

# **HATFIELD PEVEREL NEIGHBOURHOOD PLAN REVIEW**

**Report to Braintree District Council of the Independent  
Examination**

**By Independent Examiner, Tony Burton CBE BA MPhil (Town Planning) HonFRIBA FRSA**

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**March 2024**

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# 1. Executive Summary

1. I was appointed by Braintree District Council with the support of Hatfield Peverel Parish Council to carry out the independent examination of the Hatfield Peverel Neighbourhood Plan review.

2. I undertook the examination by reviewing the Plan documents and written representations, and by making an unaccompanied visit to the Neighbourhood Area.

3. I consider the Plan to be an adequate expression of the community's views and ambitions for Hatfield Peverel. It is based on an effective programme of public consultation which has informed a Vision to 2038. This is to be achieved through a set of nine objectives and 22 planning policies largely dealing with issues distinct to the locality. The Plan is supported by a Consultation Statement, Basic Conditions Statement and a Strategic Environmental Assessment & Habitats Regulations Assessment screening report. There is supporting evidence provided and evidence of community support and the involvement of the local planning authority.

4. I have considered the 23 separate representations made on the submitted Plan. These are addressed in this report as appropriate.

5. Subject to the recommended modifications set out in this report I conclude that the Hatfield Peverel Neighbourhood Plan review meets all the necessary legal requirements, including satisfying the Basic Conditions. I make a small number of additional optional recommendations.

6. I recommend that the modified Plan should proceed to Referendum and that this should be held within the Neighbourhood Area of Hatfield Peverel parish.

## 2. Introduction

7. This report sets out the findings of my independent examination of the Hatfield Peverel Neighbourhood Plan review. The Plan was submitted to Braintree District Council by Hatfield Peverel Parish Council as the Qualifying Body.

8. I was appointed as the independent examiner of the Hatfield Peverel Neighbourhood Plan review by Braintree District Council with the agreement of Hatfield Peverel Parish Council.

9. I am independent of both Hatfield Peverel Parish Council and Braintree District Council. I do not have any interest in any land that may be affected by the Plan. I possess the appropriate qualifications and experience to undertake this role.

10. My role is to examine the neighbourhood plan and recommend whether it should proceed to referendum. A recommendation to proceed is predicated on the Plan meeting all legal requirements as submitted or in a modified form, and on the Plan addressing the required modifications recommended in this report.

11. As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended). To comply with the Basic Conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
- contribute to the achievement of sustainable development; and
- be in general conformity with the strategic policies of the development plan in the area; and
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations, including the Conservation of Habitats and Species Regulations 2017.

12. An additional Basic Condition was introduced by Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) in 2018 that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017. I am also required to make a number of other checks under paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990.

13. In undertaking this examination I have considered the following documents as the most significant in arriving at my recommendations:

- the submitted Hatfield Peverel Neighbourhood Plan review
- the Basic Conditions Statement
- the Consultation Statement
- the Strategic Environmental Assessment & Habitats Regulations Assessment screening report
- the relevant parts of the development plan including Local Plan 2033
- representations made on the submitted neighbourhood plan
- relevant material held on the Hatfield Peverel Parish Council and Braintree District Council websites
- National Planning Policy Framework (2021)
- Planning Practice Guidance
- relevant Ministerial Statements

14. The Plan was prepared prior to publication of the revised National Planning Policy Framework (NPPF) in December 2023 and this does not yet apply for the purposes of examining plans (paragraph 230, NPPF December 2023). The Basic Conditions Statement addresses the version of the NPPF published in July 2021 and this is the version used throughout this Examination, including where paragraph numbers are referenced.

15. No representations were received requesting a public hearing and having considered the documents provided and the representations on the submitted Plan I was satisfied that

the examination could be undertaken by written representations without the need for a hearing.

16. I carried out an unaccompanied visit to the Neighbourhood Area on a weekday in January. I visited the main locations addressed in the Plan, including the proposed changes to the development boundary and the areas proposed as commercial zones and Local Green Spaces. I also visited each of the proposed Key Views, the Coalescence Safeguarding Zone, recreational facilities and a selection of the non-designated heritage assets. My visit included both the main settlement and some of the surrounding countryside and smaller settlements.

17. Throughout this report my recommended modifications are bulleted. Where modifications to policies are recommended they are highlighted in **bold** print with new wording in “speech marks”. Existing wording is in *italics*. Modifications are also recommended to some parts of the supporting text. Recommended modifications are numbered from M1 and are necessary for the Plan to meet the Basic Conditions. A number of modifications are not essential for the Plan to meet the Basic Conditions and these are indicated by [square brackets]. These optional modifications are numbered from OM1.

18. I am aware that this is an examination into a revised neighbourhood plan and a number of my proposed recommendations either delete or significantly amend policies already included in the made neighbourhood plan. This examination is an independent process. It has not been influenced by the examination of the previous Plan or decisions made on what was or was not included when in the previous Plan when it was put to referendum. It is for the local planning authority, in discussion with the qualifying body and informed by this report, to determine what is necessary for the Plan to meet the Basic Conditions.

19. A key consideration since the current neighbourhood plan was made is the adoption of Local Plan 2033 for Braintree District. National planning policy is clear that planning policies should “*serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)*” (paragraph

16, NPPF). Where policies or parts of policies serve no clear purpose and duplicate those in the Local Plan or National Planning Policy Framework my recommendation is for their deletion. This includes policies found in the previous Plan which was prepared prior to the adoption of Local Plan 2033. The relationship between a Local Plan and a neighbourhood plan is also addressed in National Planning Practice Guidance (Paragraph: 006 Reference ID: 61-006-20190723) such that a Local Plan should not duplicate a neighbourhood plan and vice versa. My recommended modifications are consistent with this as the neighbourhood plan policies that duplicate the Local Plan are not specific to the particular area of Hatfield Peverel but relate to district-wide issues. There are also some inconsistencies in the wording between similar Local Plan and neighbourhood plan policies that means the policies lack necessary clarity. In some instances the Plan also seeks to go beyond the approach in the Local Plan without sufficient supporting evidence.

20. It is important to recognise that my recommended modifications relating to overlaps with Local Plan policies do not materially alter the development plan policies for the neighbourhood area. Through its district-wide policies the Local Plan now covers some matters that are in the current neighbourhood plan but not in the revised plan as modified while more focused and location specific issues are now addressed in the revised neighbourhood plan.

21. Producing the Hatfield Peverel Neighbourhood Plan has clearly involved significant effort over many years led by the Executive Committee. The process builds on the effort invested in the original neighbourhood plan begun in 2014 and is informed by significant community involvement. There is evidence of collaboration with Braintree District Council and continuing this will be important in ensuring implementation of the Plan. The commitment of all those who have worked so hard over such a long period of time to prepare the Plan is to be commended and I would like to thank all those at Braintree District Council and Hatfield Peverel Parish Council who have supported this examination process.

### **3. Compliance with matters other than the Basic Conditions**

22. I am required to check compliance of the Plan with a number of matters.

#### Qualifying body

23. The neighbourhood plan has been prepared by a suitable Qualifying Body – Hatfield Peverel Parish Council – which being a parish council is the only organisation that can prepare a neighbourhood plan for the area.

#### Neighbourhood Area

24. I am satisfied that the Plan relates to the development and use of land for a designated neighbourhood area which comprises the parish area of Hatfield Peverel Parish Council and was agreed by Braintree District Council and became effective on 30 March 2015. The boundary was updated in 2020 to align with changes to the parish boundary. The boundary of the neighbourhood area is shown in Map 2.1.

#### Land use issues

25. I am satisfied that the Plan's policies relate to relevant land use planning issues.

#### Plan period

26. The period of the neighbourhood plan runs from 2023 to 2038 and the 2038 end date aligns with the Plan's Vision. It looks beyond the period of the Local Plan to 2033. The period is shown on the cover.

#### Excluded development

27. I am satisfied that the neighbourhood plan makes no provisions for excluded development (such as national infrastructure, minerals extraction or waste).



## 4. Consultation

28. I have reviewed the Consultation Statement and relevant information provided on the Hatfield Peverel Parish Council website. This provides a record of the consultation process that has been undertaken since the review process began in 2021. The process was guided by an Executive Committee Steering Group comprising parish councillors and non-voting co-opted members of the local community. The public consultation process has been adequately open and transparent.

29. A number of different engagement methods have been used, including newsletters, public meetings, drop-in events, involvement in local events, talks and use of the Parish Council website and social media. The proposals for identifying significant non-designated heritage assets were subject to a separate consultation.

30. Formal Regulation 14 consultation was undertaken between 3 March and 14 April 2023, supported by a questionnaire. Hard copies of the questionnaire were made available in three locations as well as being posted online. The consultation included two drop in events where copies of the draft Plan and the evidence base were available. Five banners were put up promoting the consultation and details were put onto local noticeboards.

31. There is evidence of the consultation including the required statutory and other consultees and more than 30 responses were received, including from local landowners. The Consultation Statement summarises the issues raised and details how they have been responded to. A small number of changes to the Plan were made as a result of public consultation.

32. 23 representations have been made on the submitted Plan including from statutory bodies, local residents and landowners, and development interests. All the representations have been considered and are addressed as appropriate in this report.

33. I am satisfied with the evidence of the public consultation undertaken in reviewing the Plan. There have been opportunities to inform the review at different stages in its development and the process has allowed community input to shape the Plan review as it has developed and as proposals have been firmed up.

## 5. General comments on the Plan's presentation

### Community Vision and Objectives

34. The Plan includes a Vision for 2038 to be delivered through nine objectives and 22 planning policies. The Vision is widely drawn and addresses the area's future environmental, social and economic needs. It is consistent with sustainable development and reflects the feedback received through consultation. A number of representations suggest changes or additions to the objectives. Essex County Council's support for consideration of *"net gain"* and *"multifunctional green corridors and infrastructure"* and for *"the provision of safe direct and convenient routes to schools"* among other proposals are not without merit but they do not raise issues that indicate conflict with the Basic Conditions and it is for the parish council to decide the final drafting of the Plan.

### Other issues

35. The Plan is generally well structured and presented. Policies are distinguished from the rest of the Plan by being presented in distinctively tinted boxes. Each Policy is related to the most relevant "Key Issues" and "Objectives" and supported by a "Justification". The "Key Issues" and "Objectives" do not however relate directly to those provided in Sections 5 and 6. Many of the "Key Issues" supporting individual policies do not appear in Section 5 – e.g. retaining commercial uses in preference to housing (ECN4) ; the kerb appeal of the village (ECN5) and air quality (HPE2). Similarly the wording of the "Objectives" is different and some "Objectives" supporting policies do not appear in Section 6 – e.g. recognising three commercial zones (ECN4); creating meeting places (ECN5) and providing charging facilities for electric vehicles (F12). This is a potential source of confusion.

- M1 – Makes amendments to the "Key Issues" and "Objectives" used in Sections 5 and 6 and in support of individual policies so they align. Each "Key Issue" or "Objectives" in support of a Policy should be found in Section 5 or 6 as appropriate.

36. A number of policies are supported by Maps throughout the Plan. In many instances the maps are not of a sufficient scale to enable to detail to be adequately understood. Some maps also lack a scale and north arrow. These matters are addressed in relation to

the individual policies where they are relevant. I note that Tables 12.1 and 12.2 duplicate information. The final Plan should be reviewed to ensure it is fully up to date, such as addressing representations from Mark East as to the currency of the High Court judgement cited in paragraph 15.1.4. Essex County Council's desire for the Plan to explain the minerals and waste planning policy context can be addressed by an addition to Section 3.

- OM1 – [Address the presentational issues identified including:
  - Use of maps of a scale to enable the boundaries to be identified and each with a scale and north arrow
  - Combining Tables 12.1 and 12.2
  - Ensuring the High Court Judgement referenced in paragraph 15.1.4 is up to date]

37. The Plan includes references to a number of documents which comprise the evidence base. It is not clear whether the evidence base is comprised of the "*accompanying documents*" listed in Appendix 5 and some key references in the Plan are not included in Appendix 5. The parish council confirmed that the evidence base comprised more than the documents listed in Appendix 5.

- OM2 – [List all the evidence base documents used in the Plan in an Appendix along with links where available and consider identifying a section of the Parish Council's website which brings together all the documents in the Plan's evidence base not generally in the public domain into a single location]

## 6. Compliance with the Basic Conditions

### National planning policy

38. The Plan is required to “*have regard*” to national planning policies and advice. This is addressed in the Basic Conditions statement which relates each of the Plan’s objectives and policies to relevant sections and paragraphs in the National Planning Policy Framework (NPPF, July 2021) and provides a short commentary. No conflicts are identified and it is recognised that some policies go beyond or build on national planning policy. I address this relationship where necessary in my examination of individual policies. Overall the analysis does serve to demonstrate that appropriate consideration has been given to national planning policy.

39. There are some areas where the drafting of the Plan’s policies needs to be amended in order to meet the National Planning Policy Framework’s requirement for plans to provide a clear framework within which decisions on planning applications can be made. The policies should give a clear indication of “*how a decision maker should react to development proposals*” (paragraph 16). It is also important for the Plan to address the requirement expressed in national planning policy and Planning Practice Guidance that “*A policy in a neighbourhood plan should be clear and unambiguous. It 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. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.*” (NPPG Paragraph: 041 Reference ID: 41-041-20140306). The Plan’s policies do not always meet these requirements and there are occasions where the evidence required to justify a policy approach distinct to the neighbourhood area is not available. A number of recommended modifications are made as a result. A number of recommended modifications also relate to the requirement in national planning policy that planning policies should “*serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)*” (paragraph 16, NPPF). A significant number of the policies are already addressed by the Local Plan or national planning policy.

40. Generally, I conclude that the Plan has regard to national planning policy and guidance but there are exceptions as set out in my comments below. These cover both conflicts with national planning policy and the need for some policies to be more clearly expressed and/or evidenced or for duplication with other planning policies to be avoided.

41. I am satisfied that the Plan meets this Basic Condition other than where identified in my detailed comments and recommended modifications to the Plan policies.

#### Sustainable development

42. The Plan must “*contribute to the achievement of sustainable development*”. This is addressed in the Basic Conditions Statement by providing a short commentary on the contribution made by each policy. The assessment is brief and does not consider the integration of economic, social and environmental dimensions to sustainable development.

43. Although the Basic Conditions Statement provides a bare minimum of information my own assessment of the Plan is that the overall contribution of the Plan to sustainable development is positive and it meets the Basic Condition.

#### Development plan

44. The Plan must be “*in general conformity with the strategic policies of the development plan*”. The Basic Conditions Statement addresses this by identifying the strategic policies and providing a commentary on how each of the Plan’s policies conforms. No instances where a policy does not conform are identified. The assessment notes areas where the Plan’s policies address issues not included in strategic policies or go beyond them.

45. Braintree District Council has made representations on the submitted Plan and these do not raise material general conformity issues. On request I was informed that “*Braintree District Council considers the Hatfield Peverel Neighbourhood Plan Review to be in general conformity with the strategic policies within the development plan*”.

46. I am satisfied the Plan meets this Basic Condition other than where identified in my detailed comments and recommended modifications to the Plan's policies.

#### Strategic Environmental Assessment

47. The Plan must be informed by a Strategic Environmental Assessment if it is likely to have significant environmental effects. An independent Screening Report was prepared for both the draft and submitted Plan which concluded no Strategic Environment Assessment was required. Natural England, Environment Agency and Historic England were consulted and did not raise any issues. I am satisfied by the robustness of the approach.

48. I conclude that the Plan meets this Basic Condition.

#### Habitats Regulations Assessment

49. The Plan must be informed by a Habitats Regulations Assessment if it is likely to lead to significant negative effects on protected European sites. An independent Screening Report was prepared for both the draft and submitted Plan which concluded no likely significant effects from the Plan and no residual effects in combination with other plans and projects. Natural England has raised no issue regarding the Habitats Regulation Assessment. I am satisfied by the robustness of the approach.

50. I conclude that the Plan meets this Basic Condition.

#### Other European obligations

51. The Plan must be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations. The Basic Conditions Statement does not directly address this issue but no evidence challenging compatibility has been presented. My assessment is that there has been adequate opportunity for those with an interest in the Plan to make their views known and representations have been handled in an appropriate manner with changes made to the Plan.

52. I conclude that the Plan meets this Basic Condition.

## 7. Detailed comments on the Plan policies

53. This section of the report reviews and makes recommendations on each of the Plan's policies to ensure that they meet the Basic Conditions. I make comments on all policies in order to provide clarity on whether each meets the Basic Conditions. Some of the supporting text, headings and the contents will need to be amended to take account of the recommended modifications.

### Sustainable Development

54. **Policy SD 1** – This expects development to seek to deliver sustainable development in accordance with national planning policy.

55. The purpose of neighbourhood planning is to provide non-strategic policies that address issues particular to the local area. Policy SD 1 is generic in approach and is not justified or supported by evidence specific to the neighbourhood. National planning policy is clear that development plan policies should “*serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)*” (paragraph 16 f), NPPF). As noted by Essex County Council, Policy SD 1 explicitly seeks only to apply the approach established by national planning policy. It serves no clear purpose and duplicates existing policy.

56. Policy SD1 does not meet the Basic Conditions.

- **M2 – Delete Policy SD 1**

### Development Boundary

57. **Policy HPB 1** – This defines an amended development boundary for both Hatfield Peverel and Nounsley and applies a different policy approach to development within and outside it.

58. The development boundary is currently defined in Braintree's Local Plan 2033 (Policy LPP 1) informed by a Development Boundary Review undertaken in 2015. The revised



boundary is informed by a 2021 review undertaken for the purposes of informing the neighbourhood plan. The Local Plan recognises that development boundaries will be revised periodically, including through neighbourhood plans (paragraph 3.13, Local Plan 2033). This addresses the concern expressed in representations from Gladman Development Ltd for appropriate flexibility over the Plan period. The 2021 review applies the same criteria as the Local Plan review. Small changes result from both development that has taken place outside the Local Plan development boundary and the opportunity to regularise the boundary so it accurately follows the edge of development has also been taken. There are three changes to the development boundary for Hatfield Peverel and nine for Nounsley. The changes are minor. The revised development boundary also takes account of site allocations in the Local Plan.

59. The revised development boundary is referenced as being in Map 11.1. This is not consistent with the approach summarised. It includes three further extensions that lack any justification and it fails to address the amendment at Wheatsheaf Pub. There is further confusion in the 2021 review which references site allocations in the neighbourhood plan which do not exist. The scale of Map 11.1 also fails to show the detailed location of the development boundary.

60. The intention of Policy HPB 1 is also to apply the same policies to development inside and outside the development boundary as Local Plan Policy LPP 1. This is not achieved by the inclusion of similar but different wording and the approach also duplicates existing development plan policy. I share Braintree District Council's concerns at the inconsistency between the policy drafting and that in the Local Plan. The neighbourhood plan needs only to define the revised development boundary and not to repeat Local Plan policy for development within and outside it.

61. I am content that the revised development boundaries are consistent with meeting the indicative housing requirement to 2038.

62. Policy HPB1 does not meet the Basic Conditions.

- **M3 – Replace Policy HPB 1 with:**  
**“The development boundaries for Hatfield Peverel and Nounsley are identified in Map 11.1”**
- M4 - Replace Map 11.1 with a map defining the development boundaries consistent with the Local Plan site allocations and the 12 minor amendments included in the 2021 review; deleting any reference to *“extension of the Development Boundary to accommodate additional housing to 2038”*
- M5 - Make a version of Map 11.1 available which enables the detailed boundaries to be identified, such as at the scale of the amendments shown in the 2021 review

### Economy

63. **Policy ECN 1** – This supports a range of identified business uses subject to assessment of their impact on amenity and design and either does not support or resists other identified changes in business use or new proposals for B8 uses.

64. A Business Survey has been undertaken but this is not used as evidence in support of the Policy. It is asserted that Use Classes B2 and B8 are *“considered particularly important for the area”* and that warehousing is *“not considered compatible with the capacity of the road network”*. No substantive evidence in support of these assertions is provided. The approach is seen as consistent with Local Plan Policy LPP 3 but this only applies to identified *“employment areas”* and there is in any case a need to avoid policy duplication. The general support for such business development *“throughout the parish”* is also not consistent with the expectation in Policy HPB1 for strict control over development outside the development boundary. The highly restrictive approach to some business uses lacks an evidence base to justify why a different approach should be taken in the neighbourhood area. I share Essex County Council’s concern and the negative drafting that some changes of use will *“not be supported”*.

65. Policy ECN 1 includes specific reference to business development respecting local character and the Design Guide. These matters are addressed elsewhere in the Plan, including Policy DE 1, and need not be addressed in a separate Policy.

66. Policy ECN 1 does not meet the Basic Conditions.

- **M6 – Delete Policy ECN 1**

67. **Policy ECN 2** – This introduces a requirement for all residential development to include a *“home office”* and for *“larger”* residential schemes to make provision for *“work hubs”*

68. The Policy is supported by national data on an increase in the amount of home working. There is no evidence provided on the trends at a district or neighbourhood level. No definition of what constitutes *“larger”* residential schemes is provided which means the Policy is not *“unambiguous”* (paragraph 16, NPPF). On request I was informed this was *“greater than 10 dwellings”* but national planning policy defines *“major development”* as *“10 or more homes”* (Glossary, NPPF) and this is also the approach used in the Local Plan. The approach to home office provision would apply to all new residential development. Overall, the Policy is very demanding and lacks supporting evidence. It is appropriate for the Plan to support such provision but not to require it.

69. The Policy includes advice on options for how best to make provision for a home office which is more appropriately located in the supporting text.

70. Policy ECN 2 does not meet the Basic Conditions.

- **M7 – Replace Policy ECN 2 with:**

**“Proposals for new dwellings which enable a home office to be accommodated will be supported. Major development proposals for new dwellings which make provision for work hubs which are readily accessible by foot or by bicycle and can provide business and social facilities with services for the community will be supported.”**

- M8 – Provide a definition of “major development” in the supporting text consistent with that in national planning policy (Glossary, NPPF) and as used in the Local Plan.

71. **Policy ECN 3** – This supports the development of superfast broadband and mobile infrastructure and requires all development proposals to demonstrate how they will make provision for connectivity, including by providing suitable ducting.

72. The Policy is supported by some evidence that broadband speeds in the neighbourhood are relatively slow. The Policy provides no definition for “*superfast*” broadband and is less ambitious than Local Plan Policy SP 6D which states that “*all new properties will allow for the provision for ultrafast broadband*”. Ultrafast broadband is defined as being 300 Mbps or better. Superfast broadband is defined by Ofcom as being in excess of 30Mbps. Essex County Council’s representations state that properties should be capable of receiving “*gigabit speed*”. The need to provide broadband and telecommunications infrastructure is also addressed in Local Plan Policy LPP 46. The Policy introduces a requirement for all types of development to demonstrate how it addresses connectivity issues even where they may not be relevant to what is being proposed.

73. The matters addressed in Policy ECN 3 are already addressed by development plan policy in the Local Plan and this also establishes more demanding requirements. Policy ECN 3 therefore serves no clear purpose and duplicates existing policy.

74. Policy ECN 3 does not meet the Basic Conditions.

- **M9 – Delete Policy ECN 3**

75. **Policy ECN 4** – This protects against the loss of identified and sui generis uses and defines three commercial zones where diversity of economic activity is encouraged and specified changes in use are supported.

76. There is evidence of support for diverse retail uses in the results of community consultation although no other evidence of the nature of economic activity or its impact is provided in support of the Policy.

77. The three “*commercial zones*” are in addition to the two “*Local Centres*” identified in Local Plan Policy LPP 9. Their boundaries are shown in Map 12.1 although this is at a scale which does not allow for the detailed location to be determined. The rationale for the boundaries appears mainly to be based on the use of the buildings and two of the zones extend the area currently recognised as Local Centres in the Local Plan.

78. The approach to changes of use is much more restrictive than the Local Plan. It also applies to all sui generis uses even where they do not relate to relevant commercial activity. The evidence supporting such a restrictive approach in the neighbourhood is lacking and a more enabling approach is required.

79. I visited the three commercial centres and their boundaries are logically drawn in terms of the land uses they contain. The Policy contains a confusing reference to Map 12.1 showing “*Central*” commercial zones despite this terminology not appearing on the Map or elsewhere in the Policy. The reference to proposals being “*generally supported*” is ambiguous.

80. Policy ECN 4 does not meet the Basic Conditions.

- **M10 – Amend Policy ECN 4 to:**
  - **In section A replace “, *Class F2 or sui generis*” with “or Class F2”**
  - **In section A delete “*only*”**
  - **In section B replace “*have been*” with “*are*” and end the first sentence at “**12.1**”**
  - **In section C replace “, *Class F2 or sui generis*” with “or Class F2”**
  - **In section C delete “*generally*”**

- M11 – Make a version of Map 12.1 available at a scale which enables the detailed boundaries to be identified

81. **Policy ECN 5** – This requires development proposals to consider their visual impact in relation to a range of specified example guidance and with regard specifically to elements of streetscape.

82. The Policy is supported by feedback through community consultation on the importance of the streetscape and a range of community projects for improving the public realm.

83. The focus of the Policy is unclear. It is related to the specific issue of “*kerb appeal*” and the streetscape while also addressing every aspect of the visual impact of new development. The matters considered and all the example guidance can be adequately addressed in Policy DE1 as part of wider design considerations (including the need to have regard to the Essex Design Guide raised in Essex County Council representations) and so it serves no clear purpose. The issues considered can be further emphasised by explicitly addressing the streetscape in an addition to Policy DE 1.

84. Policy ECN 5 does not meet the Basic Conditions.

- **M12 – Delete Policy ECN 5**

### **Environment**

85. **Policy HPE 1** – This requires development to address a number of considerations relating to the natural environment and biodiversity.

86. The Policy is supported by some evidence as to the significance of important landscape features and wildlife in some parts of the neighbourhood area. The supporting text also references issues, such as “*protected lanes*” which are designated in the Local Plan and not addressed in the Policy.

87. The policy considerations are comprehensively addressed in the Local Plan and national planning policy. Local Plan policies LPP 63 to LPP 67 address both the biodiversity and the landscape character and features in the neighbourhood area and the ambitions for more green infrastructure and networks. These issues are also addressed by section 15 of the National Planning Policy Framework.

88. The Policy duplicates requirements for Biodiversity Net Gain already in place and acknowledges its approach is *“in line with national policy”*. The need to protect *“best and most versatile agricultural land”* is addressed in national planning policy (paragraph 174, NPPF).

89. Neighbourhood planning policies are intended to *“be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared”* (Paragraph: 041 Reference ID: 41-041-20140306, Planning Practice Guidance) and they should also *“serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)”* (paragraph 16, NPPF). Policy HPE 1 is both generic and duplicating of existing policy.

90. Policy HPE 1 does not meet the Basic Conditions.

- **M13 – Delete Policy HPE 1**

91. **Policy HPE 2** – This requires all major development to be supported by air quality assessments and does not support proposals which do not meet national requirements.

92. The Policy is explicitly intended to address World Health Organisation targets and the national air quality strategy. It is supported by evidence of air pollution levels in the neighbourhood area that exceed World Health Organisation guidelines while being within current national limits.

93. The need for air quality assessments and evidence from mitigation measures is addressed in Local Plan Policy LPP 70 which requires “*sufficient information*” to be provided with planning applications. These issues are also addressed in paragraphs 186-187 of the National Planning Policy Framework.

94. The second part of Policy HPE 2 is highly restrictive in not supporting any development in excess of national air quality objectives. There is no evidence presented for such a restrictive approach in the neighbourhood area which, as Braintree District Council notes in its representations, goes beyond existing requirements. The Policy lacks necessary clarity for the long term as it is tied to specific limits set out in Table 13.1 that are likely to change during the lifetime of the Plan. The approach is also unduly restricted to pollution arising from traffic movement when pollution may arise from other sources.

95. As a result Policy HPE 2 serves no clear purpose. It both duplicates and conflicts with existing policy and it is not “*precise and supported by appropriate evidence*” (Paragraph: 041 Reference ID: 41-041-20140306, Planning Practice Guidance).

96. Policy HPE 2 does not meet the Basic Conditions.

- **M14 – Delete Policy HPE 2**

97. **Policy HPE 3** – This designated four areas of Local Green Space and does not support development which would result in their loss.

98. The Policy is supported by Map 13.2 defining the boundaries of each of the proposed Local Green Spaces and Table 13.2 summarising the case for their designation in relation to the considerations in national planning policy (paragraph 102, NPPF).

99. The evidence supporting designation of each of the Local Green Spaces is limited and so I have carefully considered the merits of each location including through a visit.



100. I am confident that The Green, The Duck Pond and Community Land are all reasonably close to the local community and none of them comprise an excessively extensive tract of land. Their value has a clearly local feel. I am aware that The Green and The Duck Pond are already designated in the existing Plan and am satisfied by the evidence presented and the suitability of each of these Local Green Space designations.

101. I visited parts of the former Dannatt's Quarry and can appreciate the potential of the area to be developed into a Community Park. Local Green Space designation relates to the current and not future use of land and there is limited evidence available that the site is "*demonstrably special*" to the local community at present. It is also more remote. Consequently I do not consider it currently meets the requirement for designation as a Local Green Space.

102. The scale and quality of Map 13.2 is inadequate for accurately determining the boundaries of each Local Green Space. On request I was sent more detailed maps and these should be included in the final Plan. For clarity either Arabic or Roman numerals and consistent numbering and naming should be used in the Policy and supporting maps and evidence. For example, as proposed The Green is numbered "1" in the Policy and "3" on Map 13.2 and unnumbered in Table 13.2.

103. To be afforded a level of protection consistent with them being Green Belt, Local Green Spaces need only be designated by the Plan. This follows a Court of Appeal case with relating to a Local Green Space policy in a neighbourhood plan (*Lochailort Investments Limited v. Mendip District Council and Norton St Philip Parish Council*, [2020] EWCA Civ 1259) which means it is inappropriate to include any wording that sets out how development proposals should be managed.

104. Policy HPE 3 does not meet the Basic Conditions.

- **M15 – Replace Policy HPE 3 with:**

**"Local Green Space**

**The following areas (see Map(s) ???) are designated as Local Green Space:**

1. **The Green**
2. **The Duck Pond**
3. **Community Land”**

- M16 – Provide large scale maps for each of the Local Green Spaces and use consistent numbering and naming of each Local Green Space in the Policy and supporting maps and evidence

105. **Policy HPE 4** – This seeks to protect areas used for sport and recreation, including allotments, and to encourage new provision.

106. The Policy is supported by Map 13.3 identifying a range of green areas, historic and recreational assets. This map lacks a scale and north line and is of a scale that means the boundary of the identified locations is unclear. It also includes locations not relevant to Policy HPE4, including an ancient monument, river and footpaths. The definition of “*recreation points*” is unclear as some apply to large areas of land, such as the proposed Community Park, which lack defined boundaries, and others apply to specific buildings (village hall) or facilities (play area). Community Land is referenced in Policy HPE 4 but missing from Map 13.3. The Policy relates to both sport and recreation provision but omits sporting facilities in Part A.

107. Parts C and D of Policy HPE 4 duplicate Part A when Map 13.3 provides the location of all the facilities to be protected under the Policy.

108. It is unclear why neither Strutt Memorial Recreation Ground nor the allotments were proposed as Local Green Space which would have achieved the desired outcomes more effectively. The approach to new building on Strutt Memorial Recreation Ground should be more positively worded to support the type of development which is suitable.

109. Policy HPE 4 does not meet the Basic Conditions.

- **M17 – Amend Policy HPE 4 to:**
  - **Insert “sporting or” before “recreational” in Part A and include the most appropriate Map references**
  - **Delete Parts C and D**
  - **Replace “No building will be allowed” with “New building” and “unless it is to” with “should” in Part E and provide the most appropriate Map reference**
  
- **M18 - Provide a map or maps identifying all the locations and assets to be recognised by Policy HPE 4 that:**
  - includes a scale and north line
  - shows only the locations and assets protected by Policy HPE 4
  - shows the boundary of all locations which are neither individual buildings or point features (such as a play area or MUGA)

110. **Policy HPE 5** – This seeks to protect the landscape setting of Hatfield Peverel by reference to the Local Landscape Character Assessment and 11 views defined as *“important”*.

111. The Policy is supported by an independently prepared landscape character assessment updated in November 2022. This identifies 10 distinct character areas and provides a commentary and guidelines to inform development within each of them. Gladman Development Ltd’s representations question the robustness of the character assessment but provide no substantive evidence supporting this claim. I am satisfied with the approach. The Policy references *“key landscape features identified”* in the character assessment but these are not readily apparent and I recommend instead that new development has regard to the guidelines it contains.

112. The Policy addresses 11 views which are broadly identified in Map 13.5 and described in Table 13.3. The views are described as originating from community engagement, including a walkabout and photographic competition. The views in Map 13.5 do not generally relate to those identified in the landscape character assessment and only

some are included (with a different presentation) in the Hatfield Peverel and Nounsley Character Assessment. The development boundary shown should align with that in a revised Map 11.1.

113. Policy HPE 5 requires development to *“not detract”* from the important views. Where it is *“located within an area identified as an important view”* it *“should demonstrate the impact of the development on the surrounding landscape”*. This contrasts with Policy HPE7 which requires only *“major development”* to demonstrate the impact on views.

114. With the exception of View 11 each view is defined in Map 13.5 with two arrows. These broadly respond to the description of *“Key Features”* in Table 13.5. The scale of map makes it hard to determine the location of each view. There is an unnumbered arrow pointing towards Fairfields which serves no clear purpose and I was informed that it should not be present. Each view is supported by a basic description of the *“Key Features”* within it and this provides the basis for determining development proposals. I consider that by going beyond simply describing *“open countryside”* the description goes further than indicated by Gladman Developments Ltd in its representations. Each view is also identified in relation to the relevant character area, with the exception of View 1.

115. On visiting each of the views I found the description of *“Key Features”* to be consistent with my own experience. The angle of the view was logical although the precise boundaries of each view may be debated. I did not consider it would be possible to clearly determine whether a development would be *“located within an area identified as an important view”*.

116. Consequently, I consider the proposed views to have merit and to be sufficiently justified but they need to be more clearly presented and to be addressed less prescriptively in a revised Policy.

117. Policy HPE5 does not meet the Basic Conditions.

- **M19 – Replace Policy HPE 5 with:**  
**“Development proposals should have regard to the Hatfield Peverel Local Landscape Character Assessment and respect the key features identified in Table 13.3 for each of the important views shown in Map 13.5.**

**Major development proposals likely to have a significant impact on local landscape character or important views should include a visual impact assessment and assessment of any proposed mitigation measures.”**

- M20 – Provide Map 13.5 at a larger scale that enables the location of each view to be identified, remove the superfluous arrow and include a development boundary consistent with a revised Map 11.1. Identify the relevant character area in Table 13.3 for View 1.

118. **Policy HPE6** – This addresses the need for new development to mitigate against flooding and make use of sustainable urban drainage systems.

119. The Policy is supported by a Flood Zone Map and there is no evidence provided for taking a distinct local approach within the neighbourhood area.

120. The policy considerations are comprehensively addressed in the Local Plan (Policies LPP 74 to LPP 76) and national planning policy (paragraphs 159-169, NPPF). I agree with Gladman Developments Ltd’s representations that Policy HPE6 duplicates existing development plan and national policy and serves no clear purpose. It does not meet the Basic Conditions.

- **M21 – Delete Policy HPE 6**

121. **Policy HPE 7** – This identifies a *“Coalescence Safeguarding Zone”* to maintain the separation of settlements and introduces requirements for any new development within the Zone to assess its impact.

122. The Policy is supported by a separate report providing an assessment of the case for a Coalescence Safeguarding Zone and defining its boundary, subject to amendments resulting from later planning consents. The boundary is shown in Map 13.6 although this is not at a sufficient scale for it to be accurately determined. On request I was provided with a map at an appropriate scale. The Map also contains unnecessary information about development sites and is misnamed in the Policy. There is clear evidence of development pressure which could impact on the degree of separation and support for the approach is evident in public consultation.

123. The Policy takes a largely positive approach to development, supporting it other than where there is evidence of a detrimental impact on the distinct character and separation of the settlements. Addressing Essex County Council's representations, it would apply to any development consented through the Town and Country Planning Acts. Braintree District Council's representations are for a rewording also to "*support the potential development of existing uses in the area subject to them not impacting on the visual or be detrimental to the physical separation of the settlements*". I consider this is already provided by the Policy as drafted.

124. Importantly, the approach is distinct from that sought by earlier proposals for a Green Wedge that were not supported at the Examination of the original neighbourhood plan. It is solely focused on considerations of separation and coalescence and there are clear boundaries.

125. I have considered representations from Ulting Overseas Trust and Gladman Development Ltd expressing concern about Policy HPE 7. I consider the Policy to be very different to previous proposals for a Green Wedge and that it is not a blanket restriction on development. Where there is appropriate evidence and support it is appropriate for a neighbourhood plan to apply a distinct approach over and above that included in the Local Plan. This is a key intention behind neighbourhood planning. Policy HPE 7 is not strategic in its impact and does not conflict with the strategic policy intent of the Local Plan. It provides local detail for the more effective implementation of Local Plan Policy SP 3 that "*Future growth will be planned to ensure existing settlements maintain their distinctive character*

*and role, to avoid coalescence between them and to conserve their setting*” and is also broadly consistent with the approach to “*Green Buffers*” in Local Plan Policy LPP 68.

126. I am content with the overall approach subject to minor modifications to make it less prescriptive.

127. Policy HPE 7 does not meet the Basic Conditions.

- **M22 – Amend Policy HPE 7 to:**
  - **Replace “*The Policies Map (13.6)*” with “Map 13.6” in Part A**
  - **Delete the first sentence and replace “*To enable this, all new development proposals*” with “**New development proposals likely to have a significant impact**” in Part B**
  - **Replace “*must*” with “**should**” in line 3 of Part B**
  - **Replace “*views*” with “**the important views identified in Map 13.5**” in Part C**
  
- M23 – Provide Map 13.6 at a larger scale enabling the detailed boundaries of the Coalescence Safeguarding Zone to be determined and remove other superfluous information

#### Facilities and Infrastructure

128. **Policy FI 1** – This applies a wide range of transport and access considerations to new development proposals.

129. The Policy is supported by limited evidence of the nature of existing traffic and access issues in the neighbourhood area. There is minimal evidence supporting a distinct approach to the neighbourhood.

130. The drafting of the Policy includes examples and statements which are more appropriate to the supporting text. Taking each of the sections in turn:

- Section A – this serves no clear purpose as it duplicates existing development plan policy (Local Plan Policy LPP 42)

- Section B – this largely duplicates the requirements of Local Plan Policy LPP 42 except that it is unduly restrictive in stating what “*must*” be provided. The elements local to the neighbourhood area are presented as statements and should be redrafted for the purposes of planning policy. There is an opportunity to address the more precise wording proposed by Essex County Council.
- Section C – this serves no clear purpose and duplicates Local Plan Policy LPP 42
- Section D – this is unduly restrictive in stating what “*will be required*” and strays beyond the scope of planning policy in requiring specific speed limits and approaches to managing road space to be introduced. Local Plan Policy LPP 42 already addresses the need for “*safe, accessible, direct and convenient design and layout of routes*” and related matters are also addressed in national planning policy (section 9, NPPF)
- Section E – this serves no clear purpose and duplicates Local Plan Policy LPP 52
- Section F – this is appropriate and its support for a bridleway network addresses the thrust of the representations from Essex Bridleways Association
- Section G – this is unduly restrictive in stating what “*will be resisted*” and can be incorporated into a redrafted Section F. The Section is addressed in paragraph 14.2.2 which erroneously references protection of bridleways despite there being none within the neighbourhood area

131. Policy FI 1 does not meet the Basic Conditions.

- **M24 – Amend Policy FI 1 to:**
  - **Delete Section A**
  - **Replace Section B with “Development proposals which provide appropriate, safe, direct and convenient pedestrian and cycle links between the following locations will be supported:**
    - **Maldon Road and Keith Bigden Memorial Ground**
    - **Bury Lane to Hatfield Peverel railway station**
    - **Hatfield Peverel to Lodge Farm, Witham”**
  - **Delete Section C**
  - **Delete Section D**



- **Delete Section E**
- **In Section F replace “*improve and*” with “**protect, improve and/or**” and insert “**and cycle**” after “*footpath*”**
- **Delete Section G**

132. **Policy FI 2** - This applies a wide range of parking considerations to new residential and other development proposals.

133. The Policy is supported by limited evidence of the nature of existing parking issues in the neighbourhood area. There is minimal evidence supporting a distinct approach to the neighbourhood. There is evidence of support for measures to address parking issues from the public consultation.

134. The drafting of the Policy varies between the different sections.

135. Taking the first three sections in turn:

- Section A – parts of this section duplicate existing development plan policy (Local Plan Policy LPP 43) and the relationship with the Design Guidelines and Codes is addressed in Policy DE1
- Section B – the first part does not make grammatical sense and there is no evidence for a demanding requirement to provide off street parking for every dwelling. The need for well-designed garages is addressed in the Design Guidelines and Codes considered in Policy DE1
- Section C – this largely duplicates Local Plan Policies, including LPP SP 7 and LPP 42, and is unduly restrictive in relating all development to a requirement for “*covered, secure cycle parking provision*” whatever its nature or scale

136. Sections D, E and F are more directly related to the neighbourhood area and combine to both safeguard existing public parking areas and support additional provision associated with the railway station and community facilities. They include unnecessary statements better provided in the supporting text and need a clearer definition of

“community services” to avoid ambiguity. These three sections form the basis for a redrafted Policy.

137. Policy FI 2 does not meet the Basic Conditions.

- **M25- Amend Policy FI2 to:**

- **Delete Sections A, B and C**

- **Replace Sections D, E and F with:**

**“A. Development proposals should protect existing public parking areas (including those at Hatfield Peverel railway station and Hadfelda Square) unless an equivalent or improved facility is provided in an appropriate location nearby.**

**B. Development proposals which provide improved public vehicle and cycle parking facilities convenient to Hatfield Peverel railway station or other community facilities (see Map 14.2) will be supported.”**

138. **Policy FI 3** – This is supportive of development which is associated with adequate education provision and proposals for appropriate improvements in education and healthcare provision. It also seeks to protect existing services and facilities.

139. The first part of the Policy addresses the need for education and healthcare provision as a part of new development. This is a strategic matter outside the scope of the neighbourhood plan (paragraph 20, NPPF) and is addressed in Local Plan Policy SP 6. The remainder of the Policy is general and not specific to the neighbourhood area. With the exception of Section E it is positively worded and encouraging of appropriate additional education and healthcare facilities. The drafting needs to be more consistent and can be more clearly expressed.

140. Policy FI 3 does not meet the Basic Conditions.

- **M26 – Replace Policy FI 3 with:**  
**“Development proposals which protect existing education or healthcare services and facilities or which provide for or support their improvement in appropriate locations will be supported.”**

141. **Policy FI 4** – This seeks to protect facilities recognised as assets of community value and to protect against their loss unless adequate alternative provision is made.

142. The supporting text confirms there is one (lapsed) designated asset of community value within the neighbourhood area and indicates an intention to secure other designations.

143. The designation of an asset of community value is not a planning matter although it is a local decision as to whether the fact of an asset being designated is a material planning consideration (*Assets of Community Value – Policy Statement*, DCLG, September 2011). Given the lack of any designated assets the Policy would currently have no material benefit and I note that a similar approach to that proposed would be appropriate for the range of community services and facilities in the neighbourhood area as identified in Map 14.2. It would be necessary, however, for this to be part of the submitted Plan and subject to public consultation for it to be appropriate for inclusion as a policy.

144. The Policy approach is unduly restrictive in stating what *“will be resisted”* and what will *“only”* be supported. The need for assets to be protected is addressed in a redraft of the second section of the Policy.

145. Policy FI 4 does not meet the Basic Conditions.

- **M27 – Amend Policy FI 4 to:**
  - **Delete Section A**
  - **Replace *“Loss of an ACV will only be supported when”* with *“Development proposals resulting in the loss of, or substantial harm to, a community***

**facility which is designated as an asset of community value should demonstrate that”**

146. **Policy FI 5** – This supports the use of developer contributions, including in relation to a series of identified projects and the Essex Recreational Disturbance Avoidance and Mitigation Strategy.

147. The Policy is supported by Table 14.1 identifying locally determined priorities for local infrastructure projects. The list of projects was developed through public consultation. This is an appropriate approach for the Plan while recognising the Table presents a non-exhaustive list and priorities may change during the lifetime of the Plan. The approach to requiring further evidence where contributions are not made is overly restrictive in stating what *“will be required”*.

148. Local Plan Policy SP 2 already addresses the need for developer contributions to the Essex Recreational Disturbance Avoidance and Mitigation Strategy and in duplicating the approach this aspect of the Policy serves no clear purpose.

149. Policy FI 5 does not meet the Basic Conditions.

- **M28 – Amend Policy FI 5 to:**
  - **Delete Section A after “Table 14.1”**
  - **Replace “will be required” with “should” in Section C**

### Housing

150. **Policy HO 1** – This seeks to ensure new housing is of an appropriate mix and density, meets the needs of older people and is consistent with changing needs and accessibility standards set nationally.

151. The Plan does not allocate sites for new housing development and I consider it to be based on a sound assumption that there is sufficient provision to meet the indicative

housing requirement provided by Braintree District Council. The focus of the Plan is, therefore, on housing mix and type.

152. The first part of the Policy associates “*density*” with whether new development is acceptable in relation to that in the surrounding area. This is not consistent with the National Model Design Code which states that density “*in itself it is not a measure of how appropriate a particular development may be within an area type*” (Paragraph 93, NMDC, Part 2)) and the Hatfield Peverel Design Guidelines and Codes and Hatfield Peverel and Nounsley Character Assessment also take a character based approach. The approach is overly restrictive in stating what “*must*” be considered

153. The final two sections serve no clear purpose. They are either “*in accordance with national guidance*” or meet national building standards.

154. Policy HO 1 does not meet the Basic Conditions.

- **M29 – Amend Policy HO 1 to:**
  - **Replace the “*Density of development must*” in Section Aii with “The character of development should”**
  - **Delete Sections C and D**

### Design

155. **Policy DE 1** – This identifies a suite of documents development proposals should have regard to and supports new development which addresses a range of design considerations.

156. The Policy is supported by the Hatfield Peverel and Nounsley Character Assessment (2016) independently prepared for the current neighbourhood plan and the Hatfield Peverel Design Guidelines and Codes (2023) independently prepared for this review. I note Essex County Council’s suggestions for improvements to the Hatfield Peverel Design Guidelines and Codes and these may be considered by the parish council. Nevertheless, both documents are appropriately prepared and suitable for the purpose required by Policy DE 1.

157. The Policy also references Building for a Healthy Life (the updated Building for Life 12) and the Essex Design Guide. The Essex Design Guide is referenced in the Local Plan but it is not included so directly in a Local Plan policy and Building for a Healthy Life is a recognised assessment framework in national planning policy (paragraph 133, NPPF). Their inclusion in Policy DE1 adds positively to existing planning policy. It also addresses the importance of the considerations in the Essex Design Guide raised in representations by Essex Fire and Rescue Service. Building for a Healthy Life should be more accurately referenced.

158. The second part of the Policy addresses a range of design considerations. It is positively worded in terms of what will be supported. This also makes it appropriate to reference the Home Quality Mark as it is not a requirement. Home Quality Mark should be directly referenced and included in the list of accompanying documents in Appendix 5. It originates from BRE not BREEAM. The drafting needs to be improved to ensure the correct syntax. If Policy ECN5 is deleted then it would be appropriate to include streetscape considerations in the revised Policy.

159. The third part of the Policy requires a minimum private garden size of 100 sq m, while also allowing for exceptions, and for minimum balcony and other areas for flats and apartments. No substantive evidence is provided for this highly restrictive approach which demonstrates why it is particularly appropriate to the neighbourhood area. I share Gladman Developments Ltd's representations that the approach is too prescriptive. The issues are already considered in the Essex Design Guide and so addressed by the first part of the Policy.

160. The final part of the Policy is overly restrictive in stating what "will" and "must" be provided.

161. Policy DE 1 does not meet the Basic Conditions.

- **M30 – Amend Policy DE 1 to:**
  - **Section A – delete “Homes England, 2020” and provide a full reference for Building for a Healthy Life in the footnote**
  - **Section B –**
    - **ii – replace “BREEAM” with “BRE” and provide a footnote reference and include in Appendix 5**
    - **iii – replace “will be encouraged to adopt” with “that adopts” and “provide” with “provides”**
    - **iv – delete “is expected”**
    - **vi – replace “should be given to” with “of”**
    - **xiv – delete “The design and standard of any new development should aim to meet”**
    - **xv – add “; and” at end**
    - **Insert “xvi. Consideration of the streetscape, including well-designed street furniture and signage, lighting, landscape and open spaces”**
  - **Delete Section C**
  - **In Section D replace “will” with “should” in two instances and “must” with “should”**

### Historic Environment

162. **Policy HE 1** – This addresses the impact of development on heritage assets.

163. The Policy is supported by details of 21 non-designated heritage assets which have been identified and researched and listed in paragraph 17.2.9. The process for identifying these non-designated heritage assets is generally robust and it has been subject to consultation. There is only one instance where the list of assets has been questioned during consultation on the submitted Plan. The identified assets should be explicitly referenced in the Policy although they do not technically form part of the Local List which is a matter for Braintree District Council. It would be beneficial if the assets were located on a map and on request I was provided with appropriate examples.

164. John Frith raises significant concerns over the justification for inclusion of Stuarts in paragraph 17.2.9. On request I was informed by Hatfield Peverel Parish Council that following feedback on proposals to include Stuarts on the Local List there had been agreement between the parish council, Essex County Council's Place Services and Historic England that Stuarts: "*warrant[ed] further research, before a conclusion can be reached as to the extent of its surviving fabric*". It is regrettable it has not yet been possible to complete a site visit to undertake this work. It is not the role of this Examination to adjudicate on the merits of the proposal and given the different views I recommend that Stuarts is not included. Its historic merit will still be a material planning consideration and it is open to future alterations to the Local List or a future amendment to the Plan to propose its inclusion.

165. Beyond this there is minimal evidence supporting a distinct approach to the neighbourhood. The considerations addressed in Section B are already included in national planning policy (Section 16, NPPF) and partly by the Local Plan (including policies SP 7 and LPP 57). As such this aspect of the Policy serves no clear purpose.

166. Policy HE 1 does not meet the Basic Conditions.

- **M31 – Amend Policy HE 1 to:**
  - **In Section A - insert "(see paragraph 17.2.9)" after "non-designated"**
  - **Delete Section B**
  
- **M32 – Delete "Stuarts" from paragraph 17.2.9**



## **8. Recommendation and Referendum Area**

167. I am satisfied the Hatfield Peverel Neighbourhood Plan meets the Basic Conditions and other requirements subject to the modifications recommended in this report and that it can proceed to a referendum. I have received no information to suggest other than that I recommend the referendum area matches that of the Neighbourhood Area.