

Langford and Ulting Neighbourhood Development Plan 2014-2029

**A report to Maldon District Council on the Langford
and Ulting Neighbourhood Development Plan**

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Executive Summary

- 1 I was appointed by Maldon District Council in July 2021 to carry out the independent examination of the Langford and Ulting Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 23 July 2021.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding its local character and its landscape setting.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Langford and Ulting Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
9 September 2021

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Langford and Ulting Neighbourhood Development Plan 2014-2029 (the 'Plan').
- 1.2 The Plan has been submitted to Maldon District Council (MDC) by Langford and Ulting Parish Council (LUPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012 and its updates in 2018, 2019 and 2021. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It has a clear focus on maintaining the character and appearance of the neighbourhood area and safeguarding its natural and heritage assets.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the Plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by MDC, with the consent of LUPC, to conduct the examination of the Plan and to prepare this report. I am independent of both MDC and LUPC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted proceeds to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

Other examination matters

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

3 Procedural Matters

- 3.1 In undertaking this examination I have considered the following documents:
- the submitted Plan;
 - the Basic Conditions Statement;
 - the Consultation Statement;
 - the various supporting documents including the Landscape Character Assessment and the Site Assessment (April 2018);
 - the SEA/HRA screening report;
 - the representations made to the Plan;
 - the Parish Council's responses to the Clarification Note;
 - the adopted Maldon District Local Development Plan;
 - the National Planning Policy Framework (July 2021);
 - Planning Practice Guidance (March 2014 and subsequent updates); and
 - relevant Ministerial Statements.
- 3.2 I visited the neighbourhood area on 23 July 2021. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.
- 3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised MDC of this decision once I had received the responses to the clarification note.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 LUPC has prepared a Consultation Statement. The Statement sets out the mechanisms used to engage all concerned in the plan-making process. The events have taken place over an extensive period which began in the Summer of 2013. This reflects an earlier submission of the Plan which was withdrawn after examination. The Statement also provides specific details about the consultation process that took place on the pre-submission version of the Plan (November to December 2019). It captures the key issues in a proportionate way.
- 4.3 The Statement sets out details of the comprehensive range of consultation events that were carried out at the initial stages of the Plan. They included:
- the various Focus Group meetings and other opportunities for local residents to become engaged in the Plan;
 - the meetings with landowners (2013 and 2014);
 - the landowners survey (March 2014);
 - the business survey (July 2014);
 - the call for sites (June/July 2017); and
 - the housing needs survey (April 2019).
- 4.4 The Statement also provides details of the way in which LUPC engaged with statutory bodies. It is clear that the process has been proportionate and robust.
- 4.5 Appendix B of the Statement provides specific details on the issues raised during the consultation on pre-submission version of the Plan. It helpfully describes how the Plan was revised to take account of comments made at that stage (and which now feature in the submitted Plan).
- 4.6 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. MDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

4.8 Consultation on the submitted plan was undertaken by MDC and ended on 12 March 2021. This exercise generated comments from the following organisations:

- National Grid
- Sport England
- Natural England
- CML Microsystems
- Historic England;
- Essex County Council.
- National Grid
- Watsons Farms
- Anglian Water Services
- Woodham Walter Parish Council

4.9 I have taken account of the various representations in examining the Plan. Where it is appropriate to do so I make specific reference to the individual representations in Section 7 of this report.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area consists of the combined parishes of Langford and Ulting. Its population in 2011 was 328 persons living in 127 houses. It was designated as a neighbourhood area on 24 April 2013. It is located to the south-east of Witham and the A12 and to the north-west of Maldon/Heybridge. The neighbourhood area is predominantly rural in nature and much of its area is in agricultural use.
- 5.2 The principal settlement in the neighbourhood area is Langford. It is an attractive village based around the intersection of Maldon Road (B1019) and Witham Road (B1018). Its environment is dominated by St Giles Church, the Mill House and the Museum of Power (the former Essex Water Company). The Langford Conservation Area occupies the centre of the village and adjoins the Chelmer and Blackwater Navigation Conservation Area. The other settlement in the neighbourhood area is Ulting. It is smaller than Langford and has a dispersed settlement pattern. It has a close relationship with the River Chelmer which it overlooks from slightly higher ground. It is located in the Chelmer and Blackwater Navigation Conservation Area.
- 5.3 The remainder of the neighbourhood area consists of a very attractive agricultural landscape. The River Chelmer and the River Blackwater dominate its landscape which sits comfortably in the rural landscape to the west of Maldon/Heybridge.

Development Plan Context

- 5.4 The Maldon District Local Development Plan was approved in July 2017. It sets out the basis for future development in the District up to 2029. Langford is identified as one of a series of smaller villages in the Plan's settlement hierarchy (Policy S8). The Plan identifies smaller villages as defined settlements containing few or no services and facilities, with limited or no access to public transport, very limited or no employment opportunities. Ulting is identified as one of a series of other villages with no defined settlement boundary.
- 5.5 Policy S8 of the Local Development Plan offers support for sustainable developments within defined settlement boundaries. It also comments that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. In this context outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided it is for the limited range of development set out for such locations in national policy. Langford has its own defined settlement boundary which closely follows the existing built-up area of the village.
- 5.6 The following other policies in the Local Development Plan are also particularly relevant to the Langford and Ulting Plan:

Policy S7 Prosperous Rural Communities

Policy D1	Design Quality and Built Environment
Policy D2	Climate Change and Environmental Impact of New Development
Policy E3	Community Services and Facilities
Policy E5	Tourism
Policy H2	Housing Mix
Policy N2	Natural Environment and Biodiversity
Policy T1	Sustainable Transport
Policy T2	Accessibility

- 5.7 Section 3 of the Basic Conditions Statement usefully highlights the key policies in the development plan and how they relate to policies in the submitted Plan. This is good practice. It provides confidence to all concerned that the submitted Plan sits within its local planning policy context. In doing so it has relied on up-to-date information and research that has underpinned previous and existing planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter.
- 5.8 MDC has now embarked on a review of the Local Development Plan (LDP). Consultation on an Issues & Options Report will take place later this year. MDC anticipates that the Plan will be adopted in the latter part of 2023. It has sent letters to parish councils about the potential implication of the LDP Review on neighbourhood plan work. Given that the LDP review is at a very early stage it has no direct impact on the examination of the neighbourhood plan itself. However, it may have an impact on the monitoring and review of the neighbourhood plan in the event that it is made. I address this matter later in this report.

Unaccompanied Visit

- 5.9 I visited the neighbourhood area on 23 July 2021.
- 5.10 I drove into Langford from the A12/Hatfield Peverel to the west. This gave me an initial impression of its setting and character in general, and its relationship to the strategic highways network in particular. I saw the scale and location of Oval Park as I approached the village.
- 5.11 I parked in John Thresh Way. I saw the interesting designs of the modern housing and the Museum of Power and its various artefacts.
- 5.12 I walked into the centre of the village. I saw the significance of St Giles Church in the wider context of the village. I also took the opportunity to look at the details of its Norman apse. I also saw the importance of the Mill House in this part of the village.
- 5.13 I also saw the importance of the River Blackwater in the heart of the village.
- 5.14 I then drove to the south east to Heybridge so that I could understand the relationship between the neighbourhood area and Heybridge/Maldon.

- 5.15 I then drove back through Langford and onto Ulting. I saw that it had a different character to that of Langford with a dispersed settlement pattern. I saw All Saints Church and its very distinctive belfry. I also saw its relationship with the River Chelmer.
- 5.16 I finished my visit by driving to Woodham Walter. This helped me to understand the relationship between the different settlements in this part of the District. It also highlighted the significance of the River Chelmer in the neighbourhood area.

6 The Neighbourhood Plan and the Basic Conditions

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.

6.2 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. 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;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan in the area;
- be compatible with European Union (EU) obligations and the European Convention on Human Rights (ECHR); and
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

6.3 I assess the Plan against the basic conditions under the following headings.

National Planning Policies and Guidance

6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in July 2021. The approach in the submitted Basic Conditions Statement is based on the 2019 version of the NPPF which was in force when the Plan was submitted. Where necessary I make specific comments in Section 7 of the report where there are differences between the two versions of the NPPF.

6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are of particular relevance to the Langford and Ulting Neighbourhood Plan:

- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Maldon District Local Development Plan;
- delivering a sufficient supply of homes;
- building a strong, competitive economy;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas;
- highlighting the importance high quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

- 6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms subject to the recommended modifications included in this report. It sets out a positive vision for the future of the neighbourhood area within the context of its role in the settlement hierarchy. In particular it includes a policy on landscape character areas, and other policies to safeguard its special natural and built environment. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance in March 2014. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for infill housing development (Policy 12), to support small businesses (Policy 7) and for home-working (Policy 8). In the social role, it includes policies on community facilities (Policies 10 and 11), and on broadband and mobile phone infrastructure (Policy 13). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on wildlife and biodiversity (Policy 2), and on design (Policy 5). The Parish Council has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in Maldon in paragraphs 5.4 to 5.8 of this report.
- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. Subject to the recommended modifications in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

European Legislation and Habitat Regulations

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement MDC undertook a screening exercise (October 2020) on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process, it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.
- 6.16 The screening report also included a separate Habitats Regulations Assessment (HRA) of the Plan. The HRA report is both thorough and comprehensive. It takes appropriate account of the significance of the Essex Estuaries SAC, the Blackwater Estuaries SPA/Ramsar and the Dengie SPA/Ramsar.
- 6.17 It concludes that the Plan is not likely to have significant environmental effects on a European nature conservation site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such Appropriate Assessment is not required. The HRA advises that the principal reasons for this conclusion are:
- there are no sites identified for development in the Neighbourhood Plan;
 - the neighbourhood plan focuses on protecting the quality of the village and its environment and it is considered that the Plan's likely impact will have a positive effect on the environment;
 - the scale of the development supported by the Neighbourhood Plan is minor, and it is not expected to result in significant effects on the protected sites

The wider process provides assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters.

- 6.18 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.

- 6.19 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. In addition, there has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On the basis of all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.20 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that they have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda. In particular it has refined its approach after the examination of an earlier version of the Plan.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (Section 41-004-20190509) which indicates that neighbourhood plans must address the development and use of land. It includes a separate section on non-land use aspirations.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. Where necessary I have identified the inter-relationships between the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial section of the Plan (Sections 1-3)

- 7.8 These initial parts of the Plan set the scene for the range of policies. They do so in a proportionate way. The Plan is presented in a professional way. It makes a very effective use of well-selected photographs and maps. A very clear distinction is made between its policies and the supporting text. It also highlights the links between the Plan's objectives and its resultant policies.
- 7.9 Section 1 sets the background to the Plan. It comments about how the Plan has been prepared and how it will be used within the Plan period. It defines both the neighbourhood area (in Map 1) and the Plan period (in paragraph 1.5). It also sets out the key consultation events that took place during the Plan's evolution. This part of the Plan overlaps with the Consultation Statement. This section also comments about how the Plan will fit into the wider planning system. In this context Diagram 1 is very helpful and informative.
- 7.10 Section 2 describes the neighbourhood area. It does so in a very effective fashion. It is comprehensive in its coverage and includes information on its location, its demographic profile, its accessibility and its economic base. It helpfully sets the scene for the Plan. It concludes by setting out a series of key issues (in paragraph 2.36). This

provides both a summary for this section of the Plan and a context for the remainder of the Plan.

- 7.11 Section 3 sets out a comprehensive vision and ten related objectives for the Plan. A key strength of the Plan is the way in which the objectives provide the basis for the resultant policies. In all cases the objectives are distinctive to the neighbourhood area. It is clear that the policies flow from the evidence base and the supporting text.
- 7.12 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy 1 Landscape Features

- 7.13 The policy is underpinned by LUPC's production of a Landscape Character Assessment. It identifies the particular features that make up the character of the parish. The Assessment identifies five distinct Character Areas as follows:

- Chelmer and Blackwater Navigation;
- Langford Conservation Area;
- Ulting;
- Fields; and
- Parkland

The supporting text (paragraphs 4.9 to 4.25) identifies important features for each of the character areas. This is a very impressive and distinctive part of the Plan.

- 7.14 The resulting policy has a close relationship with the character assessment work. It comments that planning permission will be granted for development proposals that do not result in unacceptable harm to natural landscape features that are important to the character and appearance of the area. It continues by commenting that harm or loss of these features will not be permitted unless a landscape strategy, which would compensate for the loss or harm, is secured or where there are overriding public benefits arising from the development.
- 7.15 The intention of the policy flows from the supporting text. However as submitted it does not have the clarity required by the NPPF for a development plan policy. In particular it attempts to comment about the decision which MDC will make on relevant planning applications rather than to set out a policy to assist in that process. I also recommend additions to the supporting text so that its relationship with the policy is clearer. Otherwise, the approach meets the basic conditions. It will do much to deliver the environmental dimension of sustainable development in the parish.

Replace the policy with:

'Development proposals should be designed to respect the natural landscape features that are important to the character and appearance of the area and as described in the Landscape Character Assessment.'

Development proposals which would result in an unacceptable harm to the relevant natural features will not be supported unless appropriate mitigation to

compensate for the loss or harm is incorporated in the planning application concerned or where there are overriding public benefits arising from the development'

At the end of paragraph 4.25 add: 'Policy 1 seeks to ensure that development proposals take full account of the character and appearance of the Character Area in which they are located'

Policy 2 Protecting and Enhancing Biodiversity

- 7.16 This policy is based around the importance of two key wildlife corridors which form important components of a district-wide ecological network. The Chelmer and Blackwater Navigation is a west-to-east river and canal corridor also featuring a towpath and linear banks which are important green infrastructure routes for leisure users and wildlife. The Blackwater Rail Trail is the route of the dismantled railway which links Maldon to Witham and is a significant corridor for wildlife movement. While not a statutory right of way, the Rail Trail has potential to become an important walking and cycling route in the future. Other locally designated ecological assets include Local Wildlife Sites as identified by Essex Wildlife Trust, designated Ancient Woodlands and water bodies.
- 7.17 The policy comments that all development should protect and where possible enhance biodiversity by complying with six criteria. They include matters such as veteran trees and sustainable drainage. The second part of the policy comments the opportunity for mitigation and the implications for applications which do not follow the approach in the earlier part of the policy.
- 7.18 The approach taken is entirely appropriate. However, the majority of development in the Plan period will be of a minor or domestic nature and will not present the opportunity to provide the types of connections anticipated by the policy. As such I recommend that the first part of the policy is modified so that it can be applied on a proportionate basis. In coming to this judgement, I have taken account of LUPC's responses to the clarification note.
- 7.19 The second part of the policy is hybrid in its nature. It overlaps with the criteria in the first part and comments about the potential for mitigation. It also indicates that proposals which cause unacceptable harm to biodiversity will not be supported. I recommend that this element of the policy is simplified and that the overlaps with the first part are removed. Otherwise, the approach meets the basic conditions. It will do much to deliver the environmental dimension of sustainable development in the parish.

At the beginning of the first part of the policy add: 'As appropriate to their scale, nature and location'

Replace the second part of the policy with: 'Development proposals which would unacceptably harm biodiversity or wildlife will not be supported unless appropriate mitigation or compensatory measures are incorporated into the wider proposal'

Policy 3 Recreational Disturbance Avoidance and Mitigation

- 7.20 This policy takes account of an innovative local initiative. The Maldon District Local Development Plan, together with neighbouring local planning authorities' local plans and neighbourhood plans are likely to adversely affect the integrity of European designated nature conservation sites ('European Sites') due to increased recreational pressure from a growing population. Maldon District Council has worked with the other Greater Essex Local Planning Authorities and Natural England on the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS).
- 7.21 The Essex Coast RAMS focuses on the mitigation that is necessary to protect the wildlife of the Essex coast from the increased visitor pressure associated with new residential development, in combination with other plans and projects, and how this mitigation will be funded.
- 7.22 MDC adopted the RAMS Supplementary Planning Document in August 2020. In particular it sets out the guidance to be followed in the determination of planning applications and formalises the arrangements for securing the developer contributions for new qualifying residential development.
- 7.23 I am satisfied that the submitted policy is appropriate for the submitted Plan to address this important strategic issue. It reflects the collaborative approach being taken by the relevant local authorities. The incorporation of a policy of this nature will ensure a positive outcome within the submitted Plan to an important strategic matter. It meets the basic conditions.

Policy 4 Footpaths and Bridleways

- 7.24 The policy makes a connection between access and new development. It comments that new developments should integrate with the current green infrastructure network, and seek to improve the connectivity between wildlife areas and green spaces. It identifies measures such as improving and extending the existing footpath and cycle path network, allowing greater access to housing, schools, work places and retail facilities, green spaces, public open spaces and the countryside.
- 7.25 The approach taken is entirely appropriate. However, the majority of development in the Plan period will be of a minor or domestic nature and will not present the opportunity to provide the types of connections anticipated by the policy. As such I recommend that the policy is modified so that it can be applied on a proportionate basis. Otherwise, it meets the basic conditions.

At the beginning of the second part of the policy add: 'As appropriate to their scale, nature and location'

Policy 5 Design and Character

- 7.26 The policy seeks to ensure that new buildings should be sympathetic to their surroundings and that alterations to existing buildings should also be carried out

sensitively taking account of the location and character of the host property and those around it. It responds positively to the increasingly important national design agenda.

- 7.27 The policy comments that new proposals must plan positively for the achievement of high-quality and inclusive design reinforcing the locally-distinctive and aesthetic qualities of the buildings and landscape in the Parish. It identifies five factors which define good design in the parish.
- 7.28 The policy takes a distinctive approach to this important matter. In general terms it meets the basic conditions. I recommend detailed modifications to the wording used both in the initial part of the policy and in the various design criteria. In turn they will bring the clarity required by the NPPF for a development plan policy.
- 7.29 The Plan was submitted before the publication of the most recent version of the NPPF. The principal changes between the 2019 and 2021 versions of the NPPF relate to design matters. Given that the detailed contents of this policy and the way in which it includes locally-distinctive design criteria and provides clear guidance for developers I am satisfied that the submitted Plan continues to have regard to national policy. Nevertheless, I recommend that the supporting text is expanded to address the 2021 version of the NPPF.
- 7.30 Otherwise, the policy meets the basic conditions. It will assist significantly in delivering the environmental dimension of sustainable development and high-quality design in the parish.

Replace ‘must’ with ‘should’

In each of the criteria replace ‘will’ with ‘should’

In b) replace ‘will be discouraged’ with ‘should be avoided’

At the end of paragraph 4.42 add: ‘This approach is consistent with the design-led approach as captured in national planning policy. The Plan sets out the Council’s approach towards a clear design vision and expectations for development sites. This will ensure that applicants have as much certainty as possible about what is likely to be acceptable’

Policy 6 Historic Environment

- 7.31 This policy applies the approach in the NPPF to the historic environment. The supporting text comments about the diversity and range of the heritage assets in the parish.
- 7.32 The policy has been well-constructed. It meets the basic conditions.

Policy 7 Supporting and Encouraging Small Businesses

- 7.33 This policy offers support to employment space for small businesses. It identifies two particular development types. The policy takes account of the rural nature of the parish where there are a number of small businesses and home workers. Small businesses are defined as those employing up to ten people. The policy takes a positive approach to business development in rural areas. It meets the basic conditions.
- 7.34 CML Microsystems PLC comment that the policy should be broadened so that it offers support to employment development irrespective of the size of the business concerned and its number of employees. Whilst such an approach would have merit it is already captured in national planning policy (paragraphs 84 and 85 of the NPPF). In any event the neighbourhood plan process is designed to allow a qualifying body to include planning policies which it feels to be most relevant to the neighbourhood area concerned.

Policy 8 Working from home

- 7.35 Given the rural nature of the parish and the contribution that home workers can make, the policy positively promotes home working opportunities. It does this through encouraging the design of new homes or buildings to incorporate options and possibilities for creating a home office or workspace area.
- 7.36 I recommend that the first part of the policy is modified so that it is fully expressed as a policy. As submitted, it includes elements of supporting text (by way of the examples in the policy)
- 7.37 I recommend that the second part of the policy is reconfigured and then incorporated into the first part. It will ensure that proposals for working from existing houses can be considered in the same context.

Replace the policy with: ‘New dwellings should be designed to enable a home office to be accommodated through the conversion of a garage or roof space or a workspace area or by arranging the internal layout to provide appropriate or dedicated workspace. Development proposals to facilitate home working should retain car parking spaces or provide for replacement or additional parking spaces’

Policy 9 Farm and Other Rural Businesses

- 7.38 This policy offers support to the reuse of farm and other rural buildings for business or tourism purposes. It is a criteria-based policy.
- 7.39 The policy takes an appropriate approach to this matter and which has regard to national policy. I recommend a series of modifications so that the wording used both in the initial part of the policy and in the criteria have the clarity required by the NPPF for a development plan policy. Otherwise, it meets the basic conditions. It will assist significantly in delivering the economic dimension of sustainable development.

In the opening part of the policy replace ‘permitted’ with ‘supported’

In a) replace ‘result in harmful effects’ with ‘have an unacceptable impact’

Replace b) with ‘can be satisfactorily accommodated within the local road network’

In c) replace ‘have an acceptable relationship with’ with ‘be compatible with’

In d) replace ‘adversely’ with ‘unacceptably’

Policy 10 Community Facilities and Services

- 7.40 This policy recognises the important of community facilities to the well-being of the neighbourhood area. It comments that proposals to retain and enhance existing community facilities and services or to provide new ones will be supported. It is a criteria-based policy.
- 7.41 I recommend a detailed modification to the first of the three criteria to bring the clarity required by the NPPF. Otherwise, it meets the basic conditions. It will assist significantly in delivering the social dimension of sustainable development.

In a) replace ‘not conflict or cause harm’ with ‘not cause unacceptable harm’

Policy 11 Protecting Community Facilities and Services

- 7.42 This policy continues the approach taken in Policy 10. It comments that proposals for the change of use of premises or the redevelopment of sites that provide community facilities or services will only be permitted in certain circumstances.
- 7.43 As submitted the policy requires that any such application satisfies both of the criteria. However, this may not always be practicable. In any event the two criteria are themselves exceptional circumstances which would warrant supporting the proposed development.
- 7.44 I also recommend a detailed modification to the wording used in the initial part of the policy. Otherwise, it meets the basic conditions. It will assist significantly in delivering the social dimension of sustainable development.

In the opening part of the policy replace ‘permitted’ with ‘supported’

At the end of the first criterion replace ‘and’ with ‘or’

Policy 12 New Housing

- 7.45 The policy sets out the Plan’s approach to infill development. It comments that small-scale infill residential development within the settlement boundary of Langford that does not impact adversely on the character and appearance of the surrounding area or living conditions of future occupiers and neighbouring occupiers will be supported. In particular it requires that proposals should respect the characteristics and local

distinctiveness of the Langford Conservation Area. Proposals will be expected to have a direct highway frontage

- 7.46 It is a comprehensive policy which takes account both of the work on the Character Appraisal and the importance of the Langford Conservation Area. I recommend a detailed modification to the wording used in the policy. Otherwise, it meets the basic conditions. It will provide a clear context for infill development.
- 7.47 CML Microsystems PLC comments that a modest amount of housing can be secured at Oval Park which will secure further employment use, comply with the mixed-use provisions of Local Plan Policy E1 and have a significant affordable component. Whilst the representation acknowledges that the site is outside the settlement limit of the village, it asserts that it can offer sustainability benefits through integrating employment and residential use and that accessibility can be significantly enhanced. An additional element of the policy is proposed in the representation.
- 7.48 I have considered this matter very carefully. In doing so I have taken account of LUPC's response to the invitation to comment on the representations in the clarification note. Based on all the information available to me I am not convinced that the proposed additional element of the policy is either necessary or appropriate. MDC has determined a series of planning applications for residential development at Oval Park based on national and local planning policies. In any event Oval Park is remotely-located in relation to Langford (approximately 800 metres to its north west). Any housing on the site would be self-contained both within the context of Langford village and the wider neighbourhood area.

Replace 'impact adversely' with 'unacceptably impact'

Policy 13 New Broadband and Mobile Infrastructure

- 7.49 The policy has two related parts. The first offers support for new broadband and mobile phone infrastructure. The second comments that all new residential and commercial developments should be designed to be served by a fast and reliable broadband connection to the premises.
- 7.50 The policy responds positively to this increasingly important matter. In particular it builds in appropriate environmental and operational safeguards. Some elements of such infrastructure benefit from permitted development rights or are administered through the prior notification regime. I recommend modifications to the policy to address these matters. Otherwise, it meets the basic conditions. It will assist significantly in delivering the economic and the social dimensions of sustainable development.

Replace the opening element of the first part of the policy with: 'Insofar as planning permission is required proposals for the installation of new Broadband and mobile phone infrastructure will be supported provided that:'

Community Aspirations

- 7.51 The Plan includes a series of Aspirations. They are issues where the residents of the parish have expressed a strong view, but which are not land use based. They are included in a separate part of the Plan in accordance with national guidance.
- 7.52 The Aspirations are as follows:
- a 30mph speed limit on B1019/1018 through the whole of Langford including Maldon Road, Hatfield Road and Witham Road. With the additional 11 houses at the old waterworks site and two more large houses by the railway bridge this becomes more feasible;
 - a 30mph speed limit on Maypole Road. This may well be achieved with the advent of the North Heybridge Garden Suburb development; and
 - a reduced speed limit on B1019 between the Langford and Ulting village gateways.
- 7.53 I am satisfied that the aspirations are both appropriate to the parish and locally distinctive.

Monitoring and Review

- 7.54 Section 5 of the Plan (and paragraphs 5.4 and 5.5 in particular) addresses the way in which a 'made' Plan would be monitored and reviewed. They comment that a full or partial review of this Plan may be triggered by changes to legislation, changes to national or District-wide planning policies or significant planning issues being raised by the local community which cannot be dealt with effectively by a combination of national, district and/or existing Neighbourhood Plan policies. Throughout the Plan period, the Parish Council indicates that it will seek to maintain and develop its working relationship with MDC and other organisations as well as engaging with its residents and the community. This is best practice.
- 7.55 In its response to the clarification note LUPC provided a copy of a letter to parish councils from MDC on the implications of its review of the Local Development Plan (LDP). Plainly only time will tell the extent to which a 'made' neighbourhood plan (assessed against the existing LDP) would remain in general conformity with the review of the Plan. This is an important matter as the planning system attaches greatest weight to the plan which has most recently become part of the development plan where there is any conflict between the various sets of policies. In this context I recommend a modification to Section 5 so that the review of the LDP is specifically addressed together with the importance of LUPC assessing the need or otherwise for a review of the neighbourhood plan at the point at which the LDP Review is adopted.

At the end of paragraph 5.4 add: 'The District Council has now embarked on a review of the Local Development Plan. It is anticipated that the Plan will be adopted in late 2023. This will be an important event for the local planning policy context. The Parish Council will assess the need for a review of the neighbourhood plan within six months of the adoption of the emerging Local Development Plan Review'

Other matters - General

- 7.56 This report has recommended a series of modifications both to the policies and to the text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for MDC and LUPC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2029. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that Langford and Ulting Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report I recommend to Maldon District Council that subject to the incorporation of the modifications set out in this report that the Langford and Ulting Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as originally approved by Maldon District Council on 24 April 2013.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

Andrew Ashcroft
Independent Examiner
9 September 2021