



# Braintree District Council

## Local Plan Examination of Section 2

Main Matter 12 - A Prosperous District  
– Transport and Infrastructure  
- Policies LPP 44 - LPP 49

June 2021

## **Main Matter 12 – A Prosperous District – Transport and Infrastructure Policies LPP 44 - LPP 49**

- LPP 44 – Sustainable Transport
- LPP 45 – Parking Provision
- LPP 46 - Protected Lanes
- LPP 47 - Transport Related Policy Areas
- LPP 48 – New Road Infrastructure
- LPP 49 - Broadband

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

- 12.1 The Council considers that policies LPP44 to 49 are justified and consistent with national planning policy and guidance, in particular chapters 4 and 5 of the 2012 NPPF. The policies take into account the local context of Braintree District, including its mix of market towns and more rural areas, its relative lack of public transport particularly in the more rural areas, and the main strategic road routes of the A12 and A120 and Great Eastern mainline train line which run through the District. These policies also take into account the strategic policy context set out within the BLP Section 1 and in particular policy SP6 – Infrastructure and Connectivity which requires that all development must be supported by the provision of infrastructure, services and facilities that are identified to serve the needs arising from the development.
- 12.2 The Council has prepared a substantial evidence base in relation to transport and infrastructure, including the [Infrastructure Delivery Plan 2017 \(BDC012\)](#) and its recent update (BDC058). A range of other evidence base documents are included within the [Transport and Infrastructure](#) Section and provide the background evidence for these policies. This includes BDC038 and BDC039 which specifically relate to the proposed Protected Lanes and BDC034, BDC035, BDC036, BDC067 and BDC068 which provide various transport assessments.

### **Do the policies provide clear direction as to how a decision maker should react to a development proposal?**

- 12.3 The Council considers that taken as a whole and read in conjunction with the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), adopted BLP Section 1 Policy SP6 -Infrastructure and Connectivity and supporting text within the BLP Section 1, that these policies provide a clear direction as to how a decision maker should react to a development proposal.

- 12.4 **Policy LPP44 Sustainable Transport** is an overarching policy which builds on the strategic policy in the BLP Section 1 SP6 Infrastructure and Connectivity and provides specificity for the Braintree District context and the sustainable transport modes which it expects to be prioritised within a new development. Locations for development set out within the spatial strategy and housing allocation policies have been specifically chosen due to their ability to facilitate such sustainable transport modes and the policy provides clear guidance on what sort of sustainable travel modes should be prioritised, as well as ensuring that existing rights of way are protected and new and improved rights of way are sought. Four modifications to the policy are suggested by the Council and are set out in more detail in response to the following question.
- 12.5 **LPP45 Parking Provision** provides a clear direction that all developments are required to have regard to parking standards within the adopted Essex County Council Vehicle Parking Standards. The current version of the document is from 2009 and is currently being updated by the Essex Planning Officers Association on behalf of all Essex authorities. The document provides a detailed range of standards for different uses as well as design and size of spaces and garages to be provided. This detail is more appropriately located within an SPD. The second part of the policy seeks to protect the use of number of identified car parks in the District which are both identified within the policy and designated on the Proposals Maps, providing a clear direction for policy users.
- 12.6 **Policy LPP46 Protected Lanes** provides clear direction to the reader of the specific features of a Protected Lane and clearly sets out what impacts would not be considered acceptable. The Protected Lanes themselves are not listed in the policy as they are numerous, but are clearly designated on the Proposals Maps.
- 12.7 **Policy LPP47 Transport Related Policy Areas** refers to two specific areas of the District which are clearly shown on the Proposals Maps, as well as being listed within the policy. The policy is clear as to the appropriate uses for these areas (revisions are proposed as set out below to take into account new use class order) as well as setting out requirements for better sustainable transport links, on site energy efficiency, landscaping and that buildings should not cover more than 20% of the total site area. This is a restriction which is currently in place within adopted policies RLP58 and 59 of the 2005 Local Plan Review.
- 12.8 **Policy LPP48 New Road Schemes** clearly identifies the road infrastructure which is safeguarded from the development within the BLP, being listed both in the policy and shown on the Proposals Map. The policy also identifies those schemes which are required to deliver the growth allocated within the BLP and those which are other supported schemes.

12.9 Finally, **Policy LPP49 Broadband** clearly establishes the expectation that all new residential and commercial developments will be provided with the most up to date broadband connectivity possible, both internally and externally. However due to the very rural nature of the District, the policy also recognises that in some exceptional circumstances, this provision is not possible and therefore a contribution as well as future proofing the premise would be required.

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

12.10 As detailed within the Council's Further Suggested Changes to The Local Plan (SDBDC008a), there are a number of modifications the Council would like the Inspectors to consider in relation to the transport policies and supporting text. Those main modifications which relate to the wording of policy text are set out in more detail below;

12.11 Proposed main modifications MM46 and MM48 has been agreed with Essex County Council (ECC), as local highway and transportation authority, and included within the Statement of Common Ground (SOCG13). It is not considered that any of these changes fundamentally change the substance of the policies to which they relate but are necessary for soundness to ensure the meaning of the policies are clear for those who are implementing them.

12.12 MM46 relates to Policy LPP44 and recommends 4 minor changes to that policy. The first two propose to reference the use of bridleways in paragraph 2 and horse riding in bullet 1 to ensure appropriate opportunities for sustainable modes of transport are listed in the policy. These changes are to ensure the policy is comprehensive and reflects the rural nature of the district, where in some cases bridleways may be appropriate considerations. The changes will enable requirements for such provision to be considered on a case-by-case basis reflecting an identified need or improving connectivity within the bridleway network or to riding stables/livery yards. Bullet 1 also requires any routes to consider multi users depending on its status. The third change relates to paragraph 6 regarding financial contributions (ie S106 and S278 agreements) and is explained in more detail in para 2.11 below. The final change to the policy is proposed by the Council to provide clarity that all new properties should be provided with an electric charging point. This is an essential requirement to ensure that new homes are prepared for the switch to hybrid and electric vehicles and as worded the policy does not make it clear that this should apply to all new homes

12.13 MM47 relates to two minor wording changes to Policy LPP45 - Parking Provision, which are suggested by the authority to provide clarity that the

policy specifically applies to the car parks listed within the policy and allocated as such on the Proposals Map. This is necessary to ensure the clear implementation of the policy in the District.

- 12.14 MM48 relates to Policy LPP46 - Protected Lanes. It is proposed to add '*hedgerow trees*' specifically to the list of elements that help define a Protected Lane. Whilst these are implicitly included within the term 'hedgerows', it is felt that the addition of hedgerow trees would aid clarity and understanding to provide the essential protection to these important features.
- 12.15 MM49 relates to changes to the last section of Policy LPP47 – Transport-Related Policy Areas to update references to the use class orders. The changes are required to bring the policy consistent with national policy which came into place on the 1<sup>st</sup> September 2020 and are set out in detail within Topic Paper 1 - Consequential Changes (February 2021).
- 12.6 MM50 relates to a change to Policy LPP48 - New Road Infrastructure through the removal of reference to the A131 Sudbury bypass. Minor modifications are also proposed to remove the supporting text on the same topic. The reasons for this are set out in paragraph 12.22 below.
- 12.7 MM51 proposes a minor amendment to Policy LPP49 – Broadband to clarify the infrastructure required to be installed.
- 12.8 The Council is also suggesting a number of changes to the supporting text within the Transport and Infrastructure section in minor modifications 35 – 40. These include requests for additional information to be added to the supporting text from ECC and Historic England for clarity, to remove reference in Policy LPP48 to the Sudbury bypass, which is no longer a proposed scheme by Suffolk County Council and to aid clarity on the application of Policy LPP45 – Parking Provision.
- 12.9 The Council would welcome a discussion with the Inspector on the exact wording of any changes or amendments within this section, as well as the extent to which these amendments constitute minor modifications which the Council would have the power to make prior to adoption.

**In addition, in relation to LPP44 – Sustainable Transport**

- **Are the requirements of the policy sufficiently clear in relation to the nature of contributions and when they will be sought?**
- 12.10 Policy LPP44 should be read in conjunction with policy SP6 – Infrastructure and Connectivity in the adopted BLP Section 1. This policy was substantially revised during the examination process. It states in paragraph 1 that;

*'All development must be supported by the provision of infrastructure, services and facilities that are identified to serve the needs arising from the development.'* It should also be read in combination with policy LPP82

- 12.11 Policy LPP44 sets out within 5 bullet points the transport modes which development must make appropriate provision for, including via contributions or provision on site depending on the size and position of the development, alongside other details of how the impacts will be considered. Paragraph 6 within the policy provides the reference to financial contributions and gives examples of the type of contribution which may be sought. A Statement of Common Ground (SOCG013) agreed with ECC proposes an amendment is made to paragraph 6 for clarification and to provide consistency with the Highways Act 1980. It is suggested that paragraph 6 is amended to read:

***Highway works (s278) and/or financial contributions (S106) from development proposals will be sought, where appropriate and viable, towards achieving the above objectives including the construction of new or improved off site cycleway and footpaths, and additional off-site public car parking, if required.***

- 12.12 This is an additional of the proposed main modification listed in MM46 in document SDBDC008a to reflect the preference of the highways authority for S278 agreements where necessary. It is important that S278 agreements are referenced in the policy as a means by which necessary highway mitigation is funded and delivered directly by the developer. The developer will be required by condition to enter into a S278 Agreement with ECC, as the local highway and transportation authority (HA), to make permanent alterations or improvements to highway, as part of any planning approval (e.g. new/ changed access to a development). All work within or affecting highway will be subject to technical approval by the HA prior to commencement on site. Prior to any work affecting highway commencing ECC will require an appropriate surety (either a cash deposit or a bond) that can be called upon to pay for the completion of works in the event that the developer does not complete the highway works to the satisfaction of the HA. In addition, all pre-commencement requirements in the s278 are required to have been met and approved.
- 12.13 Meanwhile, any S106 developer contributions for highway works will only be taken in exceptional circumstances such as for large scale strategic transportation schemes, with more than one funding source, which have been identified through the borough, city and district Local Plan process and included in the associated Infrastructure Delivery Plan. Where more than one development in an area generates the need for a specific local highways scheme which cannot be delivered by an individual development, it may be appropriate for ECC to secure financial contributions and to procure the works. ECC will require the developer to enter into a S106 or S278 legal agreement, as appropriate, to secure the contribution or works.

- 12.14 The ECC Developers' Guide to Infrastructure Contributions (2020), Section 5.5.3, states that agreements under s278 of the Highways Act 1980 are an essential tool used by the HA to secure highway related infrastructure improvements necessary to make development acceptable.
- 12.15 However, it is recognised that by mentioning some, but not all, infrastructure which the Council may ask for contributions towards may lead to some uncertainty. As such the Council would welcome the Inspectors consideration of any wording to be added or amended in this section to provide certainty. The policy should also be read in conjunction with Policy LPP82 on Infrastructure Delivery and Impact Mitigation.

**In relation to LPP45 – Parking Provision:**

• **How were the car parks identified for protection?**

12.16 Each of the car parks identified in policy LPP45 are existing car parks within the District and are to be protected for that use for the reasons outlined below. The list does not identify all car parks in the District, but are those which are considered to be the most important requiring protection and which are not protected by their close links to a building through parking standards. In particular:

- Some nine car parks (a, b, f, g, h, i, k, l, m) have been identified for their close proximity to railway stations and are considered to be crucial to ensure accessibility to the rail line for commuting and longer distance travel;
- Three car parks (b,c,d) are located around the major out of town retail and leisure destination of Braintree Village and Braintree Retail park, and are important to minimise any displacement of parking to neighbouring areas, which may have a substantial detrimental impact on highway safety and neighbouring amenity, particularly given the retail destination is relatively poorly served by public transport and has a wide catchment area; and
- The car park located to the rear of the village hall in Little Yeldham (j) was requested to be safeguarded as a future car park by the local Parish Council due to the rural nature of the village and lack of other parking opportunities nearby.

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

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

- 12.17 Policy LPP47 identifies two areas within the District which are designated as Transport Policy Areas, namely Galleys Corner and East of Panners roundabout. The Council considers this land should be utilised for uses which provide transport related services to highway users. As set out in the policy this includes overnight accommodation, filling stations, café's and other vehicle related uses including car washing, servicing and sales.
- 12.18 The two areas identified in paragraph 1 (a and b) are currently allocated for a similar use in the existing Local Plan Review 2005 (Policy RLP 58 – Galleys Corner and RLP 59 – Panners Roundabout) and therefore continue to be protected for that use within the new BLP. Both areas are located off the main A120 trunk road where it joins other major roads in the case of Galleys Corner the junction of the A120, B1018 (to Witham and the A12) and the A131 towards Halstead and Sudbury; and in the case of East of Panners Roundabout where the A120 joins the A131 dual carriageway towards Chelmsford and the A12.
- 12.19 Policy LPP48 references six highway schemes, of which four are to be safeguarded from development and 2 to support development allocated in the plan. The detail of each scheme is set out below;
- 12.20 **A131 Halstead Bypass**  
There is a long held ambition by BDC and ECC to consider the need for a bypass around the town of Halstead removing through traffic from the congested High Street. In their 2017 response 301 ECC, as highway and transportation authority, supported the reference to the Bypass and the wording in paragraph 6.174 of the BLP Section 2. A specific date for any re-commencement of work and related studies was not specifically set out. The wording in bullet 1 of the policy clarified that the detail of the proposed route of the Halstead bypass had not been subject to any recent survey or design work, which dates from work undertaken in the 1990s and as such is shown as a diagrammatic corridor only on Inset 34.
- 12.21 ECC have advised BDC that they will keep the need for a bypass under review and any future scheme review will need to ascertain whether the through traffic element still warrants a bypass approach, either in whole or in part. As part of any proposal developed there will be an increased emphasis to encourage modal shift measures such as improving public transport, cycling and walking to help address issues around car use, congestion and air quality in the town.
- 12.22 **A131 Sudbury Western Bypass**  
This was a scheme promoted by Suffolk County Council to provide a bypass for the town of Sudbury on the A131. Sudbury is just over the border in Suffolk and a small section of the potential scheme would have passed through



Braintree District, in the north eastern corner of the District (as shown on Inset Map 69). In November 2018, Suffolk County Council decided not to progress the Sudbury bypass scheme due to a range of factors including the prohibitive cost, and instead sought to spend any monies collected from development on improvements to existing junctions and other sustainable measures. As such MM50 of SDBDC008a proposes the removal of this scheme from policy LPP48, Minor modification 39 proposes the removal of the supporting text and MP98 proposes its deletion as a safeguarded route from Inset Map 69 – District Map.

### **12.23 Second Access Road into Witham Station from Station Road**

At present there are two large car parks serving Witham Station, both of which are only accessed from Easton Road. Station Road runs directly to the rear of those car parks but is not currently accessible from the car park. An access point here would allow vehicles entering and exiting the car park via Station Road and Avenue Road to move through Witham town without the need to travel through the congested mini roundabout junction of the B1018, Collingwood Road/The Avenue. A planning application was submitted by Network Rail for this entrance (reference 21/00174/FUL) in early 2021 and a decision is expected to be issued shortly.

12.24 Whilst this proposal has not been relied upon in any highway modelling work undertaken to support the Plan It is considered critical to remedy an existing congestion hotspot within the town, particularly with further homes being built who may wish to access to the station.

### **12.25 A new road link to Cut Throat Lane/Albert Road, Witham**

At present the 'Morrisons' roundabout includes a third arm which does not link to the Albert Road/Cut Throat Lane to the rear. The opening up of this link to vehicle traffic is included as a condition to the planning approval for the extension of the nearby 'Morrisons' store which was granted permission on appeal in 2014 through application 12/01569/FUL and carried forward as condition 11 in 20/00014/VAR. The applicant has submitted application 21/00059/VAR to amend this condition to open up the link to cyclists and pedestrians only, and this is currently being considered by the Council with a decision expected to be issued shortly.

12.26 This road scheme and has not been relied upon in any highway modelling work undertaken to support the Plan. However it may help to remedy an existing congestion hotspot within the town, allowing for the freer flow of traffic and providing sustainable transport links, particularly around peak times.

**12.27 A new road connecting Springwood Drive and Panfield Lane.**

Inset Map 1A, identifies two strategic growth locations at BOS6H – North West Braintree/Panfield Lane and BOCN137 – former Towerlands site. Outline permission has been granted on both sites for up to 825 homes at Panfield Lane and up to 575 homes at Towerlands totalling up to 1,400 homes.

12.28 Planning permission has been granted and implemented under 18/01316/FUL for the realignment of the existing road and access points to the civic amenity site and other buildings at the top of Springwood Drive to facilitate the new link road.

12.29 A hybrid planning application 15/01319/OUT for up to 825 homes and other facilities was approved on the Panfield Lane site in March 2020. The site is to provide a link road, with a safeguarded link into the Towerlands development, between the northern end of Springwood Drive and Panfield Lane early in the development (before the occupation of the 50th dwelling), and is expected to provide an alternative route to traffic (excluding HGVs) passing north-south through Braintree town therefore providing a more strategic function. The Towerlands site is required to provide a connection to the Link Road enabling vehicles to use the road.

12.30 The new link road is to be delivered directly by the developer.

**12.31 A new link road between Inworth Road and the A12 Kelvedon North/Feering junction**

Inset Map 23 identifies FEER233 known as land at Feering as a Strategic Growth Location. The site runs adjacent to Inworth Road which provides a key route for vehicles travelling from the Tiptree direction (in Colchester District) to Kelvedon and Feering, and to access the A12.

12.32 As part of the Strategic Growth Location a new spine road is proposed which links Inworth Road and the A12 junction to the north of Feering. This will now the proposed A12 improvements in the vicinity to Inworth Road and this site. The wider A12 improvements are part of the Highways England project between Chelmsford (J19) and Marks Tey (J25) which is fully funded and currently going through the NSIP process.

12.33 The new spine road will be delivered directly by the developer as part of the residential development on the site. It is essential to provide links from the site and from other wider locations outside of the village, to the A12 without the need for travel through the congested village streets.