



Our ref: 08/BDC/HPNP
Your ref: 09/MOR/HPNP

Ask for: Alan Massow
Dial: (01376) 551414
Ext: 2577
Date: 08/05/19

District Development
Causeway House
Braintree
Essex CM7 9HB
Tel: 01376 552525
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www.braintree.gov.uk

Via e-mail.

Steve.carnaby@intelligentplans.co.uk

Dear Ms O'Rourke,

RE – HATFIELD PEVEREL NEIGHBOURHOOD PLAN EXAMINATION

Thank you for your letter dated 2nd April 2019.

Braintree District Council welcomes the opportunity to comment on the submission made at the last round of consultation, and for providing us with an indication of the examinations future progression. Please note we are still awaiting some legal advice,

In answer to your main questions;

1 – I can confirm that Natural England were consulted, but did not respond to this consultation. We did send correspondence to Natural England as you requested, and received a response which we attach to this e-mail (04/04/19). The contents of the e-mail does not change the view of the Competent Authority in respect of the SEA/HRA Screening report.

2 – Braintree District Council as the Competent Authority considered the contents of the SEA/HRA Screening Report, and the responses received from the Environmental Bodies, and agreed with the conclusion that no SEA or HRA was required for the Hatfield Peverel Neighbourhood Plan.

3 – I attach a table of responses providing a response to comments made. Please note that comments in respect of Gladman and the submitted legal opinion are still outstanding, and we will forward these on once our legal advice has been completed.

Annex: Initial Questions

1 – The Council's Local Development Scheme (2019) was published in January and contains the latest position in regard to progress on its Local Plan.

https://www.braintree.gov.uk/downloads/download/905/local_development_sc

[hemes Ids](#)

2 – A map is included as an attachment to this e-mail to accompany the table below, which sets out sites with planning permission for residential development in Hatfield Peverel parish;

The information contained in the table below, is an extract from information published on the Council website for its 5 year supply site trajectory March 2018 as at 11th April 2019 which is available from the link below.

<https://www.braintree.gov.uk/downloads/download/794/monitoring>

Table – Planning Status of sites within or adjacent to Hatfield Peverel Parish (April 2019)

No	Reference	Type	Address	Capacity	Note
1	BTE/15/0962	Full	Land at 18-40 St Andrews Road	4	Housing Association. Redevt of 16 homes, erection of 25; overall net gain 9 (demolitions were 2016/2017)
2	BTE/13/0641	Full	Witham Field Farm, Witham Road	1	Redevelopment
3	BTE/17/0183	Full	Land rear of 1 The Limes	1	Site was previously commercial wood yard.
4	BTE/14/0488 BTE/16/01081/VAR	Full	Land ear of Swan View The Street	1	
5	BTE/15/0289	Full	Land part of Garden of Acres Down Station Road Hatfield Peverel	1	Erection of bungalow
6	BTE/17/0403	Full	Land adj 5 Church Road	1	
7	BTE/17/2304	Full	Hatfield Place The Street	-1	
8	BTE/15/01103	Outline	Cowards Garage The Street	9	
9	BTE/16/02096/O UT	Outline	Former Arla Dairy Site	145	Developer Bellway

No	Reference	Type	Address	Capacity	Note
	BTE/19/0494/RE M				Homes. Site cleared. Current discharge of conditions application, reserved matters submission in preparation.
10	BTE/17/0341/OU T	Without	Hatfield Bury Farm Bury Lane	46	Approved in principle subject to signing of S106. Subsequently decision granted 18.04.2018. Developer Bellway Homes. Full application in preparation.
11	BTE/15/1186	Full	Willowmead Nursing Home, Wickham Bishops Road, Hatfield Peveler	14	Demolition of existing 62 bed care home and erection of new 87 bed care home, net increase of 25 rooms, granted May 2016. Building Regulations Initial Notice submitted. Current discharge of Conditions application. Contribution to Housing Delivery after application of ratio of 1.8
12	BTE/16/1644	Full	Massenet, Wickham Bishops Road Hatfield Peveler	1	Change of use from C3b (supported housing) to C2 care home & self-contained

No	Reference	Type	Address	Capacity	Note
					1 bed annexe; no. of rooms/ occupants increases by 1 to 7 & so needs to be reclassified. Original PA was ELD, BTE/15/093 for use as community home by 6 adults with learning disability, change took place 2015/16 from 1 dwg C3 to C3b.
	Total			224	
	Applications Awaiting determination by SoS				
13	16/01813/OUT	None	Stonepath Drive, Hatfield Peverel	140	Currently called in by SoS
14	16/02156/OUT	None	Land North East of Glen eagles Way, Hatfield Peverel	120	Currently called in by SoS
	Total			260	
	Adjacent Applications or Permissions				
15	BTE/15/0430/OUT BTE/18/00884/REM BTE/18/1912/REM	OUT REM	Lodge Farm	750	Developer Redrow Homes. Overall capacity 750 homes. Phase 1, 91 homes, under construction. Full plans being drawn up for Phase 1b

No	Reference	Type	Address	Capacity	Note
					(capacity 84) and Phase 2 (est capacity 49)
16	BTE/12/1071	OUT	Land south of Maltings Lane Witham	63	Remainder of new neighbourhood site, as shown in approved master plan. Site promoter Churchmanor Estates has confirmed completions will start on site before April 2023; current discussions with LPA on proposed mixed use development.
			Total	813	

In terms of the call in appeals at Gleneagles Way and Stonepath Drive, we have not been provided with any further information as to when they would be determined.

3 – I can confirm that appendix 2 and 3 of the December 2018 HRA Screening Report can be relied on as accurate.

Yours sincerely,

Alan Massow
Principal Planning Policy Officer

Attached
E-mail – Natural England
Map for Table – Planning Status of sites within Hatfield Peverel (April 2019)
Response table 2019
SEA/HRA Decision Notice 2019

From: [Jackson, John](#)
To: [Massow, Alan](#)
Subject: Further advice RE: Hatfield Peverel SEA & HRA Screening Report January 2019
Date: 04 April 2019 13:17:13

Dear Alan,

I have been asked to pick up on this case, and have reviewed the information, including the recent legal opinion and inspectors letter. My understanding is as follows;

There is potential for recreational disturbance effects on internationally important nature conservation sites from more people living in the neighbourhood plan area.

At a County level, for allocated development, these effects are addressed through a proportionate financial contribution to the Essex Recreational Disturbance Avoidance and Mitigation (RAMS) Strategy.

In the case of Hatfield Peverel, there is only one additional development in the plan, which already has permission, and mitigation in the form of a contribution to the Essex RAMS, which has already been provided prior to the 'People over Wind' judgement. Therefore, there are no remaining recreational disturbance significant effects, and it is possible to conclude that the Neighbourhood Plan will result in no likely significant effect, as this effect has already been mitigated ahead of the Neighbourhood Plan and PoW.

With regard to policy HO1, and the potential for an additional 30 properties, my understanding is that this is in line with the Local Plan allocations, and the pre 'People over Wind' HRA, which concluded no likely significant effect, with Essex RAMS mitigation in place.

I hope this is helpful. Please do not hesitate to contact me if you require clarification or any further information.

Best Regards

John

From: Borges, Tom
Sent: 07 February 2019 17:05
To: alan.massow
Cc: Cheese, Kayleigh, Gallen, Dean
Subject: Hatfield Peverel SEA & HRA Screening Report January 2019

Dear Alan,

Please see the below response from Natural England that was requested to be expedited by **Mark East (CC'd)**, in anticipation of potential further delays during an upcoming period of

Purdah.

NE view on the HRA Report

We have only had a limited time to consider the updated report (received 4th February 2019) and have not seen the latest version of the Neighbourhood Plan. However, we can advise you that from the information provided due to the specific circumstances relating to the Hatfield Peverel Neighbourhood plan, we can agree with the conclusions of the updated HRA Report in that it is possible to conclude no likely significant effect.

This advice is given on the basis that the only housing allocation in the NP already has planning permission, which includes mitigation agreed with Natural England prior to the Sweetman II ruling. As detailed in our previous advice we therefore consider that it is possible to conclude that the Neighbourhood Plan will result in no likely significant effect as this impact has already been mitigated ahead of your Neighbourhood Plan.

From the information provided we also agree with the conclusions of the SEA Screening report

For any queries relating to the specific advice in this letter only please contact me using the contact details below. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours faithfully,

Tom Borges
Sustainable Development Advisor
Natural England
Eastbrook, Shaftesbury Rd, Cambridge CB2 8DR

We now offer free and chargeable advice to land owners and managers planning works on Sites of Special Scientific Interest through [SSSI Advice Service](#)

To help Developers consider the environment Natural England offers two chargeable services:

- the [Discretionary Advice Service \(DAS\)](#) which can provide advice on planning/licensing proposals
- the [Pre-submission Screening Service \(PSS\)](#) for European Protected Species mitigation licence applications.

[Natural England Website](#)

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

If you are trying to make a request for a copy of your personal information under the Data Protection Act 1998, or a request for information under the Freedom of Information Act 2000 or Environmental Information Regulations 2004, please contact the Enquiry Service on 0300 060 3900 or 0208

0261089 or email foi@naturalengland.org.uk.



From: Massow, Alan
Sent: 04 February 2019 16:46
To: SM-Defra-Consultations (NE) <consultations@naturalengland.org.uk>; 'eastplanningpolicy@historicengland.org.uk' <eastplanningpolicy@historicengland.org.uk>; Ipswich, Planning <planning.ipswich@environment-agency.gov.uk>
Subject: RE: Hatfield Peverel SEA & HRA Screening Report January 2019

Further to my e-mail earlier today, please can you disregard the previous attachment, and replace with the one attached. We noticed an error on page 37 which has now been corrected.

Alan

Alan Massow MRTPI
Principal Planning Policy Officer
Braintree District Council | Causeway House, Bocking End, Braintree, CM7 9HB
☎ 01376 552525 | www.braintree.gov.uk |

From: Massow, Alan
Sent: 04 February 2019 12:19 PM
To: 'consultations@naturalengland.org.uk' <consultations@naturalengland.org.uk>; 'eastplanningpolicy@historicengland.org.uk' <eastplanningpolicy@historicengland.org.uk>; 'simon.metcalfe@environment-agency.gov.uk' <simon.metcalfe@environment-agency.gov.uk>
Subject: Hatfield Peverel SEA & HRA Screening Report January 2019

Dear Sir/Madam,

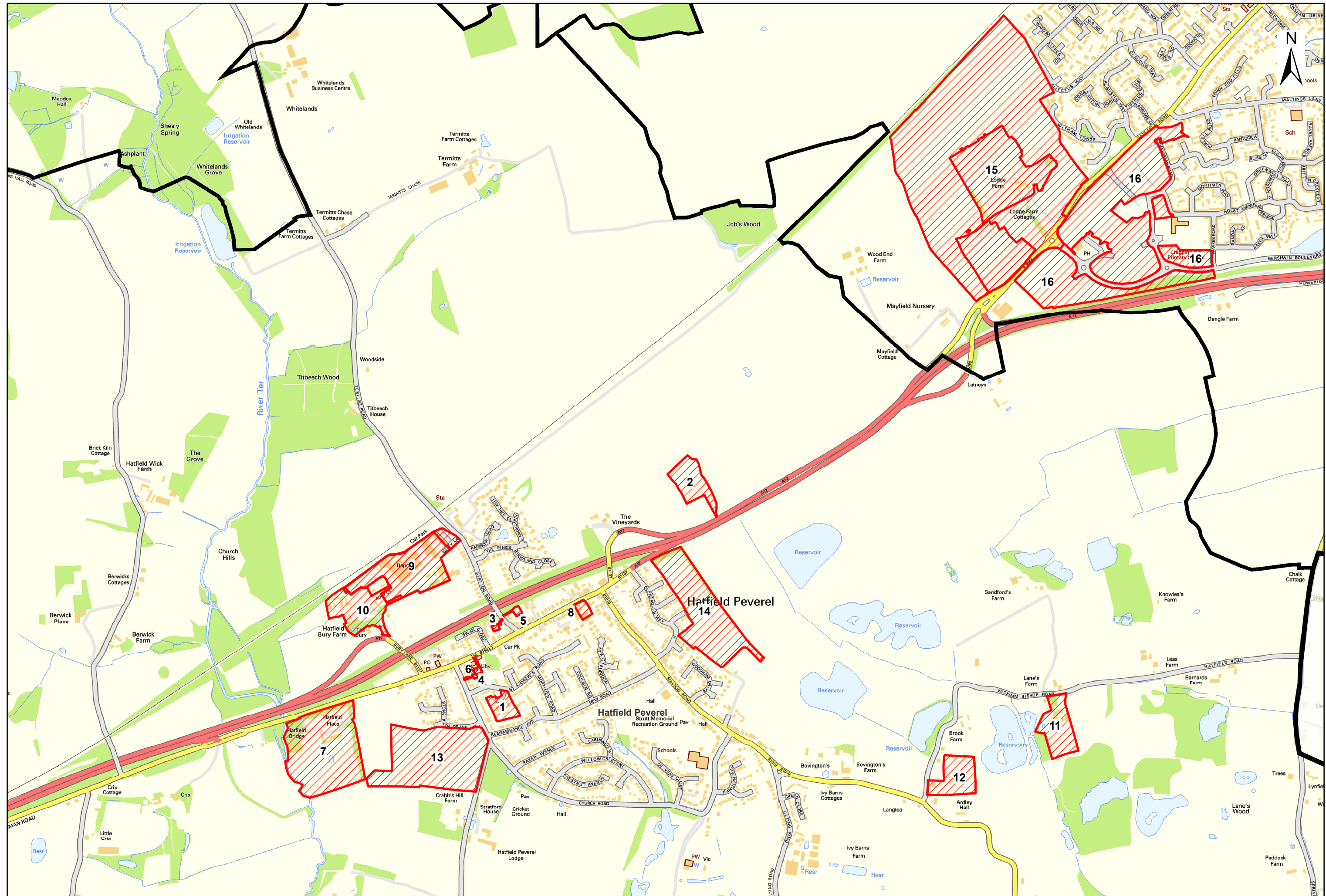
Please see attached Screening Report on SEA and HRA for the Hatfield Peverel Neighbourhood Plan for your consideration.

If it is possible could we get a response as soon as possible? This is due to the need to conduct a 6 week consultation prior to the beginning of local election purdah period.

Please give me a call on the number below if you have any questions.

Alan Massow MRTPI
Principal Planning Policy Officer
Braintree District Council | Causeway House, Bocking End, Braintree, CM7 9HB

Hatfield Peverel



HPNDP Response Table to Consultation 2019

Rep ID	Consultee	Consultation Point	Summary of Response	Braintree District Council Response / Hatfield Peverel Parish Council (HPPC) Response
HPNP/P SFC1	Colchester Natural History Society	Para 12.7	<p>Colchester Natural History Society (CNHS) welcomes the policies that protect and enhance the natural environment. The requirement for hedgerows to have associated wildlife corridors is a specific example reflecting the need for flora and fauna to have corridors of movement and migration. The Plan clearly recognises the need to balance development with local historical and natural legacy features. Where policy states loss of sites should be "appropriately mitigated" CNHS would suggest adding "and effectively". It is also suggested that the Plan would benefit from an additional environmental & biodiversity policy that seeks to identify key wildlife habitats across the Plan Area and how these will be protected with effective green linking corridors in perpetuity. This would align with the Governments new 25 Year Environment Plan which envisages networks of green corridors linking key wildlife areas and crossing planning authority borders where necessary. Planned development sites must have independent ecological reviews performed.</p>	<p>Noted. However, appropriately mitigated would in the view of Braintree District Council imply that that mitigation should be effective. Supporting evidence submitted to support development proposals is subject to review by the Local Planning Authority to ensure it is robust and credible.</p> <p>HPPC agree with BDC's response</p>
HPNP/P SFC2	Mr Andy Murphy	Hatfield Peverel NP Post Submission Further Changes	<p>The direction and general construction of the plan seems, to me, significantly better considered than the Uttlesford and BDC plan documents.</p> <p>This maybe that Hatfield Peverel isn't subject to some of the demand projections that the others are, but the content seems to account</p>	<p>Noted.</p> <p>HPPC likewise has noted.</p>

HPNDP Response Table to Consultation 2019

Rep ID	Consultee	Consultation Point	Summary of Response	Braintree District Council Response / Hatfield Peverel Parish Council (HPPC) Response
			<p>properly for current resident's views whilst allowing pragmatic evolution of the area.</p> <p>It would be nice if this example could be followed in the creation of other plans in the area, rather than end up with plans independently critiqued for being too biased towards larger developers/developments that risk damaging change to the character and nature of the area.</p>	
HPNP/P SFC3	Essex Gardens Trust	Map 12.5 Map of Green Areas & Recreation	<p>This map, and indeed the text of the Neighbourhood Plan, omits, and seems to show no awareness of, the grade II registered landscape centred on Hatfield Priory. This is a valuable feature of Hatfield Peverel's historic environment and it is important that its setting and significance are protected.</p>	<p>Hatfield Peverel Priory is identified on the inset maps in the Local Plan Review (2005), and the Publication Draft Local Plan (2017). It is supported by policy RLP103 – Parks and Gardens of Special Historic Interest in the 2005 Plan, which seek to protect parks and gardens of special historic interest which are included on the Historic England Register of Parks and Gardens of Special Historic Interest. Historic Parks and Gardens are included within the definition heritage assets, which are covered under policy LPP60 - Heritage Assets and their Settings, and LPP50 - Built and Historic Environment.</p> <p>Core Strategy policy CS9 – Built and Historic Environment also covers development impacting on historic assets from a strategic perspective.</p>

HPNDP Response Table to Consultation 2019

Rep ID	Consultee	Consultation Point	Summary of Response	Braintree District Council Response / Hatfield Peverel Parish Council (HPPC) Response
				<p>If the Examiner was minded to include the area on an appropriate map in the Neighbourhood Plan, Braintree District Council would not object. Otherwise the issue could be considered through a review of the Neighbourhood Plan.</p> <p>HPPC agree with BDC's response</p>
HPNP/P SFC4	Essex Gardens Trust	Map 12.7 Historic Features	This map, and the text of the Neighbourhood Plan in general, omits and shows no awareness of, the grade II registered landscape centred on Hatfield Priory. It is important that the setting and significance of this valuable feature of the natural and historic environment is protected and enhanced.	<p>As above.</p> <p>As above</p>
HPNP/P SFC5	Essex Gardens Trust	Para 12.72	The second sentence would be better worded: 'These solutions should be balanced to ensure that there is no loss of significance, and that the positive contribution of the heritage assets to the Parish is secured.' Such uses can prove damaging to heritage assets and have to be sensitively designed and implemented.	<p>As above.</p> <p>As above</p>
HPNP/P SFC6	Essex Police	14.45	Developers of residential or commercial developments should be encouraged to consult with Essex Police Designing out Crime Officers preferably prior to submitting a planning application, and seek to obtain a relevant Secured by Design award for the development. Doing so helps to ensure that layout, security, landscaping and lighting considerations for the benefit of the intended	<p>Noted. Essex Police are consulted on major applications by the Local Planning Authority as part of the planning application process, and their comments taken into consideration in the determination of planning applications.</p> <p>HPPC agree with BDC's response</p>

HPNDP Response Table to Consultation 2019

Rep ID	Consultee	Consultation Point	Summary of Response	Braintree District Council Response / Hatfield Peverel Parish Council (HPPC) Response
			residents and those neighbouring the such developments are taken into consideration.	
HPNP/P SFC7	Anglian Water Services Ltd	HO1 Design of New Developments	<p>We note that a number of changes to the Neighbourhood Plan are proposed including those which formed part of the previous focused changes consultation. These do not appear to differ from that previously proposed or raise any issues of relevance to Anglian Water.</p> <p>Therefore Anglian Water has no comments relating to the post submission changes to Policies HO1</p>	<p>Noted.</p> <p>HPPC likewise has noted.</p>
HPNP/P SFC8	Anglian Water Services Ltd	Issues HO 6 Key Issue	<p>We note that a number of changes to the Neighbourhood Plan are proposed including those which formed part of the previous focused changes consultation. These do not appear to differ from that previously proposed or raise any issues of relevance to Anglian Water.</p> <p>Therefore Anglian Water has no comments relating to the post submission changes to Policies HO6</p>	<p>Noted.</p> <p>HPPC likewise has noted.</p>
HPNP/P SFC9	Anglian Water Services Ltd	F11	<p>We note that a number of changes to the Neighbourhood Plan are proposed including those which formed part of the previous focused changes consultation. These do not appear to differ from that previously</p>	<p>Noted.</p> <p>HPPC likewise has noted.</p>

HPNDP Response Table to Consultation 2019

Rep ID	Consultee	Consultation Point	Summary of Response	Braintree District Council Response / Hatfield Peverel Parish Council (HPPC) Response
			<p>proposed or raise any issues of relevance to Anglian Water.</p> <p>Therefore Anglian Water has no comments relating to the post submission changes to Policies FI1</p>	
HPNP/P SFC10	Sport England	Hatfield Peverel NP Post Submission Further Changes	<p>Government planning policy, within the National Planning Policy Framework (NPPF), identifies how the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Encouraging communities to become more physically active through walking, cycling, informal recreation and formal sport plays an important part in this process. Providing enough sports facilities of the right quality and type in the right places is vital to achieving this aim. This means that positive planning for sport, protection from the unnecessary loss of sports facilities, along with an integrated approach to providing new housing and employment land with community facilities is important.</p> <p>It is essential therefore that the neighbourhood plan reflects and complies with national planning policy for sport as set out in the NPPF with particular reference to Pars 96 and 97. It is also important to be aware of Sport</p>	<p>Noted.</p> <p>HPPC likewise has noted.</p>

HPNDP Response Table to Consultation 2019

Rep ID	Consultee	Consultation Point	Summary of Response	Braintree District Council Response / Hatfield Peverel Parish Council (HPPC) Response
			<p>England's statutory consultee role in protecting playing fields and the presumption against the loss of playing field land. Sport England's playing fields policy is set out in our Playing Fields Policy and Guidance document.</p> <p>http://www.sportengland.org/playingfieldspolicy</p> <p>Sport England provides guidance on developing planning policy for sport and further information can be found via the link below. Vital to the development and implementation of planning policy is the evidence base on which it is founded.</p> <p>http://www.sportengland.org/facilities-planning/planning-for-sport/forward-planning/</p> <p>Sport England works with local authorities to ensure their Local Plan is underpinned by robust and up to date evidence. In line with Par 97 of the NPPF, this takes the form of assessments of need and strategies for indoor and outdoor sports facilities. A neighbourhood planning body should look to see if the relevant local authority has prepared a playing pitch strategy or other indoor/outdoor sports facility strategy. If it has then this could provide useful evidence for the neighbourhood plan and save the neighbourhood planning</p>	

HPNDP Response Table to Consultation 2019

Rep ID	Consultee	Consultation Point	Summary of Response	Braintree District Council Response / Hatfield Peverel Parish Council (HPPC) Response
			<p>body time and resources gathering their own evidence. It is important that a neighbourhood plan reflects the recommendations and actions set out in any such strategies, including those which may specifically relate to the neighbourhood area, and that any local investment opportunities, such as the Community Infrastructure Levy, are utilised to support their delivery.</p> <p>Where such evidence does not already exist then relevant planning policies in a neighbourhood plan should be based on a proportionate assessment of the need for sporting provision in its area. Developed in consultation with the local sporting and wider community any assessment should be used to provide key recommendations and deliverable actions. These should set out what provision is required to ensure the current and future needs of the community for sport can be met and, in turn, be able to support the development and implementation of planning policies. Sport England's guidance on assessing needs may help with such work.</p> <p>http://www.sportengland.org/planningtoolsandguidance</p> <p>If new or improved sports facilities are proposed Sport England recommend you</p>	

HPNDP Response Table to Consultation 2019

Rep ID	Consultee	Consultation Point	Summary of Response	Braintree District Council Response / Hatfield Peverel Parish Council (HPPC) Response
			<p>ensure they are fit for purpose and designed in accordance with our design guidance notes.</p> <p>http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/</p> <p>Any new housing developments will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then planning policies should look to ensure that new sports facilities, or improvements to existing sports facilities, are secured and delivered. Proposed actions to meet the demand should accord with any approved local plan or neighbourhood plan policy for social infrastructure, along with priorities resulting from any assessment of need, or set out in any playing pitch or other indoor and/or outdoor sports facility strategy that the local authority has in place.</p> <p>In line with the Government's NPPF (including Section 8) and its Planning Practice Guidance (Health and wellbeing section), links below, consideration should also be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when</p>	

HPNDP Response Table to Consultation 2019

Rep ID	Consultee	Consultation Point	Summary of Response	Braintree District Council Response / Hatfield Peverel Parish Council (HPPC) Response
			<p>developing planning policies and developing or assessing individual proposals.</p> <p>Active Design, which includes a model planning policy, provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity. The guidance, and its accompanying checklist, could also be used at the evidence gathering stage of developing a neighbourhood plan to help undertake an assessment of how the design and layout of the area currently enables people to lead active lifestyles and what could be improved.</p> <p>NPPF Section 8: https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities</p> <p>PPG Health and wellbeing section: https://www.gov.uk/guidance/health-and-wellbeing</p> <p>Sport England's Active Design Guidance: https://www.sportengland.org/activedesign</p> <p><i>(Please note: this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.)</i></p>	

HPNDP Response Table to Consultation 2019

Rep ID	Consultee	Consultation Point	Summary of Response	Braintree District Council Response / Hatfield Peverel Parish Council (HPPC) Response
HPNP/P SFC11	Transport for London	Hatfield Peverel NP Post Submission Further Changes	No comment to make.	Noted. HPPC likewise has noted.
HPNP/P SFC12	Historic England	Hatfield Peverel NP Post Submission Further Changes	<p>Thank you for your correspondence dated 11 February 2019 inviting Historic England to comment on the Post Submission version of the Hatfield Peverel Neighbourhood Plan. We do not wish to provide detailed comments at this time. We would refer you to our previous comments, and to our detailed guidance on successfully incorporating historic environment considerations into neighbourhood plans for any further information. This can be found here:</p> <p>https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/</p> <p>I would be grateful if you would notify me if and when the Neighbourhood Plan is made by the district council. To avoid any doubt, this letter does not reflect our obligation to provide further advice on or, potentially, object to specific proposals which may subsequently arise as a result of the proposed NP, where we consider these would have an adverse effect on the historic environment.</p>	Noted. HPPC likewise has noted.
HPNP/P SFC13	National Grid	Hatfield Peverel NP Post Submission	<p>SUBMISSION ON BEHALF OF NATIONAL GRID</p> <p>Specific Comments</p>	Noted. HPPC likewise has noted.

HPNDP Response Table to Consultation 2019

Rep ID	Consultee	Consultation Point	Summary of Response	Braintree District Council Response / Hatfield Peverel Parish Council (HPPC) Response
		Further Changes	<p>An assessment has been carried out with respect to National Grid's electricity and gas transmission apparatus which includes high voltage electricity assets and high-pressure gas pipelines.</p> <p>National Grid has identified that it has no record of such apparatus within the Neighbourhood Plan area.</p>	
HPNP/P SFC14	Chelmsford City Council	Hatfield Peverel NP Post Submission Further Changes	<p>Chelmsford City Council is pleased to see that its previous comments have been addressed.</p> <p>The Council also welcomes the additional emphasis on the need for a project level HRA, and reference to the forthcoming Essex Coast Recreational Avoidance Mitigation Strategy (RAMS).</p>	<p>Noted.</p> <p>HPPC likewise has noted.</p>
HPNP/P SFC15	CPRE	Hatfield Peverel NP Post Submission Further Changes	<p>The Essex Branch of the Campaign for the Protection of Rural England is supportive of the aims and objectives of the policies contained within the Hatfield Peverel Neighbourhood Plan - particularly those which relate to the prevention of coalescence between settlements (HPE1), conserving and enhancing the natural and historic environment (HPE2/HPE6/HPE8) and the general acknowledgement that the protection of best and most versatile agricultural land is key for the long-term future of food production in the UK.</p>	<p>Noted.</p> <p>HPPC likewise has noted.</p>

HPNDP Response Table to Consultation 2019

Rep ID	Consultee	Consultation Point	Summary of Response	Braintree District Council Response / Hatfield Peverel Parish Council (HPPC) Response
HPNP/P SFC16	Bellway Homes Ltd	Hatfield Peverel NP Post Submission Further Changes	<p>This letter comprises a representation to the Regulation 16 Consultation on Hatfield Peverel Neighbourhood Development Plan (HPNDP). The representation has been prepared by Strutt & Parker on behalf of Bellway Homes Ltd who have interests in land at Station Road and Bury Farm, Bury Lane, Hatfield Peverel. This representation considers the HPNDP Post Submission Further Changes (February 2019) against the basic conditions set out at Paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended), and respectively proposes modifications that will ensure full compliance with these conditions.</p> <p>We support the preparation of a Neighbourhood Plan for Hatfield Peverel and recognise the aims of the HPNDP to provide clear policy considerations prior to the adoption of the new Local Plan, which has been submitted to the Secretary of State and is awaiting examination. We consider the Plan to not meet the basic conditions for having regard to national policies and advice (condition a), achieving sustainable development (condition d) or being in general conformity with Strategic Policies in a Local Plan (condition e), but that with modifications the HPNDP would be capable of passing these conditions. We therefore seek modifications to the HPNDP.</p>	<p>Noted.</p> <p>HPPC likewise has noted.</p>

HPNDP Response Table to Consultation 2019

Rep ID	Consultee	Consultation Point	Summary of Response	Braintree District Council Response / Hatfield Peverel Parish Council (HPPC) Response
			<p>In coming to the above view, we are concerned that the HPNDP only identifies one site for development, with no additional sites beyond these, irrespective of the outline and full planning permissions granted at Bury Farm and Sorrells Field, Bury Lane. The HPNDP may therefore fail to provide a sustainable level of growth for Hatfield Peverel over the plan period (2015-2033). Further, the HPNDP does not fully reflect the evidence base of the emerging Local Plan and should seek to be consistent with the emerging Local Plan otherwise there is a considerable risk that the NP will be inconsistent with the Local Plan very soon after adoption. It is considered that modifications should be made to reflect more recent emerging Local Plan position. Further to this, we consider the references to design requirements to be inconsistent with national policies and guidance from the Secretary of State.</p> <p>Basic Conditions</p> <p>There is a need, as required by Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended), for Neighbourhood Plan to meet each of the basic conditions. In considering the Further Changes Post Submission Hatfield Peverel Neighbourhood Development Plan against these conditions, we have concerns over the</p>	<p>The level of growth identified within the Neighbourhood Plan is in excess of what is identified in the adopted development plan for the district which consists of the Adopted Local Plan Review (2005) and Core Strategy (2011). Both the Neighbourhood Plan and the Publication Draft Local Plan (2017) identify the Arla site for re-development.</p> <p>If changes were required to the extent of the development boundary as a result of sites being granted planning permission, then this could be accounted for during a review of the Neighbourhood Plan.</p> <p>HPPC agree with BDC's response</p>

HPNDP Response Table to Consultation 2019

Rep ID	Consultee	Consultation Point	Summary of Response	Braintree District Council Response / Hatfield Peverel Parish Council (HPPC) Response
			<p>ability of the Plan to meet three of the basic conditions, as set out below.</p> <p>Condition (a.) having regard to national policies and advice contained in guidance issued by the Secretary of State</p> <p>National policies and national planning practice guidance is contained within the National Planning Policy Framework (NPPF 2019) and the online national planning practice guidance (current).</p> <p>We consider the proposed policy HO1 Design of New Developments to be inconsistent with national policy and unjustified, in relation to the approach to taken towards the provision of wheelchair units. The draft policy requires 10% of all major developments to be provided as wheelchair homes. This requirement is onerous, a departure from National Planning Policy, and is inconsistent with the emerging local plan policy which requires makes a distinguishes between market homes and affordable design requirements. Moreover, the emerging Local Plan Policy requires 10% of new market homes on sites of 10 or more to be category 2 (accessible and adaptable) or 3 (wheelchair accessible) of part M Building Regulations 2015 as appropriate, the same requirements is required to affordable housing provision.</p>	<p>Paragraph 8 (b) of the NPPF (2019), makes it clear that plans should support strong, vibrant and healthy communities by ensuring a sufficient number and range of homes can be provided to meet the needs of present and future generations: and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities health, social and cultural wellbeing. By ensuring that a percentage of homes to be included within new developments are suitable for wheelchair users, the Neighbourhood Plan is helping to support the social objective of sustainable development as set out in the NPPF.</p> <p>HPPC agree with BDC's response</p>

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			<p>Further to this, policy HO1 refers to Lifetime Homes, this terminology has subsequently been replaced by Building Regulations and should be removed from the HPNDP to ensure the NP is consistent with National Policy.</p> <p>As set out above, we are concerned that as, currently drafted, Policy HO1 does not have regard to national policies and advice guidance issued by the Secretary of State. It is suggested that the Policy is amended to reflect the Building Regulations, and any updates.</p> <p>Condition (d.) the making of the order contributes to the achievement of sustainable development</p> <p>Sustainable development is defined within the National Planning Policy Framework (NPPF 2019) as meeting the needs of the present without compromising the ability of future generations to meet their own needs. It is applied by seeking to achieve net gains across three objectives for the planning system, being economic, social and environmental. In this respect the NPPF seeks to support strong, vibrant communities by providing a sufficient number and range of homes to meet the needs of present and future generations; ensuring that sufficient land of the right type is available at the right time to support growth; and</p>	<p>If the Examiner is minded to update the reference of Lifetime Homes to the equivalent Part M Building Regulations Braintree District Council would not object. HPPC agree with BDC's response</p> <p>Braintree District Council does not specify any standards for market housing but does for affordable housing. For affordable units all affordable homes (except bungalows) that are accessed at ground level should be compliant with Part M Cat 2 of Building Regulations; with all dwellings being to nationally described space standards. Where a local need is identified, for a wheelchair use M4(3) wheelchair user dwellings would be requested.</p> <p>HPPC agree with BDC's response</p>

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			<p>contributing to protecting and enhancing our natural, built and historic environments.</p> <p>The HPNDP sets out a Vision for the village at page 10, and recognises the village's geographical position in the area's road network is likely to continue to be a challenge during the Plan period and that finding creative and collaborative solutions across local authority borders and agencies will be a high priority.</p> <p>As set out below, we are concerned that the policies contained within the NDP does not reflect the emerging local plan's evidence base or incorporate the two sites with planning permission on Bury Lane (Bury Farm and Sorrell's Field). Planning is about managing change and balancing the competing demands on the use of land. Most forms of development will have an irreversible impact on the natural environment, but it does not follow that all development will have a negative or detrimental impact on the environment, as is implied on pages 23 and 56. It is common practice, and a requirement of National Policy, to seek net gains to the environment as a result of development and this should be recognised in the HPNDP. As currently drafted, the ENP appears to consider all development to have a negative impact, and only tolerating the redevelopment of the Former Arla Factory</p>	<p>Amendments proposed by Essex County Council would address the concern raised about net gains to the environment, which if the Examiner was minded to include within the Plan Braintree District Council would not object. Alternatively this issue could be covered through a review of the Neighbourhood Plan.</p> <p>HPPC agree with BDC's response</p>

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Rep ID	Consultee	Consultation Point	Summary of Response	Braintree District Council Response / Hatfield Peverel Parish Council (HPPC) Response
			<p>that already have planning permission and the former Cowards Garage.</p> <p>Braintree District Council includes for a comprehensive redevelopment of the Former Arla Factory site, Bury Farm and Sorrell's Field, ensuring the sites are delivered cohesively securing maximum benefits from the scheme, such as improved connectivity to this area of the village through pedestrian and cycle routes from Bury Lane through the comprehensive development area connecting to Station Road; the provision of affordable and family housing; accessible public open space; and financial contributions towards mitigation of impacts of the scheme.</p> <p>This is not considered to sit comfortably with the objectives set out at page 10 of the NP, or compatible with the Basic Conditions.</p> <p>We are also concerned that the Local Plan will be expected to provide a five-year supply of housing, which should be seen as a minimum, and that local authorities should plan for a consistent and robust supply that will continue to support needs beyond five years (Paragraph 73, NPPF 2019).</p> <p>For the reasons above, we consider the HPNDP does not meet Basic Condition (d) as presently drafted and modifications should be</p>	<p>The publication draft Local Plan proposes for allocation sufficient sites to meet the Council's identified housing need to 2033 and beyond as well as including a buffer. If sites do not come forward as expected, the buffer included within their housing figures would still be sufficient to ensure that the need can still be met. It is not the sole responsibility of the Neighbourhood Plan to ensure that Braintree District meets its housing requirements. If sites</p>

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Rep ID	Consultee	Consultation Point	Summary of Response	Braintree District Council Response / Hatfield Peverel Parish Council (HPPC) Response
			<p>made to the Plan. Those modifications should reflect the emerging local plan and evidence base. Accordingly, the number of homes to be provided within the Village should be increased to include the remainder of the comprehensive masterplan area (BDC emerging Policy LPP31 'land between A12 and GEML') to ensure the Plan contributes towards the achievement of sustainable development.</p> <p>Condition (e.) the making of the order should be in general conformity with the strategic policies contained in the development plan for the area of the authority</p> <p>As referred to above, there is currently inconsistency in the compliance with the Neighbourhood Plan against strategic policies contained in the development plan for the area. The HPNDP notes at page 54 that the District Council's New Local Plan proposes the allocation of a comprehensive development area, which includes the former Arla site (HATF608), Sorrells Field (HATF313) and Bury Farm (HATF630). The Neighbourhood Plan should reflect this situation and fully consider the 2019 NPPF and the emerging Local Plan when determining its policies. At present, we consider the HPNDP to be inconsistent in this regard, and fails to meet the basic condition to be in general conformity with the Strategic Policies of the area.</p>	<p>come forward which are not identified in the Plan, then if the Plan is reviewed they can be taken into consideration.</p> <p>HPPC agree with BDC's response</p>

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Rep ID	Consultee	Consultation Point	Summary of Response	Braintree District Council Response / Hatfield Peverel Parish Council (HPPC) Response
			<p>The HPNDP also comments that the emerging Local Plan was subject to change, however the emerging Local Plan has been submitted to the Secretary of State for examination, whilst the Plan may be subject to modifications the NDP should acknowledge the status of the Emerging Local Plan and its strategic policies. We are concerned that the progress on the Local Plan may quickly make the HPNDP out of date unless it reflects the likely emerging policies. This includes emerging Policy LPP31.</p> <p>Proposed Modifications</p> <p>We support the approach taken to create a Neighbourhood Plan for Hatfield Peverel and to manage development in the area. However, we consider that some modifications are needed to ensure it meets the Basic Conditions. Those modifications include the removal of specific detailed building regulation requirements in order to make the order compatible with national policy and the inclusion of land at Bury Farm and Sorrells Field, Bury Lane to assist in the achievement of sustainable development.</p> <p>Should the examiner wish to consider these matters with the benefit of oral evidence, we would be pleased to discuss these matters in further detail.</p>	

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HPNP/P SFC17	CPRE	Hatfield Peverel NP Post Submission Further Changes	<p>The Hatfield Peverel Neighbourhood Plan was originally submitted to Braintree District Council in March 2017. This Plan was compiled over many months by a dedicated team of local people whose depth of knowledge about the area, its long history and environment together with an appropriate understanding of the needs and future aspirations for their community have been encapsulated so well within its pages. With the recent required updates, this document now stands out as an exemplar of this process within the county.</p> <p>With the completion and adoption of an increasing raft of Neighbourhood Plans Local Authorities across the land are realising the value of such documents as an integral part of the current planning system as they provide so much needed local knowledge of areas under consideration for development.</p> <p>It is pleasing to note that the Arla Dairy site which had been identified as a prime brownfield site within the prepared Hatfield Peverel Neighbourhood Plan has been granted planning consent and that the new development is now progressing.</p> <p>Since work started on the Neighbourhood Plan there has been an increased awareness of the issues surrounding air quality within Essex and</p>	<p>Noted.</p> <p>HPPC likewise has noted.</p>

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			<p>the need to address the impact of such toxic fumes on human health and well-being and of course its impact on vegetation too. Planting new and enhancing existing hedges and trees bordering busy roads as part of implementation of green infrastructure policies is vital as is retaining as much open farmed land around settlements to act as green lungs providing not just food but other benefits too.</p>	
HPNP/P SFC18	Essex County Council	14 Housing	<p><u>Policy HO1 – Design of New Development</u></p> <p>ECC welcomes reference to the Essex Coast RAMS, but recommend the policy wording below, which has been drafted by the RAMS Steering Group in consultation with Natural England.</p> <p><u>Recommended policy wording:</u></p> <p><i><u>Where appropriate, contributions from developments will be secured towards mitigation measures identified in the Essex Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) which will be completed by the time the Neighbourhood Plan is adopted. Prior to RAMS completion, the authority will seek contributions, where appropriate, from proposed residential development to deliver all measures identified (including strategic measures) through project level HRAs, or otherwise, to mitigate any recreational disturbance impacts in compliance</u></i></p>	<p>Braintree District Council note the suggested policy text and wording. The Plan contains policy wording which has been agreed with Natural England and would therefore sufficiently cover the requirements of RAMS. The RAM SPD has not been adopted. However, if it were to be adopted in future it could be taken into consideration through a review of the Neighbourhood Plan.</p> <p>HPPC agree with BDC's response</p>

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Rep ID	Consultee	Consultation Point	Summary of Response	Braintree District Council Response / Hatfield Peverel Parish Council (HPPC) Response
			<p><u>with the Habitat Regulations and Habitats Directive.</u></p> <p>ECC recommend the following is added to the Reasoned Justification:</p> <p><u>Following consultation with Natural England, an Essex-wide Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) is being prepared to include all coastal European Sites. The strategy will identify where recreational disturbance is happening and the main recreational uses causing the disturbance. New residential development that is likely to affect the integrity of the European Sites will be required to contribute towards the implementation of the mitigation. At this stage, it is considered that development allocations in this location will be required to pay for the implementation of mitigation measures to protect the interest features of European designated sites along the Essex Coast which include the Crouch and Roach Estuaries Special Protection Area, Ramsar site and Site of Special Scientific Interest, and the Essex Estuaries Special Area of Conservation. The appropriate mechanisms will be identified in the RAMS.</u></p> <p><u>Details of the zones of influence and the necessary measures will be included in the Essex Coast RAMS Supplementary Planning Document (SPD) currently being prepared. Following consultation during Summer 2019, the</u></p>	

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			<p><u>SPD is anticipated to be adopted by each LPA in late summer/autumn 2019.</u></p> <p>See comments regarding Policy T11 regarding emissions and pollution.</p> <p><u>Policy HO6 – Allocation of the former Arla Site</u></p> <p>At Regulation 16 stage, the site was subject to an outline planning application for residential development for up to 145 dwellings (16/02096/OUT). Since then, this has been approved, and a further application for a variation of Conditions related to access, visibility displays and external / internal noise levels (18/01650/VAR) has also been granted.</p> <p>The outline permission has been granted for residential use only and therefore in partial conflict with both the emerging Publication Draft Local Plan Policy LPP 31 for mixed use and the Neighbourhood Plan Policy HO6, which includes small business units and work hub. In determining the permission both the emerging Plans were given some weight, but limited, given their stage of development. However, permission was granted on its merits in that it is providing significant residential redevelopment of a brownfield site, which will deliver a boost to housing supply within the District. Consequently, the parish council should consider revising the policy with regards its reference to employment provision (small business units/work hub) and the</p>	

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			<p>supporting text reference to mitigating the employment loss of the Arla Dairy closure.</p> <p>A small difference exists between the site boundary in the Plan and the planning permission to the east of the site regarding the site's access from Station Road. ECC recommend an amendment to the boundary to provide consistency, as acknowledged in the HPNP: SEA / HRA Screening Report (January 2019), Figure 2 (page 8) and the outline planning permission.</p> <p>The Arla site lies within the Zones of Influence (ZOIs) for likely recreational disturbance on the Blackwater Estuary SPA and Ramsar site and also the Essex Estuaries SAC. The planning permission includes mitigation for associated impacts arising from the site's location within the Zones of Influence (ZOIs), as verified by Natural England. Mitigation has been agreed through the planning permission, and appropriate measures incorporated into the policy in Section 2, criteria a, b and c. With regards 2b, ECC supports the principle of securing a rights of way contribution, but this must be approved by ECC Public Rights of Way and be consistent with the Essex Rights of Way Improvement Plan.</p> <p>www.essexhighways.org/uploads/docs/final-rowip.pdf</p>	<p>Noted. The difference in site size is not considered to be materially significant. However, if the Examiner was minded to alter the extent to match, then Braintree District Council would not object.</p> <p>HPPC agree with BDC's response</p>

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			<p>Since the previous consultation the Arla Dairy Site has gained outline planning permission. ECC has a statutory duty to facilitate sufficient places to meet free childcare entitlement demand and ensure a diverse range of provision, along with the provision of primary and secondary school places. Through the planning permission a developer contribution has been secured towards early years and childcare and primary school place provision. The development is located within the priority admissions area of Hatfield Peverel Infant and St Andrew's Junior Schools. Both Schools are full in some year groups and although there is some surplus capacity overall there is concern that not all children moving to this development will be able to gain a place. In addition, both these school sites have limited scope to expand on site, in order to accommodate any further growth in Hatfield Peverel.</p> <p>Community Infrastructure Levy Regulations (CIL) presently restrict the pooling of contributions for a specific item of infrastructure to 5 separate planning obligations, and consequently a secondary school contribution was not sought by ECC from this development because its scale is relatively small and the impact on pupil places is limited.</p> <p>In addition, sites at Gleneagles Way (120 homes) and Stonepath Drive (140 homes), are currently being considered by the Secretary of State</p>	<p>Noted.</p> <p>HPPC likewise has noted.</p>

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			<p>following them having been granted planning permission, and considered by an independent inspector at appeal. Consequently, these sites cannot presently be regarded as known commitments for residential development. Consequently, the demand on pupil places in Hatfield Peverel is subject to change, and ECC is maintaining a flexible approach to provision, which may include some expansion at existing schools; potential 'push back' of pupils considered to be out of catchment; and potential provision of an expanded school at Lodge Farm, Witham which has land to expand. The latter would require consideration of safe walking routes from Hatfield Peverel and Witham. ECC reserve the right to review any requirements once the outcome of these 'call ins' are known, and if any further development is granted permission.</p> <p>ECC previously sought an amendment to Policy HO6 seeking reference to the need for a financial contribution to early years and childcare, primary and secondary education provision, to enable this flexibility. This is no longer necessary given the secured s106 requirements under permission 16/02096/O.</p> <p><u>Highway Issues</u></p> <p>The site has the benefit of outline planning permission (16/02096/OUT). ECC provides the following comments to the suggested criteria,</p>	<p>Noted.</p> <p>HPPC likewise has noted.</p> <p>Noted.</p> <p>HPPC likewise has noted.</p>

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			<p>which are consistent with the ECC position regarding the planning permission.</p> <ul style="list-style-type: none"> • <i>Safer access onto Station Road</i> <p>The access arrangements have been considered as part of the permission. The developer is required to provide a bell mouth access off Station Road to serve the development, which requires the station car park access to be incorporated. This will require separate agreement with Network Rail. Consequently, safer access onto Station Road will be provided and improvements to the access onto Station Road from the railway station car park.</p> <p>Action: The signed S106 requires the following, and ECC recommend the bullet point is replaced with the following, which is consistent with the signed S106 agreement:</p> <p><u><i>provision of a vehicular and pedestrian access road into the site from Station Road and through the site to Hatfield Peverel Station car park.</i></u></p> <ul style="list-style-type: none"> • <i>Contributions towards highways enhancements on Bury Lane including safer access from the A12 slip road, to be agreed with the relevant Highways Authorities</i> 	<p>Noted.</p> <p>HPPC likewise has noted.</p> <p>Noted.</p>

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			<p>ECC considers the developments served from Bury Lane can provide safe access onto the highway. There are no developer contributions for highway improvements being sought in connection with sites served from Bury Lane, and no A12 slip road improvements have been identified. ECC considers these issues are more likely to be considered as part of the A12 widening/junction scheme being progressed by Highways England.</p> <p>Action: ECC recommend the bullet point is deleted.</p> <p><i>Contributions towards enhanced pedestrian and cycle access on Station Road and Bury Lane, linking up to The Street</i></p> <p>ECC acknowledges that there is an existing footway network within the vicinity indicated in the criteria. However, there are no opportunities to widen these to provide cycle access. ECC considers there will not be a vehicular access between the Arla Dairy site, served off Station Road, and the sites served of Bury Lane (A12 northbound off slip into Hatfield Peverel). However, pedestrian and cycle connection will be provided for cyclists to use Station Road to access the Street rather than Bury Lane (A12 Slip Road).</p>	<p>HPPC likewise has noted.</p> <p>Noted.</p> <p>HPPC likewise has noted.</p>

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			<p>Action: ECC recommend the bullet point is replaced with:</p> <p><u><i>` pedestrian and cycle connection will be provided for cyclists to use Station Road to access the Street'.</i></u></p> <ul style="list-style-type: none"> • <i>Contributions to improved access to and from The Street via Bury Lane</i> <p>ECC considers there is no scheme identified for the above, and developer contributions are not being sought. There is an existing footway network, but connectivity for pedestrians and cyclists will be provided from Bury Lane to Station Road (and vice-versa) providing more options to access The Street and local services and facilities.</p> <p>Action: ECC recommend the bullet point is deleted.</p> <ul style="list-style-type: none"> • Provide improvements to the unsafe access onto Station Road from the station car park <p>See comments regarding <i>'Safer access onto Station Road'</i> above.</p> <p>Action: ECC recommend the bullet point is deleted.</p>	<p>Noted.</p> <p>HPPC likewise has noted.</p> <p>Noted.</p> <p>HPPC likewise has noted</p> <p>Noted.</p> <p>HPPC likewise has noted</p> <p>Noted.</p> <p>HPPC likewise has noted.</p>

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			<p><u>Wood End Farm, Witham – 450 new homes</u></p> <p>This Strategic Growth Location is included in the BDC Publication Draft – Policy LPP 23 for 450 homes, but has not yet gained planning permission. Part of the site is located within Hatfield Peverel Parish (Inset Map 2B). The HPNP: SEA / HRA Screening Report (January 2019), Table 1, page 5 identifies the site as a Local Plan allocation that lies within the Plan area.</p> <p>ECC previously sought an explanation, as to why this site had not been allocated in the HPNP, despite the acknowledgement above that it is located within the Plan boundary. ECC has reviewed the Submission Version of the Strategic Environmental Assessment (SEA): Scoping & Environmental Report – March 2018, and acknowledges the following:</p> <p><i>‘This allocation is identified as a ‘strategic growth location’ and represents an extension to Witham. The HPNDP has no statutory authority regarding ‘strategic’ decisions within their Plan area.’</i></p>	
HPNP/P SFC19	Essex County Council	13 Facilities and Infrastructure	<p>Policy F11 – Transport and Access</p> <p>ECC supports reference to the need for development proposals to be supported by a Transport Statement or Assessment,</p>	<p>Noted.</p> <p>HPPC likewise has noted.</p>

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			<p>consistent with the thresholds in the ECC Development Management Policies (2011), and in particular Policy DM13.</p> <p>ECC supports acknowledgement of the 'key issue' below on page 45 (bullet 9) following the response to the Regulation 14 consultation (September 2016).</p> <p>A site has been identified for a new Primary School as part of strategic development at Lodge Farm, Witham. The route to the proposed school is alongside the A12 trunk road and is unguarded. School journeys would therefore be likely to involve driving and parking would be an issue.'</p> <p>Whilst there is a footway (and cycleway for part of the distance) connecting Hatfield Peverel to the Lodge Farm allocation site, it would involve walking, unguarded, next to the A12 and across a bridge at the junction 21b. It is most unlikely that residents would want to walk this route regularly with young children and that it is more likely that residents will drive their children to school which would be unsustainable and contribute to increasing traffic levels. This is considered to significantly undermine claims that any development would be sustainable and encourage residents to make regular journeys by foot or cycle. The HPNP presently provides no solution to the</p>	

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			<p>issue identified above. An aim of the A12 Chelmsford (junction 19) to A120 (junction 25) scheme includes the aim of helping cyclists, walkers and other vulnerable users of the network by providing safer alternative routes away from the A12.</p> <p>The following additional text is recommended to paragraph 3 seeking the provision of safe and direct access from Hatfield Peverel to the Lodge Farm development.</p> <p><i>'Safe and direct convenient pedestrian and cycle links from Hatfield Peverel to Lodge Farm, Witham are required.'</i></p> <p>ECC welcomes reference to new development having to provide appropriate safe pedestrian and cycle routes to public transport hubs e.g. bus stops and the railway station and recreational, educational and retail facilities, in paragraph 3 of Policy F11 (page 47).</p> <p>Since submission of the HPNP, a number of issues has arisen that has resulted in three policies, including F11, being revised, in particular in relation to Strategic Environmental Assessment and Habitats Regulations Assessment and further changes to the emerging Local Plan at BDC level. Paragraph 2 was subsequently added to Policy F11.</p>	<p>Noted. If the Examiner was minded to make this alteration, Braintree District Council would not object.</p> <p>HPPC agree with BDC's response</p>

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			<p>'Proposals for all new developments should prevent unacceptable risks from emissions and all forms of pollution (including air, water and noise pollution) to ensure no deterioration of current standards. All applications for development where the existence of/or potential for the creation of pollution is suspected must be supported by relevant assessments.'</p> <p>ECC acknowledges that the policy aims to reduce the impact of traffic, encourage lower carbon travel, ensure that the location of new development is appropriate and minimises pollution including from emissions, and seeks a high standard of amenity and promotes healthy communities. No previous response was provided regarding this policy. It should be acknowledged that traffic is not the only source of emissions/pollution.</p> <p>ECC recommend this wording should also be included in Policy HO1 - Design of new Developments, which seeks to provide support the transition to a low carbon future in a changing climate.</p> <p>Policy FI1 - Justification</p> <p>Reference is made to issues regarding junctions along The Street with regards excessive traffic flows in paragraph 1, page 48.</p>	<p>Noted.</p> <p>HPPC likewise has noted.</p>

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			<p>In responding to the Maldon Local Plan, ECC considered any queues at these junctions were not constant, and dispersed within a reasonable period, and issues were more closely linked with resilience issues regarding the A12.</p> <p>In January 2017 Highways England (HE) undertook a public consultation on improvements for the section of the A12 between Chelmsford, junction 19 and Marks Tey, junction 25. The ECC response stated:</p> <p>ˆ Junctions 20b and 21: Hatfield Peverel to Witham South. Based on initial modelling the County Council believes it would be beneficial to amalgamate junctions 20b and 21. By combining these junctions one all movements junction could be created which would cater for movements from Witham (south) and Hatfield Peverel (north). The new junction could provide a link road to access Maldon, and relief and resilience to the village of Hatfield Peverel. Further traffic modelling is required by both Highways England and the County Council to fully understand the movements in this area in combination with 20a, 20b and 21. It seems reasonable to assume that the A12 widening scheme would provide the linkage to local access routes towards Maldon as a result of rationalisation of current junctions in the area and so as to avoid unwanted and convoluted</p>	

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			<p>traffic movements which would otherwise result.'</p> <p>The Scheme has not yet progressed to the next stage, which would be a Preferred Route Announcement (PRA), followed by public consultation on the developed route option leading to the submission of a Development Consent Order. HE is presently working closely with ECC, Braintree District Council and Colchester Borough Council to understand the impact of the proposed North Essex Garden Community at Marks Tey. The proposed development may affect the alignment of the A12 between junctions 24 and 25, which is subject to a Planning Inspectors' decision. If the development goes ahead then HE may need to put forward new plans that reconsider the road alignment between junctions 24-25. In this case, HE will undertake a further consultation at this location, and any knock on impacts.</p> <p>The justification (page 48) also refers to encouraging families to walk to school, thereby providing healthy benefits, through the enhancement and proper maintenance of existing walking routes and the creation of appropriate paths for all users from any new development to schools, which will reduce traffic levels around existing schools, and is supported.</p>	

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			<p>ECC has recently updated its Sustainable Modes of Travel Strategy (January 2019). It encourages 'School Travel Planning' through recommendations to planning applications; assessment of the travel and transport requirements of young people; and the undertaking of an Audit of Sustainable Travel Infrastructure and Accessibility, which enables schools to assess how accessible their site is for pupils from their home locations.</p> <p>ECC recommend the following should be inserted after the first sentence in paragraph 4, page 48:</p> <p>'This can be encouraged through the preparation of a School Travel Plan.'</p> <p>Policy FI3 – Education and Healthcare Provision</p> <p>ECC recommend the policy is strengthened to be consistent with NPPF, paragraph 94, which sets great importance on the need to provide new pupil places, and secure the provision and/or expansion of schools where necessary.</p> <p>ECC recommend the opening paragraph is amended to read:</p>	<p>Noted. If the Examiner was minded to include this text, Braintree District Council would not object.</p> <p>HPPC agree with BDC's response</p>

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Rep ID	Consultee	Consultation Point	Summary of Response	Braintree District Council Response / Hatfield Peverel Parish Council (HPPC) Response
			<p>‘New development will only be permitted where it can demonstrate that there is sufficient appropriate education capacity to support the development or that such capacity will be delivered by the proposal.’</p> <p>ECC recommends the ‘Justification’ on page 51 is amended as it contains a number of inaccuracies regarding school place provision.</p> <p>‘Various factors mean that a number of children come from further afield to local schools leading to children within the Parish being unable to take up places.’</p> <p>All children who applied from within catchment obtained a place at Hatfield Peverel schools, and hence the above sentence should be deleted.</p> <p>‘At present, ECC have said that they have no plans to expand local schools. The possible move to Academy or other similar status during the plan period may provide an opportunity for reviewing the options to increase capacity which could include development. The current sites have limited space for expansion.’</p> <p>As worded, there is an inference that ECC is standing in the way of any necessary expansion of primary schools in Hatfield Peverel, and that the Academisation of these</p>	<p>Noted. If the Examiner was minded to include this text, Braintree District Council would not object.</p> <p>HPPC agree with BDC’s response</p> <p>Noted. Braintree District Council does not object to factual corrections to the Neighbourhood Plan.</p> <p>HPPC agree with BDC’s response</p>

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			<p>schools may provide an opportunity to increase capacity. ECC considers this is incorrect, and we have identified our school capacity position under Policy HO6 above. In addition, the role of ECC regarding school provision is outlined below.</p> <p>Under section 14 of the 1996 Education Act, local authorities must secure sufficient school places to serve their area. Section 2 of the 2006 Education and Inspections Act further places ECC, as the appropriate local authority, under a duty to secure diversity in the provision of schools and increase opportunities for parental choice. Subsequent legislation has encouraged the development of a more diverse range of education providers, in particular Academy Trusts and Free Schools. To meet these duties, ECC acts as a commissioner rather than a provider of new schools and, in order that potential providers may express their interest in running a school, will set out the requirements for the provision needed to serve a new community.</p> <p>Regardless of whether local schools have Academy status, are Free Schools, or are Maintained Schools, ECC is the appropriate authority to assess the requirement for additional school places to serve any new housing developments proposed by a Local Plan or supported by a Neighbourhood Plan.</p>	

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Rep ID	Consultee	Consultation Point	Summary of Response	Braintree District Council Response / Hatfield Peverel Parish Council (HPPC) Response
			<p>Where a S106 agreement (developer contribution) delivers the land and funding for a new school, ECC will usually procure the buildings and then transfer it to the successful school provider.</p> <p>Policy FI5 Developer Contribution</p> <p>ECC welcomes the aim of providing a policy framework to ensure a consistent approach for the delivery of relevant infrastructure from developers. However, the following comments should be considered, which are consistent with the Bradwell and Pattiswick Neighbourhood Plan Inspector's recommendations to the developer contributions policy, and in particular the Community Infrastructure Levy (CIL) in the district.</p> <p>Paragraph 1 makes reference to the Community Infrastructure Levy (CIL), which has not yet been implemented by BDC. There is presently no timetable for BDC to implement CIL, or whether this will be progressed, as described in the Local Development Scheme 2019 – 2021 (January 2019). Consequently, reference to CIL should be deleted from the policy.</p> <p>ECC recommend the opening paragraph is amended to read:</p>	

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Rep ID	Consultee	Consultation Point	Summary of Response	Braintree District Council Response / Hatfield Peverel Parish Council (HPPC) Response
			<p>'Where appropriate development will be required to contribute towards the provision of relevant infrastructure in the Parish and provide a proportionate contribution to development.'</p> <p>As worded, paragraph 2 implies that all proposals for development will be required to pay s106 contributions, irrespective of land use and scale of development. In fact, some contributions are only likely to be required by major developments or are subject to a threshold, usually in terms of numbers of dwellings, which will trigger different services to consider the need for developer contributions. For example, ECC only considers contributions in respect of development of 20 dwellings or more regarding education requirements. In addition, the CIL Regulations make a number of provisions for charging authorities to give relief from the levy (eg self build dwellings, charitable institution).</p> <p>ECC recommended the widest reasonable definition of infrastructure and infrastructure providers is used regarding this policy. Consequently, references to types of infrastructure should be added to Appendix 3: Glossary.</p>	<p>Noted. If the Examiner was minded to make this change Braintree District Council would not object.</p> <p>HPPC agree with BDC's response</p> <p>Noted.</p> <p>HPPC likewise has noted.</p>

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Rep ID	Consultee	Consultation Point	Summary of Response	Braintree District Council Response / Hatfield Peverel Parish Council (HPPC) Response
			<p>Infrastructure means any structure, building, system facility and/or provision required by an area for its social and/or economic function and/or well-being including (but not exclusively):</p> <ul style="list-style-type: none"> • affordable housing • broadband • community and social facilities • cultural facilities, including public art • drainage and flood protection • education and childcare • emergency services • facilities for specific sections of the community such as youth or the elderly • footways, cycleways and highways • green infrastructure • healthcare • live/work units and lifetime homes • open space • public transport • sports, leisure and recreation facilities • waste recycling facilities <p>Paragraph 3 seeks to prioritise contributions towards the delivery of targeted community objectives or specific projects, as previously identified and reviewed by the parish council. Planning Practice Guidance (PPG) states that planning obligations can be used to assist in mitigating the impact of unacceptable</p>	

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Rep ID	Consultee	Consultation Point	Summary of Response	Braintree District Council Response / Hatfield Peverel Parish Council (HPPC) Response
			<p>development to make it acceptable in planning terms. However, planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind, as set out in the Community Infrastructure Levy Regulations 2010, and as policy tests in the NPPF (2018). Hence, any contributions secured towards identified projects will only be considered acceptable if they meet these criteria.</p>	
HPNP/P SFC20	Essex County Council	12 Environment	<p>Policy HPE1 Prevention of Coalescence</p> <p>The policy proposes a green wedge along the eastern development boundary of Hatfield Peverel and at the eastern boundary of the Parish to avoid coalescence with Witham and the allocation at Wood End Farm, as identified on the Map (page 25). The area along the eastern boundary of Hatfield Peverel to the north-east of Gleneagles Way is subject to a development for 120 homes (16/02156/O), which was approved by BDC, has been considered by an independent planning inspector who has produced a report for the SoS to consider. A decision is outstanding and no timescale for a decision is presently known. Clearly, if the SoS approves the development, then the green wedge boundary will need to be reviewed, and potentially amended.</p>	<p>Noted. If a change is required to the extent of the green buffer, this could be undertaken when the Neighbourhood Plan is reviewed.</p> <p>HPPC agree with BDC's response</p>

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Rep ID	Consultee	Consultation Point	Summary of Response	Braintree District Council Response / Hatfield Peverel Parish Council (HPPC) Response
			<p>Policy HPE2 Natural Environment and Biodiversity</p> <p>ECC welcomes the inclusion of a policy regarding biodiversity. The parish contains a number of Local Wildlife Sites (LoWS), priority habitats and ancient woodland (an irreplaceable habitat), and these should be specifically listed within the policy.</p> <p>Amend 1st paragraph to:</p> <p>‘Development should retain and enhance existing trees, hedgerows and habitats – particularly Local Wildlife Sites (LoWS), priority habitats and ancient woodland (an irreplaceable habitat)- which are important for their historic, visual or biodiversity value unless the need for, and the benefits of the development in that location clearly outweigh any loss. Any such loss will be appropriately mitigated.’</p> <p>ECC recommend the following text is inserted in the Justification to Policy HPE2 to replace the text regarding mitigation.</p> <p>‘There should be no net loss of biodiversity. Mitigation measures should enable the preservation, restoration and re-creation of wildlife habitats, and the protection and</p>	<p>Noted. If the Examiner was minded to include the changes to policy HPE2 to the Plan Braintree District Council would not object. Alternatively it may be more appropriate to consider when a review of the Neighbourhood Plan takes place.</p> <p>HPPC agree with BDC’s response</p>

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Rep ID	Consultee	Consultation Point	Summary of Response	Braintree District Council Response / Hatfield Peverel Parish Council (HPPC) Response
			<p>recovery of priority species. The mitigation hierarchy should be adhered to (from the NPPF paragraph 118) and can be summarised as follows: aim to avoid; then mitigate; and then only compensate in exceptional circumstances after all other options have been considered.</p> <p>Additionally, enhancement for biodiversity should be included in all proposals, commensurate with the scale of the development. For example, such enhancements could include watercourse improvements to benefit biodiversity and improve water quality, habitat creation, wildlife links (including as part of green or blue infrastructure) and building design which creates wildlife habitat (e.g. green roofs, bird and/or bat boxes).'</p> <p>Policy HPE 7 – Flooding and SuDs</p> <p>ECC has provided comments, at both Regulation 14 and 16, regarding the use of SuDS only where ground conditions were suitable for infiltration, and these do not appear to have been incorporated. The term SuDS covers a wide range of features some of which are reliant on infiltration however many SuDS techniques can be used on sites without infiltration potential.</p>	<p>Noted. The Plan has been subject to consultation which included the Environment Agency. If the Examiner was minded to make these changes Braintree District Council would not object.</p> <p>HPPC agree with BDC's response</p>

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Rep ID	Consultee	Consultation Point	Summary of Response	Braintree District Council Response / Hatfield Peverel Parish Council (HPPC) Response
			<p>ECC recommends the following changes are still required:</p> <p>‘The use of appropriate Sustainable Drainage Systems (SuDS), based on an engineering and ground assessment will be expected on all sites.’</p> <p>The last paragraph of the justification should be amended to read:</p> <p>‘A sustainable drainage system (SuDS) is designed to reduce the potential impact of new and existing developments with respect to surface water drainage discharges. It should be used wherever possible to reduce problems with increased flash flooding after sudden rain, promote groundwater recharge, enhance biodiversity and provide amenity benefit, unless, following an adequate assessment, soil conditions and/or engineering feasibility dictate otherwise.’</p> <p>In addition, ECC recommends that reference to ‘flash flooding’ in paragraph 1 is deleted as the policy should refer to flood risk in general.</p> <p>‘Any proposed development will include mitigation measures against future risk to properties, residents and wildlife from flash flooding risk and by keeping development away from areas prone to flooding.’</p>	

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Rep ID	Consultee	Consultation Point	Summary of Response	Braintree District Council Response / Hatfield Peverel Parish Council (HPPC) Response
			<p>Policy HPE8 - Heritage</p> <p>ECC welcome reference to heritage matters in the HPNP, and the incorporation of suggested amendments to the Regulation 14 consultation</p> <p>ECC recommend the following amendment to paragraph 4, page 39:</p> <p>‘... will be supported where it can be demonstrated that no harm will come to the heritage asset.’</p>	<p>Noted. The Plan has been subject to consultation including with Historic England. However, if the Examiner felt it appropriate to make this change Braintree District Council would not object.</p> <p>HPPC agree with BDC’s response</p>
HPNP/P SFC21	Essex County Council	General	<p>ECC welcomes the opportunity to comment on the ‘Post Submission Further Changes’ to the Hatfield Peverel Neighbourhood Plan.</p> <p>ECC has previously provided comments regarding the Plan at all stages of its preparation, including the Regulation 16 consultation in June/July 2017.</p> <p>ECC acknowledges that since the Regulation 16 consultation further work has been undertaken regarding the Strategic Environmental Assessment (SEA) and the Habitats Regulation Assessment (HRA) following revision to the Regulations under the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018. The regulations allow neighbourhood plans in areas where</p>	<p>Noted. Braintree District Council has no objection if the Examiner wishes to make factual corrections or updates to the text of the Neighbourhood Plan.</p> <p>HPPC agree with BDC’s response</p> <p>Braintree District Council’s Local Development Scheme was updated in January 2019, and contains the current estimated timetable for the production of the Local Plan and is available from the link below.</p> <p>https://www.braintree.gov.uk/downloads/download/905/local_development_schemes_lds</p>

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Rep ID	Consultee	Consultation Point	Summary of Response	Braintree District Council Response / Hatfield Peverel Parish Council (HPPC) Response
			<p>there could be likely significant effects on a European protected site to be subject to an 'Appropriate Assessment' to demonstrate how impacts will be mitigated, in the same way as would happen for a draft Local Plan or planning application.</p> <p>In addition, the Arla Site has been granted outline planning permission, to which ECC service areas made comment, and some of these have impacted upon some of the criteria within Policy HO6.</p> <p>Consequently, this response reviews and updates the comments previously submitted by ECC to the Regulation 16 consultation in June/July 2017, in order to provide the Examiner with the most up-to-date position of ECC. Thank you for consulting Essex County Council (ECC) on the Post Submission Further Changes consultation regarding the Hatfield Peverel Neighbourhood Plan (HPNP), as prepared by Hatfield Peverel Parish Council. This letter represents ECC's technical officer comments to the consultation:</p> <p>Hatfield Peverel Neighbourhood Plan Post Submission Further Changes - Explanatory</p> <p>Note</p>	<p>To summarise it is anticipated that the Hearing in the Shared Strategic Plan (Section 1) will continue in the Autumn of 2019 and the Local Plan (Section 2) Hearing will be in the Spring/Summer of 2020. The date of adoption for both documents is therefore likely in 2020 or early 2021.</p> <p>HPPC have noted the views on the estimated timetable and have no further comment.</p>

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			<p>ECC has previously provided comments regarding the Hatfield Peverel Neighbourhood Plan (HPNP) at all stages of its preparation, including the Regulation 16 consultation (June/July 2017).</p> <p>In reviewing the Plan documents and Regulation 16 representations the Examiner identified that further work was required regarding the Strategic Environmental Assessment (SEA) and the Habitats Regulation Assessment (HRA). Consequently, a further consultation was undertaken in May 2018 regarding changes to three policies; namely Transport and Access (FI1), Design of New Developments (HO1) and Allocation of the former Arla site (HO6). ECC responded to the consultation with no comments regarding these policy changes.</p> <p>Following revised Regulations under the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018, the granting of planning permission at the Arla Dairy Site, and advice received from Natural England, the Plan has been rescreened as having “No likely Significant Effects”. It is this version of the Plan which is currently available for public consultation, alongside the SEA/HRA Screening and revised Basic Conditions Statement.</p>	

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			<p>Consequently, this response reviews and updates the comments previously submitted by ECC to the Regulation 16 consultation in June/July 2017, in order to provide the Examiner with the most up-to-date position of ECC.</p> <p>Relationship to the Braintree Publication Draft Local Plan (2013 – 2033)</p> <p>The Development Plan for Hatfield Peverel comprises the Braintree District Core Strategy 2011, the saved policies of the Braintree District Local Plan Review 2005, the Essex Minerals Local Plan 2014 and the Essex and Southend-on-Sea Waste Local Plan 2017 (see below).</p> <p>Braintree District Council (BDC) is preparing a new Local Plan to cover the period to 2033. A Pre-Submission consultation took place in June-August 2016, and the Local Plan was submitted to the Government for examination in October 2017. This included a Section 1 to the Plan dealing with cross boundary strategic issues and proposals for two new Garden Communities. Hearings have been held regarding the Section 1 Plan. The Inspector has `paused' the examination while the North Essex Authorities (NEAs) carry out further work on the evidence base and Sustainability</p>	

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			<p>Appraisal (SA). Subsequently, the Local Development Scheme (2019- 2021) identifies potential adoption of the new Local Plan as:</p> <p>Shared Strategic Plan (Section 1) – Spring 2020 (if adopted independently) Braintree District Specific Local Plan (Section 2) – Winter 2020/21</p> <p>The Parish Council has taken account of the emerging Local Plan policies, up-to-date evidence base and other information provided by BDC. While it is not necessary for a Neighbourhood Plan to be in conformity with an emerging Local Plan, it is good practice to ensure consistency so that the Neighbourhood Plan does not become out of date once the new Plan is adopted.</p> <p>In general terms ECC agree with the ‘Basic Conditions Statement’ in that the vision of the plan generally conforms with the approach in the adopted Core Strategy and particularly the emerging Braintree Local Plan, and is planning to an end date of 2033.</p> <p>However, ECC recommends the following amendments to the Neighbourhood Plan policies and justification to ensure consistency with NPPF, the emerging Braintree Local Plan, and to provide clarity.</p>	

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Rep ID	Consultee	Consultation Point	Summary of Response	Braintree District Council Response / Hatfield Peverel Parish Council (HPPC) Response
			<p>Essex Minerals Local Plan 2014 and Essex and Southend-on-Sea Waste Local Plan 2017</p> <p>The Plan refers to the emerging Braintree District Local Plan (BDP) and these two plans in the diagram on page 6. As indicated above the BDP is also comprised of the Essex Minerals and Waste Local Plans. ECC is the Mineral and Waste Planning Authority for the area covered by the Plan. Although Neighbourhood Plans should not seek to establish policy for minerals and waste land uses, they should include context on such matters, as relevant to the area. At present, the Plan fails to recognise in the text that the Essex Minerals Local Plan 2014 and Essex and Southend-on-Sea Waste Local Plan 2017 forms part of the Development Plan for the area. It is recommended that such recognition is given to the adopted Minerals and Waste Local Plans as part of this section, and suggested text is provided below:</p> <p>Essex and Southend-on-Sea Waste Local Plan (WLP)</p> <p>Essex County Council is the Waste Planning Authority (WPA) for the Plan area, and is responsible for preparing planning policies and assessing applications for waste management development. The WLP was adopted in July 2017 forming part of the statutory Development</p>	

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			<p>Plan and should be read alongside the Braintree Local Plan. The WLP covers the period from 2017 to 2032. It sets out where and how waste management developments can occur, and contains the policies against which waste management planning applications are assessed.</p> <p>Essex Minerals Local Plan 2014 (MLP)</p> <p>Essex County Council is the Minerals Planning Authority for the Plan area, and is responsible for preparing planning policies and assessing applications for mineral development. The MLP forms part of the statutory Development Plan and should be read alongside the Braintree Local Plan. Active and unworked sand and gravel deposits are subject to a Minerals Safeguarding policy, which seeks to prevent deposits being sterilised by non-mineral development. Mineral Consultation Areas seek ECC to be consulted on all non-mineral related development within a distance of 250m around active quarries, mineral infrastructure and mineral deposits permitted for extraction.</p> <p>The Plan allocates a site for residential development, and hence the following minerals and waste policies should be considered if any further development is considered.</p> <p>Essex Minerals Local Plan 2014</p>	

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			<p>Policy S8 - Safeguarding mineral resources and mineral reserves - defines Mineral Safeguarding Areas (MSA) and sets the basis for the way that applications coming forward in MSAs are assessed. Appendix 1 shows that the vast majority of the proposed Plan area is included within an MSA for sand and gravel, and therefore subject to Policy S8. Mineral Consultation Areas (MCAs) - seek to ensure effective mineral development, non-sterilisation of resource and prevent future impacts upon neighbouring uses. An MCA is designated within and up to 250m from mineral developments. MCAs are in effect in the south west of the Plan area as shown in Appendix 1. Essex and Southend Waste Local Plan 2017</p> <p>Policy 2 - Safeguarding Waste Management Sites and Infrastructure - designates Waste Consultation Areas (WCAs). A WCA is designated within and up to 250m from the boundary of all waste management facilities granted permission by Essex County Council (increasing to 400m for Water Recycling Centres). It seeks to ensure that the Waste Planning Authority (WPA) is consulted on non-waste development that could adversely impact on the operation of a safeguarded waste site or infrastructure, and that future development is not adversely affected by existing or future waste developments.</p>	

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			<p>The above policies (MSAs, MCAs and WCAs) seek to ensure that the Minerals and Waste Planning Authority are consulted on non-minerals and non-waste development that could adversely impact on the operation of a safeguarded mineral or waste site, or associated infrastructure. They also ensure that potential future development is not adversely affected by existing or future mineral and waste developments.</p>	
HPNP/P SFC22	Gladman Developments Ltd	Hatfield Peverel NP Post Submission Further Changes	<p>5.1.1 Gladman recognizes the Government's ongoing commitment to neighbourhood planning and the role that such Plans have as a tool for local people to shape the development of their local community. However, it is clear from national guidance that the HPNP must be consistent with national planning policy and guidance. If the plan is found not to meet the Basic Conditions at Examination, then the plan will be unable to progress to referendum.</p> <p>5.1.2 As currently drafted, the HPNP is unlawful and in conflict with the basic conditions for the reasons set out in this response. The policies of the HPNP need to set clear parameters so that the likely significant effects of the Plan can be</p>	TBC

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			<p>understood and properly assessed. In addition, an AA of the HPNP is required to ensure that the Plan meets its legal requirements.</p> <p>5.1.3 Should the Examiner consider it necessary to hold a public examination then Gladman respectfully request that we are afforded the opportunity to participate at the hearing session(s) to discuss the issues raised.</p>	
HPNP/B C1	Mrs Susan Simpson	HPNP Further Consultation Basic Conditions	<p>I am pleased to see that the NP for Hatfield Peverel is progressing at last. Its passage through the labyrinthine path of legislation has been lengthy.</p> <p>Reading through its well balanced and considered Policies, it gives guidance and support to the continued nurturing of community spirit and the sustainable growth of housing in the Parish through to 2033. This is particularly important given the absence of a made Local District Plan.</p> <p>The allocation of a brown field site for housing makes a useful addition to the housing needs of the community whilst removing an unused ex-industrial site. This path is greatly to be preferred rather than the loss of more of the</p>	<p>Noted.</p> <p>HPPC likewise has noted.</p>

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			rich arable landscape of the district. It is particularly appropriate and should be echoed around the whole of the BDC district wherever possible.	
HPNP/B C2	Gladman Developments Ltd	HPNP Further Consultation Basic Conditions	<p>Gladman recognizes the Government's ongoing commitment to neighbourhood planning and the role that such Plans have as a tool for local people to shape the development of their local community. However, it is clear from national guidance that the HPNP must be consistent with national planning policy and guidance. If the plan is found not to meet the Basic Conditions at Examination, then the plan will be unable to progress to referendum.</p> <p>As currently drafted, the HPNP is unlawful and in conflict with the basic conditions for the reasons set out in this response. The policies of the HPNP need to set clear parameters so that the likely significant effects of the Plan can be understood and properly assessed. In addition, an AA of the HPNP is required to ensure that the Plan meets its legal requirements.</p> <p>Should the Examiner consider it necessary to hold a public examination then Gladman respectfully request that we are afforded the opportunity to participate at the hearing session(s) to discuss the issues raised.</p>	TBC

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HPNP/S EAHRA1	Forestry Commission for East and East Midlands	HPNP Post Submission Further Changes SEA & HRA	<p>In reviewing the Braintree Strategic Environment Assessment it was found that the assessment does not include consideration of ancient woodland. The attached is our response form, which outlines the position of the Forestry Commission and lists the Government guidance on the importance and protection of ancient woodland.</p> <p>The information below is provided to assist you in assessing the appropriateness of sites for future development with regard to any which may be near to Ancient Woodland.</p> <p>As a non-statutory consultee, the Forestry Commission is pleased to provide you with the inserted links, information that may be helpful when you consider site allocations or policies within your draft plans.</p> <p>Ancient woodlands are irreplaceable. They have great value because they have a long history of woodland cover, with many features remaining undisturbed. This applies both to Ancient Semi Natural Woodland (ASNW) and Plantations on Ancient Woodland Sites (PAWS).</p> <p>It is Government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodland, unless “there are wholly exceptional</p>	<p>Noted.</p> <p>HPPC likewise has noted.</p>

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			<p>reasons and a suitable compensation strategy exists” (National Planning Policy Framework paragraph 175 amended July 2018).</p> <p>The Braintree District has a large number of ancient woodlands scattered throughout the district with a significant cluster of ancient woodlands north of Braintree between Beazeley End and Coggeshall, and a cluster in the Terling area.</p> <p>We also particularly refer you to further technical information set out in Natural England and Forestry Commission’s Standing Advice on Ancient Woodland – plus supporting Assessment Guide and Case Decisions.</p> <p>As a Non Ministerial Government Department, we provide no opinion supporting or objecting to a policy, an application or site allocation. Rather we are including information on the potential impact that the proposed development would have on the ancient woodland.</p> <p>This response provides factual information on related policy which the planning authority may take account of when preparing plans and when making its decision on applications.</p> <p>If the planning authority takes the decision to approve an application which may impact on</p>	

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			<p>Ancient Woodland sites we may be able to give further support in developing appropriate conditions in relation to woodland management mitigation or compensation measures. Please note however that the Standing Advice states that “Ancient woodland or veteran trees are irreplaceable, so you should not consider proposed compensation measures as part of your assessment of the benefits of the development proposal”.</p> <p>We suggest that you take regard of any points provided by Natural England about the biodiversity of any such woodland.</p> <p>The resilience of existing and new woodland is a key theme of the Forestry Commission’s work to Protect, Improve and Expand woodland in England we will continue to work with Forestry / Woodland owners, agents, contractors and other Stakeholders to highlight and identify, pests and diseases and to work in partnership to enable Woodlands and Forests are resilient to the impacts of Climate Change.</p> <p>The planting of new riparian and floodplain woodland, can help to reduce diffuse pollution, protect river morphology, moderate stream temperature and aid flood risk management, as well as meet Biodiversity Action Plan targets for the restoration and expansion of wet woodland.</p>	

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			<p>The Forestry Commission is keen to work in partnership with Woodland / Forest Stakeholders to develop opportunities for woodland creation to deliver these objectives highlighted above.</p> <p>In the wider planning context the Forestry Commission encourages local authorities to consider the role of trees in delivering planning objectives as part of a wider integrated landscape approach. For instance through:</p> <ul style="list-style-type: none"> - the inclusion of green infrastructure (including trees and woodland) in and around new development; and - the use of locally sourced wood in construction and as a sustainable, carbon lean fuel. <p>We hope these comments are helpful to you. If you have any further queries please do not hesitate to contact me.</p> <p>A summary of Government policy on ancient woodland</p> <p>Natural Environment and Rural Communities Act 2006 (published October 2006). Section 40 – “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those</p>	

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			<p>functions, to the purpose of conserving biodiversity”.</p> <p>National Planning Policy Framework (published July 2018). Paragraph 175 – “development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists”.</p> <p>National Planning Practice Guidance – Natural Environment Guidance. (published March 2014) This Guidance supports the implementation and interpretation of the National Planning Policy Framework. This section outlines the Forestry Commission’s role as a non-statutory consultee on “development proposals that contain or are likely to affect Ancient Semi-Natural woodlands or Plantations on Ancient Woodlands Sites (PAWS) (as defined and recorded in Natural England’s Ancient Woodland Inventory), including proposals where any part of the development site is within 500 metres of an ancient semi-natural woodland or ancient replanted woodland, and where the development would involve erecting new buildings, or extending the footprint of existing buildings”</p>	

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			<p>It also notes that ancient woodland is an irreplaceable habitat, and that, in planning decisions, Plantations on Ancient Woodland Sites (PAWS) should be treated equally in terms of the protection afforded to ancient woodland in the National Planning Policy Framework. It highlights the Ancient Woodland Inventory as a way to find out if a woodland is ancient.</p> <p>The UK Forestry Standard (4th edition published August 2017). Page 23: "Areas of woodland are material considerations in the planning process and may be protected in local authority Area Plans. These plans pay particular attention to woods listed on the Ancient Woodland Inventory and areas identified as Sites of Local Nature Conservation Importance (SLNCIs)".</p> <p>Keepers of Time – A Statement of Policy for England’s Ancient and Native Woodland (published June 2005). Page 10 "The existing area of ancient woodland should be maintained and there should be a net increase in the area of native woodland".</p> <p>Natural Environment White Paper "The Natural Choice" (published June 2011)</p>	

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			<p>Paragraph 2.53 - This has a “renewed commitment to conserving and restoring ancient woodlands”.</p> <p>Paragraph 2.56 – “The Government is committed to providing appropriate protection to ancient woodlands and to more restoration of plantations on ancient woodland sites”.</p> <p>Standing Advice for Ancient Woodland and Veteran Trees (first published October 2014, revised November 2017) This advice, issued jointly by Natural England and the Forestry Commission, is a material consideration for planning decisions across England. It explains the definition of ancient woodland, its importance, ways to identify it and the policies that are relevant to it.</p> <p>The Standing Advice refers to an Assessment Guide. This guide sets out a series of questions to help planners assess the impact of the proposed development on the ancient woodland. Summaries of some Case Decisions are also available that demonstrate how certain previous planning decisions have taken planning policy into account when considering the impact of proposed developments on ancient woodland.</p> <p>Biodiversity 2020: a strategy for England’s wildlife and ecosystem services (published August 2011).</p>	

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			<p>Paragraph 2.16 - Further commitments to protect ancient woodland and to continue restoration of Plantations on Ancient Woodland Sites (PAWS).</p> <p>Importance and Designation of Ancient and Native Woodland</p> <p>Ancient Semi Natural Woodland (ASNW) Woodland composed of mainly native trees and shrubs derived from natural seedfall or coppice rather than from planting, and known to be continuously present on the site since at least AD 1600. Ancient Woodland sites are shown on Natural England's Inventory of Ancient Woodland.</p> <p>Plantations on Ancient Woodland Site (PAWS) Woodlands derived from past planting, but on sites known to be continuously wooded in one form or another since at least AD 1600. They can be replanted with conifer and broadleaved trees and can retain ancient woodland features, such as undisturbed soil, ground flora and fungi. Very old PAWS composed of native species can have characteristics of ASNW. Ancient Woodland sites (including PAWS) are on Natural England's Inventory of Ancient Woodland.</p> <p>Other Semi-Natural Woodland (OSNW)</p>	

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			<p>Woodland which has arisen since AD 1600, is derived from natural seedfall or planting and consists of at least 80% locally native trees and shrubs (i.e., species historically found in England that would arise naturally on the site). Sometimes known as 'recent semi-natural woodland'.</p> <p>Other woodlands may have developed considerable ecological value, especially if they have been established on cultivated land or been present for many decades.</p> <p>Information Tools – The Ancient Woodland Inventory</p> <p>This is described as provisional because new information may become available that shows that woods not on the inventory are likely to be ancient or, occasionally, vice versa. In addition ancient woods less than two hectares or open woodland such as ancient wood-pasture sites were generally not included on the inventories. For more technical detail see Natural England's Ancient Woodland Inventory. Inspection may determine that other areas qualify.</p> <p>As an example of further information becoming available, Wealden District Council, in partnership with the Forestry Commission, Countryside Agency, the Woodland Trust and</p>	

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			<p>the High Weald AONB revised the inventory in their district, including areas under 2ha. Some other local authorities have taken this approach. Further Guidance</p> <p>Felling Licences - Under the Forestry Act (1967) a Felling Licence is required for felling more than 5 cubic metres per calendar quarter. Failure to obtain a licence may lead to prosecution and the issue of a restocking notice.</p> <p>Environmental Impact Assessment - Under the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999, as amended, deforestation which is likely to have a significant impact on the environment may also require formal consent from the Forestry Commission.</p>	
HPNP/S EAHRA2	Anglian Water Services Ltd	HPNP Post Submission Further Changes SEA & HRA	We note that the Council has prepared revised HRA and SEA Screening and Environmental reports to support the preparation of the Neighbourhood Plan. Anglian Water has no comments relating to these documents.	Noted. HPPC likewise has noted.
HPNP/S EAHRA3	Gladman Developments Ltd	HPNP Post Submission Further Changes SEA & HRA	Gladman recognizes the Government's ongoing commitment to neighbourhood planning and the role that such Plans have as a tool for local people to shape the development of their local community. However, it is clear from national guidance that the HPNP must be consistent with national	TBC

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			<p>planning policy and guidance. If the plan is found not to meet the Basic Conditions at Examination, then the plan will be unable to progress to referendum.</p> <p>As currently drafted, the HPNP is unlawful and in conflict with the basic conditions for the reasons set out in this response. The policies of the HPNP need to set clear parameters so that the likely significant effects of the Plan can be understood and properly assessed. In addition, an AA of the HPNP is required to ensure that the Plan meets its legal requirements.</p> <p>Should the Examiner consider it necessary to hold a public examination then Gladman respectfully request that we are afforded the opportunity to participate at the hearing session(s) to discuss the issues raised.</p>	

SEA/HRA Screening Opinion for Neighbourhood Plan – Decision Notice- Hatfield Peverel Neighbourhood Plan

Hatfield Peverel Neighbourhood Plan

Hatfield Peverel Parish Council is preparing a Neighbourhood Plan covering the whole of the parish. The neighbourhood area for the plan was approved on 30th March 2015.

A Strategic Environmental Assessment and Habitats Regulation Assessment screening opinion was requested, and Braintree District Council asked Essex County Council Places Services, to undertake that screening.

The Screening Opinions were sent to the environmental bodies, who concurred with the findings of the report in that the Hatfield Peverel Neighbourhood Development Plan was screened out for its requirement of Strategic Environment Assessment in line with the requirements of Directive 2001/42/EC. The HRA screening report indicated that the Hatfield Peverel Neighbourhood Development Plan is not predicted to have a likely significant effect on any Habitats Site. The requirement for the Plan to undertake further assessment under the Habitats Regulations 2017 is therefore screened out.

Decision

That following advice from Essex County Council's Place Services and comments from the Environment Agency, Historic England and Natural England, Braintree District Council believe that SEA or HRA is not required to be undertaken for the Hatfield Peverel Neighbourhood Plan.

08/02/19

Alan Massow

Principal Planning Policy Officer

Braintree District Council