

INDEPENDENT EXAMINATION OF THE EARLS COLNE NEIGHBOURHOOD DEVELOPMENT PLAN

2023-2033

EXAMINER: DEREK STEBBING BA (Hons) DipEP MRTPI

Councillor Tony Calton
Earls Colne Parish Council

Alan Massow
Braintree District Council

Examination Ref: 01/DAS/ECNP

6 January 2025

Dear Councillor Calton and Mr Massow

Following the submission of the Earls Colne Neighbourhood Plan (the Plan) for examination, I would like to clarify several initial procedural matters. I also have a number of questions for the Earls Colne Parish Council (the Qualifying Body) and Braintree District Council (the District Council), to which I would like to receive a written response(s) by **Friday 31 January 2025** if possible.

Subject to my detailed assessment of the Plan, I have not at this initial stage identified any very significant and obvious flaws in it that might lead me to advise that the examination should not proceed.

1. Examination Documentation

I can confirm that I am satisfied that I have received the draft Plan and accompanying documentation, including the Basic Conditions Statement, the Consultation Statement, the Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Report and the Regulation 16 representations, to enable me to undertake the examination.

2. Site Visit

I will aim to carry out a site visit to the neighbourhood plan area during the week beginning 13 January 2025. The site visit will assist in my assessment of the draft Plan, including the issues identified in the representations.

The visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process.

I may have some additional questions, following my site visit, which I will set out in writing should I require any further clarification.

3. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing should a matter(s) come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

4. Further Clarification

From my initial assessment of the Plan and supporting documents, I have identified a number of matters where I require some additional information from the District Council and the Parish Council.

I have five questions seeking further clarification, which I have set out in the Annex to this letter. I would be grateful if you can seek to provide a written response(s) by **Friday 31 January 2025**.

5. Examination Timetable

As you will be aware, the intention is to examine the Plan (including conduct of the site visit) with a view to providing a draft report (for 'fact checking') around 6-8 weeks of submission of the draft Plan. However, as I have raised a number of questions, I must provide you with sufficient opportunity to reply. Consequentially, the examination may be extended. Please be assured that I will aim to mitigate any delay as far as is practicable. The IPe office team will seek to keep you updated on the anticipated delivery date of the draft report.

If you have any process questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure that a copy of this letter is placed on the Parish Council and District Council websites.

Thank you in advance for your assistance.

Yours sincerely

Derek Stebbing

Examiner

ANNEX

From my initial reading of the Earls Colne Neighbourhood Plan 2023-2033 (Submission Version dated September 2024), the supporting evidence and the representations that have been made to the Plan, I have the following five questions for the Qualifying Body and the District Council. I have requested the submission of responses **by Friday 31 January 2025**, although an earlier response would be much appreciated. All of the points set out below flow from the requirement to satisfy the Basic Conditions.

Question 1: Re. Policy ERCOL3 – First Homes Exception Sites and Community Led Housing (Page 23)

In its revisions to national planning policies published in December 2024, the Government has removed the requirement that a minimum of 25% affordable housing units secured through developer contributions should be First Homes. The First Homes policy does remain as a type of Affordable Housing that can be developed where local planning authorities judge this to be appropriate for local needs, including through exception sites and developer contributions.

In light of the changes to national policy concerning the delivery of Affordable Housing, can the **District Council** please confirm that draft Policy ERCOL3, and more specifically its policy criteria A i), ii) and iii), remains in conformity with the District Council's policies and strategies for Affordable Housing in this part of the District for the duration of the Neighbourhood Plan period up to 2033.

Question 2: Re. Policy ERCOL7 – Local Green Spaces (Page 36)

Apart from the text at paragraphs 6.17-6.27 in the draft Plan, I have not identified an evidence base assessment of the proposed three Local Green Spaces at the Millennium Green, Hobbs Way and Ryefields in the context of how each site performs against the national policy criteria set out in the National Planning Policy Framework (NPPF) 2024 at paragraph 107 (formerly paragraph 106).

Can the **Qualifying Body** please direct me to, or clarify through a note, an assessment of each site in the context of the national policy criteria. Did these three sites form part of a fuller site assessment of potential Local Green Spaces across the Plan area during the preparation of the draft Plan and, if so, what factors that have led to the proposed designation of these three sites in contrast to any other potential sites that were evaluated?

Question 3: Re. Policy ERCOL9 – Key Movement Routes (Page 44)

Can the **District Council** please provide me with a note setting out the status of the proposed Earls Colne to Coggeshall via Marks Hall Estate cycleway project that is referenced in Part D of this draft Policy, and whether it is a project for which the District Council is seeking appropriate developer contributions that are linked to relevant planning permissions within the Plan area.

I have also noted the representation (**Ref. S-17-8**) that has been made by Essex County Council (as Highway and Transportation Authority) concerning this draft Policy, which the District Council may also wish to take into account in its response.

Question 4: Re. Historic England's Representations at the Regulation 16 Consultation stage.

I note from Historic England's representations (**Ref. S-10-1**) that, given the diverse range of designated heritage assets within the Plan area, it is recommended that the draft Plan includes a historic environment section to augment local policy and support the aims, vision and objectives of the Plan and the Design Code, which could be further strengthened by the inclusion of either a policy map or appendix highlighting the Parish's designated and non-designated heritage assets.

I concur with Historic England's view and note that the draft Plan presently contains only a very few references to the historic environment of the Plan area, although the protection of the historic environment is a key part of the Plan's Vision.

In my assessment, Section 4 (Design and Character) of the draft Plan does need to contain a fuller description of the principal designated heritage assets within the Plan area, as a suitable context for Codes 1 and 2 in the Design Codes report. This should be in the form of a new sub-section, potentially following the existing sub-section on Landscape Character (at paragraphs 4.5-4.8) and to precede Policy ERCOL2.

Can the **Qualifying Body** therefore please provide me with the draft text of a suitable new sub-section of text, possibly entitled "Historic Environment" and taking into account the representations submitted by Historic England, that I may consider as a potential modification to the Plan.

Question 5: Re Environment Agency's Representations at the Regulation 16 Consultation stage.

I note from the Environment Agency's representations (**Ref. S-4-1**) that it is considered that the draft Plan should include a Policy concerning the management of flood risk, and that similar comments were also made at the Regulation 14 consultation stage. I note from the Consultation Statement (at Page 32) that it was considered that such a policy would duplicate Policy LPP74 (Flooding Risk and Surface Water Drainage) in the adopted Braintree Local Plan, and that no amendments were made to the draft Plan to take account of the Environment Agency's comments.

However, in my assessment, the draft Plan does need to address the issue of flood risk and surface water drainage within the Plan area rather more specifically, and I do also note that flood risk is identified as a potential threat in the SWOT analysis at Table 1 (Page 10). Significant areas of land within the Plan area are within Flood Risk Zones 2 and 3 associated with the River Colne.

As a minimum, I consider that an additional sub-section should be included within Section 6 addressing Flood Risk and Surface Water Drainage, which should include the necessary cross-references to Local Plan Policy LPP74 and to Policy ERCOL6 Part B (iv).

Can the **Qualifying Body** therefore please provide me with the draft text of a suitable new sub-section of text, taking into account the representations submitted by the Environment Agency, that I may consider as a potential modification to the Plan.

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