



Braintree Section 2 Local Plan

Examination in Public

Hearing Statement

on behalf of

Rivenhall Oaks Golf Centre

& Mr Simon Brice

Matter 14 – The District’s Natural Environment –
Policy LPP72

June 2021

AM-P Ref: 15001



INTRODUCTION

1. This Hearing Statement has been prepared by Andrew Martin – Planning Limited (AM-P) jointly on behalf of the Rivenhall Oaks Golf Centre and Mr Simon Brice.
2. The Rivenhall Oaks Golf Centre comprises 45.5 hectares (ha) of land, between Witham and Rivenhall, to the north of the East Anglia railway line. Mr Simon Brice owns 17.8 ha of agricultural land at Pond Farm Field, between Witham and Rivenhall End, to the south of the same railway line. These sites are shown on the Site Location Plan at Appendix 1, marked with a red line and an orange line respectively.
3. These sites are currently located in the ‘countryside’ in planning policy terms, which will be protected for its own sake and where there is a general presumption against new development. However, Policy LPP72 in the Section 2 Plan proposes to introduce an additional policy restriction on these sites, namely a new ‘Green Buffer’ between Witham and Rivenhall / Rivenhall End, which the Plan claims is to prevent the main towns and villages coalescing with one another. This is shown on the extract of Post Submission Inset Map 2a contained at Appendix 2.
4. This Hearing Statement supplements our client’s original representations in July 2017 and considers the Inspectors’ Questions for Main Matter 14 of the Braintree Local Plan – Section 2 – Examination.

MATTER 14 – THE DISTRICT’S NATURAL ENVIRONMENT – LPP72

In relation to Policy LPP72 Green Buffers:

- ***Is the approach taken by the policy consistent with the Framework and the aims of sustainable development? Is it supported by appropriate evidence? Does it duplicate other policies in the plan?***

5. The 2012 version of the National Planning Policy Framework (NPPF), which the Section 2 Plan is being examined against, stipulates that planning should: recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it; and, protect the Green Belts around our main urban areas (paragraph 17). It therefore follows that land beyond identified development limits should be designated as either ‘countryside’ or ‘Green Belt’. Both the original 2012 and the latest 2019 versions of the NPPF make no provision for, or reference to, a third intermediary designation of a ‘Green Buffer’ or a ‘Green Wedge’.
6. Notwithstanding the criteria and caveats set out in Policy LPP72, our client’s submit that the introduction of Green Buffers in the District is likely to:
 - confuse and offer false hope to members of the public, some of whom already confuse ‘countryside’ with ‘Green Belt’ – a third intermediary designation could lead to even greater confusion and misunderstanding;
 - in real terms offer no greater protection against coalescence than the current ‘countryside’ designation, if / when well-resourced major development proposals are submitted in accordance with NPPF’s presumption in favour of sustainable development and the titled balance; and



- be used as a tool to frustrate more minor development proposals which could otherwise support and enhance rural communities and the rural economy.
7. The provision of a Green Buffer between Witham and Rivenhall / Rivenhall End could be seized upon by third party objectors to attempt to frustrate future planning applications at the Rivenhall Oaks Golf Centre, for development that could be important to the ongoing and future viability of the Golf Centre business. Likewise, if there is a pressing need for additional employment land during the plan period or an employer wishes to bring forward a purpose-built facility on the western-most part of Pond Farm Field (i.e. adjacent to the planned expansion of the Employment Area at the Eastways Industrial Estate), then a Green Buffer could frustrate and prevent this happening.
 8. Furthermore, the matter of a 'Green Buffer / Wedge' designation in this location has already been considered and dismissed by Mr John Braithwaite, who was appointed to oversee the Braintree Local Plan Public Inquiry in 2004. His Inspector's Report concluded at paragraph 7.11.7 that:

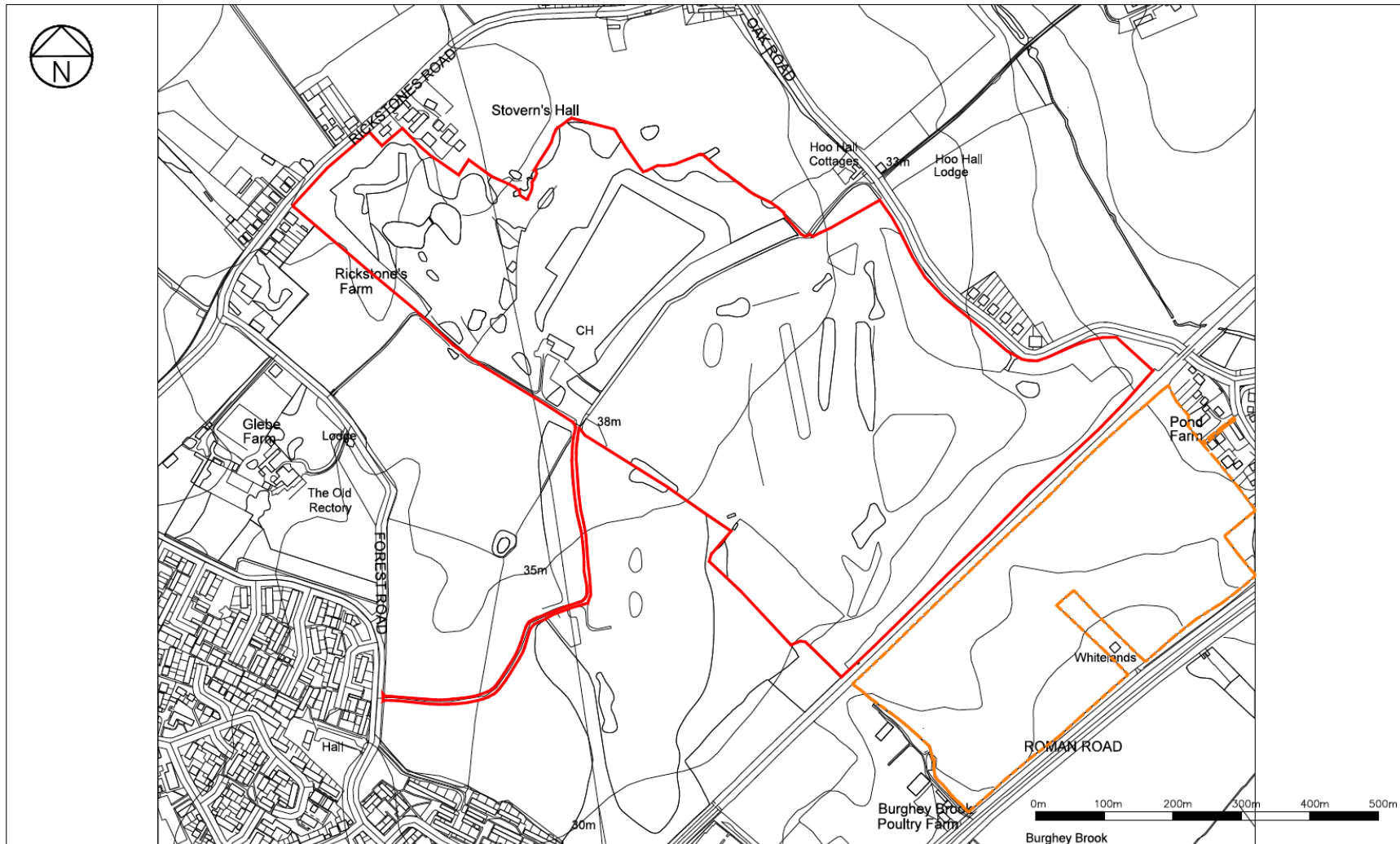
"Residents of the District value RLP 84 [i.e. the Green Wedge policy] for the 'extra level of protection' it affords to areas of countryside between settlements. The first sentence of RLP 73A [i.e. the countryside policy], which begins 'The countryside will be protected for its own sake...', provides all the protection necessary to prevent inappropriate development in all countryside areas including those between settlements. A proposed development is no more unacceptable if it is in conflict with two Plan policies than if it is in conflict with only one. No other matters mentioned by the Council or Objectors, either individually or collectively, outweigh the conclusion that there are no robust or compelling reasons for the retention of the 'green wedge' land designation in the Plan."
 9. The Inspector then went on to recommend the removal of all Green Wedges from the Local Plan, including the proposed Green Wedge between Witham and Rivenhall, which took place prior to its adoption in 2005. Please see Appendix 3 for the relevant parts of the Braintree Local Plan Inspector's Report (2004).
 10. These same considerations apply today and Policy LPP1 (Development Boundaries) in the Section 2 Plan renders Policy LPP72 (Green Buffers) unnecessary.
 11. In summary, the proposed introduction of Green Buffers is: (i) inconsistent with the NPPF (both the original 2012 version which this Plan is being examined against and the latest 2019 version) and the aims of sustainable development; (ii) not supported by appropriate evidence; and, (iii) unnecessarily duplicates other policies in the Plan.
 12. Our clients object to Policy LPP72 and the Green Buffer shown on Inset Map 2a on the grounds that they fail the 'justified' (i.e. the most appropriate strategy when considered against the reasonable alternatives) and 'consistent with national policy' (i.e. the plan should enable the delivery of sustainable development in accordance with the policies in the Framework) tests of soundness required at paragraph 182 of the NPPF (2012).
 13. As a result, our clients respectfully request that the Inspectors direct BDC to delete Policy LPP72 and the Green Buffer shown on Inset Map 2a from the Section 2 Plan.



SUMMARY

14. The Rivenhall Oaks Golf Centre comprises 45.5 hectares (ha) of land, between Witham and Rivenhall, to the north of the East Anglia railway line. Mr Simon Brice owns 17.8 ha of agricultural land at Pond Farm Field, between Witham and Rivenhall End, to the south of the same railway line. These sites are currently located in the 'countryside' in planning policy terms. However, Policy LPP72 in the Section 2 Plan proposes to introduce a new 'Green Buffer' between Witham and Rivenhall / Rivenhall End.
15. The Rivenhall Oaks Golf Centre and Mr Simon Brice made formal representations to the Braintree Section 2 Plan in July 2017. This Hearing Statement supplements those representations and highlights that:
 - The NPPF indicates that land beyond identified development limits should be designated as either 'countryside' or 'Green Belt' and makes no provision for, or reference to, a third intermediary designation of a 'Green Buffer' or a 'Green Wedge'.
 - The introduction of Green Buffers in the District is likely to:
 - confuse and offer false hope to members of the public, some of whom already confuse 'countryside' with 'Green Belt';
 - in real terms offer no greater protection against coalescence than the current 'countryside' designation, if / when well-resourced major development proposals are submitted in accordance with NPPF's presumption in favour of sustainable development and the titled balance; and
 - be used as a tool to frustrate more minor development proposals, for example at the Rivenhall Oaks Golf Centre or Pond Farm Field, which could otherwise support and enhance rural communities and the rural economy.
 - The matter of a 'Green Buffer / Wedge' designation in this location has already been considered and dismissed by Mr John Braithwaite, who was appointed to oversee the Braintree Local Plan Public Inquiry in 2004.
16. Our clients object to Policy LPP72 and the Green Buffer shown on Inset Map 2a on the grounds that they fail the 'justified' and 'consistent with national policy' tests of soundness, at paragraph 182 of the NPPF (2012), and respectfully request that the Inspectors direct BDC to delete these from the Section 2 Plan.

Appendix 1 – Site Boundary Plan



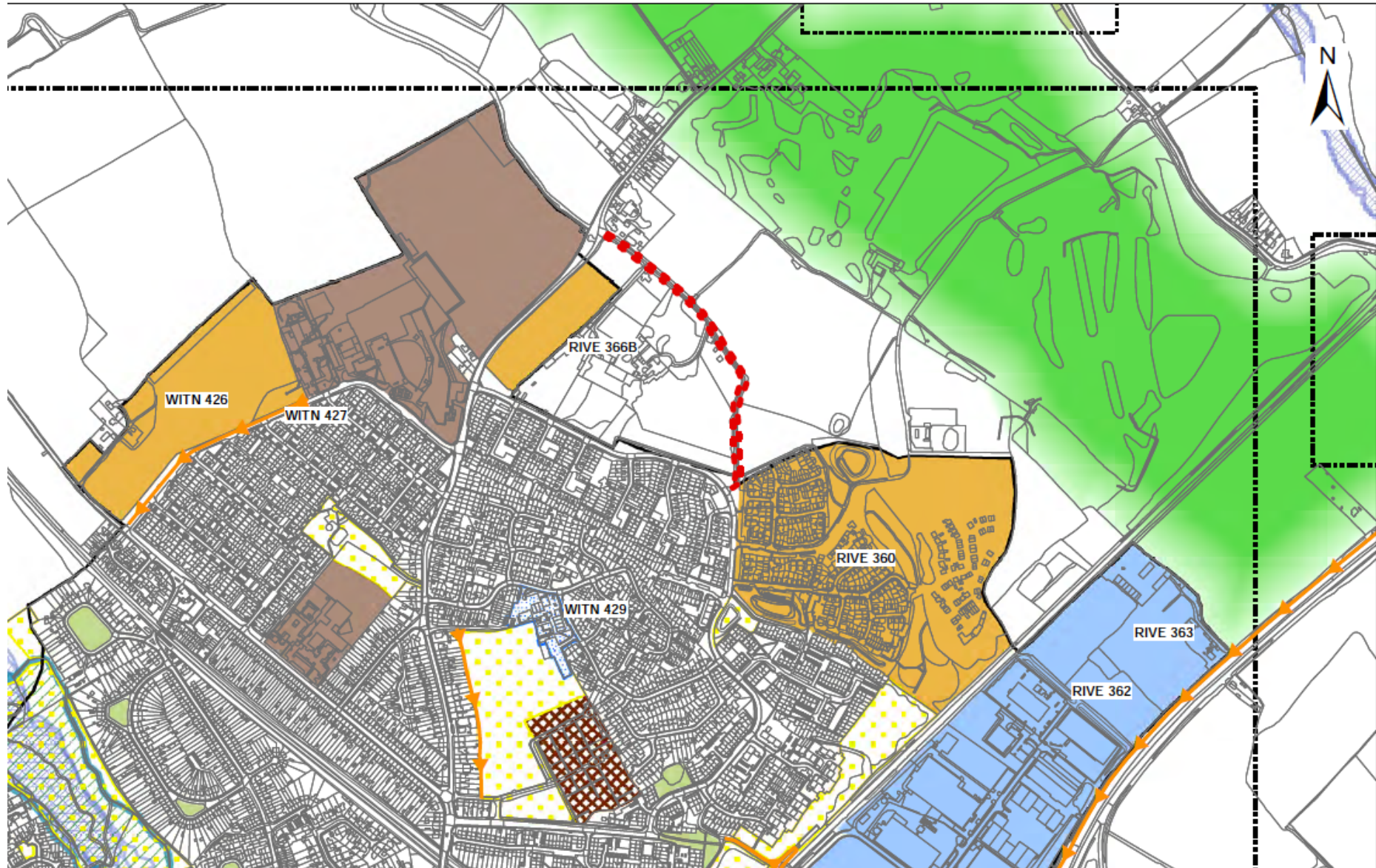
-  Rivenhall Oaks Golf Centre
-  Pond Farm Field

Title Site Location Plan Rivenhall Oaks Golf Centre and Pond Farm Field		
Drawing Number 15001_08	Revision	Revision Detail
Drawn by CH	Date 07/17	Scale 1:5000@A3


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Appendix 2 – Extract from Post Submission Inset Map 2a

Inset 2A



Appendix 3 – Extracts from Braintree Local Plan Inspector’s Report (2004)

Inspectors Reasoning and Conclusions

7.10.1 Amendments made at Revised Deposit and Pre-Inquiry stages generally satisfy objections and (c) in RLP 83 relates to both existing and proposed bridleways.

RECOMMENDATION

I recommend no change to the Plan.

7.11 Paragraph P7.17/ Policy RLP 84: Green Wedges

The Objections

187-384-P7.17	Bradwell Parish Council
327-701-P7.17	Berkeley Strategic Land Ltd
327-702-RLP84	Berkeley Strategic Land Ltd
355-801-RLP84	Mr and Mrs Kenny (see site 1.32)
370-893-RLP84	CML Microsystems and Chelmsford Dioscesan Board of Finance
361-846-RLP84	Bellway Homes/Swan Hill Homes
387-1005-RLP84	Hunnable Investments Ltd (see site 1.6)
392-1027-RLP84	Mr R J Hawkes
433-1166-RLP84	David Wilson Estates
494-1388-RLP84	English Nature
495-1385-RLP84	Wilcon Homes Anglia
500-1423-RLP84	The Springwood Trust

Objections to Proposed Change 1

187-3178-P7.17.R Bradwell Parish Council

Objections to Proposed Change 2

1017-4842-P7.17.P Cllr James Abbot (see site 1.46)

Main Issues

- a) Whether there should be a green wedge between Bradwell and Braintree (187)
- b) Whether the green wedge between Great Notley and Braintree should be redrawn (327)
- c) Whether an immediate review of green wedges should take place (327)
- d) Whether the policy should be deleted and green wedges removed (370, 361)

- e) Whether site specific objections should be accepted (355, 374, 387, 392, 468, 495, 500)
- f) Whether the policy should rule out development altogether (433)
- g) Whether green wedges should also be designated as corridors between urban centres and rural areas (494)
- h) Whether the loss of the green wedges on the change map should be reinstated (1017)

Inspectors Reasoning and Conclusions

7.11.1 Council and Objector written representations mainly refer to PPG7 because this guidance was not superseded by PPS7 until after the close of the Inquiry. PPG7 is no longer current government guidance, except for Annex E which is not relevant, and this report must refer instead to PPS7. However, guidance relating to local landscape designations in PPS7 is similar to that in PPG7 and reference to PPS7 alone will not prejudice either the Council or any Objector. Reference to LDDs in PPS7 applies equally, at this present time, to Local Plans including the Plan for Braintree District.

7.11.2 Paragraph 25 of PPS7 is particularly relevant to consideration of land designated as 'green wedge' in the District. To paraphrase the guidance: "Local landscape designations should only be maintained...where it can be clearly shown that criteria-based planning policies cannot provide the necessary protection" and "When reviewing their local...plans...planning authorities should rigorously consider the justification for retaining existing local landscape designations...(and)...they should ensure that such designations are based on a formal and robust assessment of the qualities of the landscape concerned". The thrust of the guidance in paragraph 25 is that there must be robust and compelling reasons for the retention of the 'green wedge' land designation in the Plan.

7.11.3 The Council appointed consultants to review the green wedge policy and to examine the areas to which it applied. Their report, 'Review of Braintree District Local Plan – Green Wedge Policy', was published in October 2003 and therefore represents an up to date review. Section 2 of the report deals with a 'Review of Green Wedge Policy and Definition of Criteria'. The review states that 'recent government studies' were assessed but only one was referred to; this being 'Strategic Gap and Green Wedge Policies in Structure Plans' issued by the ODPM. The review, furthermore, with reference to the ODPM study, deals solely with precedent.

7.11.4 The ODPM study, as its title indicates, relates to Structure Plans. In this regard, as acknowledged in the report, the

Essex and Southend-on-Sea Replacement Structure Plan does not contain any strategic gap or green wedge policy. There is therefore no strategic support for RLP 84. Moreover, the only district in Essex referred to in the report as a precedent for RLP 84 is Colchester where an Inspector recommended, in a 2003 Local Plan Inquiry report on their strategic open land designations, that the relevant policy should be deleted. The two other boroughs in the south-east of England referred to in the report both had strategic backing for their 'gap policies'. This part of the report is not robust and does not provide any justification, in the light of guidance in PPS7, for the retention of RLP 84.

7.11.5 The report identifies two main purposes for green wedge policy; the prevention of coalescence of the built up areas and maintaining the separation of settlements. These are essentially the same because maintaining the separation of settlements would prevent their coalescence. Green wedge areas designated by the Plan are, without exception, outside development limits of settlements and therefore subject to the application of countryside policies. RLP 73A: Countryside reiterates SP policy C5 and the thrust of government guidance by stating that "The countryside will be protected for its own sake...This will be achieved by the restriction of new uses to those appropriate to a rural area, and the strict control of new building in the countryside...to that required to support, agriculture, forestry or other rural uses or development".

7.11.6 At the round table session on 'green wedges' and at other times during the Inquiry the Council accepted that the application of RLP 73A would prevent virtually all forms of development in the countryside that might result in the coalescence of settlements. They did, however, suggest that equestrian facilities and golf courses might comply with countryside policies and could therefore be permissible in areas between settlements thus leading to their coalescence. This is considerably less than a compelling justification for RLP 84. The golf course between Witham and Rivenhall, including its associated buildings, has done nothing to reduce the gap between these two settlements and, for similar reasons, equestrian centres require large areas of open land to function and are also unlikely to contribute to the coalescence of two settlements if sited between them. In any event, RLP 73A also states that "Development should be well related to existing patterns of development...". Consequently, if a proposed development appropriate to a rural area would not be well related to existing patterns of development, such as the pattern of development found between two settlements, then it could be refused permission for being in conflict with RLP 73A. This countryside policy, backed up

by national and strategic policy, is quite sufficient, on its own, to prevent the coalescence of settlements in the District.

7.11.7 Residents of the District value RLP 84 for the 'extra level of protection' it affords to areas of countryside between settlements. The first sentence of RLP 73A, which begins "The countryside will be protected for its own sake...", provides all the protection necessary to prevent inappropriate development in all countryside areas including those between settlements. A proposed development is no more unacceptable if it is in conflict with two Plan policies than if it is in conflict with only one. No other matters mentioned by the Council or Objectors, either individually or collectively, outweigh the conclusion that there are no robust or compelling reasons for the retention of the 'green wedge' land designation in the Plan.

7.11.8 RLP 84 should be deleted along with explanatory text paragraphs 7.17 and 7.17.1, the sub-heading 'Green Wedges' and all green wedge areas on Proposals and Inset Maps. Paragraph 7.16 under the heading 'Green Wedges' in Chapter 7 simply repeats strategy outlined elsewhere in the Plan and should also be deleted. Deletion of this part of the Plan, which is a stand alone element, will not delay the progress or adoption of the Plan.

7.11.9 The Council may decide not to accept the aforementioned recommendation. It is necessary, therefore, to give consideration to objections relating to individual green wedge areas on the basis that RLP 84 and designated areas are retained in the Plan. Most of these are dealt with in Part Two of this report. With regard to the objection by Bradwell Parish Council, there is a gap of at least 2.5 kms between Braintree and Bradwell and there is no intravisibility or intervisibility between the two settlements. For these and other reasons there is no justification for designating a green wedge area between Braintree and Bradwell.

RECOMMENDATIONS

I recommend that the sub-heading 'Green Wedges', explanatory text paragraphs 7.16, 7.17 and 7.17.1, and RLP 84 be deleted from the Plan.
