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# **Report on the Earls Colne Neighbourhood Development Plan 2023-2033**

**An Examination undertaken for Braintree District Council with the support of Earls Colne Parish Council on the September 2024 submission version of the Plan.**

Independent Examiner: Derek Stebbing BA(Hons) DipEP MRTPI

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## Contents

<b>Main Findings - Executive Summary</b> .....	4
1. Introduction and Background .....	4
The Earls Colne Neighbourhood Plan 2023-2033 .....	4
The Independent Examiner.....	5
The Scope of the Examination .....	5
The Basic Conditions .....	6
2. Approach to the Examination .....	7
Planning Policy Context.....	7
Submitted Documents .....	8
Examiner Questions .....	9
Site Visit .....	11
Written Representations with or without Public Hearing .....	11
Modifications.....	11
3. Procedural Compliance and Human Rights.....	11
Qualifying Body and Neighbourhood Plan Area .....	11
Plan Period .....	12
Neighbourhood Plan Preparation and Consultation .....	12
Development and Use of Land.....	13
Excluded Development .....	13
Human Rights .....	13
4. Compliance with the Basic Conditions .....	14
EU Obligations.....	14
Main Assessment .....	15
Synopsis .....	15
Specific Issues of Compliance .....	17
Design and Character .....	17
Housing.....	19
Environment and Climate Change .....	20
Movement .....	23
Economy .....	25
Matters Outside the Scope of the Neighbourhood Plan.....	26
Policies Maps.....	26
Monitoring and Review.....	27
Evidence Base.....	27
Concluding Remarks.....	27

5. Conclusions ..... 28

Summary ..... 28

The Referendum and its Area ..... 28

Overview ..... 28

Appendix: Modifications ..... 29

## Main Findings - Executive Summary

From my examination of the Earls Colne Neighbourhood Plan (the Plan) and its supporting documentation including the representations made, I have concluded that subject to the modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- the Plan has been prepared and submitted for examination by a qualifying body – Earls Colne Parish Council (the Parish Council);
- the Plan has been prepared for an area properly designated – the Earls Colne Neighbourhood Area;
- the Plan specifies the period to which it is to take effect – from 2023 to 2033; and,
- the policies relate to the development and use of land for a designated neighbourhood plan area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

## 1. Introduction and Background

### The Earls Colne Neighbourhood Plan 2023-2033

- 1.1 The Parish of Earls Colne lies in the north-east of the District of Braintree, some 3 miles to the east of Halstead, 11 miles west of Colchester and 10 miles north-east of Braintree. At the 2021 Census, the Parish had a population of 3,974 persons with 1,674 households.
- 1.2 The village of Earls Colne is served by the A1124 and B1098 roads, which provide connections to the strategic A12, A120 and A131 roads in North Essex. The nearest mainline railway station is at Kelvedon, 7 miles to the south, whilst the railway station at Chappel & Wakes Colne, 3 miles to the east, is on the Marks Tey to Sudbury branch line. There is a regular bus service linking Earls Colne with the town of Halstead and the city of Colchester.
- 1.3 The landscape of the Parish is characterised by mixed farmlands, punctuated by ancient, mainly broadleaved, woodlands. The Colne River Valley extends across the northern part of the Parish. The Parish and other settlements in the area take their name in part from the River Colne, and in the case of Earls Colne it reflects the Earls of Oxford who held the manor of Earls Colne from before 1086 to 1703. The river valley is relatively wide and shallow, but with some steeper valley sides. This

topography restricts views to some extent, but there are some longer views across the valley from surrounding higher land.

- 1.4 The Parish contains a number of important wildlife habitats, including the Chalkney Wood Site of Special Scientific Interest (SSSI) and a number of Local Wildlife Sites (LoWS). The Parish also has a rich heritage, with over 90 Listed Buildings, including the Grade I listed St. Andrew's Parish Church. There is a designated Conservation Area within the centre of the village, which contains many of the Listed Buildings.
- 1.5 In the south-east of the Parish is the former RAF Earls Colne airfield. This was constructed in 1941 on land requisitioned from the Marks Hall Estate, being one of the 27 military airfields in Essex. During the Second World War it was mainly used by the United States 8<sup>th</sup> and 9<sup>th</sup> Air Forces and is now, in part, an industrial estate with other leisure and recreational uses on the site. The airfield also remains in use for general aviation.
- 1.6 The village contains a good range of community facilities and services, including a primary school, a wide range of shops, a post office, two public houses, a small hotel and restaurant, three places of worship and a modern health centre. There are two important public open spaces within the village at Millennium Green and the Recreation Ground. Other open spaces are at Hobbs Way and Ryefields, and there are a number of children's play areas within the residential areas around the village.

### The Independent Examiner

- 1.7 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Plan by Braintree District Council (the District Council), with the agreement of the Parish Council.
- 1.8 I am a chartered town planner, with over 45 years of experience in planning. I have worked in both the public and private sectors and have experience of examining both local plans and neighbourhood plans. I have also served on a Government working group considering measures to improve the local plan system and undertaken peer reviews on behalf of the Planning Advisory Service. I therefore have the appropriate qualifications and experience to carry out this independent examination.
- 1.9 I am independent of the qualifying body and the local authority and do not have an interest in any of the land that may be affected by the Plan.

### The Scope of the Examination

- 1.10 As the independent examiner, I am required to produce this report and recommend either:
  - (a) that the neighbourhood plan is submitted to a referendum without changes; or

(b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or

(c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

1.11 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:

- Whether the plan meets the Basic Conditions.
- Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
  - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
  - it sets out policies in relation to the development and use of land;
  - it specifies the period during which it has effect;
  - it does not include provisions and policies for 'excluded development'; and
  - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.
- Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

1.12 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

### The Basic Conditions

1.13 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;

- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with and not breach European Union (EU) obligations (under retained EU law)<sup>1</sup>; and
- meet prescribed conditions and comply with prescribed matters.

1.14 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations').<sup>2</sup>

## 2. Approach to the Examination

### Planning Policy Context

- 2.1 The Development Plan for this part of Braintree District Council, at the time the Earls Colne Neighbourhood Plan was prepared (not including documents relating to excluded minerals and waste development), comprised the Braintree District Local Plan 2013-2033.
- 2.2 The Braintree District Local Plan 2013-2033 is in two sections. Section 1 is the North Essex Authorities' Shared Strategic Section 1 Plan ('the Section 1 Plan') which was prepared jointly by the District Council, with Colchester City Council and Tendring District Council and which was adopted by the District Council on 22 February 2021. The adopted Section 1 Plan contains the suite of strategic policies for the three authorities and constitutes part of the Development Plan for the District for the purposes of assessing the Basic Conditions.<sup>3</sup> The Section 2 Plans were prepared individually by each of the three North Essex authorities for their respective districts. The Braintree Section 2 Plan ('the Section 2 Plan') was adopted by the District Council on 25 July 2022 and contains a suite of 78 specific local policies and proposals (Policies LPP1-LPP78) for Braintree District for the period 2013-2033. In this respect, I note the Policies Map Inset No. 21 for the settlements of Earls Colne and White Colne. The District Council has commenced a review of its adopted Local Plan to extend the Plan period to 2041 and published an initial Regulation 18 consultation document on 20 January 2025, with consultation extending until 7 March 2025. Notwithstanding the advice in the Planning Practice

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<sup>1</sup> The existing body of environmental regulation is retained in UK law.

<sup>2</sup> This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

<sup>3</sup> See paragraph 1.13 above.

Guidance (PPG) with regard to an emerging local plan<sup>4</sup>, the Local Plan Review is at an early initial consultative stage.

- 2.3 The Basic Conditions Statement (at Section 4) provides an assessment of how each of the ten policies proposed in the draft Plan has regard to national policy and is in general conformity with the relevant strategic policies in the adopted Local Plan.
- 2.4 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The PPG offers guidance on how this policy should be implemented. Unless otherwise stated, all references in this report are to the December 2023 NPPF and its accompanying PPG.<sup>5</sup>

### Submitted Documents

- 2.5 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- The submission version of the Earls Colne Neighbourhood Plan 2023-2033 (September 2024);
  - the Basic Conditions Statement (September 2024);
  - the Consultation Statement and Appendices 1 and 2 (September 2024);
  - the Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Report (May 2024); and
  - all the representations that have been made in accordance with the Regulation 16 consultation.<sup>6</sup>
- 2.6 I have also considered the supporting evidence documents that have informed the preparation of the Plan, including the following:
- Earls Colne Biodiversity Audit (Essex Ecology Ltd.) (April 2023);
  - Earls Colne Design Codes (AECOM) (February 2024);
  - Earls Colne Landscape Character Assessment (Wynne-Williams Associates) (February 2022);
  - Rural community profile for Earls Colne (Parish) (Action with Communities in Rural England (ACRE)) (October 2013); (Wynne-Williams Associates) (March 2023);
  - Housing Needs Survey for Earls Colne (Rural Community Council of Essex (RCCE)) (May 2021);
  - Earls Colne Housing Needs Assessment (HNA) (AECOM) (August 2020); and,
  - Earls Colne Public Car Park Survey Results Report

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<sup>4</sup> PPG Reference ID: 41-009-20190509.

<sup>5</sup> A revised NPPF was published on 12 December 2024 which includes transitional arrangements for neighbourhood plans. Paragraph 239 of the December 2024 NPPF advises that it will only apply to neighbourhood plans submitted after 12 March 2025.

<sup>6</sup> View at: <https://www.braintree.gov.uk/planning-building-control/neighbourhood-planning/16>



## Examiner Questions

- 2.7 Following my appointment as the independent examiner and my initial review of the draft Plan, its supporting documents and representations made at the Regulation 16 stage, I wrote to the District Council and the Parish Council on 6 January 2025<sup>8</sup> seeking further clarification and information on five matters contained in the submission Plan, as follows:
- Firstly, with regard to Policy ERCOL3 (First Homes Exception Sites and Community Led Housing) in the draft Plan, I observed that, 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. Whilst the 2024 NPPF does not apply to this examination, I noted that 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. I requested that the District Council 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.
  - Secondly, with regard to Policy ERCOL7 (Local Green Spaces), I noted that, apart from the text at paragraphs 6.17-6.27 in the draft Plan, I had 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.<sup>9</sup> I therefore requested that the Qualifying Body direct me to, or clarify through a note, an assessment of each site in the context of the national policy criteria. I also sought clarification from the Qualifying Body on whether the above three sites formed 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 led to the proposed designation of these three sites in contrast to any other potential sites that were evaluated?
  - Thirdly, with regard to Policy ERCOL9 (Key Movement Routes) in the draft Plan, I requested that the District Council 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 the draft Policy, and whether it is a project for which the District Council is seeking appropriate developer contributions that are linked to relevant

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<sup>7</sup> View at: [Consultants Reports \(earlscolne-pc.gov.uk\)](https://earlscolne-pc.gov.uk/consultants-reports)

<sup>8</sup> View at: [Independent Assessment \(earlscolne-pc.gov.uk\)](https://earlscolne-pc.gov.uk/independent-assessment)

<sup>9</sup> NPPF, Paragraph 106.

planning permissions within the Plan area. I had 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.

- The fourth question concerned Historic England's representations at the Regulation 16 Consultation stage. I noted 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 Codes, 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 concurred with Historic England's view and noted 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. I therefore requested that the Qualifying Body 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.
- My final question related to the Environment Agency's representations at the Regulation 16 Consultation stage. I noted 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 noted 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 at Page 10 in the draft Plan. 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 considered 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). I therefore requested that the

Qualifying Body provide me with the draft text of a suitable new subsection of text, taking into account the representations submitted by the Environment Agency, that I may consider as a potential modification to the Plan.

- 2.8 In response to my letter of 6 January 2025, the District Council and the Qualifying Body provided me with responses to the questions on 30 January 2025.<sup>10</sup> I have taken account of the additional information contained in these responses as part of my full assessment of the draft Plan, alongside the documents listed at paragraphs 2.5 and 2.6 above.

### Site Visit

- 2.9 I made an unaccompanied site visit to the Neighbourhood Plan Area on 13 January 2025 to familiarise myself with it and visit relevant sites and areas referenced in the Plan, evidential documents and representations.

### Written Representations with or without Public Hearing

- 2.10 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections and comments regarding the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum. I am satisfied that the material supplied is sufficiently comprehensive for me to be able to deal with the matters raised under the written representations procedure, and that there was not a requirement to convene a public hearing as part of this examination. In all cases the information provided has enabled me to reach a conclusion on the matters concerned.

### Modifications

- 2.11 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications in full in the Appendix.

## 3. Procedural Compliance and Human Rights

### Qualifying Body and Neighbourhood Plan Area

- 3.1 The Plan has been prepared and submitted for examination by the Earls Colne Parish Council. An application to the District Council for the Parish Council area of Earls Colne to be designated a neighbourhood planning area was made on 20 February 2019 and was approved by the District Council on 5 March 2019.

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<sup>10</sup> View at: [Independent Assessment \(earlscolne-pc.gov.uk\)](https://earlscolne-pc.gov.uk)

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- 3.2 The designated Neighbourhood Area comprises the whole of the Parish of Earls Colne. The submission Plan contains a map (Figure 1.1) of the designated area at Page 5. The Earls Colne Neighbourhood Plan is the only Neighbourhood Plan in the designated area.
- 3.3 The Parish Council is the designated body for the preparation of the Plan. The preparation of the Plan has been led by the Parish Council through a Neighbourhood Plan Steering Group, initially comprising four Parish Councillors and three local residents.

#### Plan Period

- 3.4 The draft Plan specifies on its front cover and on Page 3 the period to which it is to take effect, which is from 2023 to 2033. This encompasses the remainder of the plan period for the adopted Braintree District Local Plan 2033, which covers the period 2013-2033.

#### Neighbourhood Plan Preparation and Consultation

- 3.5 The Consultation Statement and its Appendices sets out a full record of the Plan's preparation and its associated engagement and consultation activity. The decision to undertake the preparation of the Neighbourhood Plan was taken in October 2018, and the Neighbourhood Planning Steering Group was formed by the Parish Council in February 2019, initially comprising four Parish Councillors and three local residents.
- 3.6 An initial questionnaire was distributed to all homes in the Parish in April 2019, and a total of 221 responses were received. This was followed by attendance at various local events during Summer 2019, providing information and seeking feedback on the proposed Neighbourhood Plan. Engagement was also undertaken with local schools and stakeholders.
- 3.7 Between March and August 2021, a Housing Needs Survey commissioned by the Steering Group and conducted by the Rural Community Council of Essex was undertaken. 1,650 survey forms were distributed, and 527 responses were received. The survey results were used to inform the development of the housing policies for the preparation of the draft Regulation 14 consultation Plan. Other supporting evidence documents were also prepared by consultants, generally during the period 2020-2023, as listed at paragraph 2.8 above.
- 3.8 The Regulation 14 draft Plan was published for public consultation from 21 October to 2 December 2023. The consultation was accompanied by local publicity and the draft Plan was made available online and at the village Surgery, the Library, a local shop and at the Parish Council Office. A total of 61 responses were received from residents, together with nine responses from statutory consultees including Braintree District Council and Essex County Council and three responses from non-statutory consultees. Following this consultation, the draft Plan was amended

where considered appropriate to take account of the responses (and this is fully recorded at Appendix 2 of the Consultation Statement).

- 3.9 The Consultation Statement provides a comprehensive record of the community engagement and consultation that was undertaken during the preparation of the Plan, including summaries of the responses that were received at each key stage.
- 3.10 At its meeting held on 18 September 2024, the Parish Council resolved to formally submit the Plan under Regulation 15 to the District Council for examination. Regulation 16 consultation was then held for a period of six weeks from 2 October to 15 November 2024. I have taken account of the 19 responses then received, as well as the Consultation Statement. I am satisfied that a transparent, fair and inclusive consultation process has been followed for the Plan, that has had regard to advice in the PPG on plan preparation and is procedurally compliant in accordance with the legal requirements.

### Development and Use of Land

- 3.11 I am satisfied that the draft Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

### Excluded Development

- 3.12 From my review of the documents before me, the draft Plan does not include policies or proposals that relate to any of the categories of excluded development.<sup>11</sup>

### Human Rights

- 3.13 Neither the District Council nor any other party has raised any issues concerning a breach of, or incompatibility with Convention rights (within the meaning of the Human Rights Act 1998). From my assessment of the Plan, its accompanying supporting documents and the consultation responses made to the Plan at the Regulations 14 and 16 stages, I am satisfied that the Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. I consider that none of the Objectives and Policies in the Plan will have a negative impact on groups with protected characteristics. Many will have a positive impact.

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<sup>11</sup> The meaning of 'excluded development' is set out in s.61K of the 1990 Act.  
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## 4. Compliance with the Basic Conditions

### EU Obligations

- 4.1 Essex County Council (Place Services) issued a Strategic Environmental Assessment (SEA) Screening Report in May 2024 in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 ('the SEA Regulations'). This Screening Report was submitted alongside the draft Plan and, in summary (at paragraph 5.1), states that the draft Plan does not allocate any land for development purposes and seeks to strengthen the protection and enhancement of assets at the local level and in a local context. In consideration of these findings, it concludes that the draft Plan can therefore be screened out for its requirement of SEA. The Screening Report has been the subject of consultation with the Environment Agency, Natural England and Historic England, and none of these bodies raised any concerns such that a SEA would be required for the Plan.
- 4.2 I have considered the SEA methodology by which the Plan was duly screened to determine whether the Plan is likely to have significant environmental effects, bearing in mind also that the policies in the adopted Braintree Local Plan documents were also subject to separate sustainability appraisal at various stages. Overall, I am satisfied that a proportionate approach has been taken and that the Plan was screened to take full account of any potential environmental effects upon interests of importance in the Plan area.
- 4.3 The Plan was also screened by Essex County Council in May 2024 in order to establish whether the Plan required a Habitats Regulations Assessment (HRA) in accordance with the Habitats Regulations. There are seven sites of European importance within 20 kilometres of the Plan area, which are the Essex Estuaries Special Area of Conservation (SAC); the Abberton Reservoir, Blackwater Estuary and Colne Estuary Special Protection Areas (SPAs); and the Abberton Reservoir, Blackwater Estuary and Colne Estuary Ramsar sites. The HRA Screening Assessment, which is also contained within the SEA Screening Report, concludes (at paragraph 5.2) that the draft Plan is not predicted to have any likely significant effect on any of these sites, either alone or in combination with other plans and projects. The requirement for the Plan to undertake further assessment under the 2017 Regulations is therefore screened out. I have also noted that Natural England has not raised any concerns regarding the necessity for an HRA.
- 4.4 Therefore, I consider that on the basis of the information provided and my independent consideration of the SEA/HRA Screening Report and the Plan itself, I am satisfied that the Plan is compatible with EU obligations under retained EU law.



## Main Assessment

- 4.5 The NPPF states (at paragraph 30) that *"Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan"* and also that *"Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies"*. The NPPF (at paragraph 11) also sets out the presumption in favour of sustainable development. It goes on to state (at paragraph 13) that neighbourhood plans should support the delivery of strategic policies contained in local plans; and should shape and direct development that is outside of these strategic policies.
- 4.6 Having considered above whether the Plan complies with various legal and procedural requirements, it is now necessary to deal with the question of whether it complies with the remaining Basic Conditions (see paragraph 1.13 of this report), particularly the regard it pays to national policy and guidance, the contribution it makes to sustainable development and whether it is in general conformity with strategic development plan policies.
- 4.7 I test the Plan against the Basic Conditions by considering specific issues of compliance of the Plan's ten policies, which address the following themes: Design and Character; Housing; Environment and Climate Change; Movement; and Economy. As part of that assessment, I consider whether the policies in the Plan are sufficiently clear and unambiguous, having regard to advice in the PPG. A policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.<sup>12</sup> I recommend some modifications as a result.

## Synopsis

- 4.8 The Plan is addressing a period up to 2033 and seeks to ensure that the Parish of Earls Colne will be a community offering wide ranging housing stock, good employment opportunities, local sport and leisure facilities within an attractive, safe and friendly environment. It seeks to protect the rich history, natural and historic environment and community spirit of the village. Sections 4-8 of the Plan contains specific policies in respect of each of the themes listed above.
- 4.9 Section 1 of the Plan provides an introduction to the Plan following the designation of the Parish as a neighbourhood area in March 2019. Figure 1.1 shows the designated Neighbourhood Area.

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<sup>12</sup> PPG Reference ID: 41-041-20140306.

4.10 Section 2 of the Plan describes the local context, providing a brief history of Earls Colne, demographic information about the Parish and other socio-economic information, details of the transport links and a summary of the village's local facilities and amenities. It also identifies the main issues and challenges facing Earls Colne in its future development through an assessment of strengths, weaknesses, opportunities and threats (SWOT analysis), which has been based on feedback from the community during the preparation of the Plan.

4.11 Section 3, entitled 'Vision and Objectives' sets out the Plan's Vision for Earls Colne over the Plan period to 2033 and its Objectives which have been developed following community engagement.

4.12 The Plan's Vision is as follows:

*"To enhance ....  
the village of Earls Colne as a residential and business community  
offering wide ranging housing stock, good employment  
opportunities, local sport and leisure facilities within an attractive,  
safe and friendly environment.*

*To protect and secure...  
the rich history, natural and historic environment and community  
spirit of our village."*

4.13 Paragraph 3.2 of the Plan lists 10 suitably derived objectives stemming from the Vision and through engagement with the community. Essex County Council has made a representation that an additional Objective should be added to the Plan to require new homes to be built to net zero standard, which would provide additional justification for Policy ERCOL6. I note that the County Council has also made representations concerning that policy and, although I do not recommend any amendments or additions to the Plan's Objectives, I do recommend some amendments to Policy ERCOL6, taking into account the County Council's comments (see paragraphs 4.36-4.38 below and PM7).

4.14 The Basic Conditions Statement (at Section 2) describes how the Plan, and its Policies, has regard to national policies contained in the NPPF and (at Section 3) contributes to the achievement of sustainable development. The Tables within Sections 2-4 of the Basic Conditions Statement set out how each of the Plan's 10 policies are consistent with the national policies contained in the NPPF; are in general conformity with the strategic policies in the adopted Local Plan; and contribute towards the achievement of sustainable development.

4.15 I consider that overall, subject to the detailed modifications which I recommend to specific policies below, that individually and collectively the Plan's policies will contribute to the achievement of sustainable patterns of development. There are a number of detailed matters which require amendment to ensure that the policies have the necessary regard to



national policy and the strategic policies of the District Council. Accordingly, I recommend modifications in this report in order to address those matters.

### Specific Issues of Compliance

- 4.16 I turn now to consider the proposed Policies in the draft Plan, and I take into account, where appropriate, the representations that have been made concerning those policies, together with the responses by the Qualifying Body and the District Council to my questions (see paragraphs 2.7 and 2.8 above). Sections 4-8 of the Plan sets out the proposed policies for the Plan area under the headings of Design and Character; Housing; Environment and Climate Change; Movement; and Economy.

### Design and Character

- 4.17 Section 4 of the draft Plan addresses the theme of Design and Character within the Plan area and contains two policies (Policies ERCOL1 and ERCOL2) to meet the Plan's Objectives to ensure high quality design that reflects the character of Earls Colne and to preserve and enhance the high quality natural and historic landscape of the Parish.
- 4.18 Policy ERCOL1 (Design and Character) is in three parts and states that development should demonstrate high quality design and layout which respects the local character of Earls Colne. Development that is within the Character Areas that are identified on Figure 4.1 (at page 15 in the Plan) must have regard to the guidance in the Earls Colne Design Codes report and the Essex Design Guide. It goes on to state that in delivering high quality design, development proposals must demonstrate the appropriate use of design, layout, materials and features. It then sets out four principles that should be considered as part of design proposals, as follows:
- i. Development should integrate with and enhance the form of its existing surroundings, with all connections including road patterns ensuring permeability for cyclists and pedestrians.
  - ii. A range of densities, house types (where appropriate) and plot layouts should be used.
  - iii. Building heights and rooflines should provide diversity of frontage, scale and form, with building heights that reflect the prevailing height of surrounding buildings unless it can be demonstrated that a taller building could complement or enhance the local character.
  - iv. Parking to support residential uses should be provided within the development and should include a proportion of well-designed on-street parking provisions, having regard to the Essex Planning Officers Association (EPOA) parking standards.

In all cases, development proposals are expected to have regard to the relevant guidance contained in the Earls Colne Design Codes report and

the Essex Design Guide. Finally, the Policy states that all major residential development proposals should include a proportionate statement and illustrations demonstrating how the principles and guidance in the Earls Colne Design Codes report have been addressed.

- 4.19 Essex County Council and Essex Police have made representations regarding this section of the Plan and Policy ERCOL1. I concur with their comments, and I therefore recommend some amendments to the text of this Policy in order to ensure there is the necessary clarity and to take account of matters that have been raised in the representations. These amendments to meet the Basic Conditions are addressed by recommended modification **PM1**.
- 4.20 Policy ERCOL2 (Landscape Sensitivity) is in two parts and states that where development is proposed outside the existing development boundary of Earls Colne, it is expected to have regard to the findings and recommendations set out in the Earls Colne Landscape Character Assessment 2022. All proposals should demonstrate that the scale and character of the proposal respects the landscape, landscape features, streetscape, heritage assets and important spaces and views into and out of Earls Colne village (and particularly the Conservation Area), and that they will make a positive contribution to the local character of the area.
- 4.21 It goes on to state that in areas outside the Earls Colne development boundary that are of high or medium/high landscape sensitivity (as identified in the Earls Colne Landscape Character Assessment 2022), a landscape and visual impact appraisal will be required where necessary and appropriate. This must demonstrate due regard to the particular sensitivities identified in the Landscape Character Assessment and ensure effective mitigation against likely harm.
- 4.22 I am satisfied that the Policy is appropriately drafted, subject to two focused amendments in order to ensure the Policy text is clear, and these amendments are addressed by recommended modification **PM2**.
- 4.23 My fourth question (see paragraph 2.7 above) concerned the representations from Historic England and the absence of a fuller description of the principal designated heritage assets within the Plan area. In my assessment, this is necessary in order to provide as a suitable context for Codes 1 and 2 in the Design Codes. In response, the Qualifying Body has provided draft text for a new sub-section within Section 4 addressing the Historic Environment within the Plan area. I consider this proposed text to be satisfactorily drafted, and recommend that it should be included within the draft Plan as recommended modification **PM3**.
- 4.24 With recommended modifications PM1-PM3, I consider that the draft Plan's section on Design and Character and its accompanying policies is in general conformity with the strategic policies of the adopted Braintree Local Plan, has regard to national guidance, would contribute to the

achievement of sustainable development and so would meet the Basic Conditions.

## Housing

- 4.25 Section 5 is concerned with Housing in the Plan area and contains one policy (Policy ERCOL3) to meet the Plan's objective to ensure that development meets the specific housing needs of the local community. This section notes that all of the sites allocated within the Plan area in the adopted Braintree District Local Plan 2013-2033 have come forward for development. The draft Plan therefore seeks to take account of the Housing Needs Assessment (2020) and Housing Needs Survey (2021) and provide policy support for small-scale housing developments that are suitable and affordable for younger people, and particularly for first time buyers or renters.
- 4.26 Policy ERCOL3 (First Homes Exception Sites and Community-Led Housing) is in three parts and states that proposals for the development of small-scale housing schemes on First Homes exception sites adjacent to the settlement boundary of Earls Colne, where housing would not normally be permitted by other policies, will be supported provided that:
- i. it delivers solely or predominantly First Homes, is in keeping with the appearance and character of the surrounding area and satisfactorily mitigates the potential impact on residential amenity and highway safety.
  - ii. it is for first-time buyers or renters that are in housing need because they are unable to buy or rent properties in Earls Colne village at open-market prices.
  - iii. it is offered, in the first instance, to people with a demonstrated local connection, as defined by the Braintree Choice Based Lettings Scheme. Where there is no local connection, a property should then be offered to those with a demonstrated need for such housing in neighbouring villages.

It goes on to state that the restrictions set out in clause iii. above should be secured through a legal agreement attached to the planning permission for the housing. Finally, it states that proposals for community-led housing to specifically address local housing needs will be strongly supported, subject to meeting the requirements of other policies.

- 4.27 As my first question (see paragraph 2.7 above), following my initial assessment of the draft Plan, I requested that the District Council confirm that Policy ERCOL3, and more specifically its policy criteria i. ii. and iii., as set out above, generally conforms with the District Council's policies and strategies for Affordable Housing in this part of Braintree District for the duration of the Neighbourhood Plan period up to 2033. In response to this question, the District Council replied stating that *"the Council consider that Policy ERCOL3 is in general conformity with Policy LPP32 (Affordable Housing in Rural Areas), as both policies (seek to support) schemes to provide affordable housing. The use of the word schemes would permit consideration of proposals for First Homes"*.

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- 4.28 Taking account of the District Council's response and my consideration of the representations concerning this section of the draft Plan, I am satisfied that this Policy is appropriately drafted and provides clear guidance on its requirements. However, two corrections<sup>13</sup> are required and these are addressed by recommended modification **PM4**.
- 4.29 I have also considered those representations, including those on behalf of Colne Stoves and Essex Hunt, seeking to promote additional residential development on sites beyond the defined settlement boundary of Earls Colne village. I note from Section 5 that all of the allocated sites for new housing at Earls Colne contained in the adopted Braintree District Local Plan have come forward for development, and in my judgement it will be a matter for the emerging review of the adopted Local Plan (see also paragraph 2.2 above) whether there should be additional allocations of land for residential development at Earls Colne for the extended Local Plan period up to 2041. I note from the District Council's most recent Call for Sites undertaken during 2024 that a number of sites, mainly to the north and south-west of the village, were put forward for assessment by the District Council. Therefore, I do not consider any of those sites or their acceptability as part of this examination and I am satisfied that this Neighbourhood Plan is in general conformity with the strategic policies in the current adopted Local Plan for residential development in the district, as they affect Earls Colne.
- 4.30 I conclude that, with recommended modification PM4, I consider that the draft Plan's Policy for Housing is in general conformity with the strategic policies of the adopted Braintree District Local Plan documents, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

## Environment and Climate Change

- 4.31 Section 6 of the draft Plan is entitled 'Environment and Climate Change' and contains four policies (Policies ERCOL4-ERCOL7). These seek to meet the Plan's Objectives to preserve and enhance wildlife by protecting habitats and providing measures such as wildlife corridors, requiring new developments to deliver a minimum of 10% Biodiversity Net Gain, maximising the adoption of renewable energy technologies and protecting shared green spaces that are special to the community.
- 4.32 Policy ERCOL4 (Green Infrastructure and Biodiversity) is in four parts. Part A states that new developments will be required to improve connectivity to the current green infrastructure network for all through measures such as providing new or enhanced footpaths, Public Rights of Way, cycle routes, bridleways and public open spaces connecting to the wider countryside. Part B states that development will be required, where appropriate, to contribute towards the delivery of new green and blue

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<sup>13</sup> Modifications for the purpose of correcting errors is provided for in Paragraph 10(3)(e) of Schedule 4B to the 1990 Act.

infrastructure which develops and enhances a network of multi-functional spaces and natural features. Part C states that the Local Wildlife Sites (LoWS) shown on the Policies Map are locally designated sites of importance for biodiversity and are protected accordingly. Development proposals must meet the requirements of Braintree Local Plan Policy LPP64 (Protected Sites) and any proposals that have adverse effects on the integrity of existing habitats (either alone or in-combination) will not be supported. Finally, Part D states that in order to address the requirement for a minimum of 10% net gain in biodiversity, development proposals will be required to take a 'biodiversity-first' approach and maximise the delivery of biodiversity net gains on site. If on-site delivery has clearly been demonstrated not to be possible then applicants are encouraged to consider off-site provision. Such off-site provision should explore a wide range of opportunities throughout the Parish including enhancing ecological networks and the migration and transit of flora and fauna, particularly between green spaces, restoring and re-creating wildlife habitats, particularly to enable priority species to flourish and. designing Sustainable Drainage Systems (SuDS) to maximise the potential for biodiversity to thrive.

- 4.33 The Colchester Natural History Society, Anglian Water Services Ltd., Essex Police and Essex County Council have submitted representations regarding this Policy. I have taken these all into account in my assessment of the Policy and consider that a number of amendments are required to ensure the Policy's requirements are clear for the benefit of future users of the Plan. The necessary amendments are addressed by recommended modification **PM5**.
- 4.34 Policy ERCOL5 (Wildlife-Friendly Development) is in three parts. Part A states that all development proposals must protect existing habitats and species, including hedgerows and mature trees and deliver net gain in biodiversity in accordance with Policy ERCOL4. Part B states that the incorporation of design features into new development that encourages local wildlife and biodiversity to thrive will be supported. Finally, Part C states that, as appropriate to their scale, nature and location, development proposals should be designed to retain trees, shrubs and hedgerows of arboricultural, habitat and amenity value on-site and to conserve and enhance connectivity to the wider multifunctional green and blue infrastructure networks. Where practicable, any new planting should consist of species of trees, shrubs and grasses that will be resilient to the changing climate and can be incorporated in a way that would allow their use as stepping stones for wildlife.
- 4.35 Essex County Council has made representations concerning this Policy, suggesting an amendment to Part A of the Policy text to align more closely with, and thus have sufficient regard to, national policies. I agree with that suggested amendment which is addressed by recommended modification **PM6**.

- 4.36 Policy ERCOL6 (Low Energy and Energy Efficient Design) is a lengthy policy and is in three parts. Part A states that proposals for new development, including the construction of new buildings and the redevelopment and refurbishment of existing building stock, must demonstrate how the design of buildings and site layouts minimise consumption of energy, water, minerals, materials and other natural resources in order to minimise its contribution to greenhouse gas emissions. Part B states that all developments will be required to demonstrate how they have been designed to incorporate measures to mitigate and adapt to climate change and lists a series of five measures that should be incorporated into the development. Finally, Part C states that planning applications for residential development are encouraged to exceed the energy performance requirements set out in Policy LPP72 (Resource Efficiency, Energy Generation and Energy Efficiency) of the adopted Braintree District Local Plan.
- 4.37 Anglian Water Services Ltd. and Essex County Council have made representations concerning this Policy, raising a number of issues pertaining to the clarity of the Policy text. I agree with the majority of these suggestions. In particular, I agree that the title of the Policy should also include reference to renewable energy, as Policy LPP72 requires new residential dwellings to include renewable and low carbon energy technology to achieve at least a 19% improvement in energy performance over the requirements of the 2013 Building Regulations.
- 4.38 I therefore recommend a series of amendments to the Policy text, to reflect the representations that have been made and to provide the necessary guidance for future users of the Plan. These amendments are addressed by recommended modification **PM7**.
- 4.39 In my fifth question (see paragraph 2.7 above), I noted the Environment Agency's representations asserted that the Plan should include a policy concerning the management of flood risk. In my assessment, whilst a discrete policy cannot be said to be necessary in order to meet the Basic Conditions (noting also such a policy has not been subject to public consultation), the Plan does require an additional sub-section addressing Flood Risk and Surface Water Drainage within the Plan area. Accordingly, the Qualifying Body has provided draft text for insertion as a new sub-section within Section 6. I consider this proposed text to be suitably drafted, and recommend that it should be included within the draft Plan as recommended modification **PM8**.
- 4.40 Policy ERCOL7 (Local Green Spaces) is in two parts. Part A proposes the designation of three Local Green Spaces within the Plan area. These are the Millennium Green, the Hobbs Way public open space and two areas of meadow land at Ryefields. The sites are identified and defined on the inset maps at Figures 6.1-6.3 in the draft Plan. Part B of the Policy states that proposals for built development on these Local Green Spaces will not be permitted unless the proposal is for an ancillary feature, and it can be



clearly demonstrated that it is required to support or enhance the role and function of the identified Local Green Space.

- 4.41 As my second question (see paragraph 2.7 above), I observed that the approach to the proposed designations was not clear as part of the plan making process with particular regard to the relevant policy criteria set out in the NPPF, Paragraph 106.
- 4.42 In its response, the Qualifying Body acknowledged that a full assessment of each site should have been presented and provided clarification in that regard as part of the response. The response also noted that other sites that had been considered initially as potential Local Green Spaces, such as Brick Meadows, were not progressed as they were covered by other environmental designations. I have taken account of the Qualifying Body's response, and in particular its assessment of each of the three proposed Local Green Spaces against the national policy criteria set out in the NPPF. I also visited each of the sites during the course of my site visit. I conclude that the designation of the three sites as Local Green Spaces is justified.
- 4.43 However, some amendments are necessary to the Policy text. The NPPF states that "*Policies and decisions for managing development within a Local Green Space should be consistent with national policy for Green Belts*" (Paragraph 107). This is a clear and precise statement of national policy. I consider that the Policy text requires amendment to have proper regard to Paragraph 107 of the NPPF and the necessary amendments in order to satisfy the Basic Conditions are addressed by recommended modification **PM9**.
- 4.44 With recommended modifications PM5-PM9, I consider that the draft Plan's section on Environment and Climate Change and its accompanying policies (Policies ERCOL4-ERCOL7) is in general conformity with the strategic policies of the adopted Braintree Local Plan documents, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

## Movement

- 4.45 Section 7 of the draft Plan is entitled 'Movement' and contains two policies (Policies ERCOL8 and ERCOL9) to meet the Plan's Objectives to improve existing footpaths as an amenity in the wider environment and to develop further a network of footways, footpaths and cycle routes to prioritise active and sustainable modes of travel.
- 4.46 Policy ERCOL8 (Access into the Countryside) is in two parts. Part A states that access to the countryside will be promoted through protection, maintenance and enhancement of the existing Public Rights of Way (PROW) network, as shown on accompanying Figure 7.1 (at page 38), bridleways and the safety of users of rural roads and lanes. Part B states that the existing PROW network will be safeguarded, where affected by

development, ensuring that it remains protected and open for use by the public. Proposals to divert PROWs or cycleways must be approved as being convenient and suitable and be constructed to current standards. Where possible, development should retain and enhance existing PROWs improving between the development and the wider countryside.

- 4.47 In my assessment, Part A of the Policy is appropriately drafted, but that Part B of the Policy text is rather less clear and should be amended to ensure its clarity for future users of the Plan. Recommended modification **PM10** addresses the necessary amendments.
- 4.48 Policy ERCOL9 (Key Movement Routes) is in four parts. Part A states that new development proposals will be required to retain and expand the network of safe and convenient cycling and walking routes and be accessible by all users. In particular, provision of segregated cycle and pedestrian routes will be strongly supported. Such routes should also ensure that access by disabled users, the blind and deaf and users of mobility scooters is secured. Part B states that, in order to ensure that residents can access public transport facilities, schools, leisure and other important facilities serving Earls Colne, development proposals where practicable should ensure safe and continuous pedestrian routes that connect to the Key Movement Routes that are identified on the Policies Map. Part C states that development proposals will be required to demonstrate and mitigate their impact on pedestrian and cycle movements at and along the identified Key Movement Routes shown on the Policies Map, where relevant. Finally, Part D states that developers will be required to contribute where appropriate to the Earls Colne to Coggeshall via Marks Hall Estate cycleway project.
- 4.49 With regard to Part D of the Policy text, I posed a third question (see paragraph 2.7 above) requesting that the District Council provide me with a note setting out the status of the proposed Earls Colne to Coggeshall via Marks Hall Estate cycleway project 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.
- 4.50 In response to this question, the District Council replied stating that *"the proposed cycle route is not included in the current adopted Local Plan, however this could change when the Plan is reviewed."* and that *"The project has received some funding for a design and tender stage for the route from the Local Highways Panel on 3 October 2022."* The reply goes on to state that *"The Council's Potential Open Spaces Improvement (POSI) document lists projects which the council will seek funding from appropriate planning applications. These projects are limited to the provision of or improvement to recreational uses which would include cycleways. For Earls Colne, this includes references to proposals for all weather cycle paths between earls Colne and the surrounding area including Marks Hall. As such, if appropriate planning applications were submitted then contributions could be sought for a cycle route"*.



- 4.51 Taking account of the District Council's response and my consideration of the representations submitted by Essex County Council concerning this section of the draft Plan, I consider that some amendments to the Policy are necessary in order to provide clear guidance on its requirements. I therefore recommend two amendments to the Policy text, and these are addressed by recommended modification **PM11**.
- 4.52 With recommended modifications PM10 and PM11, I consider that the draft Plan's policies concerning Movement in the Plan area are in general conformity with the strategic policies of the adopted Braintree Local Plan documents, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

## Economy

- 4.53 Section 8 of the draft Plan is entitled 'Economy' and contains one policy (Policy ERCOL10) to meet the Plan's objective to support the continuing vibrancy of Earls Colne village centre, reflecting the changing future of high streets. Although this section of the Plan focuses primarily on the village centre, there is a reference to the Earls Colne Business Park which provides significant employment opportunities within the Plan area. In that context, I note the representations that have been submitted by Hobbs Estates Ltd., the owners of the Earls Colne Business Park, who consider that the Plan fails to reflect the economic, leisure and community benefits of the Business Park. I agree with that point, and whilst I do not recommend that Policy ERCOL10 is broadened in scope to cover the Business Park, I do consider that the supporting text within Section 8 does need to provide a much fuller reference to the role of the Business Park, alongside some other focused amendments within the Plan. These necessary amendments are addressed by recommended modification **PM12**.
- 4.54 Policy ERCOL10 (Retaining and Enhancing the Vitality and Viability of Earls Colne Village Centre) is in six parts. Part A states that to secure the ongoing vitality of Earls Colne Local Centre, proposals which protect, enhance and promote a diverse range of town centre uses, including retail, leisure, commercial, office, tourism, cultural and community, will be supported, subject to the other policies in the Plan. Part B addresses shopfronts and states that proposals for new shopfronts or signage should be in sympathy with the character and appearance of the upper storeys of the building and adjoining facades. The use of traditional materials such as timber with sign-written titles rather than plastic, externally illuminated signs will be supported for both shopfronts and protruding signs. Parts C-E of the Policy address temporary uses. Part C states that the use of premises for main town centre uses on a temporary basis will be supported in the Earls Colne Local Centre. Such uses include 'pop up' shops and cultural, creative and leisure uses introduced on a temporary basis or for specific events. Part D states that such temporary uses must demonstrate that they will not have a detrimental impact on the amenity

of neighbouring uses, particularly residential through excessive noise and pollution. Part E states that such uses will be required to encourage access via active and sustainable modes in the first instance and the need for large amounts of vehicle parking will be required to minimise its impact on the safety and operation of the highway network. Finally, Part F addresses the public realm and states that proposals which enhance the quality and accessibility (specifically for pedestrians and disabled users) of the public realm in Earls Colne Local Centre will be supported.

4.55 In my assessment, the Policy is appropriately drafted with the exception that it does not include a reference to the Policies Map which defines the extent of the Local Centre. Accordingly, I recommend proposed modification **PM13** to address this omission.

4.56 With recommended modifications PM12 and PM13, I consider that the draft Plan's Policy for the Economy in the Plan area is in general conformity with the strategic policies of the adopted Braintree Local Plan documents, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

#### Matters Outside the Scope of the Neighbourhood Plan

4.57 Section 9 of the draft Plan addresses matters that are outside the scope of the Plan and its policies. It covers issues that have been raised by residents such as traffic levels in the High Street, a lack of car parking in the village centre and local health and educational services.

4.58 As none of the matters are the subject of land-use planning policies, I have not considered this section of the Plan as part of this examination. It will be for the Parish Council in conjunction with other stakeholders to consider how such issues should be taken forward and, if appropriate, subject to further actions under other relevant legislation. I note that Essex County Council has made a representation (Ref. S-17-9) concerning this section of the Plan, and in particular regarding educational issues. The Parish Council may wish to bear in mind the County Council's comments should it take forward the issue of educational provision in the Plan area.

#### Policies Maps

4.49 Section 10 of the draft Plan contains two Policies Maps, a Parish-wide map and a larger scale Inset Map for the village of Earls Colne. I consider that both maps are accurately drawn and are at an appropriate scale for future users of the Plan to be able to identify the relevant policy notations satisfactorily. However, the Plan's policies and their supporting text do contain relatively few direct references to the Policies Maps, which are an important part of the Plan. Where required, I have recommended modifications to address this deficiency, for example to Policy ERCOL10. However the District and Parish Council may wish to consider whether it

may be helpful, in the next iteration of the Plan that might be produced for the purposes of a referendum, to add any further appropriate references to the Policies Maps. Two such potential enhancements being at paragraphs 1.8 and 7.5. These would not affect the Basic Conditions.

### Monitoring and Review

- 4.60 The Plan contains a very brief sub-section (at paragraph 1.15 of Section 1) which addresses its future monitoring and review. There is the likelihood that there will be a need to formally review the Plan during the Plan period, particularly following the review of the Braintree District Local Plan 2033 which has recently commenced. I consider that the Plan should contain a fuller statement regarding a potential future review to take account of the emerging review of the Local Plan. I therefore recommend modification **PM14** to add appropriate text (as new paragraph 1.16) to the Plan, in order to address this point.

### Evidence Base

- 4.61 Section 11 of the Plan lists the various Evidence Base documents which have informed the preparation of the Plan. In addition to the documents listed at paragraph 2.8 above, it lists the Essex Design Guide, the Braintree, Chelmsford, Colchester and Tendring Councils Housing Market Area (HMA) Strategic Housing Market Assessment (SHMA) Update (2015), the 'Right Tree in the Right Place for a Resilient Future' report (Forest Research) and the Sustainability Statement Guidance Note for new Residential and Non-residential buildings (2023) published by Braintree District Council.

### Concluding Remarks

- 4.62 I consider that, with the recommended modifications to the Plan as summarised above and set out in full in the accompanying Appendix, the Earls Colne Neighbourhood Plan 2023-2033 meets the Basic Conditions for neighbourhood plans. Other changes (that do not affect the Basic Conditions) could be made prior to the referendum at the Councils' discretion. These could include minor non-material amendments (for example, see paragraph 4.59 above), consequential amendments resulting from the policy modifications, typographical corrections and factual up-dates.<sup>14</sup>

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<sup>14</sup> PPG Reference ID:41-106-20190509.

## 5. Conclusions

### Summary

- 5.1 The Earls Colne Neighbourhood Plan 2023-2033 has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard to all the responses made following consultation on the Plan, and the supporting documents submitted with the Plan, together with the responses to my questions.
- 5.2 I have made recommendations to modify certain policies and other matters to ensure that the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

### The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Earls Colne Neighbourhood Plan 2023-2033, as modified, has no policies or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Area boundary, requiring the referendum to extend to areas beyond the Plan boundary. I therefore recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Area.

### Overview

- 5.4 It is clear that the Earls Colne Neighbourhood Plan is the product of much hard work undertaken since 2018 by the Parish Council, its Neighbourhood Plan Steering Group and the many individuals and stakeholders who have contributed to the preparation and development of the Plan. In my assessment, the Plan reflects the land use aspirations and objectives of the Earls Colne community for the future planning of their Parish up to 2033. The output is a Plan which should help guide the area's development over that period, making a positive contribution to informing decision-making on planning applications by Braintree District Council.

*Derek Stebbing*

Examiner

## Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 16	<p><u>Policy ERCOL1 – Design and Character</u></p> <p>Part B – Add new criterion v. to read as follows:</p> <p><b>“v. Development should, through its building design and site layout, seek to mitigate the risk of crime and anti-social behaviour in order to create a safe and secure environment.”</b></p> <p>Part C – Delete the words “proportionate statement and illustrations” and replace with <b>“Design and Access Statement”</b>.</p>
PM2	Page 19	<p><u>Policy ERCOL2 – Landscape Sensitivity</u></p> <p>Part A – Delete the words “Where development is proposed outside” and replace with:</p> <p><b>“Within the Plan area, where new development is proposed beyond”</b>.</p> <p>Part B – Delete the words “In areas outside the Earls Colne development boundary that are of high or medium/high landscape sensitivity” and replace with:</p> <p><b>“Within the Plan area, in those areas that are of high or medium/high landscape sensitivity”</b>.</p>
PM3	Page 19	<p><u>Historic Environment</u></p> <p>Add new sub-section of text, to follow paragraph 4.8 and to precede Policy ERCOL2, to read as follows:</p> <p><b>“Historic Environment</b></p> <p><b>4.9 Earls Colne has a number of notable heritage assets. In total, there are 94 listed structures in the Parish. This includes Earls Colne Priory, a scheduled</b></p>

		<p>monument, and the Parish Church of St. Andrew which is Grade I listed. All the other structures are Grade II listed. The large majority of these listed structures are buildings located on or close to the High Street. This forms the core of the Earls Colne Conservation Area, with the listed buildings giving the High Street much of its charm.</p> <p><b>4.10 The Conservation Area is extremely extensive, covering not only the High Street but much of the built-up area of the village and countryside beyond (particularly to the south of the A1124/High Street). It also extends significantly eastwards, including the built-up areas to the east of Earls Colne village along the A1124 and the countryside immediately to the north. The extent of the Conservation Area covering both built-up and countryside areas around much of Earls Colne is an important consideration for design and setting of development proposals in this area."</b></p>
PM4	Pages 21 and 23	<p><u>Policy ERCOL3 – First Homes Exception Sites and Community-Led Housing</u></p> <p><u>Paragraph 5.4</u> – amend the word "principle" in the first line of text to read "<b>principal</b>".</p> <p><u>Policy ERCOL3</u></p> <p>Part C – insert the word "<b>to</b>" after the word "subject" in the second line of text.</p>
PM5	Page 26	<p><u>Policy ERCOL4 – Green Infrastructure and Biodiversity</u></p> <p><u>Part A</u></p> <p>Insert the word "<b>their</b>" after the word "improve" in the first line of text.</p> <p>Delete the words "for all through measures" in the second line of text and replace with</p>

		<p><b>"for all members of the community by measures".</b></p> <p>Add new third sentence of text to read as follows:</p> <p><b>"All such proposals should be designed to ensure that they are safe to use and mitigate the risk of crime."</b></p> <p><u>Part D</u></p> <p>Delete the words "In order to address the requirement for" and replace with <b>"Development proposals will be required to secure"</b> in the first line of text.</p> <p>Delete the words "net gain in biodiversity" and replace with <b>"Biodiversity Net Gain (BNG)"</b> in the first line of text.</p> <p>Add new second sentence of text, to read as follows:</p> <p><b>"Proposals should take account of the emerging Essex Local Nature Recovery Strategy (ELNRS) which will form the baseline for habitat information."</b></p> <p>Delete the word "clearly" in the third line of text.</p> <p>Delete the words "enhancing ecological networks" in criterion a) and replace with <b>"conserving or enhancing ecological assets and networks"</b>.</p>
PM6	Page 28	<p><u>Policy ERCOL5 – Wildlife-Friendly Development</u></p> <p><u>Part A</u></p> <p>Add then words <b>"and enhance"</b> after the word "protect" in the first line of text.</p>
PM7	Page 30	<p><u>Policy ERCOL6 – Low Energy and Energy Efficient Design</u></p> <p>Amend the Policy title to read <b>"Renewable Energy, Low Energy and Energy Efficient Design"</b>.</p>

		<p><u>Part A</u></p> <p>Delete the words "in order to minimise its contribution to greenhouse gas emissions" and replace with:</p> <p><b>"in order to achieve a sustainable approach to the design, construction and occupation of the development that minimises the impacts upon the environment"</b>.</p> <p><u>Part B</u></p> <p>Criterion i) – add the words <b>"and taking advantage"</b> after the words "other elements and".</p> <p>Criterion iv) –add the words <b>"using nature-based solutions wherever possible to create opportunities for amenity and biodiversity enhancements,"</b> after the words "drainage system" in the first line of text.</p> <p>Criterion iv) – add the words <b>"having regard to the SuDS Guide for Essex;"</b> after the words "climate change" in the third line of text.</p> <p>Criterion v) – delete the figure "1,000m<sup>2</sup>" and replace with <b>"500m<sup>2</sup>"</b></p> <p>It should also be noted that Figure 110 at Page 81 of the Earls Colne Design Codes document refers to <i>"highly waste-efficient devices"</i> which should read <b>"highly water-efficient devices"</b>. This anomaly should be rectified.</p>
PM8	Page 30	<p><u>Flood Risk and Surface Water Drainage</u></p> <p>Add new sub-section of text, to follow Policy ERCOL6 to read as follows:</p> <p><b>"Flood Risk and Surface Water Drainage</b></p> <p><b>6.15 Due to the presence of the River Colne, significant areas of land within the Neighbourhood Area are within Flood Zones 2 and 3, significantly limits</b></p>



		<p>what development can be permitted there. Flood risk both from rivers and surface water flooding as a result of heavy rainfall are fundamentally important considerations when looking at development.</p> <p><b>6.16 Policy LPP74 (Flood Risk and Surface Water Drainage) of the adopted Braintree District Local Plan provides clear policy guidance regarding the tests that must be applied to development depending on which Flood Zone it is located in. Policy LPP75 (Surface Water Management Plan) requires development to have regard to and contribute positively towards delivering the aims and objectives of the Braintree and Witham Surface Water Management Plan. It also directs development in Critical Drainage Areas to Sustainable Drainage System (SuDS) measures. This aligns with Policy ERCOL6 B(iv) which also focuses on increasing resilience against future flooding. The requirement for trees and other planting in Policy ERCOL6 B(iii) will also help in this regard."</b></p> <p>Re-number existing paragraphs 6.15-6.27 as <b>6.17-6.29.</b></p>
PM9	Page 36	<p><u>Policy ERCOL7 – Local Green Spaces</u></p> <p>Delete existing Policy text in full and replace with:</p> <p><b>"The areas listed below and shown on the Policies Map and on the Inset Maps at Figures 6.3-6.5, are designated as Local Green Spaces:</b></p> <ul style="list-style-type: none"> <li><b>a. Earls Colne Millennium Green</b></li> <li><b>b. Public Open Space south of Hobbs Way</b></li> <li><b>c. Ryefields</b></li> </ul>

		<p><b>Development proposals in the three designated Local Green Spaces listed above and defined on the accompanying maps to this policy will be managed in accordance with national policy for Green Belts."</b></p> <p>Amend the map title of Figure 6.4 to "<b>Public Open Space south of Hobbs Way</b>".</p>
PM10	Page 37	<p><u>Policy ERCOL8 – Access into the Countryside</u></p> <p>Part B of the Policy text</p> <p>Delete the second and third sentences of Policy text, and replace with:</p> <p><b>"Any proposals to divert existing PROWs or cycleways will be assessed to ensure that they are convenient and suitably constructed for all users. Wherever possible, proposals for new development should seek to retain and enhance existing PROWs and include any necessary new links to enhance access between the development and the wider countryside."</b></p>
PM11	Page 44	<p><u>Policy ERCOL9 – Key Movement Routes</u></p> <p>Part D – insert the word "<b>proposed</b>" prior to the words "Earls Colne" in the first line of text.</p> <p>Add new Part E to the Policy text, to read as follows</p> <p><b>"E. Any development proposals affecting the Key Movement Routes should be progressed in consultation with Essex County Council, as the Highways and Transportation Authority and have regard to the relevant Essex County Council Development Management Policies (2011)."</b></p>

PM12	Pages 9, 10 and 46	<p><u>Section 2 – Local Context and Section 8 – Economy</u></p> <p>Amend references at paragraph 2.17 and in Table 1 to the 'Airfield Industrial Site' or 'airfield industrial site' to read as '<b>Earls Colne Business Park</b>'.</p> <p>Paragraph 8.1 – delete the second sentence of text in full.</p> <p>Add new sub-section of text to read as follows:</p> <p><b>"Earls Colne Business Park"</b></p> <p><b>8.4 The Earls Colne Business Park which is situated to the south of the village is the principal employment area within the Plan area, extending to 24 hectares and provides a range of employment opportunities in the businesses located at the site. Additionally, it provides a range of leisure and recreational facilities, together with community services including a dental clinic."</b></p>
PM13	Page 48	<p><u>Policy ERCOL10 – Retaining and Enhancing the Vitality and Viability of Earls Colne Village Centre</u></p> <p>Part A of the Policy text</p> <p>Add the words "<b>as defined on the Policies Maps,</b>" after the words "Local Centre," in the first line of Policy text.</p>
PM14	Page 5	<p><u>Section 1 – Introduction</u></p> <p><u>Monitoring the Plan</u></p> <p>Re-title this sub-section as "<b>Monitoring and Review</b>"</p> <p>Add new Paragraph 1.16 to read as follows:</p> <p><b>"1.16 The relationship with the Local Plan is particularly important as Braintree District Council has commenced a review of its current</b></p>

		<p><b>adopted Local Plan. Any implications for this Neighbourhood Plan will need to be considered. If necessary, the Neighbourhood Plan will be reviewed to ensure that it remains an important part of the statutory Development Plan for the Parish.”</b></p>
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