

Braintree District Pt 2 Local Plan Examination

Statement of Common Ground

As agreed between
Braintree District Council
and Anglian Water

**Policies LLP21,LPP23, LPP36, LPP55, LPP67, LPP68 LPP 70, LPP73,
LPP74, LPP75, LPP78, LPP80**

June 2021

Introduction

1.1 This addendum to the Statement of Common Ground has been prepared jointly between the parties of Braintree District Council (“the Council”) and The Environment Agency.

1.2 The Statement sets out the confirmed points of agreement and disagreement between the Council and the Environment Agency with regard to the following Policies and paragraphs:

LPP21 - Strategic Growth Location – North West Braintree
LPP23 - Strategic Growth Location - Wood End Farm, Witham
LPP36 - Gypsy and Traveller and Travelling Showpersons' Accommodation
LPP55 - Layout and Design of Development
LPP67 - Natural Environment and Green Infrastructure
LPP68 – Protected Species, Priority Species and Priority Habitats
LPP70 - Protection, Enhancement, Management and Monitoring of Biodiversity
LPP73 - Landscape Character and Features
LPP74 - Climate Change
LPP75 - Energy Efficiency
LPP78 - Flooding Risk and Surface Water Drainage
LPP80 - Sustainable Urban Drainage Systems

These policies are set out in the submitted Braintree District Local Plan, which will assist the Inspector during the examination of the Plan.

1.3 The Statement reflects the discussions that took place during the meeting between representative of Braintree District Council (Julie O’Hara) and Environment Agency (Gemma Allsop)

1.4 The Council has reviewed the application of the optional higher water efficiency standard with reference to A Green Future: Our 25 Year Plan to Improve the Environment 2018.

1.5 It is recognised that Braintree District does fall within an area of acknowledged water stress according the Environment Agency’s Water Stressed Areas – Final Classification 2013, and efforts should be made improve water efficiency. There is therefore reasonable justification for seeking improved efficiency and applying the specific higher standard. If set out in local plan policy this would necessitate an appropriate condition to be attached to residential planning consents which would then be reflected in the application of Building Regs. A developer would need to provide a water consumption calculation to demonstrate that the standard would be met.

1.6 The additional cost of complying from the developer's perspective are minimal (£6 - £9 per dwelling, DCLG Housing Standards Review (Sept 2014) and could be used as a marketing benefit it is considered appropriate to introduce the requirement given the wider benefits.

1.7 The Council has discussed the approach with The Environment Agency and has agreed suggested modifications which address their concerns and which the Council is in agreement to make. This Statement of Common Ground has subsequently been provided which sets out the points of agreement.

ID	Policy	Representations on the Publication Local Plan Part 2	Action Requested	Actions Proposed
487	LPP21	<p>Our earlier letter dated 18 August 2016 in relation to the Preferred Options provided comments on a number of Strategic Growth Locations. We have not, on this occasion, carried out a substantive environmental constraints review of all the site locations in this section. We do however offer comments on the two locations detailed below.</p> <p>Policy LPP 23 Strategic Growth Location – Wood End Farm, Witham</p> <p>We have reviewed the constraints affecting this proposed Strategic Growth Location against our maps. There are no specific constraints from our perspective that affect development of the site.</p>	<p>Policy LPP 21 Strategic Growth Location – North West Braintree</p> <p>We have reviewed the constraints affecting this proposed Strategic Growth Location against our maps. The northern area is in part within a Source Protection Zone 2. To protect drinking water supplies, only clean roof water (through sealed downpipes) should be discharged to ground through infiltration devices such as soakaways. The developer will need to be mindful of this when designing their drainage strategy</p>	<p>Both Braintree District and the Environment Agency agree that this representation requires no changes to the policy. This representation has been overtaken by events as outline planning permission has been granted by 18/01318/OUT. Drainage arrangements are being considered through the planning application process.</p> <p>No Change proposed</p>

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488	LPP23	<p>Our earlier letter dated 18 August 2016 in relation to the Preferred Options provided comments on a number of Strategic Growth Locations. We have not, on this occasion, carried out a substantive environmental constraints review of all the site locations in this section. We do however offer comments on the two locations detailed below.</p> <p>Policy LPP 23 Strategic Growth Location – Wood End Farm, Witham</p> <p>We have reviewed the constraints affecting this proposed Strategic Growth Location against our maps. There are no specific constraints from our perspective that affect development of the site.</p>	There are no specific constraints from our perspective that affect development of the site.	Both Braintree District and the Environment Agency agree that this representation requires no changes to the policy
489	LPP36	<p>Policy LPP 36 Gypsy and Traveller and Travelling Showpersons' Accommodation</p> <p>We are pleased that criterion e of this policy ensures that these sites should not be located in areas at risk of flooding. In terms of tidal and fluvial flood risk, where they include residential caravans that are</p>		<p>This policy has been proposed for amendment in MM40 as follows:</p> <p><i>“The Council will allocate support up to 30 26 pitches for Gypsy and Traveller Accommodation, at Strategic Growth Locations and the garden communities, or through..</i></p>

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		<p>considered to be 'highly vulnerable' in Table 2 of the Planning Practice Guidance: Flood Risk and Coastal Change, these sites should not be permitted in Flood Zone 3, as demonstrated in Table 3 of this guidance.</p> <p>We support criterion f, which will ensure that these sites have appropriate drainage. A private means of foul effluent disposal is only acceptable when foul mains drainage is not feasible (in terms of cost and/or practicality).</p>		<p>6 travelling showpersons plots will be sought at the Strategic Growth locations and garden communities, through the planning...</p> <p>However if insufficient sites have been proposed or sites are no longer likely to come forward than any additional sites Planning applications for Gypsy and Traveller or Travelling showpersons sites must meet all the following criteria;"</p> <p>Changes are intended to correct a numerical error, remove reference to the Garden Communities and for clarity.</p> <p>No new Gypsy & Traveller sites are allocated in the plan. Any additional sites which come forward will be subject to criteria (e) which requires such sites to be located outside areas at risk of flooding and Criteria (f) requires new sites to be capable of being provided with appropriate drainage, water supply and other utilities. For sewerage, a connection to a main sewer will be preferable.</p> <p>Both Braintree District and the Environment Agency agree that this representation requires no further changes to the policy</p>

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490	LPP55	<p>Layout and Design of Development</p> <p>We support the thrust of this Policy and we are encouraged to see that new development will incorporate items such as energy conservation, water efficiency, waste separation (internal and external), climate change, flood resilience and resistant construction.</p> <p>With regard to water efficiency as mentioned further on under Policy LPP75 Energy Efficiency, we consider the Local Plan should seek to adopt the optional Building Regulation water efficiency standard.</p>	<p>With regard to water efficiency as mentioned further on under Policy LPP75 Energy Efficiency, we consider the Local Plan should seek to adopt the optional Building Regulation water efficiency standard</p>	<p>This matter is addressed under LPP75.</p> <p>Both Braintree District and the Environment Agency agree that this representation requires no further changes to the policy</p>
491	LPP67	<p>The latest version of this policy has removed the reference to protection from excessive use of water and other resources, though it has retained protection from all types of pollution. Not apparent why this has been removed. Reinstate.</p> <p>We also note that the policy no longer includes wording which requires development proposals to take account of the potential impacts of climate change in their design, and propose measures to</p>	<p>We recommend Policy LPP 67 should read as follows:</p> <p>‘Development proposals must take available measures to ensure the protection, and where possible, the enhancement of the natural environment, habitats, biodiversity and geodiversity of the District. This will include, where appropriate, protection from pollution and the excessive use of water and other resources.</p>	<p>The following alterations have been proposed by MM60 and MM61. For clarity</p> <p>Paragraph 1 amended wording MM60</p> <p>Development proposals must take available measures to ensure the protection and where appropriate the enhancement of the natural environment, habitats, biodiversity and geodiversity of the District and to be acceptable, also taking climate change and water scarcity into account in their design This will include, where appropriate, protection from pollution. Proposals inside</p>

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		<p>reduce greenhouse gas emissions where necessary.</p>	<p>The Council will expect all development proposals, where appropriate, to contribute towards the delivery of new Green Infrastructure which develops and enhances a network of multi-functional spaces and natural features throughout the District. This will be proportionate to the scale of the proposed development and the rural or urban context. The Council will support and encourage development which contributes to the District's existing Green Infrastructure and where possible, enhances and protects networks and adds to their functions. It will secure additional provision where deficiencies have been identified. Proposals which undermine these principles will not be acceptable.</p> <p>Development proposals should take account of the potential impacts of climate change in their design, and propose measures to reduce greenhouse gas emissions where necessary.'</p> <p>It is not apparent that, Policy LPP 76 is consistent with national policy. For this reason, we</p>	<p>the district which are likely to adversely affect, either individually or cumulatively, International or Nationally designated nature conservation sites within and outside the district will not normally be acceptable.</p> <p>Paragraph 2</p> <p>....Proposals which undermine these principles will not be acceptable. A robust network of open space, available for public access plays an important role in providing recreational alternatives to the European protected nature designations. Such site should be managed and maintained to maximise their effectiveness in this role</p>

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			consider the policy is unsound. Re-wording the policy along the lines outlined above will ensure it is consistent with national policy.	
492	LPP68	We would highlight that ‘harm’ to biodiversity can also arise as a result of development causing invasive species to be introduced. 6% of the water bodies within the Anglian River Basin Management Plan are classified as failing due to invasive species.	We recommend that a biosecurity protocol method statement is required for all development proposals to ensure that an adequate means of preventing the introduction of non-native species is considered and implemented. This should help to prevent the spread of invasive non-native species which have a negative impact on biodiversity and ecosystem functioning. We recommend that this aspect be addressed within the Local Plan by adding the wording below to the final paragraph of Policy LPP 68. ‘A biosecurity protocol method statement is required for all development proposals to ensure the introduction of invasive non-native species is prevented.’	
492	LPP70	Our earlier letter dated 18 August 2017 recommended the inclusion of wording covering the provision of ecological buffer strips along river corridors and seeking opportunities for de-culverting. With this in mind we	Insert the following paragraph as new final sentence for LPP 70 “Development proposals with river frontages should make provision for ecological buffer strips with a	Insert the following paragraph as a new final sentence to paragraph 2 LPP70. Development proposals with river frontages should make provision for ecological buffer strips with a view to protecting and where

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		<p>recommend that the wording given below should be inserted as a new final sentence for Policy LPP 70.</p> <p>‘Development proposals with river frontages should make provision for ecological buffer strips with a view to protecting and where appropriate enhancing water dependant habitats and species. Where development proposals will be carried out on land with a watercourse currently culverted, opportunities for de-culverting and restoration to an open watercourse should be sought as a means of creating blue infrastructure and enhancing the development site.’</p> <p>The provision of ecological buffer zones should not only be sought under the aims of the Anglian River Basin Management Plan to bring about achieving good ecological status through improvements and enhancements, but also for flood risk management purposes.</p>	<p>view to protecting and where appropriate enhancing water dependant habitats and species. Where development proposals will be carried out on land with a watercourse currently culverted, opportunities for de-culverting and restoration to an open watercourse should be sought as a means of creating blue infrastructure and enhancing the development site”</p>	<p>appropriate enhancing water dependant habitats and species. Where development proposals will be carried out on land with a watercourse currently culverted, opportunities for de-culverting and restoration to an open watercourse should be sought as a means of creating blue infrastructure and enhancing the development site means of creating blue infrastructure and enhancing the development site</p>
493	LPP73	We are supportive of the thrust of this policy and its various components.	Support Noted	Both parties agree that no action is required.
494	LPP74	We are supportive of the thrust of this policy	Support Noted	Both parties agree that no action is required.

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495	LPP75	<p>We are largely supportive of the thrust of this policy. However, with regard to water efficiency we consider that this should aim to be more ambitious and include a reference to the optional Building Regulation water efficiency standard. With this in mind we recommend the following sentence should be inserted between the existing first and second sentences to the Policy.</p> <p>‘Residential developments in the area should comply with the Building Regulation water efficiency standard of 110 litres per occupier per day’</p>	<p>Support Noted.</p> <p>We recommend the following sentence should be inserted between the existing first and second sentences to the Policy.</p> <p>‘Residential developments in the area should comply with the Building Regulation water efficiency standard of 110 litres per occupier per day’</p>	<p>The following change has been proposed as MM66.</p> <p>Title of LPP75 is altered to read “Energy and Resource Efficiency”</p> <p>The following text shall be inserted into LPP75 as paragraph 2</p> <p>“In the interests of balancing water supply and quality for the environment, and ensuring sufficient water resources for new residential development, residential proposals shall comply with the Building Regulation water efficiency standard of 110 litres per occupier per day”</p>
496	LPP78	<p>We are supportive of the thrust of this policy.</p> <p>To ensure consistency with the National Planning Policy Framework, within the Policy itself and supporting text, the word ‘Floodzone’ should read ‘Flood Zone’.</p>	<p>The word ‘Floodzone’ should read ‘Flood Zone’</p>	<p>This alteration has been proposed in MM67 The Environment Agency have no objections to the changes to this policy requested by Anglian Water which are as follows.</p> <p>In paragraph 1, line 1, after “flooding”, insert “from all sources”</p> <p>The following additional text shall be inserted immediately prior to paragraph 1.</p>

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				<p>“Development proposals should demonstrate that adequate foul water treatment and disposal already exists or can be provided in time to serve the development”</p>
444 96	Para 4.96	<p>Section 8.74 states that a development site within Flood Zones 2 and 3 should be located in accordance with the principles of the sequential test within the site, namely to avoid development in the areas of higher risk and where this has not been possible to manage and mitigate that risk. We are not entirely clear on the intended thrust of this statement. Where part of the site is at a lower risk of flooding, it appears that the statement should in fact refer to the siting of development by application of the sequential approach. For instance if a site runs across Flood Zones 1, 2 and 3, we would expect the sequential approach to be applied, which would result in the development being sited in an area at lower risk of flooding.</p>		<p>This alteration has been sought as MM49 Replace “test” with “approach” in the first sentence.</p>

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	LPP80 Para 8.93	<p>SuDS techniques may not be appropriate for sites within Source Protection Zones, where there are known pollutants/contamination or the site history indicates pollutants/contamination, or where groundwater is relatively shallow and dispersion may not occur in an adequate manner. As matters stand, Policy LPP 80 does not make any reference to the unsuitability of SuDS techniques in certain instances. We recommend that the wording set out below is added to the existing wording, or if preferred provided as supporting text.</p> <p>‘SuDS techniques based on infiltration of surface water into the ground may not be appropriate, in accordance with Environment Agency policy on the protection of groundwater, for: (i) sites within Groundwater Source Protection Zones, which aim to protect groundwater from pollutants: (ii) sites with known pollutants/contamination or where historical usage indicates the potential presence of pollutants/contamination: (iii) sites where the depth to the water table is shallow and there is the risk of harm</p>	<p>We recommend that the wording set out below is added to the existing wording, or if preferred provided as supporting text.</p> <p>‘SuDS techniques based on infiltration of surface water into the ground may not be appropriate, in accordance with Environment Agency policy on the protection of groundwater, for: (i) sites within Groundwater Source Protection Zones, which aim to protect groundwater from pollutants: (ii) sites with known pollutants/contamination or where historical usage indicates the potential presence of pollutants/contamination: (iii) sites where the depth to the water table is shallow and there is the risk of harm to an aquifer used for drinking water supplies. The Environment Agency’s Source Protection Zone maps should be checked to ensure there is no risk to groundwater quality and before infiltration to groundwater is permitted there should be some level of treatment before surface water is infiltrated. A risk assessment should be undertaken when using Infiltration</p>	<p>This alteration has been sought as Minor 51. Insert the following as a new paragraph after paragraph 8.93</p> <p>SuDS techniques based on infiltration of surface water into the ground may not be appropriate, in accordance with Environment Agency policy on the protection of groundwater, for: (i) sites within Groundwater Source Protection Zones, which aim to protect groundwater from pollutants: (ii) sites with known pollutants/contamination or where historical usage indicates the potential presence of pollutants/contamination: (iii) sites where the depth to the water table is shallow and there is the risk of harm to an aquifer used for drinking water supplies. The Environment Agency’s Source Protection Zone maps should be checked to ensure there is no risk to groundwater quality and before infiltration to groundwater is permitted there should be some level of treatment before surface water is infiltrated. A risk assessment should be undertaken when using Infiltration components in areas of contaminated land. 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</p>

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		<p>to an aquifer used for drinking water supplies.</p> <p>The Environment Agency's Source Protection Zone maps should be checked to ensure there is no risk to groundwater quality and before infiltration to groundwater is permitted there should be some level of treatment before surface water is infiltrated. A risk assessment should be undertaken when using Infiltration components in areas of contaminated land.'</p>	<p>components in areas of contaminated land.'</p>	<p>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.</p>
400	LPP78	<p>Flooding Risk and Surface Water Drainage</p> <p>Policy LPP 78 as drafted is focused on the potential for fluvial and surface water flooding. We would recommend that Policy LPP 78 includes reference to foul sewerage systems and the potential risk of flooding from this source consistent with the requirements of the National Planning Policy Framework.</p> <p>It is also important to include reference to sewage treatment and how this will be aligned with development over the plan period</p>	<p>The following additional text to the end of the policy:</p> <p>“Development proposals should demonstrate that adequate foul water treatment and disposal already exists or can be provided in time to serve the development”.</p>	<p>This alteration has been proposed in MM67 In paragraph 1, line 1, after “flooding”, insert “from all sources”</p> <p>The following additional text shall be inserted immediately prior to paragraph 1.</p> <p>“Development proposals should demonstrate that adequate foul water treatment and disposal already exists or can be provided in time to serve the development”</p>

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		having regarding to the findings of the Council's Water Cycle Study for specific catchments.		
	LPP78	<p>The following observations have been made</p> <p>Paragraph 6 a - d relates to safe access/egress of development in areas at risk of fluvial flooding. Paragraph (d) suggests that where development cannot meet criteria a – c allowing safe access/egress then permission may be possible. This is not in line with Para 054 and 057 of the Flood Risk & Coastal Change section of the Planning Practice Guidance.</p> <p>For development to be located in an area of Flood Risk it must be supported by a Flood Warning and Emergency Response Plan.</p> <p>Include some supportive text on the agreed benchmark for assessing flood hazard for applications within Braintree.</p>		<p>Whilst both parties agree that this is a new observation and on which the Environment Agency would not normally comment (it is the remit of Braintree Borough Councils emergency planners), if the inspector is so minded to agree the following changes, both parties would be in support.</p> <p>(d) If a. - c. is not possible planning permission will not usually be granted.</p> <p>For development to be located in an area of Flood Risk, a Flood Warning and Evacuation Plan is already required and both parties agree this is acceptable. No change</p> <p>Benchmarks for assessing flood hazard for applications within Braintree is contained within the Strategic Flood Risk Assessment. No change</p> <p>These changes are supported by Planning Practice Guidance paragraphs 057 and 054.</p>
403	LPP80	Anglian Water is supportive of Policy LPP 80 including the requirement for applicants to follow the surface water hierarchy and that the use of SuDS		Support noted. Both parties agree no action is required.

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		should be used as normal practice so as not to increase flood risk and to reduce flood risk where possible. We also welcome the reference made to proposals for alternative methods of surface water disposal being considered where it can clearly evidenced		
404	LPP82	Infrastructure Delivery and Impact Mitigation Anglian Water is supportive of Policy LPP 82 as it states that planning permission will only be granted if it can be demonstrated that there is, or will be sufficient infrastructure capacity for the proposed development. We also welcome the reference made to both funding and timing in relation to the provision of infrastructure to serve development	.	Support noted. Both parties agree no action is required.

Areas of Disagreement

492	LPP68	We would highlight that 'harm' to biodiversity can also arise as a result of development causing invasive species to be introduced. 6% of the water bodies within the Anglian River Basin Management Plan are classified as failing due to invasive species.	We recommend that a biosecurity protocol method statement is required for all development proposals to ensure that an adequate means of preventing the introduction of non-native species is considered and implemented. This should help to prevent the	Braintree District disagree that a Biosecurity Protocol requiring action against invasive plants can be enforced by the Council under Local plan Powers.
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			spread of invasive non-native species which have a negative impact on biodiversity and ecosystem functioning. We recommend that this aspect be addressed within the Local Plan by adding the wording below to the final paragraph of Policy LPP 68. 'A biosecurity protocol method statement is required for all development proposals to ensure the introduction of invasive non-native species is prevented.'	
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Signed Julie O'Hara Senior Planning Officer (Policy).

Braintree District Council

Signed Jo Firth, Sustainable Places Team Leader (Anglian area)

Environment Agency

