of this range should be planned for, particularly when two new major business parks have already been removed from the supply and some other sites may not come forward for development or in the timescales envisaged. Unlike the Plan's housing supply, there appears to be no 'lapse rate' allowed for in Braintree's employment land supply. It is also questionable whether a Plan that does not meet the upper end of its identified economic needs has been 'positively prepared', in accordance with paragraph 182 of the National Planning Policy Framework (NPPF) (2012).
10. Second, two new employment allocations (i.e. 3 ha on land east of Broad Road, Braintree, and 4 ha of land at Feering) were added to the Section 2 Plan between the Preferred Options and Pre-Submission stages and appeared in the SDBDC/001 version of the Plan. However, there is no clear audit trail in the evidence base to demonstrate how these two new sites came to be added to Policy LPP2 or whether they are the most suitable and appropriate sites to allocate for new employment. The Sustainability Appraisal and its Appendices (2017) (BDC/025/2/2) simply confirms the decision already made in the Section 2 Plan and has no specific regard to why employment allocations have been added in these locations.
11. BDC's wider employment and economic evidence includes an Economic Viability Study (EVS) (2017), an Employment Land Needs Assessment (ELNA) (2015), an Economic Development Prospectus (2013) and an Employment Sites Viability Review (2012). But none of these documents consider the suitability of new employment on land east of Broad Road, Braintree or on land at Feering.
12. The ELNA assesses the quantity and quality of the District's employment land to inform the approach to the provision, protection, release or enhancement of existing employment land / premises, and the proposes new employment sites for identification in the emerging Local Plan. However, unlike other employment allocations in Policy LPP2, the ELNA does not recommend the allocation of land east of Broad Road, Braintree or land at Feering for new employment. Furthermore, the EVS identifies a lack of viability for some non-residential development in the District and considers that speculative office, industrial and warehouse developments are unlikely to be brought forward by the market (paragraph 25). This is particularly relevant as neither of these two sites are linked to an existing major employment area.



13. In summary our client objects to Policy LPP2 on the basis that it does not make adequate provision to meet Braintree's full economic growth requirements and includes two allocations that have not been justified by the Plan's evidence base. As a result, Policy LPP2 currently fails two of the tests of soundness at paragraph 182 of the NPPF (2012), namely it is not: (i) positively prepared, i.e. based on a strategy which seeks to meet objectively assessed development requirements; and, (ii) justified, i.e. the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.
14. These shortcomings could be addressed by BDC being asked to: (a) identify 2.5 ha of additional employment land to meet the full 43.3 ha (higher growth scenario) set out in Policy SP5 of the adopted Section 1 Plan; and, (b) provide additional evidence to justify the allocations on land east of Broad Road, Braintree and on land at Feering, or if no such evidence can be provided, then to replace those employment allocations with more suitable alternatives.
15. While it is noted that the Inspectors have not been appointed to consider the merits of omission sites, the land at Pond Farm Field (RIVE365) is located immediately adjacent to Burghey Brook Farm (RIVE362/363), which page 9 of the ELNA described as having good strategic characteristics and potential for industrial use, and recommended for employment allocation. Being situated in such close proximity to the well-established and successful Eastways Industrial Estate, a new employment allocation at Pond Farm Field would be attractive to businesses and much more likely to be taken up during the plan period than isolated new employment sites elsewhere. Perceived issues in relation to coalescence with Rivenhall End and landscape sensitivity could be mitigated by allocating only the western-most part of Pond Farm Field for employment and thereby retaining a sizable area of greenspace between the expanded employment area and any future residential growth at Rivenhall End. This greenspace is indicated on the New Employment Area Plan at Appendix 2 and could comprise structural landscaping, new woodland planting and / or semi-natural open space.
16. Furthermore, Highways England's preferred route for the new A12 corridor is likely to result in a relatively narrow area of land being left at Coleman's Farm, between the existing and new A12 corridors, which would be unsuitable and unviable for modern farming purposes. However, the very close proximity of this land to the new A12 Junction, the existing Eastways Industrial Estate and the planned employment extension at Burghey Brook Farm naturally lends itself to future employment use. This could centre on a new gateway business park that improves the economic profile of the Town, attracts inward investment and goes hand-in-hand with the continued residential and population growth occurring in Witham. Our client is mindful that the creation of a new gateway business park at Coleman's Farm would need to take place after the current mineral extraction and land restoration has been completed, which may be during the latter stage of the plan period or beyond, but it would be prudent to start thinking now about future options for longer-term employment growth, given that BDC has seemingly accepted that a review of the Plan will commence immediately on adoption (see paragraph 2.32 of BDC's Topic Paper 2 – Housing (April 2021)).

SUMMARY

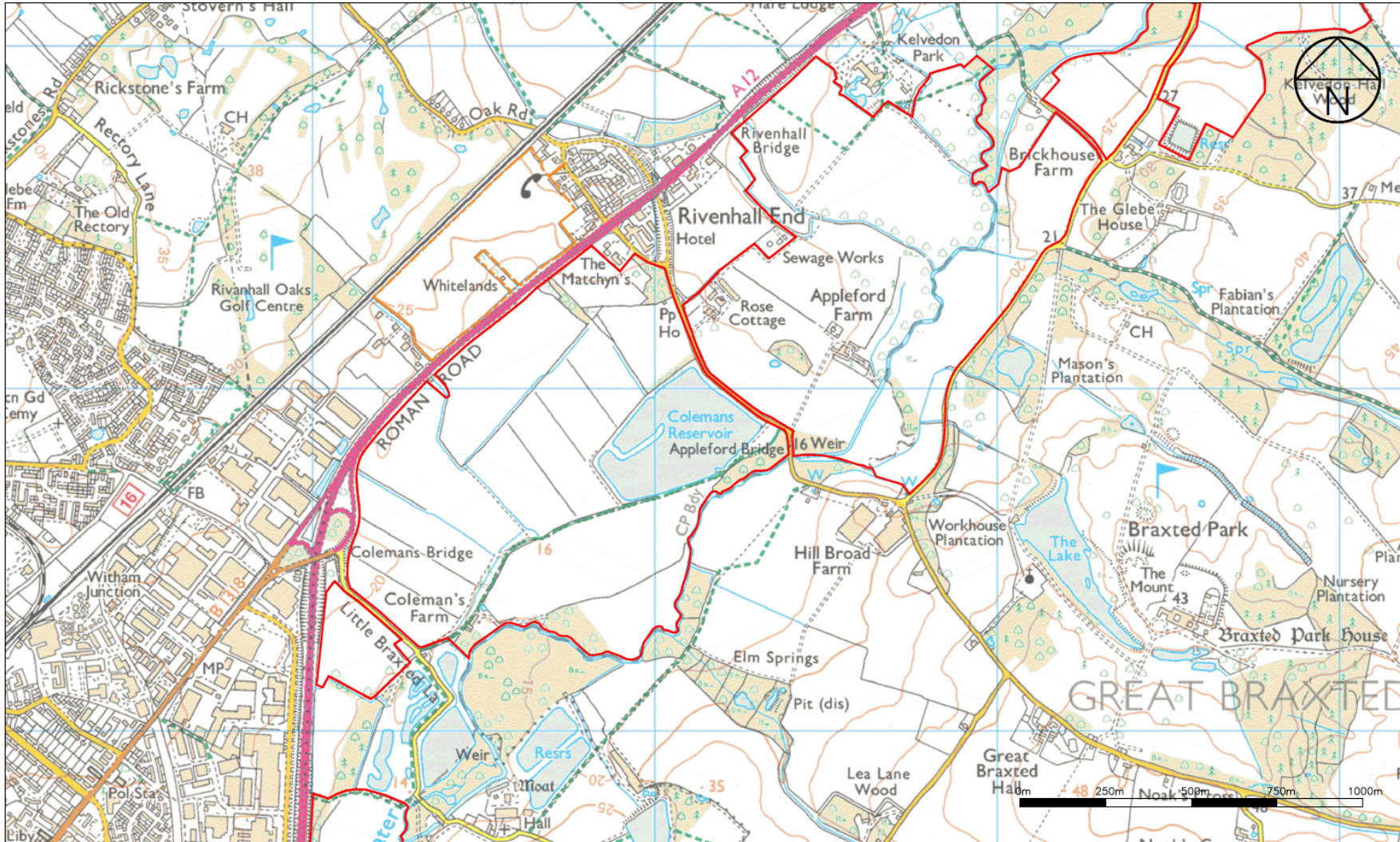
17. Our client Mr Simon Brice owns: 15.6 hectares (ha) of agricultural land at Pond Farm Field, between Witham and Rivenhall End, north of the existing A12 corridor; and, in excess of 200 ha of agricultural land, buildings and an active quarry at Coleman's Farm and Appleford Farm, to the east of Witham and south of Rivenhall End, and south of the existing A12 corridor. Although both sites are currently located



in the 'countryside' in planning policy terms, Pond Farm Field is adjacent to the proposed extension of the Eastways Industrial Estate and the western-most part of Coleman's Farm is opposite the Eastways and Freebournes Industrial Estates, which comprise Witham's main employment area.

18. Our client made formal representations to the Braintree Section 2 Plan in July 2017. This Hearing Statement supplements those representations and highlights that:
 - The 40.8 ha of employment land now identified in the modified version of Policy LPP2 is 2.5 ha short of the higher growth scenario in Policy SP5 of the adopted Section 1 Plan. Although Policy SP5 provides a 'range' for provision to fall within, if BDC really is committed to a strong, sustainable and diverse economy then there is a case to say that the upper end of this range should be planned for, particularly when two new major business parks have already been removed from the supply and some other sites may not come forward for development or in the timescales envisaged.
 - Two new employment allocations (i.e. 3 ha on land east of Broad Road, Braintree, and 4 ha of land at Feering) were added to the Section 2 Plan between the Preferred Options and Pre-Submission stages, with no clear audit trail in the evidence base to demonstrate how they came to be added to Policy LPP2 or whether they are the most suitable and appropriate sites to allocate for new employment.
19. In summary our client objects to Policy LPP2 on the basis that it currently fails two of the tests of soundness at paragraph 182 of the NPPF (2012), namely it is not: (i) positively prepared, i.e. based on a strategy which seeks to meet objectively assessed development requirements; and, (ii) justified, i.e. the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.
20. Our client respectfully requests that the Inspectors ask BDC to: (a) identify 2.5 ha of additional employment land to meet the full 43.3 ha (higher growth scenario) set out in Policy SP5 of the adopted Section 1 Plan; and, (b) provide additional evidence to justify the allocations on land east of Broad Road, Braintree and on land at Feering, or if no such evidence can be provided, then to replace those employment allocations with more suitable alternatives.

Appendix 1 – Site Boundary Plan



Title Site Location Plan Pond Farm Field, Coleman's Farm and Appleford Farm		
Drawing Number 17001	Revision c	Revision Detail
Drawn by CH	Date 02/17	Scale 1:10000@A3

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Planning

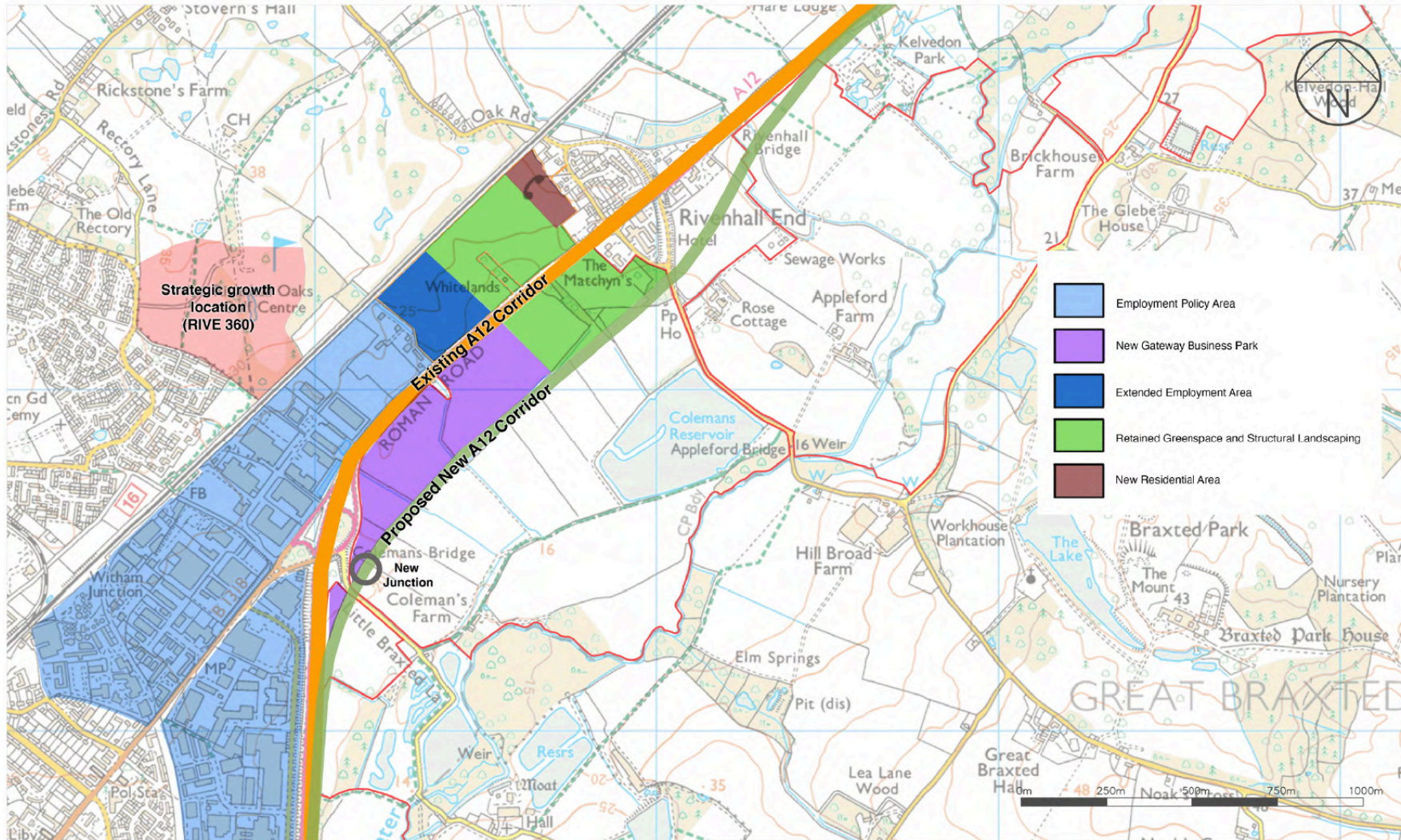


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Appendix 2 – New Employment Area Plan



New Employment Area Plan Coleman's Farm and Appleford Farm		
Drawing 17001_03	Revision a	Revision detail
Drawn By CH	Date 07/17	Scale 1:10000@A3

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