



Maldon District Council Langford & Ulting Neighbourhood Plan Decision Statement

Summary

1. Following an independent examination, Maldon District Council confirms that the Langford & Ulting Parish Neighbourhood Plan, as recommended to be modified by the Examiner, will proceed to a Neighbourhood Planning Referendum.
2. This Decision Statement sets out Maldon District Council's response to each of the Examiner's recommendations.
3. The Referendum will be held in early 2022.

Background

4. The Langford & Ulting Parish Neighbourhood Plan relates to the Neighbourhood Area designated by Maldon District Council on 24 April 2013. This area is co-terminous with the Langford & Ulting Parish boundary and is entirely within the Local Planning Authority area.
5. Langford & Ulting Parish Council undertook pre-submission consultation on the draft Plan in accordance with Regulation 14 (November – December 2019).
6. Following the submission of the Langford & Ulting Neighbourhood Plan to the Council in November 2020 the Council publicised the draft Plan for a six-week period and representations were invited in accordance with Regulation 16. The publicity period ended on 12 March 2021.
7. The Council appointed Mr Andrew Ashcroft, with the consent of Langford & Ulting Parish Council, to undertake the examination of the Langford & Ulting Neighbourhood Plan. The Examiner's Report was sent to the District Council and Langford & Ulting Parish Council on 09 September 2021.

Decision and reasons

8. The Examiner's Report concludes that subject to making the recommended modifications, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum. The Examiner also recommends that the referendum area is based on the Neighbourhood Area that was designated by the Council in April 2013.
9. The Neighbourhood Planning (General) Regulations 2012 (as amended) requires in Regulation 18 the Local Planning Authority to outline what action to take in response to the recommendations of an Examiner in relation to a Neighbourhood Plan.

10. Having considered each of the recommendations in the Examiner's report and the reasons for them, the Council, with the agreement of Langford & Ulting Parish Council, has decided to accept the recommended modifications to the Langford & Ulting Parish Neighbourhood Plan set out in Table 1 below. This decision was made at Council on 18 January 2022.
11. The Council considers that subject to the modifications set out in Table 1 below, the Plan meets the basic conditions set out in the legislation.
12. The Council is also required to consider whether to extend the area to which the referendum is to take place under Regulation 18(1e). The Examiner recommended that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by Maldon District Council as the Neighbourhood Area. The Council has considered this recommendation and the reasons for it, and has decided to accept it.
13. The Referendum on the Langford & Ulting Neighbourhood Plan will be based on the designated Langford & Ulting Parish Neighbourhood Area (see map on page 8)
14. To meet the requirements of the Localism Act 2011, a referendum which poses the question *"Do you want Maldon District Council to use the Neighbourhood Plan for Langford & Ulting to help it decide planning applications in the neighbourhood area?"*, will be held in early 2022.

19 January 2022

Table 1 LUNP Independent Examiner’s recommended changes

Key

Underlined text is new text

Crossed out text (~~example~~) is deleted

Section/policy	Examiner’s recommended changes	Local Authority decision and reason
Para 4.25	<p>At the end of the policy add:</p> <p><u>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.</u></p>	<p>Agreed. The additional text makes the relationship between the supporting text and the policy clearer.</p>
Policy 1 Landscape Features	<p>Replace policy:</p> <p><u>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.</u></p> <p><u>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.</u></p>	<p>Agreed. The replacement text provides the policy clarity, as required by the NPPF</p>
Policy 2 Protecting and Enhancing Biodiversity	<p><u>As appropriate to their scale, nature and location</u> all development should protect and where appropriate enhance biodiversity by:</p> <p>a) protecting designated sites, protected species and ancient and species-rich hedgerows, grasslands and woodlands; and b) preserving ecological networks, and the migration and transit of flora and fauna; and c) protecting ancient trees or veteran trees of arboricultural value, or ancient woodlands; and d) promoting the mitigation, preservation, restoration and recreation of wildlife habitats, and the protection and recovery of priority species; and e) providing a net gain in flora and fauna; and f) adopting best practice in sustainable drainage.</p> <p><u>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.</u></p> <p>Proposals will demonstrate that ecological considerations have been properly assessed in relation to the application site and those adjacent to it where appropriate. Where</p>	<p>Agreed. Any policy requirements need to be in proportion to the development proposed.</p> <p>Replacement text is clearer and more concise</p>

Section/policy	Examiner's recommended changes	Local Authority decision and reason
	<p>necessary appropriate mitigation or compensatory measures will be carried out. Where this is not possible and the development would harm biodiversity applications will be refused unless material considerations dictate otherwise.</p>	
<p>Policy 4 Footpaths and Bridleways</p>	<p>Existing footpaths, cycle routes and bridleways provide good opportunities for well-connected access to local destinations by sustainable modes of transport across the parish and provide a high level of recreation and amenity value.</p> <p><u>As appropriate to their scale, nature and location</u> new developments should integrate with the current green infrastructure network, seeking to improve the connectivity between wildlife areas and green spaces through 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.</p>	<p>Agreed. Any policy requirements need to be in proportion to the development proposed</p>
<p>Para 4.42</p>	<p>At the end of paragraph 4.42 add: <u>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.</u></p>	<p>Agreed The policy conforms with the 2021 version of the NPPF.</p>
<p>Policy 5 Design and Character</p>	<p>Proposals must <u>should</u> 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. This means that:</p> <p>a) new buildings, alterations and extensions to existing buildings, will <u>should</u> be individually designed but take their cue from the scale and character, form and materials of existing buildings, and where relevant the host building; and</p> <p>b) traditional boundary treatments will <u>should</u> be respected and reinforced and high walls and fences should be avoided <u>will be discouraged</u>; and</p> <p>c) plot sizes and widths and gardens will <u>should</u> reflect the existing grain and pattern of development in the locality; and</p> <p>d) good quality materials will <u>should</u> be used; and</p> <p>e) new development will <u>should</u> respect the historic environment of our Parish</p>	<p>Agreed The policy conforms with the 2021 version of the NPPF.</p>

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Policy 8 Working from Home	<p>Replace policy:</p> <p><u>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.</u></p>	<p>Agreed</p> <p>The policy is clearer and ensures that proposals for working from existing houses is considered in the same context as new dwellings.</p>
Policy 9 Farm and Other Rural Businesses	<p>The reuse of farm and other rural buildings will be permitted <u>supported</u> for business or tourism purposes provided that the proposed use:</p> <p>a) would not result in harmful effects <u>have an unacceptable impact</u> on the surrounding landscape; and</p> <p>b) would have an acceptable impact on the road network; <u>can be satisfactorily accommodated within the local road network</u> and</p> <p>c) would have an acceptable relationship with <u>be compatible with</u> agricultural and other land based activities; and</p> <p>d) would not adversely <u>unacceptably</u> harm the amenities of adjoining or nearby residential occupiers; and</p> <p>e) the building in question can be converted to a high standard using materials sympathetic to the local palette.</p>	<p>Agreed</p> <p>There may be other issues that preclude the granting of planning permission/prior approval</p>
Policy 10 Community Facilities and Services	<p>Proposals to retain and enhance existing community facilities and services or to provide new ones will be supported provided that:</p> <p>a) the service or facility does not conflict or cause harm <u>not cause unacceptable harm</u> to the amenity of nearby residential uses; and</p> <p>b) the proposal would not lead to unacceptable traffic congestion or adversely affect the free-flow of traffic; and</p> <p>c) access arrangements are satisfactory and an appropriate level of parking can be provided.</p>	<p>Agreed</p> <p>The policy conforms with the 2021 version of the NPPF.</p>
Policy 11 Protecting Community Facilities and Services	<p>The change of use of premises or redevelopment of sites that provide valued community facilities or services will only be permitted <u>supported</u> where:</p> <p>a) the premises or site cannot be readily used for, or converted to any other community facility; and or</p> <p>b) the facility or service which will be lost will be adequately supplied or met by an existing or new facility in the locality or settlement which shall be equivalent to or better than the facility that is being lost in terms of both quantity and quality</p>	<p>Agreed</p> <p>There may be other issues that preclude the granting of planning permission/ prior approval. Some types of development benefit from permitted development rights. Either of the criteria would warrant supporting proposed development; a</p>

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		proposal does not need to satisfy both criteria.
Policy 12 New Housing	Small-scale infill residential development within the settlement boundary of Langford that does not impact adversely <u>unacceptably impact</u> on the character and appearance of the surrounding area or living conditions of future occupiers and neighbouring occupiers will be supported where it complies with other policies in the Neighbourhood Plan and the Maldon District Local Development Plan. In particular proposals should respect the characteristics and local distinctiveness of the Langford Conservation Area. Proposals will be expected to have a direct highway frontage.	Agreed The policy conforms with the 2021 version of the NPPF
Policy 13 New Broadband and Mobile Infrastructure	<p>Support will be given to the installation of new infrastructure provided that: <u>Insofar as planning permission is required proposals for the installation of new Broadband and mobile phone infrastructure will be supported provided that:</u></p> <ul style="list-style-type: none"> • Infrastructure is fully integrated into the design of future development proposals; and • Where new masts or structures are required, they should be sympathetic to their surroundings. <p>All new residential and commercial developments should be designed to be served by a fast and reliable broadband connection to the premises. Connection should include the installation of appropriate cabling within the homes or business units as well as a fully enabled connection of the developed areas to the full main telecommunications network to provide the fastest available broadband access.</p>	Agreed Some elements of infrastructure benefit from permitted development rights or are administered through the prior notification regime.
Monitoring and review	At the end of paragraph 5.4 add: <u>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.</u>	Agreed. This updates the NP by referencing the LDP Review.
Other matters	Recommend modification of general text (where necessary) to achieve consistency with the modified policies.	Noted This provides flexibility to make consequential changes to the general text as needed.

Langford and Ulting Neighbourhood Plan Area

