

Maldon District Council Comments on the Braintree Publication Draft Local Plan.

The questions to be answered on each element of the Plan being commented on are:

- Do you consider the Local Plan is legally compliant? Y/N
- Does it comply with the Duty to Co-operate? Y/N
- Do you consider the Local Plan is Sound? Y/N
- If no, on what grounds you do not consider the Local Plan is sound:
 - Positively Prepared
 - Justified
 - Effective
 - Consistent with National Policy
- Do you wish to participate in the oral part of the examination? Y/N

Braintree Publication Draft Local Plan policy reference.	Maldon District Council Comments
Legal compliance	To be confirmed (TBC)
Duty to Cooperate	TBC
Participation at the Examination	TBC
Section 1	
	See Planning and Licensing Committee (P&L) report on the Colchester draft Local Plan for section 1 comments.
Section 2	
Policy LPP 2 Location of Employment Land	<p>The proposed employment allocations for the Garden Communities within Braintree District should be allocated in this plan, alongside the proposed 3,650 homes in the housing trajectory, rather than be delegated down to a daughter DPD. Without sufficient employment land allocated and delivered, the Garden Communities are at risk of becoming commuter settlements, not functional sustainable communities.</p> <p>It is not clear in the draft Plan, whether there has been any analysis of employment land requirements against housing provision. [Effective]</p>
Policy LPP17 Housing Provision and Delivery	<p>Rather than have it in some, but not all the Strategic Growth Location policies, this overarching policy should include the following statement: <u>‘Development proposals which could compromise the delivery of an identified Strategic Growth Location will be resisted.’</u> [Effective]</p>

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Policy LPP18 Strategic Growth Location - Land East of Great Notley, south of Braintree	<p>The last sentence in the policy is not required, as this is already a strategic growth location. . Delete ‘Development proposals which could compromise the delivery of an identified Strategic Growth Location will be resisted.’</p> <p>It would be more logical to have this statement of intent in policy LPP17. [Effective]</p>
Policy LPP22 Strategic Growth Location - Land at Feering	<p>The element of the policy (final bullet point) requiring contributions to an all directions A12 junction at Feering is supported.</p> <p>The last sentence in the policy is not required, as this is already a strategic growth location. . Delete ‘Development proposals which could compromise the delivery of an identified Strategic Growth Location will be resisted’. It would be more logical to have this statement of intent in policy LPP17 [Effective]</p>
Policy LPP 48 New Road Infrastructure	The proposed new link road between Inworth Road and the A12 Kelvedon North/Feering junction is supported.
Policy LPP 60 Heritage Assets and their Settings	<p>The term ‘appearance’ appears in conjunction with character, notably in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in reference to conservation areas. The impact of development on the appearance of a building is major consideration in determining planning applications. Therefore, the Council recommends a modification to LPP60a to read:</p> <p>a. The works or uses do not harm the significance of the setting, character, appearance, structural stability, and fabric of the building or structure. [Consistent with National Policy]</p>
Policy LPP 61 Demolition of Listed Buildings or Structures	<p>It is suggested that the policy should be amended to better differentiate between ‘substantial harm’ and ‘less than substantial’ harm as required by the NPPF and to provide greater clarity on how the policy will be applied. [Consistent with National Policy]</p>
Housing Trajectory – windfall allowance (p190)	<p>Windfall allowance</p> <p>Although the windfall allowance of 75 units pa appears to be a high figure, the data within Braintree District Council Monitoring Report 2016 (page 63) demonstrate that over the last 7 years, an average of 126 planning permissions per year have been granted on windfall sites. Therefore the lower figure of 75 units pa used in the housing trajectory, which demonstrates a cautious approach to predicting the supply of windfall sites, is</p>

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	<p>supported.</p> <p>Lapse rate The lapse rate in the housing trajectory is approximately 1.5% of the total number of units identified. This is based on the number of expired planning permissions minus the number of ‘replacement’ permissions on the same site for 2011/12 to 2016/17. This method of reducing the number of expired permissions effectively means that the ‘replacement’ permissions are double counted in the housing trajectory – by being included as sites with planning permissions, as well as by being used to reduce the capacity of the lapsed permissions. A simpler way to include a lapse rate within the housing trajectory would be to use the unadjusted average figure for the dwelling capacity of lapsed permissions, which is 25 units p/a, or c.400 units over the period of the Plan. (data from Braintree District Council Monitoring Report 2016, p64). This equates to a 2.6% (rounded up) slippage and non-implementation rate.</p> <p>The Housing Trajectory on page 190 identifies a supply of 15, 606 units (before the lapse rate is applied), if a 2.6% lapse rate were to be applied, the housing supply total would be 15,200 units.</p> <p>Inconsistencies within the plan (pp 54 & 190) Para 6.60 states that the Local Plan allocates an additional potential supply of at least 10% of homes over and above the Local Plan target. The OAN target of 14, 320 plus 10% equates to 15,752 dwellings. However, the Housing Trajectory on page 190 identifies a supply of 15, 606 units (before the lapse rate is applied), which is below the OAN+10% target. If a 2.6% lapse rate is applied (see above), the housing trajectory would identify 15,200 units. Although this is higher than the OAN, it is 552 units short of the OAN +10% target as stated elsewhere in the Plan. This internal inconsistency needs to be rectified.</p> <p><u>Summary</u> (where comments are >100 words) Windfall allowance is supported by evidence. The lapse rate is too low, it should be increased to 2.6%. There are inconsistencies within the plan (para 6.60 and the housing trajectory) regarding the housing target of OAN+10%. [Effective]</p>

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Local Plan review mechanism / trigger	<p>The draft Local Plan does not include a review mechanism or trigger for a whole or partial review of the Plan. As a significant portion of the housing development in this plan is reliant on a small number of large sites, if these sites do not come forward as expected, the delivery of the Plan could be impacted. Therefore, a review mechanism should be included in the Plan. For example:</p> <p><u>If the Authority Monitoring Report demonstrates that the Garden Communities and the Strategic Growth Locations deliver less than 75% of their projected housing completions in three consecutive years (based on the trajectory set out in this Plan), the Council will undertake a partial review of this Plan.</u> [Effective]</p>
SA / SEA	Maldon District Council has no comments to make on the SA/SEA.