



Appeal Decision

Hearing held on 7 February 2023

Site visit made on 8 February 2023

by Thomas Bristow BA MSc MRTPI AssocRICS

an Inspector appointed by the Secretary of State

Decision date: 14 March 2023

Appeal Ref: APP/Z1510/W/22/3307493

Land to the east of Braintree Road, Tye Green

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant outline planning permission.
 - The appeal is made by Rainier Developments Ltd. and Mr Nicholas Cousins against the decision of Braintree District Council.
 - The application Ref 21/03053/OUT, dated 6 October 2021, was refused by notice dated 23 March 2022.
 - The development proposed is described on the application form as 'outline planning application (some matters reserved) for the residential development of up to 35 dwellings (including 40% affordable housing), with vehicular access, areas of landscaping and public open space'.
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Decision

1. The appeal is allowed and planning permission is granted for residential development of up to 35 dwellings, including 40% affordable housing, with vehicular access, areas of landscaping and public open space at land to the east of Braintree Road, Tye Green, subject to the conditions in the first schedule to this decision and the obligations contained within the section 106 agreement dated 15 February 2023 (the 'S106').¹

Preliminary matters

2. Aside from in respect of access, the proposal is in outline. Appearance, landscaping, layout and scale are reserved for future consideration (the 'reserved matters'). I have treated any plans or details of reserved matters as illustrative. At my request the appellants submitted hearing document 2. That is an alternative illustrative layout, and was discussed at the hearing.
3. The Council's decision notice of 23 March 2022 contained four reasons for refusal. The third concerned the absence of mitigation in respect of the Blackwater Estuary Ramsar Site and Special Protection Area and the Essex Estuaries Special Area of Conservation. Those nested designations are mapped at figure 1.1. of the Essex Coast Recreational Disturbance Avoidance & Mitigation Strategy 2018-2038 ('RAMS'). I refer to them here as 'habitat sites'.
4. The fourth reason related to planning obligations in respect of affordable housing provision, infrastructure contributions and various other aspects of the proposal. Both reasons 3 and 4 had, however, fallen away at the time of the

¹ Under section 106 of the Town and Country Planning Act 1990 as amended.

hearing by consequence of the obligations contained within the S106 (referred to above, and addressed subsequently).

Policy context

5. Each proposal must be determined in accordance with the development plan unless material considerations indicate otherwise.² The development plan here includes policies of the Shared Strategic Section 1 Local Plan (adopted February 2021, the 'S1LP'), of the Section 2 Local Plan (adopted July 2022, specific to Braintree District Council's administrative area, the 'S2LP'), and of the Cressing Neighbourhood Plan (adopted February 2020, the 'CNP'). I have had regard to various other material considerations including the National Planning Policy Framework ('NPPF'), the Planning Practice Guidance ('PPG'), the Essex Design Guide (November 2005) and the Essex County Council Parking Standards: Design and Good Practice document (September 2009).
6. Prospective changes to the planning system are indicated via the Levelling-up and Regeneration Bill and in the NPPF Prospectus published on 22 December 2022. I heard divergent views about the extent to which those are relevant, and note two points in that regard. Firstly those potential changes indicate a certain direction of travel, which would not be unreasonable to take account of. Secondly, however, any prospective changes are inherently uncertain and cannot therefore be accorded any significant weight.

Housing supply and delivery

7. 2021 Housing Delivery Test ('HDT') data for the Council's administrative area indicates delivery over the past three years amounting to 125% of requirements. However that is a lagging indicator. By contrast the Council accepts that it cannot demonstrate a five year housing land supply of deliverable sites relative to needs ('5YHLS') going forward, with reference to NPPF paragraphs 68 and 74.
8. Given the recency of the S2LP, the 5YHLS requirement derives from the development plan context as opposed to the local housing needs approach (NPPF paragraph 61). In that context the Council's position is that they can demonstrate a forward supply amounting to 4.86 years' worth. The appellants consider that to be optimistic.
9. Setting that aside, however, the lack of a 5YHLS, along with the absence of protective designations here,³ means NPPF paragraph 11. d) ii. is engaged. Accordingly the most important policies for determining the application should be deemed out-of-date, and permission withheld only if any adverse impacts of the scheme would 'significantly and demonstrably outweigh the benefits' when assessed against the policies in the NPPF taken as a whole.
10. Nevertheless the NPPF does not displace the statutory basis for decision-taking (policies deemed out-of-date do not disappear). It is a matter of judgement as to the weight to accord to any harm, and equally in respect of any benefits.

² Section 38(6) of the Planning and Compulsory Purchase Act 2004 as amended.

³ Whilst I will return to implications in respect of habitats sites.

The Kelvedon Neighbourhood Plan ('KNP')

11. There was debate at the hearing as to the status, and potential implications, of a permission stage application for judicial review related to the KNP. An approved transcript of the unsuccessful outcome of that application subsequently emerged.⁴ In brief, the KNP examiner recommended the deletion of KNP policy HO4 on the basis that it was 'inconsistent with the Local Plan because it was significantly more enabling of development outside settlement boundaries [than provisions of the development plan].' The claimant sought judicial review of the Council's decision to proceed to put the then emerging KNP to referendum without that policy.
12. In that transcript policy CS5 of the Braintree Core Strategy (adopted September 2011) is referenced, as is policy RLP2 of the Braintree Local Plan Review 2005, which dealt with 'town development boundaries and village envelopes'. The S2LP has since been adopted, superseding the Core Strategy, which also means that there is a variance between the policies cited in the Council's decision notice and those now applicable. The S2LP includes policy 'LPP 1' 'development boundaries'.
13. Whilst namechecking certain elements of the development plan, the transcript is of little relevance here. Firstly the judgement reached there was about whether to allow judicial review, a different frame of reference to an appeal. The legislative context in which a neighbourhood plan is examined also differs from the statutory basis for decision-taking. Thirdly the wording of S2LP policy LPP 1 differs in wording to that of RLP2. Fourthly, trite but true, the site here is not within the Parish of Kelvedon.

Main issues

14. Against the context above the main issues are (i) whether the appeal site is an acceptable location for the development proposed, with particular regard to the accessibility of services and facilities, and (ii) the effect of the proposal on local and landscape character.

Reasons

Location

15. The appeal site is about 1.68ha of broadly level agricultural land. It is part of a wider holding which extends to the north and east. I understand the site is grade 2 in terms agricultural land classification ('ALC'), one category of that which is defined as 'best and most versatile' ('BMV'). The site is roughly rectangular. A long edge runs beside Braintree Road (B1018) to the west. There is a slight decline in level from the carriageway to the site, the boundary between the two demarcated by a low patchy hedge (identified as 'H3' in the appellants' Arboricultural Impact Assessment, 'AIA'). The short edges extend to the plots of a property named 'Deans', also ostensibly referred to as Dean's Farmhouse to the north, and 'The Nook' to the south.
16. Neither the site, adjacent dwellings, nor other properties to the east or north of the B1018 are within the Tye Green development boundary (as shown on S2LP inset map 20). With reference to S2LP paragraph 2.15, land outside of

⁴ EWHC 3541 (Admin), No. CO/759/2022.

development boundaries is considered 'countryside'. The development boundary instead tracks along the eastern and southern side of the B1018. It is roughly teardrop shaped. The consolidated form of Tye Green falls principally around Jeffrey's Road, and includes also S2LP allocation 'CRESS 193' beyond. Mill Lane represents the southern curve of the development boundary. To the north the development boundary elongates and narrows, incorporating a taper of detached properties which run the full length of the appeal site and beyond.⁵

17. 'Cressing Tye Green' is identified in the S2LP as a 'Second Tier' settlement.⁶ It is a fair walk, slightly over a kilometre as set out in the appellants' Transport Assessment ('TA'), from the appeal site to Cressing railway station. The station is itself separated by some distance from the nearest edge of the development boundary. There are bus stops relatively nearby at Mill Lane.⁷
18. I accept that the frequency of train and bus services here is less than elsewhere. It is a relatively lengthy walk to Braintree town centre, some 3km away. Walking that route would likely be in large part along the B1018; footpaths in the surroundings are more circuitous. As referenced by local residents, the B1018 experiences a commensurate volume of traffic with its function as the main route between Witham and Braintree. In the foregoing context future residents of the development proposed may find it preferential to drive to elsewhere instead of using public transport, walking or cycling.
19. However there are various services and facilities at Tye Green which are reasonably accessible.⁸ Inherent in my reasoning above, there are public transport options available nearby. Some future residents may elect to walk or cycle to more populous areas; they would not be reliant upon private vehicles. Notwithstanding its categorisation in the S2LP, Tye Green is a substantial settlement. Allocation CRESS 193 alone is for an indicative capacity of 225 dwellings. Set against that context the implications of a modest scheme for up to 35 dwellings would be limited. More fundamentally in terms of location, a significant number of properties are similarly located relative to services and facilities in the area.
20. In terms of accessibility, the site would therefore be acceptable.⁹ In that respect the proposal would not undermine the objectives of S1LP policy SP 3, nor would it conflict with the approach in NPPF paragraphs 104 and 105. In summary, S1LP policy SP 3 sets out how existing settlements will be the principal focus for growth. Development adjoining settlements is not precluded. NPPF paragraphs 104 and 105 seek to ensure various transport objectives are factored into managing patterns of growth, including promoting walking, cycling and public transport.

⁵ Five properties broadly opposite the plot of Dean's Farmhouse to the north are within the settlement boundary (The Laurels, Lightfoots, Pear Tree Cottage, Bannisters and Homeleigh).

⁶ Defined in supporting text as 'Second Tier villages are those which may not serve a wider hinterland but provide the ability for some day to day needs to be met, although they lack the full range of facilities of a Key Service Villages. Development of a small scale may be considered sustainable within a Second Tier village, subject to the specific constraints and opportunities of that village' (my emphasis).

⁷ The TA indicates they are at a distance of some 250m, and are intended to be upgraded in association with application Ref 19/01968/OUT (albeit that proposal had not been determined at the time of the hearing).

⁸ TA, table 4.1.

⁹ Albeit that each proposal must be treated on its merits, my view in that respect aligns with the officer who assessed the proposal to which planning permission Ref 21/01940/OUT relates (a scheme including four dwellings to the east of the B1018 a short distance away now apparently named Templar Fields, hearing document 5).

21. I accept that an implication may be drawn from S1LP policy SP 3 that housing in the countryside is not supported to the same extent as development within settlements. I also acknowledge that the S1LP was established at a strategic level with other authorities, and therefore its policies are inevitably somewhat broad-brush. However the foregoing implication is somewhat with the benefit of hindsight in the light of the S2LP. Policy SP 3 states neither that housing outside of development boundaries is to be avoided, nor that development boundaries will be set via subsequent development plan documents (as opposed to a hierarchy of settlements).
22. Nonetheless, by virtue of the site's location beyond a settlement boundary, the proposal would inevitably conflict with S2LP policy LPP 1. Policy LPP 1 sets out how development outside of development boundaries will be 'confined to uses appropriate to the countryside whilst also protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils to protect the intrinsic character and beauty of the countryside'.
23. With reference to the statutory basis for decision-taking,¹⁰ and given the emphasis in the NPPF on a genuinely plan-led system, that conflict entails harm in and of itself. Nevertheless given the scale, location and implications of the scheme as set out above, any harm in respect of this main issue attracts only limited weight.

Local and landscape character

24. There has recently been much development, and development proposed, in the surrounding area. One example is development nearby to the north of the site for up to 250 dwellings allowed at appeal in late 2020 (the '2020 appeal').¹¹ Another is SLP allocation 'CRESS 193' as referenced above. Yet another, presently ostensibly in the form of a request for a scoping opinion for up to 360 dwellings,¹² relates to land north-east of the B1018 around Crossing Park Farm. It is therefore entirely understandable that local residents accord importance to maintaining that rural character which remains.
25. Notwithstanding the absence of protective designations here, in character the site is both 'natural' and open. There is no demarcation with the wider holding to the north-east. Amongst other things, S1LP policy SP 3 is premised on seeking to avoid the coalescence of settlements and preserving distinctive character. As in respect of the 2020 appeal, the site falls within the 'Open Countryside Buffer Area' ('OCBA') set via CNP policy 3 and figure 5a.
26. CNP policy 3 contains multiple clauses. Criterion A. ii. sets out how proposals should demonstrate that they will 'maintain and enhance the physical gap in development between the urban fringe of Braintree and settlements within Crossing Parish...'. In a similar vein to my reasoning in paragraph 22 above, the proposal would inherently fail to do that by introducing significant built development in what is presently part of an open field within the OCBA. Arguably, however, any development within the OCBA would fail to maintain a 'physical gap in development', as distinct from a gap in a visual or broader perceptive sense.

¹⁰ Noting also the provisions of section 38(5) of the 2004 Act.

¹¹ APP/Z1510/W/20/3253661, now incorporated into S2LP allocations 'CRESS 203 & CRESS 209'.

¹² Ref. 19/00005/SCO.

27. However CNP policy 3 also appears to envisage that development may come forward within the OCBA. Criterion A. iii. sets out how development should be of 'a scale, massing and visual appearance which will not detrimentally impact upon the rural character and appearance of Cressing Parish, including the setting of Tye Green and Cressing village'. It is logically challenging to reconcile those criteria. However at this stage I refer to my reasoning in paragraphs 9 to 10 of this decision. CNP policy 3 is amongst the most important policies for determining the proposal, and must be deemed out-of-date.
28. It is therefore of central importance to ascribe weight to any harm that would result from the scheme in order that a planning balance may be undertaken within the terms of NPPF paragraph 11. d) ii. I now turn to consider the value of the site as it stands, incorporating matters of sensitivity to change, and then to the implications of the proposal relative to that baseline.

The value of the site

29. As referenced in the appellants' Landscape and Visual Appraisal and Gap Assessment ('LVIA') the site falls within Local Character Area B18 ('LCAB18'), the Silver End Farmland Plateau. LCAB18 is defined in the Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment (September 2006, the 'LCA'). Amongst other things LCAB18 is characterised by gently undulating farmland, with medium to large arable fields. The LCA recommends conserving the landscape setting of settlements and open views.
30. The OCBA is itself an extensive tract of land, its delineation informed by evidence supporting the development of the CNP. It extends broadly from the railway line to the south-west to Lanham Farm Road to the north-east. The extent of the OCBA nearest Braintree varies, taking account of existing uses and land apportionment there. The boundary of the OCBA nearest Tye Green, however, is essentially linear (appearing to cut across field boundaries).
31. The Council commissioned 'capacity' studies of 2007 and 2015 to inform the approach in development plan documents. The appeal site falls within land parcel 'B3' in the former, the OCBA extending across other land parcels also. Representing pre-eighteenth century enclosed land, parcel B3 is summarised in the 2007 study as possessing a 'medium to high' landscape sensitivity and visual sensitivity and 'medium' landscape value. Both studies reflect that there is greater sensitivity to land where it provides separation between settlements. By virtue of its current nature the appeal site reflects certain characteristics of LCAB18. It also contributes positively to the OCBA, including via preserving a sense of openness looking north-eastwards across it.
32. However the site is inherently a small part of LCAB18 and the OCBA, in respect of the former an observation also made by the Inspector who dealt with the 2020 appeal. Many fields in both areas around Tye Green are similarly sized and arable. Neither in nature, nor location at the periphery of the village, is the appeal site a particular rarity in my view.
33. During my site visit I walked parts of Cressing footpaths nos. 4 and 39. Footpath no. 4, which tracks more-or-less parallel with the B1018 for a stretch,

extends into the 2020 appeal site. It can be reached by footpath no. 39 which heads north-eastwards away from the B1018 by grade II listed Tudor House. Neither footpath tracks close to the appeal site, however, and the site is not itself publicly accessible.

34. Given intervening features in the landscape, there is no meaningful visibility of the site from those footpaths. The site's sensitivity is further qualified by the presence of surrounding development, with other elements of land parcel B3 contributing more significantly to the rural surroundings to Tye Green. The consolidated built form of Braintree also falls principally to the north-west of the site as opposed to north-east.
35. As viewed from the B1018, the site represents a visual break and affords open views across it. Those views are, however, qualified by the presence of pylons and powerlines (identified as significant skyline features within the 2007 study). I note that the power lines broadly demarcate the landscaping buffer intended around the south of the site to which the 2020 appeal relates.¹³
36. More significantly, however the site is perceived as a visual break between properties either side of it. It appears nestled between the plots of Dean's Farmhouse and the Nook. It is seen in conjunction with properties along the opposite side of the B1018. There is a stronger sense of moving beyond the village around, and to the north of, Dean's Farmhouse and the Laurels broadly opposite, where the pattern of development becomes sparser and more occluded from view by virtue of vegetation and hedgerows hugging the B1018.
37. Intertwined with matters of coalescence, the Council contends that the site should be accorded some greater value on account of the historic pattern of development here. I accept that the majority of development over the years has taken place south of the B1018, such that the scale of the Village is not readily perceptible from Braintree Road. The Council has provided an historic plan of 1948 in that respect, which suggests the line of properties opposite the appeal site originated around the mid-twentieth century.
38. However there are now properties arranged to the east and north of Braintree Road between the Nook and Tudor House, including Templar Fields. Historically some of the oldest properties at Tye Green are located to the east and north of the B1018 also. The historic evolution of the Village therefore places little additional importance on the appeal site. Consequently, in my view, the value of the site in landscape terms, and in respect of its sensitivity to change, may fairly be summarised overall as medium.
39. That is a finding arrived at independently, but broadly aligned with the appellants' LVIA, which references the Landscape Institute's Guidelines for Landscape and Visual Impact Assessment: Third edition (updated November 2021, 'GLVIA3'). GLVIA3 puts methodological rigour to assessing landscape quality and effects of development, albeit such assessments are inherently reliant on a sequence of judgements. Different individuals applying the approach in GLVIA3 may therefore rationally come to different assessments of landscape value (and in respect of the effects of a particular scheme).

¹³ Albeit that reserved matters application ref. 21/03214/REM was yet to be determined at the time of the hearing.

The implications of the proposal

40. With the site at 1.68ha, assuming 35 dwellings would be delivered equates to about 21 dwellings per hectare ('dph'). That is significantly greater than the run of properties opposite along the B1018 here of about 5dph. As shown on illustrative plans, to achieve a density of about 21dph, the scheme could not be delivered in a single line reflecting the prevailing pattern opposite. Similarly development at that density would inherently limit the ability for properties to be set back from the carriageway. The proposal would inevitably impede presently open views.
41. However hearing document 2 demonstrates that compliance could be achieved with garden spaces and parking provision in line with the recommendations in the Design Guide 2005 and Essex Parking Standards 2009. In that respect, and otherwise in terms of design, the Council's objections to the scheme verge on presupposing that certain illustrative matters are definitive (such as the arrangement of junctions, the location of parking spaces and landscaping). Given the flexibility in the scheme in respect of density, there is every prospect that a development of up to 35 homes could be suitably sensitively designed in respect of layout.
42. Taking a step back, 21dph is, in relative and absolute terms, moderate. Whilst statistics are crude proxies for effects, there are examples of pockets of higher density development throughout the village, including around the Westerlings and Jeffrey's Road.¹⁴ Moreover, irrespective of housing land supply, pressures now differ to those in the early to mid-twentieth century, during which much ribbon development occurred (and was legislated against). The front plots of properties opposite, although generous, contribute little to rural character by virtue of a variety of boundary features, hardsurfacing and outbuildings. By consequence of those properties, and the use of the B1018, neither the site nor surroundings are particularly tranquil or dark.
43. Moreover paragraph 4.101 to the S2LP sets out 'as a general guide the Council would expect densities in the District to be at least 30 dwellings per hectare.' That is echoed in the Essex Design Guide 2005, albeit apparently derived from superseded Planning Practice Statement 3. NPPF paragraph 124 nonetheless seeks to ensure that development makes efficient use of land, as does paragraph 125 where there is a shortage of land for meeting needs.¹⁵
44. In a local and policy context, the density proposed would therefore strike an appropriate balance, or blend, between densities central to the Village and lower densities towards the edge of Tye Green, in line with the overarching objective of ST2LP policy LPP 35. The development would be capable of reflecting a comfortable transition to the rural fringes of the Village, rather than representing a discordant level of density (noting my reasoning regarding the visual perception of the line of properties opposite).
45. That level of density would also allow for a good amount of open space and landscaping. There is nothing to suggest, even on indicative plans, that the hedge bounding the appeal site could not be significantly augmented for the

¹⁴ Where densities are stated to be around 32dph and 42dph in the appellant's design statement of case.

¹⁵ Noting the NPPF prospectus indicative change in respect of NPPF paragraph 14, which refers to the potential for adverse impacts to include situations where building densities are significantly out of character.

most part. Only a small proportion of hedge H3 would be lost to achieve access, which is fairly ascribed a categorisation of C, i.e. trees of low quality, with reference to British Standard 5837:2012 in the AIA. A sensitive approach to landscaping and planting would, to some extent, also replicate the transition as found to the north beyond Dean's Farmhouse.

46. In conclusion the proposal would inevitably adversely affect the rural character of the site and introduce built development in the OCBA in conflict with S1LP policy SP 3 and CNP policy 3. However on account of the value of the site, its sensitivity to change and the nature of the scheme, subject to a sensitive approach to reserved matters, the harm that would result may fairly be described as moderate initially, declining as planting establishes.

Other matters

47. In addition to comments regarding the above issues, I have taken careful account of all the representations in respect of the proposal. Those representations include concerns over the loss of BMV agricultural land,¹⁶ the climate emergency and the benefits of the countryside in terms of wellbeing, traffic generation and safety, the relationship of the scheme to nearby highways upgrades, pedestrian connectivity, the adequacy of local services and facilities, air quality, surface water flooding, heritage assets and the living conditions of those nearby.
48. The proposal would inevitably result in the loss of BMV land. However that is similarly the case of many S2LP allocations. Moreover 40,243 hectares of land within Braintree District Council's administrative area was ALC grade 2 at the time that the S2LP was prepared. Accordingly, the loss of BMV carries only limited weight against the proposal.
49. I acknowledge the Council declared a climate emergency in July 2019 and that, more broadly, the value of the countryside in terms of wellbeing is well documented. Nevertheless at a fundamental level the planning system seeks to balance different interests in the use of land and to reconcile environmental, social and economic dimensions.
50. I have reasoned above that the proposal would be suitably located and that individuals would not be reliant on private vehicles. New buildings must comply with relevant provisions of the Building Regulations 2010 as amended, including in respect of energy efficiency. The proposal also aims to achieve an 18% biodiversity net gain ('BNG'), which could be secured via condition were the scheme acceptable as a whole (as could other measures in respect of ensuring on site biodiversity is suitably safeguarded).¹⁷
51. I have also reasoned above that the proposal is sufficiently flexible such that a sensitive approach to its landscape context could be achieved, and that the site is typical of much of the rural surroundings to Tye Green (which are crisscrossed with public rights of way). As such, although the proposal would result in change, it would not result in undue effects in terms of addressing climate change or in respect of wellbeing.

¹⁶ Noting prospective changes to NPPF footnote 67 in respect of considering the availability of agricultural land used for food production.

¹⁷ Notwithstanding parallel provisions in other regimes notably the Wildlife and Countryside Act 1981 as amended.

52. I accept that the B1018 carries a significant volume of traffic commensurate with its function. There are pinch points in the surrounding highway network, and I acknowledge local representations regarding traffic safety. At the time of my site visit, early morning on 8 February, I witnessed an accident at the curve of the B1018 northwards of Dean's Farmhouse. I also acknowledge that there has been significant development proposed or in prospect in the surroundings, some of which is dependent on highways upgrades.
53. However the proposal would, in and of itself, generate a fractional amount of traffic compared to the prevailing baseline. There is nothing to indicate in that context that the proposal would unacceptably impact highway conditions or entail severe impacts. Similarly the scheme is not reliant on highway upgrades elsewhere (albeit that they may in turn improve the functioning and safety of the road network as a whole). Subject to an appropriately-worded condition, access visibility would be acceptable for this context. Whilst crossing the B1018 is not welcoming at present, the proposal would provide for a dropped kerb crossing and pavement linkage. The resultant pedestrian experience here would be comparable to the prevailing nature of the area.
54. Funding of schools and medical facilities, and other services including buses and trains and utilities, are multifaceted. Nevertheless as set out subsequently the proposal would make provision for various financial contributions towards infrastructure. Whilst I note the representation from Anglian Water explaining that there is presently no capacity or headroom at the White Notley Water Recycling Centre, water and energy providers are obligated to facilitate connections.¹⁸
55. In a similar vein as wellbeing, the implications of particulates and air quality on health are well documented. However, the proposal needs to be considered in a wider context, in which it would have a fractional effect. The B1018 here is not within an Air Quality Management Area, nor is there evidence before me suggesting that air quality is presently approaching relevant air quality limits.
56. Whilst there is a slight level change between the carriageway and the site where water may naturally pool, the landscape here is broadly flat or gently undulating. The site falls within flood zone 1, i.e. a location at lowest probability of flooding, and is not within a critical drainage area. There is little context to the localised instances of flooding referenced in representations, in terms of whether it arose on account of the nature of the area or other factors (such as during periods of exceptionally high rainfall or blocked drainage).
57. Noting the statutory duty upon me, the nearest designated heritage assets are three grade II listed buildings located to the north of the B1018, close to footpath No 39.¹⁹ Visually there is no meaningful interaction between the site and those properties some distance away, each of which is to greater or lesser degree visually contained within its respective plot. Although the present nature of the site may, in the broadest sense, reflect an erstwhile connection with the agricultural context in which those properties originated, that connection has all but been eroded with development and the passage of time.

¹⁸ Under the Water Industries Act 1991 as amended and the Electricity Act 1989 as amended.

¹⁹ Frogs Cottage, Tudor House and Cressing Park.

58. There is, in short, nothing to indicate that the site holds any particular associative significance to those heritage assets. I understand that the threshing barn at Dean's Farmhouse is locally listed. The proposal would affect enclosed land likely apportioned as such before the eighteenth century. However the site is divorced from the threshing barn and represents a small part of a wider holding, which elsewhere remains open and agricultural. As such the proposal would be of such limited consequence so as to preserve the setting and significance of nearby heritage.
59. There is a duty on me in respect of conserving and enhancing biodiversity.²⁰ Biodiversity implications of the scheme are both direct in terms of the site itself, and indirect in terms of potential wider effects. The appellants' Ecological Impact Assessment ('EcIA') indicates either that the site is, or may in certain parts be suitable habitat for great crested newts, reptiles, nesting birds and hazel dormice. The site will also provide habitat for other species.
60. However the site in does not fall within an internationally, nationally or locally protected designated site of importance for biodiversity within the terms of NPPF footnote 7 to paragraph 11. b) i. Being predominantly arable land, the majority of the site is of relatively low biodiversity value. The majority of H3 would be retained. Significant augmentation of hedgerows and planting could also be achieved via reserved matters. Suitable mitigation in respect of disturbance to ecology could be secured via appropriately-worded conditions and obligations.
61. Moreover, notwithstanding that such a requirement is not yet mandatory, the EcIA sets out how the proposal could readily ensure a minimum of a 10% Biodiversity Net Gain ('BNG'), with reference to NPPF paragraph 174. d). Subject to appropriately worded conditions, obligations, and noting that there are also ecological protections via other regimes, the direct effects of the proposal in terms of ecology would not be unacceptable (and, in terms of BNG, they would be beneficial).
62. The effect of a proposal on individuals' living conditions is inherently reliant on perception; different individuals respond differently to different things. However I have reasoned above that the proposal would not represent an undue density for its context, and that there would be considerable flexibility in terms of layout and landscaping. A chunk of the hearing was given over to establishing whether a 15 metre or greater separation would be achievable with neighbouring properties, with reference to the 'rear privacy' section of the Essex Design Guide 2005. However it does not appear that is strictly applicable, given that side elevations of the Nook and Deans are angled towards the site.
63. Nevertheless the foregoing discussion was based on illustrative plans; layout is reserved. There is no indication, whether by virtue of separation distances, angles, or the potential arrangement of windows, that undue effects in respect of neighbouring living conditions would result (whether in terms of privacy, outlook or light). Any noise and disturbance resulting from the scheme would be temporary, and could be managed via condition.

²⁰ Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended).

Obligations

64. The S106 commits all those with a legal interest in the land to the fulfilment of certain obligations in the eventuality that the appeal were to be allowed, albeit conditionally with reference to my reasoning. NPPF paragraph 55 directs that consideration should be given as to whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations (in that order of preference). Planning obligations must only be sought where they meet the tests set out in NPPF paragraph 57, also contained in Regulation 122 of the Community Infrastructure Levy Regulations 2010 as amended (the 'CIL Regulations').
65. The S106 agreement makes provision for financial contributions to outdoor sport, education, library provision, healthcare and ecological mitigation. It also makes provision in respect of affordable housing, open space and amenity areas, drives and on site roads, monitoring and legal costs (along with setting out various details relating to the foregoing). There is a CIL Regulation 122 compliance statement before me, and no dispute between the main parties over the justification for any elements of the S106.
66. There is an appropriate evidence base for contributions, including via representations of relevant consultees and associated methodologies,²¹ and no countervailing evidence before me to that commonality between the main parties. Provisions other than financial contributions are also necessary to achieve compliance with relevant development plan policies, including 40% affordable housing as required via S2LP policy LPP 31. Accordingly the obligations contained within the S106 are necessary to make the development proposed acceptable and accord with the relevant provisions of NPPF paragraph 57 and CIL Regulation 122.

Appropriate Assessment

67. The appeal site falls within the 'overall zone of influence' ('ZoI') for the habitats sites referred to above. The ZoI is shown at figure 4.2 of RAMS. In brief the habitats sites are designated in order to safeguard habitats and the ecology they support. Both may be disturbed by recreational activities.
68. Whilst not a precise correlation, the potential for adverse effects increases with the number of dwellings nearby (and therefore the aggregate, or in-combination, implications of a number of smaller developments may be significant). Regulation 63 of the Habitats Regulations requires that, before deciding to give any permission or other authorisation for a project which is likely to have a significant effect on a European site, a 'competent authority' must make an appropriate assessment of its implications. I have undertaken an appropriate assessment in a reasonable and proportionate manner relative to circumstances here.
69. In the abstract avoidance or mitigation of effects resulting from increased residential development would be achieved by the provision of alternative greenspace associated with individual developments, to redirect those who

²¹ For example in terms of education contributions being tailored to the additional demand arising from the scheme towards existing nearby provision (as set out in correspondence on behalf of Essex County Council as the Local Education Authority) of 2 February 2022.

would have made use of the habitat sites recreationally, and via associated monitoring and management arrangements. The contributions that individual schemes are expected to make in that context are established at a strategic level via the RAMS, such that a proportionate contribution is made in each instance.

70. The S106 includes a contribution of £137.71 per dwelling to fund strategic 'off site' measures, the example thereof given in paragraph 4.5 of the CIL Regulation 122 statement being increased numbers of wardens to manage visitor numbers and behaviour. I have noted above that provision would also be made for open space on site, which may additionally limit coastal recreational pressure. I have also set out above how, subject to appropriate conditions, ecology on site could be suitably safeguarded and BNG achieved.
71. Natural England, the appropriate nature conservation body under Habitats Regulation 63(3), have informed the approach set out in the RAMS (adherence to which would appropriately mitigate any adverse effects to the habitats sites). Summarising the foregoing, subject to suitably worded conditions, to the provisions of the S106, and given the provisions of other regimes referenced above, the proposal would suitably safeguard ecology both directly and indirectly; it would not adversely affect the integrity of habitats sites.

Housing provision

72. With reference to NPPF paragraph 74, the Council's approach to calculating a 5YHLS requirement is based on the approach in the S1LP, policy SP 4 of which sets an annual housing requirement of 716 dwellings. That is in pursuit of a minimum housing requirement of 14,320 over the plan period. Accrued shortfall since the start of the plan period stands at 1,169 (correct as of 31 March 2022). That added to a five-fold annual requirement, and applying a 5% buffer in line with NPPF paragraph 74. a) in the light of HDT figures as above, gives a 5YHLS requirement of 4,986.
73. The Council is of the view that it can demonstrate a supply of 4,848 homes. That equates to about 4.86 years' worth, a forecast undershoot of 138 homes.²² The appellants are of the view that the figure instead amounts to about 4.29 years, principally on the basis of four sites, where it was contended that there was a lack of sufficient evidence of deliverability, and also in respect of accounting for lapse rates. The degree of any shortfall and the likelihood of it persisting may be material. However planning is not an exact science, and the implications of 0.14 of year relative to 0.71 is relatively minor (in either eventuality forecast housing land supply is less than a year off).
74. The proposal would entail various benefits. The weight ascribed to material considerations is a matter of planning judgement. Chief amongst those benefits is the provision of housing in an area with an acknowledged lack of forward supply. The proposal would also have economic benefits in supporting employment during construction and thereafter, including as local residents would bring trade to nearby services and facilities. There are pressing needs for affordable housing, the S2LP noting 212 are needed annually in the District to

²² A position consistent with that in other appeals ref. APP/Z1510/W/22/3299178, APP/Z1510/W/22/3305099 and APP/Z1510/W/22/3306479, notwithstanding that in those instances that figure was either not in dispute or not explored at the relevant inquiry.

meet needs. The provision of 40% affordable homes in this instance complies with S2LP policy LPP 31 and also reflects the highest proportion of affordable housing required therein. The benefits of the proposal directly, and by consequence of, housing delivery would be significant.

Planning balance

75. Whatever word or phrase is used to ascribe weight is inevitably imperfect. Nonetheless, drawing together my reasoning above, on the one hand the proposal would result in limited harm by virtue its location, and moderate harm would result to local and landscape character (reducing over time). There would be further harm, albeit limited, associated with the loss of BMV land. In other respects the proposal would be acceptable, or could be made so subject to fulfilling relevant conditions and obligations.
76. On the other hand the benefits of the scheme in terms of housing provision, affordable housing provision, and associated benefits would be significant. The proposal would also entail a significant BNG which would not otherwise result (for example if the site were kept in arable use). Applying the balance set out in paragraph 9 of this decision, irrespective of whether land supply is at 4.86 or 4.29 years, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits. Other material considerations therefore combine to justify allowing the appeal notwithstanding the conflict with certain provisions of the development plan.

Conclusion

77. For the reasons given above, having taken account of the development plan as a whole, I conclude that other material considerations justify allowing the appeal subject to the conditions below and the obligations contained within the S106.

Conditions

78. In addition to requiring reserved matters applications and commencement in line with statute via condition 1, and notwithstanding that the proposal is in outline, it is nevertheless reasonable to require that reserved matters applications are accompanied by details of topography and floor levels for clarity (via condition 2). Similarly, and so as to ensure that the proposal is implemented as assessed above, I have imposed condition 3 requiring adherence to the supporting plans. Likewise, and to tie the permission to the terms of the application and also align with local housing needs without undue specificity at this juncture, I have imposed condition 4.
79. Following on from my reasoning above, subject to adherence to conditions 5 to 8 the proposal would suitably safeguard, and make provision for, biodiversity in accordance with NPPF paragraph 174. d) and the general biodiversity objective. Condition 5 includes matters of lighting, given the potential for excessive illumination to disturb ecology. In respect of condition 6, notwithstanding that an earlier version of the biodiversity metric has been used in the formative stages of the scheme, the EIA nevertheless indicates the potential to achieve BNG above 10%.²³ Furthermore, condition 7 includes adherence to details

²³ With reference to the yet to be commenced provisions of section 98 of the Environment Act 2021 and associated schedule 14. The EcIA indicates a net gain of 18% for habitats and 40% for hedgerows.

seeking to minimise surface water run-off and groundwater pollution that may arise during construction. I note that the appellants have already engaged with Natural England in respect of great crested newts relevant to condition 8, albeit inevitably at a provisional stage thus far.

80. Paragraph 1.3 of the Government's Guidance related to Part 2A of the Environmental Protection Act 1990 as amended sets out that the starting point should be that land is not contaminated land unless there is a reason to consider otherwise. Based on the history to the site, whilst the potential for contamination is relatively low, it is not absent.²⁴ Consequently it is both necessary and reasonable to impose condition 9 related to this matter, thereby achieving compliance with NPPF paragraph 183. Similarly whilst there a relatively low probability of the site itself possessing archaeological interest, the site lies within a landscape reflecting a long continuity of settlement and land reappportionment.²⁵ Condition 10 is therefore a proportionate approach to ensuring any features of archaeological interest are taken suitable account of.
81. To ensure compliance with S2LP policy LPP 76 and NPPF paragraph 169, I have imposed condition 11. That requires compliance with relevant industry guidance and makes provision for ongoing maintenance and responsibility to ensure efficacy. The need for yearly logs of maintenance is, however, unreasonably burdensome. To ensure the proposal integrates appropriately with the surrounding highway and pedestrian network I have also imposed condition 12. Conditions requiring the agreement of a third party are not appropriate,²⁶ and therefore the onus falls on the appellants to propose, and the Council to agree, an appropriate scheme in respect of associated bus stop improvements.
82. Notwithstanding the function of the Noise Policy Statement for England, given the proximity of the site to the B1018, it is nevertheless appropriate to impose a condition requiring compliance with the desirable levels in British Standard 8233:2014 in respect of noise levels (table 4 and paragraph 7.7.3.2). Condition 13 reflects that those levels are, as referenced above, 'desirable'. Notwithstanding the provisions of the Building Regulations 2010 as amended, that would ensure provisions of S1LP policy SP 7 and of NPPF paragraph 174. e) are met. There is no indication that would not be achievable. To safeguard the living conditions of those nearby, notwithstanding protections elsewhere in respect of noise amounting to a statutory nuisance, it is nevertheless necessary to impose condition 14 limiting construction to certain times. That condition also prevents any on site burning.
83. Given the nature of the site and its surroundings, the minimisation of visual effects is contingent on a sensitive approach to reserved matters. As such it is therefore necessary and reasonable, including with reference to the PPG, to withdraw certain permitted development rights that would otherwise apply. That would be achieved via condition 15. That does not include buildings incidental to the enjoyment of a dwellinghouse under class E as suggested, given that would be overly onerous relative to the limitations which apply in that respect in any event.

²⁴ Phase 1 Desk Study Report, table 2.

²⁵ Archaeological and Heritage Assessment prepared by edp of September 2021, paragraphs 5.5 to 5.6.

²⁶ PPG reference ID: 21a-016-20140306.

84. Consistent with my reasoning in paragraph 41 of this decision, conditions suggested by the Council in respect of landscaping and also provision for refuse or recycling fall squarely to reserved matters. To be clear that is not to suggest that such information is unimportant, indeed ensuring road construction is to a suitable standard is incorporated into the S106, only that it is unnecessary to specify that at this stage.
85. Noting my reasoning in paragraph 55, given the absence of tangible evidence regarding detrimental air quality here, the condition proposed in that respect by the Council is unnecessary. A condition regarding on site foul water drainage is also unnecessary; development must in any event comply with the relevant provisions of Building Regulations 2010 as amended, there is a statutory duty to provide a connection to sewerage, and practically it is difficult to sell homes without functioning toilets.
86. With reference to site geology and hydrology, there is nothing to suggest that piled or non-standard foundations would be required. By consequence a condition related to that approach is not necessary. Provision for affordable housing is made through the S106, and as such it is unnecessary to duplicate that provision via conditions (as the Council have suggested).
87. In imposing conditions I have had regard to the tests in the NPPF, the PPG, and relevant statute. Albeit that some conditions have an implication for reserved matters, none are in my view of such a degree of specificity or overlap that they would be inappropriate to impose. In that context I have amended the wording of certain conditions put to me to ensure that all are appropriate, without altering their fundamental aims.

Tom Bristow
INSPECTOR

SCHEDULE 1, CONDITIONS

- 1) Details of the layout, scale, appearance and landscaping (the 'reserved matters') shall be submitted to, and approved in writing by, the local planning authority before any development hereby permitted takes place, and the development shall be carried out as approved. Application for approval of the reserved matters shall be made to the local planning authority not later than the expiration of 3 years from the date of this permission. The development hereby permitted shall begin not later than the expiration of 2 years from the approval of the reserved matters (or, in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved).
- 2) Details of the reserved matters submitted pursuant to condition 1 shall include details of existing site levels and finished floor levels above ordnance datum in respect of the ground floors of the buildings hereby permitted
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: '309_L01 Rev. B', and '21187_001 Rev. P5'.
- 4) The development hereby permitted shall comprise not more than 35 dwellings. The dwellings hereby permitted shall be of a size and mix aligned with local needs, as approved by a scheme submitted to, and approved in writing by, the local planning authority.
- 5) No development hereby permitted shall take place until a Landscape and Ecological Management Plan ('LEMP') has been submitted to, and approved in writing by, the local planning authority. The LEMP shall accord with the approach set out in the associated Ecological Impact Assessment (prepared by SLR of September 2021) and any relevant subsequent studies of the site, and shall include:
 - i. A description and evaluation of features to be managed,
 - ii. Ecological trends and constraints that may influence management, including in respect of illumination
 - iii. Aims and objectives of management,
 - iv. Appropriate management options for achieving aims and objectives,
 - v. Prescriptions for management actions, including a wildlife sensitive lighting design scheme for biodiversity,
 - vi. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period),
 - vii. Details of the body or organisation responsible for implementation of the LEMP (including in respect of its legal and funding mechanisms), and
 - viii. Ongoing monitoring arrangements along with remedial and contingency measures in the eventuality that the aims and objectives of the LEMP are not met (to be effected in that eventuality to ensure that the development hereby permitted delivers the fully functioning biodiversity objectives of the approved LEMP).

The approved LEMP shall be implemented, adhered to, and maintained in line with the approved details.

6) No development hereby permitted shall take place until a Biodiversity Enhancement Plan ('BEP') has been submitted to, and approved in writing by, the local planning authority. The BEP shall align with the recommendations in the Ecological Impact Assessment (prepared by SLR of September 2021), and shall include details of:

- i. The purpose and conservation objectives for the proposed enhancement measures;
- ii. Detailed designs to achieve stated objectives;
- iii. Locations of proposed enhancement measures by appropriate maps and plans;
- iv. Persons responsible for implementing the enhancement measures;
- v. Details of initial aftercare and long-term maintenance (where relevant).

The BEP thus approved shall be implemented in accordance with approved details of timing, and maintained thereafter.

7) No development hereby permitted including demolition, groundworks or vegetation clearance, shall take place until a Biodiversity Construction and Environment Management Plan ('BCEMP') has been submitted to, and approved in writing by, the local planning authority. The BCEMP shall accord with the approach set out in the associated Ecological Impact Assessment (prepared by SLR of September 2021), or relevant subsequent studies of the site, and shall include:

- i. A risk assessment of potentially damaging construction activities,
- ii. The identification of 'biodiversity protection zones',
- iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, which may be provided as a set of method statements, to biodiversity on site, including habitats and protected species (followed by appropriate mitigation as required),
- iv. The location and timing of sensitive works to avoid harm to biodiversity features,
- v. The times during construction when specialist ecologists need to be present on site to oversee works,
- vi. Responsible persons, lines of communication and written notifications of operations to the local planning authority,
- vii. The role and responsibilities of an ecological clerk of works or similar competent person, and
- viii. Use of protective fences, exclusion barriers and warning signs,
- ix. A scheme to minimise the risk of offsite flooding and pollution including, including in respect of groundwater

The approved BCEMP shall be adhered to throughout the construction period.

8) No development hereby permitted including demolition, groundworks or vegetation clearance, shall take place until:

- i. a licence has been issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or

- ii. a great crested newt district Level Licence has been issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - iii. a statement in writing from Natural England has been made to the effect that they do not consider that the specified activity/development will require a licence.
- 9) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Land Contamination Risk Management guidance ('LCRM') (or successor standards or guidance), shall have been submitted to and approved in writing by the local planning authority. The assessment shall include (i) a survey of the extent, scale and nature of contamination, and (ii) an assessment of potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes, adjoining land, groundwater and surface waters and ecological systems.

If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. Any remediation shall be sufficient to ensure that after remediation, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990 as amended.

The report shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found, or suspected, which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to, and approved in writing by, the local planning authority. The remediation of the site shall incorporate the approved additional measures, and a verification report for all the remediation works shall be submitted to, and approved in writing by, the local planning authority.

- 10) Any historic or archaeological features which are revealed when carrying out the development hereby permitted shall be retained in-situ and reported to the local planning authority. Works shall be immediately halted in the area or part of the site affected until provision shall have been made for the retention or recording, or both, in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

- 11) No development hereby permitted shall take place until a drainage strategy based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development has been submitted to, and approved in writing by, the local planning authority. The drainage strategy shall be in general accordance with the principles in the associated Flood Risk Assessment and Drainage Strategy (prepared by Jubb Consulting Engineers Ltd., September 2021), and accord with the approach set out in Building Research Establishment Digest 365 and CIRIA SuDS Manual C753 (or successor documents). It shall also include details of maintenance arrangements and responsibilities, including of any funding. The development hereby permitted shall accord, and be implemented in line with, the approved drainage strategy, which shall be in place before any dwelling hereby permitted is first occupied. Following its implementation the approved drainage strategy shall thereafter be retained and maintained.
- 12) No dwelling hereby permitted shall be occupied until the following have been provided: (i) the site access shown on approved plan 21187_001 Rev. P5 including of a clear to ground visibility splay as illustrated thereupon, (ii) a minimum footway of not less than two metres in width to join with existing provision in that respect to the south-east of the site by the property presently named 'The Nook' incorporating dropped kerbs as required, (iii) residential travel information packs in accordance with Essex County Council Guidance (iv) upgrades to two bus stops as necessary in accordance with a scheme previously submitted in writing to, and approved in writing by, the local planning authority.
- 13) No dwelling hereby permitted shall be occupied until internal and external areas of dwellings are designed so as to achieve, as far as practicable, the provisions of British Standard 8233:2014 as set out in table 4 and paragraph 7.7.3.2 thereof (or successor standards). Any divergence from those thresholds should be minimised and justified. A noise attenuation performance report in that regard shall be submitted to, and approved in writing by, the local planning authority prior to occupation (which shall include associated implications for living conditions in respect of heating and ventilation). Once implemented as approved, the foregoing measures shall be retained.
- 14) No demolition or construction work, or ancillary activities such as deliveries, related to the development hereby permitted shall take place outside of the following hours: 08:00 to 18:00 Mondays to Fridays inclusive, 08:00 to 13:00 on Saturdays. No demolition or construction work, or ancillary activities such as deliveries, related to the development hereby permitted shall take place at any time on Sundays or on Bank or Public Holidays. No burning of any materials on site during construction shall take place.
- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the 'GPDO') (or any subsequent modification thereto), no development specified within Schedule 2, Part 1 classes A, AA or B shall be undertaken in respect of the development hereby permitted.

SCHEDULE 2, APPEARANCES

FOR THE APPELLANTS:

Killian Garvey, Counsel, instructed by Rainier Developments Ltd., via licensed access.	King's Chambers
David Murray-Cox BA(Hons) Mplan MRTPI	Turley
Jeff Richards BA(Hons) MTP MRTPI	Turley
Jeremy Smith BSc(Hons), DipLA, CMLI	SLR Consulting Ltd.
Sarah Murray BArch(Hons) MA	Edge Urban Design
Grant Stevenson MTCP MRTPI	Rainier Developments Ltd.
Ella Murfet BA(Hons) MSc MRTPI	Turley

FOR THE COUNCIL:

Wayne Beglan, Counsel	Cornerstone Barristers
Carol Wallis	Braintree District Council
Katherine Carpenter	Braintree District Council
Theresa Millbourne	Essex County Council

SCHEDULE 3, HEARING DOCUMENTS

1	Attendance list
2	Plan entitled 'Gardens & Parking', Drawing no. SK03, Revision: B.
3	Schedule of house plots and proposed parking provision relative to Essex County Council Parking Standards: Design and Good Practice (adopted September 2009)
4	Hardcopy of paragraphs 6.28 to 6.34 of the S2LP
5	Officer report associated with permission Ref 21/01940/OUT
6	Statement of common ground dated 6 February 2023, including Scott Schedule of main parties' divergent views on deliverability of housing sites
7	S2LP policies map legend, inset map 20 & CNP figure 5a showing extent of 'Open Countryside Buffer Area'