

**INDEPENDENT EXAMINATION OF THE GREAT BARDFIELD
NEIGHBOURHOOD DEVELOPMENT PLAN 2024-2033**

EXAMINER: DEREK STEBBING BA (Hons) DipEP MRTPI

Examination Ref: 01/DAS/GBNP

Kate Fox
Parish Clerk & Responsible Financial Officer
Great Bardfield Parish Council

Mrs Carolyn Johnson
Planning Policy Officer
Braintree District Council

28 July 2026

Dear Ms Fox and Mrs Johnson

Following the submission of the Great Bardfield Neighbourhood Plan 2024-2033 (the Plan) for examination, I would like to clarify several initial procedural matters. I have one key initial action point for Braintree District Council, based on the legal changes outlined in Annex 1. I also have five questions for the Great Bardfield Parish Council (the Qualifying Body), to which I would like to receive a written response(s) by **Friday 28 August 2026**. Should Braintree District Council (the District Council) also wish to comment on any of the five questions, those responses too will be welcome.

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.

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

Notwithstanding this, you will be aware that since the Neighbourhood Plan underwent Regulation 16 consultation, sections 98¹ and 99² of the Levelling-up and Regeneration Act 2023 came into force on 25 March 2026. This is by virtue of *The Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026*, which were made on 2 March 2025. I set out the principal changes that may potentially have an impact on the Neighbourhood Plan examination at Annex 1.

As a result, I am providing both the Parish Council and District Council with an opportunity to comment on the changes set out in Annex 1, in so far as they relate to the submitted Great Bardfield Neighbourhood Plan. I also consider that any persons who may have an interest in the examination should be given the similar opportunity to comment, including those who submitted representations at Regulation 16.

¹ View at: <https://www.legislation.gov.uk/ukpga/2023/55/section/98>

² View at: <https://www.legislation.gov.uk/ukpga/2023/55/section/99>

Therefore, I request that the District Council place a notice on its website cross referencing this letter, advising that the anyone with an interest in the examination may, should they wish, comment on the legal compliance and Basic Conditions changes outlined in Annex 1 so far as they relate to the Great Bardfield Neighbourhood Plan.

It should be made clear that there is no need for responses to repeat representations that have already been made in relation to any other matters (since the Regulation 16 representations stand as submitted). Similarly, it is not an opportunity to raise new matters that do not relate to these legal points.

I suggest that the local authority's website should advise that **2 weeks** will be provided to submit comments to Braintree District Council. I would also request the District Council contact those who made representations at Regulation 16 to alert them to this opportunity. Should any person(s) request additional time in order to respond, you should seek to accommodate this provided a revised and reasonable response date is proposed.

Any responses received at the end of the 2 week (or, where requested, extended) period, along with those of Great Bardfield Parish Council and Braintree District Council, should be forwarded to the IPE office team for my attention.

2. Site Visit

I will aim to carry out a site visit to the neighbourhood plan area during the week beginning 10 August 2026. 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, and the representations submitted at the Regulation 16 consultation, I have identified five matters where I require some additional information from the Qualifying Body. I have set these out in Annex 2 to this letter.

I would be grateful if you can seek to provide a written response(s) by **Friday 28 August 2026**. This is an extended period that is longer than would normally be requested. I recognise the District Council will need to undertake the additional, focused consultation on the legal changes and the Qualifying Body may need further time to address the points I have raised in Annex 2, particularly with regard to the mapping.

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') within around 6 – 8 weeks of submission of the draft Plan. However, in view of the focused engagement requested on the changes to the legal framework, coupled with the additional questions, I must provide you with sufficient opportunity to reply. Consequentially, the examination timetable will 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. In due course, the written responses to the additional questions raised and the focused consultation should also be added.

Thank you in advance for your assistance.

Yours sincerely

Derek Stebbing

Examiner

Annex 1: Legislative Changes

*The Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026*³, commence sections 98⁴ and 99⁵ of the Levelling-up and Regeneration Act 2023. These amend the Planning and Compulsory Purchase Act 2004⁶ and the Town and Country Planning Act 1990⁷ in respect of the legal compliance and the Basic Conditions requirements for neighbourhood plans.

In summary, the further legal compliance requirements are as follows:

- so far as the qualifying body considers appropriate, and having regard to the subject matter of the plan, the plan must be designed to secure that the development and use of land in the neighbourhood area contribute to the mitigation of, and adaptation to, climate change; and
- so far as the qualifying body considers appropriate and having regard to the subject matter of the plan, the plan must be designed to take account of any local nature recovery strategy under section 104 of the Environment Act 2021 that relates to all or part of the neighbourhood plan area.

In addition, there is a new Basic Condition requirement:

- the making of the neighbourhood development plan would not result in the development plan for the area of the authority proposing that less housing is provided by means of development taking place in that area than if the neighbourhood development plan were not to be made. **Note:** this **replaces** the former Basic Condition that the neighbourhood plan be in general conformity with the strategic policies contained in the development plan for the area.⁸

These revised requirements apply from 25 March 2026. As the examination is currently in progress (and a 'decision' has not yet been taken by the Local Planning Authority on whether the Neighbourhood Plan should proceed to referendum), the requirements will need to be assessed as part of the examination of the Great Bardfield Neighbourhood Plan.

A further Basic Condition⁹ related to the new environmental assessment framework¹⁰ is commenced albeit, until such time as a completed framework for the implementation of Environmental Assessment Reports is in place, compliance with this Basic Condition cannot be assessed.

³ View at: <https://www.legislation.gov.uk/uksi/2026/169/made#top>

⁴ View at: <https://www.legislation.gov.uk/ukpga/2023/55/section/98>

⁵ View at: <https://www.legislation.gov.uk/ukpga/2023/55/section/99>

⁶ Section 38B of the 2004 Act: <https://www.legislation.gov.uk/ukpga/2004/5/section/38B>

⁷ Paragraph 8(2), Schedule 4B to the 1990 Act (and s.38C to the 2004 Act):

<https://www.legislation.gov.uk/ukpga/1990/8/schedule/4B> and

<https://www.legislation.gov.uk/ukpga/2004/5/section/38C>

⁸ Basic Condition '(e)' is replaced by '(ea)'.

⁹ New Basic Condition '(fa)'.

¹⁰ Part 6, Levelling-up and Regeneration Act 2023: <https://www.legislation.gov.uk/ukpga/2023/55/part/6>

Annex 2: Examiner Questions

From my initial reading of the Great Bardfield Neighbourhood Plan 2024-2033 (Submission Version dated November 2025), the supporting evidence, and the representations that have been made to the Plan, I have the following five questions for the Qualifying Body. I have requested the submission of responses **by Friday 28 August 2026**.

The points set out below flow from the requirement to satisfy the Basic Conditions.

Question 1: Re. Comments by Essex County Council on the Submission Plan

Essex County Council has raised a number of comments on the Submission Plan, seeking some amendments and additions to the content of the draft Plan.

The County Council's comments primarily cover Sections 6, 8, 9 and 10 of the draft Plan, together with some comments on Community Aspirations 5-9 which are within Section 10.

I consider that the draft Plan should be amended to take account of various points that are made by the County Council

It is my view that the **Qualifying Body** should, in the first instance, address the County Council's comments in full and consider the scope and extent of any proposed amendments to the draft Plan that will be necessary to address the County Council's comments. May I then request that the **Qualifying Body** then provide me with a schedule of the proposed draft amendments (in Word format please) that the Qualifying Body considers can be made in response to the County Council's comments.

Question 2: Re. Section 3 - The Local Plan

Due to the passage of time since the draft Plan was submitted to the District Council, paragraphs 3.7 and 3.8 are now out of date. Can the **Qualifying Body** please provide updated text for these two paragraphs taking account, in the case of paragraph 3.8, of information provided by Essex County Council in their representations? The Qualifying Body should also take account of the District Council's comment regarding paragraph 7.4 in Section 7.

Question 3: Re. Policy GBD1 – Bridge End Development Boundary, and Appendix 1 – Local Plan Policies Map for Great Bardfield

In its representations on the draft Plan, Braintree District Council has identified that the Bridge End Development Boundary, as shown most clearly on Map 2 but also on the Policies Map at Appendix 1, does not align in a number of places with that being proposed as part of the Local Plan Review. As the Regulation 19 Pre-Submission consultation on the Local Plan Review is scheduled to commence in September 2026, with its Submission for Examination following in December 2026, I consider that the (Neighbourhood) Plan should reflect the key matters affecting the Plan area that are contained in the Local Plan Review, which covers the period from 2026 to 2041. This extends over the remaining period to be covered by the (Neighbourhood) Plan, namely from the date that it is Made following a Referendum, to 2033.

Can the **Qualifying Body** therefore please provide amended copies of Map 2 and the Policies Map, together with any necessary revisions to the text of paragraphs 5.5/5.6 and Policy GBD1 which reflect the points made by the District Council in its representations?

I recognise that it may be necessary to engage the assistance of the District Council in preparing the necessary mapping and, if necessary, I will consider an extension of time beyond 28 August 2026 to allow for this.

Question 4: Re. Policy GBD7 – Design Considerations

I share the District Council's concern that Appendix 4 – Development Design Checklist, which is linked to Policy GBD7, contains a series of 50 questions which all planning applications are required to address, without providing any further guidance on the various matters and topics covered.

My assessment is that the principal design guidance matters covering the Plan area are well set out in the supporting 'Great Bardfield Design Guidance and Codes' and I consider that Policy GBD7 could be enhanced to stipulate that planning applications should take account of all relevant guidance contained in the Design Guidance and Codes, without a necessity for Appendix 4.

I invite the **Qualifying Body** to consider this matter and advise further why Appendix 4 might be necessary in the draft Plan. Should I be persuaded by this, I would require further supporting text to that Appendix that will enable future users of the Plan to better understand its requirements.

In the alternative, should the **Qualifying Body** consider that the aim could be achieved by enhancing Policy GBD7, please provide amended text for that Policy which I may consider as a possible modification to the draft Plan.

Question 5: Re. Policy GBD5 – Local Green Spaces

I have not been provided with a copy of the Local Green Space Appraisal document that is referenced at paragraph 6.20 in the draft Plan, nor have I been able to locate a copy on the Parish Council's website, including utilisation of the Search function. May I therefore request that a full copy of that document be sent to me, for my consideration alongside the assessment of the proposed Local Green Spaces.

I am also concerned that the mapping of the boundaries of the proposed Local Green Spaces on Map 6 (at Page 35) lacks the necessary clarity for future users of the Plan to be able to determine with precise accuracy the extent of some Local Green Spaces, examples being Nos. 7, 17 and 24. (This accuracy is necessary for the preparation and/or assessment of planning applications that may affect Local Green Spaces).

Ideally, Map 6 should only serve as an Index Map to a series of Inset Maps on an Ordnance Survey base, at a preferred scale of 1:1250 or 1:2500 (as appropriate to the size of the sites), which define the boundaries of each of the sites with clarity.

It is possible that the Local Green Space Appraisal document contains such a series of maps, which I can consider for inclusion as an Appendix in the draft Plan. If not, it will be necessary to prepare a set of Inset Maps for potential inclusion as an Appendix in the draft Plan.

I therefore request that the **Qualifying Body** please provide me with a series of Inset Maps, as described above, to meet this requirement. Again, I recognise that it may be necessary to engage the assistance of the District Council in preparing the necessary mapping, and I will consider an extension of time beyond 28 August 2026 to allow for this.