

Braintree District Section 2 Local Plan

Statement of Common Ground between Braintree District Council and Essex County Council April 2021

1 Introduction

- 1.1 Braintree District Council (BDC) submitted a Local Plan for examination in October 2017. The Plan was made up of two parts, the Section 1 Plan, which was prepared jointly by Braintree District Council, Colchester Borough Council and Tendring District Council, and forms the first common part of each authorities respective Local Plans. This has been adopted by all three authorities in February 2021. The Section 2 Plan deals with Braintree District specific issues.
- 1.2 Essex County Council (ECC) is the upper tier authority for the Braintree District area and is the local highway and transportation authority, lead authority for education including early years and childcare, Special Education Needs and Disabilities, and Post 16 Education: Minerals and Waste Planning Authority; Lead Local Flood Authority; lead advisors on public health; and provider and commissioner of adult social care for the district.
- 1.3 The two authorities have worked closely together throughout the development of the Local Plan and ECC signed three Statements of Common Ground with the North Essex Authorities in relation to the Section 1 Local Plan, in its role as highway and transportation authority. The first [SCG017](#) in January 2018 was signed between the parties, Highways England and Greater Anglia and focussed on the strategic routes of the A12, A120 and Great Eastern mainline railway, the second [SCG017a](#) in December 2019 focussed on the A12 and A120 in terms of scheme progress and funding bids for these, and the A120 – A133 Link Road & Rapid Transit System (RTS), via the Housing Infrastructure Fund (HIF) and the *A120 Millennium Way Slips (Braintree) scheme*, the third [SCG018](#) in December 2019 was signed between the parties and Greater Anglia regarding the Great Eastern mainline.

2 Purpose of this Statement of Common Ground

- 2.1 In order to provide clarity for the section 2 Inspectors on other issues to those in the Section 1 Plan and recognising that time has passed since submission this Statement of Common Ground has been prepared setting out the issues specifically in relation to policies and site allocations contained within the section 2 Plan. This includes those comments made by ECC at the Regulation 19 stage in relation to its statutory roles and responsibilities, and factual updates to site allocation policies agreed in the granting of permission since 2017.
- 2.2 ECC submitted detailed comments to the Section 2 of the Local Plan at Regulation 19 stage. These are reference numbers 273, 274, 276, 278, 280 – 294, 296, 302, 304, 305, 307, 308, 311 and 314.

3 Area of Agreement

- 3.1 The Section 1 Inspector concluded in paragraph 16 of his report that ‘*where necessary the NEAs engaged constructively, actively and on an on-going basis in the preparation of the Plan, and that the duty to co-operate has therefore been met*’. The parties agree that the DtC has also been met with regards Section 2. BDC has fully engaged with ECC on the development of the Braintree District Local Plan and ECC has been formally consulted at every stage of consultation together with its accompanying Sustainability Appraisal (SA) and the Habitats Regulations Assessment (HRA). BDC has also engaged with ECC on the preparation of the Infrastructure Delivery Plan (IDP) which accompanies the Local Plan.3.2 ECC consultation responses accordingly have reflected their overall agreement with plan objectives while seeking to ensure the accuracy and appropriateness of detailed wording. BDC has incorporated ECC wording suggestions made at the Preferred Options stage (reg 18) and ECC is supportive of the minor modifications suggested at the Publication Draft stage (reg 19) in [SDBDC/008 - Section 2 - Minor Modifications](#). The following report also demonstrates that both parties are in agreement with regards those issues raised in the ECC response to the Regulation 19 plan.

BRAINTREE DISTRICT COUNCIL /ECC AGREED AMENDMENTS TO LOCAL PLAN SECTION TWO

- 3.3 Additional text is included in **bold** with deleted text as ~~strikethrough~~.
- 3.4 BDC agree with ECC comment 287 which proposes adding the following text to the introduction after paragraph 2.5 to clarify the role of ECC as Minerals and Waste Planning Authority (MWPA). Since the representation in 2017 ECC has refined the text on this matter through responses to other Local Plans and Neighbourhood Plans, and the following text is agreed by BDC, and ECC, as the MWPA.

Essex Minerals Local Plan

The Essex Minerals Local Plan 2014 (MLP) forms part of the statutory Development Plan and should be read alongside the Braintree Local Plan. There are active quarry sites in the district as well as unworked sand and gravel and brick clay deposits. These are subject to a Minerals Safeguarding policy (Policy S8), which seeks to prevent deposits being sterilised by on mineral development. The Mineral Safeguarding Areas within Braintree District are shown on the Policies Map (Inset 70)

Mineral Consultation Areas are also established through Policy S8 and these act to ensure that ECC are consulted on all non-mineral related development within a distance of 250m around existing, allocated and permitted quarries, and other mineral infrastructure.

Essex and Southend-on-Sea Waste Local Plan

The Essex and Southend-on- Sea Waste Local Plan 2017 (WLP) forms part of the statutory Development Plan and should be read alongside the Braintree Local Plan. The WLP allocates new waste development at Rivenhall. The WLP sets out where and how waste management developments can occur, and contains the policies against which waste management planning applications are assessed.

Policy 2 of the WLP designates Waste Consultation Areas within 250m of existing, allocated or permitted waste management facilities (400m in the case of Water Recycling Centres). These act to ensure that ECC are consulted on all non-waste related development proposals to ensure that there are no detrimental impacts which would compromise the operation of the existing facility or the newly proposed development.

- 3.5 BDC and ECC agree that amending the wording of the Key Objective for Transport Infrastructure in Chapter 4 as set out in comment 289 would more closely align the wording of the Local Transport Plan;

~~'New developments must contribute towards the improvement of the transport network in the District. including schemes to ensure safety and reduce congestion.~~
Developments will make appropriate provision to ensure safety and reduce congestion on the road network. Developments will make appropriate provision for public transport, walking and cycling, both within developments and connections to the wider network. '

- 3.6 BDC and ECC agree that additional wording on grow on space could be added to the end of paragraph 6.8 as set out in response 284, and was submitted as Mm3 in [SDBDC/008 - Section 2 - Minor Modifications](#).

'ECC has undertaken a 'Grow on Space Feasibility Study' to explore the need for employment 'Grow-On Space' within the County. Such flexible employment space, between 100 – 300 sq m in scale, is required to enable flexible premises for businesses to move on from incubation / enterprise centres / start-up spaces, and free up the units for other start-ups. The Essex Economic Commission also identified an inadequate supply of flexible tenures (eg. Grow-on Space), which is holding back successful businesses that want to expand and grow. Braintree District Council will consider which interventions are the most appropriate and viable to ensure the provision of flexible local employment space (by tenure) in the plan area'

- 3.7 ECC requested a minor amendment to the wording of the final bullet point in Policy LPP15 Retail Warehouse Development in response 290. On further consideration both parties agree that criteria c of this policy is appropriately covered in Policy LPP 44 – Sustainable Transport, paragraph 5 and therefore is recommended for deletion from the plan.

~~c. A Traffic Impact Assessment and travel plan demonstrating that the proposal would not cause any detriment to the local traffic network.~~

Policy LPP 18 - Strategic Growth Location - Land East of Great Notley, south of Braintree

- 3.8 ECC requested a minor amendment to the wording of paragraph 4 regarding access to the site in response 273.

- 3.9 As worded, paragraph 4, makes reference to the main access to the site being made from both London Road and Notley Road. At Regulation 19 ECC suggested reference be made to 'local access' being taken from Notley Road. Since submission, there has been ongoing discussion regarding the appropriate access to the site with the site promoters. Consequently, BDC and ECC, as the highway authority, recommend the following amendment to this paragraph to be consistent with these discussions.

*The main access to the site will be from London Road and **local access from Notley Road and Bakers Lane, the latter only if it is an essential requirement of the development.***

- 3.10 Chelmsford City Council and BDC have signed a SOCG001 which proposes the minor changes below to address comments made in the 2017 consultation. ECC are content with the changes proposed.

- 3.11 Addition to paragraph 6.66

*Given the scale of the development, an appropriate level of new community services and facilities will need to be provided on the site **and appropriate contributions made to new infrastructure outside of the site, and further detail on the extent and quantum of these..***

- 3.12 LPP18. Additional bulletin point

Contributions to the strategic road network in the vicinity of the site which could include the A120 and A131 corridors

Policy LPP 19 - Strategic Growth Location - Land East of Broad Road, Braintree

- 3.13 ECC requested a minor amendment to the wording of paragraph 3 regarding access to the site in response 274.

- 3.14 As worded, paragraph 3, makes reference to the main access to the site being made from the A131 with additional minor access from Broad Road. At Regulation 19 ECC suggested additional 'minor access' from Broad Road be amended to 'local access from'. Since submission, planning permission has been granted for this site with access agreed with ECC, as the highway authority. Consequently, BDC and ECC recommend the following amendment to this paragraph to be consistent with the approved access.

- *The main **vehicular** access to the site will be from **a new roundabout on the A131** with an additional **local** ~~minor~~ vehicle access from Broad Road*

Policy LPP 20 - Strategic Growth Location - Former Towerlands Park Site

- 3.15 ECC and BDC agree the following minor change to Policy LPP20, paragraph 3 for clarity; and was submitted as Mm8 in [SDBDC/008 - Section 2 - Minor Modifications](#).

*All access points will have to be agreed to the satisfaction of Essex County Council, **as the Highways-Authority.***

Policy LPP 22 - Strategic Growth Location – Land at Feering

3.16 ECC requested a point of clarification to the wording of bullet 12 regarding the definition of the A12 junction at Feering in response 282. Since submission Highways England (HE) has announced its preferred route between junction 19 and 23 in October 2019 and between junction 23 and 25 in August 2020. The A12 widening scheme is to be progressed and delivered as part of the Road Investment Strategy 2 (RIS2) programme, and is now a fully funded scheme which is progressing through the Nationally Significant Infrastructure Project (NSIP) process. The preferred route includes a new junction 24 which will become an 'all movements' junction serving traffic in all directions. HE proposals provide improved access to the upgraded A12 from Inworth Road which will serve the communities of Kelvedon, Feering, Inworth, Tiptree and others.

3.17 ECC and BDC agree the following change to LPP22 for clarity;

- *Contributions to an all **movements** ~~direction~~ A12 junction at Feering*

Policy LPP 31 - Comprehensive Redevelopment Area - Land between A12 and GEML, Hatfield Peverel

3.18 ECC requested an amendment to the wording of paragraph 2, bullet point 1 to provide a less prescriptive road link to serve the site, as it was considered this should be determined through the planning application process. The suggested wording was '*A suitable road access strategy to be agreed with the Highway Authority*'. Since submission, planning permission has been granted for this site with access agreed with ECC, as the highway authority. Consequently, BDC and ECC recommend the following amendment to this bullet point and the ECC Reg 19 representation to be consistent with the approved access.

- *~~A suitable road link between Bury Lane and Station Road to be agreed with the Highways Authority.~~ **The main vehicular access to the site will be taken from Station Road***

Policy LPP 44 - Sustainable Transport, paragraph 6.152, 6.153, 6.155

3.19 ECC and BDC agree the following change to paragraph 6.152 to better reflect sustainable transport solutions as set out in response 298; and was submitted as Mm20 in [SDBDC/008 - Section 2 - Minor Modifications](#). Further amendments have been suggested for clarity.

*'There are particular junctions or sections of road in the District that can become congested, especially at peak times when people are travelling to and from school or work and solutions are being sought to reduce this congestion, **including encouraging changing travel behaviour, junction improvements or new roads as appropriate.** ~~Traffic growth can also occur when new homes or offices are built in~~*

~~**neighbouring Districts, and Councils must work together to minimise these impacts on all communities.**~~

Traffic growth can also be generated when new homes or offices are built in neighbouring Districts, and Councils must work together to minimise these impacts on all communities.'

- 3.20 ECC and BDC agree that the following text referencing the Local Transport Plan (LTP) could be added to the end of paragraph 6.153 as proposed by response 300 and was submitted as Mm21 in [SDBDC/008 - Section 2 - Minor Modifications](#). The LTP is presently being reviewed.

'The Essex Local Transport Plan (2011) contains the Essex Transport Strategy (2011) and sets out the 15 year vision to improve travel in the county and underlines the importance of the transport network in achieving sustainable, long term economic growth and enriching the life of residents. The LTP is supported by a suite of more specific documents including the Bus Strategy, the Cycling Strategy, Development Management Policies, Vehicle Parking Standards and the Sustainable Modes of Travel Strategy, and implementation plans that are also periodically updated by ECC.'

- 3.21 ECC and BDC agree that the following text could be added to the end of paragraph 6.155 in line with response 299; and was submitted as Mm22 in [SDBDC/008 - Section 2 - Minor Modifications](#).

'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.'

- 3.22 ECC and BDC agree with the changes proposed by responses 291 and 292 to policy LPP44 Sustainable Transport. Paragraph 2 to read:

Priority should be given to cycle and pedestrian movements, and access to public transport, and use of bridleways ,

- 3.23 Bullet 1 to read:

...to offer multi user routes for walking, cycling and other recreational opportunities such as horse riding

- 3.24 Both parties agree that a minor addition is made to paragraph 6 for clarification and to provide consistency with the Highways Act. Paragraph 6 to read:

Financial contributions (S106) and/or highway works (s278) from development proposals will be sought, where appropriate and viable, towards achieving the above

objectives including the construction of new or improvement of existing off-site cycleway and footpaths, and additional off-site public car parking, if required.

Policy LPP 46 - Protected Lanes

- 3.25 ECC and BDC agree that paragraph 1 of Policy LPP46 Protected Lanes could be amended in line with response 293; and was submitted as Mm23 in [SDBDC/008 - Section 2 - Minor Modifications](#).

...such as hedgerows, hedgerow trees and other structural elements contributing to the historic features of the lanes

3.26 Policy LPP54 Equestrian Facilities

Sport England have proposed a change to criteria b within this policy on vehicle access which they considered too restrictive. The proposed wording is part of MM55 within document SDBDC008a and ECC have no objections to the change.

~~B No alterations to vehicular highway in the area are required~~ **The vehicle movements generated by any new building should be able to be safely and efficiently accommodated on the existing road network without detriment to the character of local area**

Policy LPP 55 - Layout and Design of Development

- 3.27 ECC and BDC agree that criteria 9 to Policy LPP55 could be amended in line with response 294;

'Landscape proposals should ~~include~~ consist of native plant species and their design shall promote and enhance local biodiversity and historic environmental assets. 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.'

Policy LPP 48 - New Road Infrastructure

- 3.28 BDC and ECC agree to the change proposed in response 301, but recommend the deletion of paragraphs 6.172 to 6.174 to better reflect change in status of the Sudbury Bypass and progress made on the Chelmsford North East Bypass (CNEB) scheme, which will be open for traffic in 2024, since the submission of the plan. The recommended replacement text provides a more complete description of the strategic importance of the A131/A130 corridor, providing inter urban connectivity between north and south Essex.

The mid and north Essex strategic road network is essential not only for existing but also for future businesses and jobs. The A12, A130, A131 and A120 are key routes that create effective travel routes across the county. Suffolk County Council has confirmed that a new Sudbury bypass further north on the A131 will no longer be implemented, but will instead use alternative congestion reducing measures.

The proposed Chelmsford North East Bypass will run between the A12 and A131, and will complement Highways England's A12 Junction 19 to 25 improvements at Boreham Interchange. It will provide an important strategic link between Braintree, Chelmsford, Stansted Airport and the Lower Thames Crossing and relieve congestion on local roads. It is safeguarded in the adopted Chelmsford Local Plan and is to be funded through a successful Housing Infrastructure Fund (HIF) bid and other developer contributions. It is to be delivered in two phases with phase 1 open for traffic in 2024, which will meet the traffic demands for the next 15 years.

The Halstead Bypass (A131) was first developed and protected from development in the 1990's to support the integrity of the A131 Primary Route, which runs from Chelmsford to Sudbury catering for longer distance traffic travelling from mid Essex and south Suffolk, and in combination with other Primary Routes, such as the A130 and A134 connecting the A12 with the A14. As a result of combining the A131 route with other road improvements (such as the A120 at Braintree) only Halstead remains as a town that the A131 has to pass through.

The existing A131 is a single carriageway with a major pinch-point at the two mini roundabout junction of the A131 Head St / A1124 Hedingham Road / A1124 Colchester Road intersection within Halstead town centre. The junction currently operates at capacity, and will be further exacerbated in the plan period, with minimal opportunities for mitigation. The scheme has not been subject to recent traffic surveys or design and may be subject to change once the best solution for the town is understood following further study work that may come forward. Consequently, the route is shown as a diagrammatic bypass corridor in Inset 34 – Halstead.

ECC will keep the need for a bypass under review and any future scheme review will need to ascertain whether the through traffic element still warranted 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.

Policy LPP 64 - Educational Establishments

- 3.29 ECC and BDC agree the following change to Policy LPP64 Educational Establishments to protect proposed and current educational facilities for that use, and to be consistent with NPPF paragraph 94, as set out in response 285.

a) It can be clearly demonstrated that the use of the site is genuinely redundant and no other alternative educational or community use can be found.

Policy LPP 68 - Protected Species, Priority Species and Priority Habitat

- 3.30 ECC and BDC agree that Policy LPP68 should be slightly reordered as set out in response 296 to include the paragraph on 'Sites of Special Scientific Interest and Irreplaceable Habitat' directly after National and International Designations, as both are national designations.

Policy LPP 80 - Sustainable Urban Drainage Systems

- 3.31 BDC agree with ECC that additional text could be added to the supporting text of Policy LPP80 as set out in response 302. This also satisfies response 305;

'The Braintree and Witham Surface Water Management Plan (SWMP) is a framework to help understand the causes of surface water flooding and agree a preferred strategy for the management of surface water flood risk in Braintree and Witham. In this context surface water flooding describes flooding from sewers, drains, groundwater, and runoff from land, ordinary watercourses and ditches that occurs as a result of heavy rainfall. The SWMP identifies areas and properties currently at risk of internal flooding in a 1:100 year event. It outlines the residential and non-residential, and infrastructure currently at risk of surface water, ground water and ordinary watercourse flooding in the SWMP area.'

- 3.32 BDC agrees with ECC response 307 which suggests that reference is made to the ECC 'Developers' Guide to Infrastructure Contributions in the supporting text of Policy LPP82, and was submitted as Mm32 in [SDBDC/008 - Section 2 - Minor Modifications](#).

'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 82 - Infrastructure Delivery and Impact Mitigation

- 3.33 BDC agrees with ECC response 304 in that the final paragraph of Policy LPP 82 should be a further exception to the policy. BDC agree that this is an error in the drafting of the policy text and should be amended accordingly.
- *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.*

Glossary

- 3.34 BDC agrees with ECC response 308 in that the definition of 'Infrastructure' in the Glossary should be amended to support the reference in paragraph 5 of Policy LPP82 requiring the policy to cover *'the widest reasonable definition of infrastructure and infrastructure providers.'*

Insert following as part of definition:

a. footways, cycleways and highways

b. public transport

c. drainage and flood protection

d. waste recycling facilities

- e. education and childcare*
- f. healthcare*
- g. sports, leisure and recreation facilities*
- h. community and social facilities*
- i. cultural facilities, including public art*
- j. emergency services*
- k. green infrastructure*
- l. open space*
- m. affordable housing*
- n. live/work units and lifetime homes*
- o. broadband*
- p. facilities for specific sections of the community such as youth or the elderly*

Policy LPP 65 - Local Community Services and Facilities and Glossary

- 3.35 ECC expressed concern in response 286 to the inconsistency in the definition of Local Community Facilities within the Glossary, which includes 'education facilities', and the supporting text in paragraph 7.53 of Policy LPP65, which omits any such reference. BDC and ECC agree to the deletion of 'Local Community Facilities' from the Glossary, as the term is appropriately defined within paragraph 7.53. Both parties agree that it is Policy LPP64 that provides policy guidance on new and existing educational premises.

~~*Local Community Facilities – Facilities which provide for the health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community.*~~

Infrastructure Delivery Plan Update and Consequential Changes

- 3.36 ECC, as lead authority for education, and BDC have recently held discussions regarding the changing circumstances to the education landscape since the Local Plan was submitted in 2017. These discussions are reflected in the IDP Update (BDC058), which included a revised assessment of primary, secondary and early years and childcare requirements. Both parties agree that the revised requirements supersede comments made at Regulation 19 stage in responses 276, 278, 281. These changes also supersede those proposed by BDC in [Topic Paper 1 - Consequential Changes](#), Table 2 – Changes proposed as a result of the change of use classes and permitted development and [SDBDC/008 - Section 2 - Minor Modifications](#).
- 3.37 ECC and BDC agree the following proposed changes to policies LPP18 to LPP23..

3.38 Policy LPP 18 – Strategic Growth Location - Land East of Great Notley, south of Braintree

- ~~A new primary school with co-located 56 early years and childcare nursery (D1use) on 2.7ha of **suitable land allocated for education and childcare use as required by the Local Education Authority through S106 Planning Obligations**~~
- ~~Two new 56 place stand-alone early years and childcare **nurseries (D1-use)** each on 0.13ha of **suitable land allocated for education and childcare use as required by the Local Education Authority through S106 Planning Obligations**~~

3.39 Policy LPP 19 – Strategic Growth Location – Land East of Broad Road, Braintree

- ~~A new primary school with co-located 56 early years and childcare **nursery (D1use)** on 2.1ha of **suitable land allocated for education and childcare use as required by the Local Education Authority through S106 Planning Obligations**~~
- ~~A new 56 place stand-alone early years and childcare **nursery (D1-use)** on 0.13 hectares of **suitable land allocated for education and childcare use as required by the Local Education Authority through S106 Planning Obligations**~~

3.40 Policy LPP 20 – Strategic Growth Location - Former Towerlands Park Site, Braintree

- ~~A new 56 place stand-alone early years and childcare **nursery (D1-use)** on 0.13 hectares of **suitable land allocated for education and childcare use as required by the Local Education Authority through S106 Planning Obligations**~~

3.41 Policy LPP 21 – Strategic Growth Location - North West Braintree

- ~~A new primary school with co-located 56 early years and childcare nursery (D1use) on 2ha of suitable land allocated for education and childcare use as required by the Local Education Authority through S106 Planning Obligations~~

3.42 Policy LPP 22 – Strategic Growth Location - Land at Feering

- ~~Financial contributions to primary and secondary education provision as required by the Local Education Authority through S106 Planning Obligations~~
- ~~Two A new 56 place **stand-alone** early years and childcare **nursery on 0.13 hectares of suitable land allocated for education and childcare use. facilities, potentially co-located with any new primary school**~~

3.43 Policy LPP 23 – Strategic Growth Location - Wood End Farm, Witham

- ~~A new 30 place stand-alone early years and childcare **nursery (D1-use)** on 0.065hectares of **suitable land allocated for education and childcare use as required by the Local Education Authority through S106 Planning Obligations**~~

3.44 ECC sought clarification in response to 297 regarding the combined population of Braintree, Bocking and Great Notley being around 50,000. ECC and BDC agree that the wording of paragraph 5.5 is sufficiently clear. The Local Plan Monitoring Report (1 April 2019 to 31 March 2020) helps provide clarification in Table 2, page 6 on this matter.

Signed on behalf of Braintree District Council

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Signed on behalf of Essex County Council

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