

Great Totham Neighbourhood Development Plan 2020-2035

**A report to Maldon District Council on the Great
Totham Neighbourhood Development Plan**

**Andrew Ashcroft
Independent Examiner
BA (Hons) M.A. DMS M.R.T.P.I.**

Director – Andrew Ashcroft Planning Limited

Executive Summary

- 1 I was appointed by Maldon District Council in December 2021 to carry out the independent examination of the Great Totham Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 14 January 2022.
- 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 Great Totham 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
15 March 2022

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Great Totham Neighbourhood Development Plan 2020-2035 (the 'Plan').
- 1.2 The Plan has been submitted to Maldon District Council (MDC) by Great Totham Parish Council (GTPC) 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 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 GTPC, to conduct the examination of the Plan and to prepare this report. I am independent of both MDC and GTPC. 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 Great Totham Village Design Statement;
- the SEA/HRA screening report;
- the representations made to the Plan;
- the Parish Council's responses to the Clarification Note;
- the approved 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 14 January 2022. 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 GTPC 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 since late 2017. The Statement also provides specific details about the consultation process that took place on the pre-submission version of the Plan (December 2020 to January 2021). 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 launch of a Facebook site and website (which was subsequently incorporated into the Parish Council website);
 - the village survey (November 2018);
 - the Open Weekend (September 2019); and
 - ongoing engagement with MDC and the Rural Community Council of Essex.
- 4.4 The Statement also provides details of the way in which GTPC engaged with statutory bodies. It is clear that the process has been proportionate and robust.
- 4.5 Appendix 12 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 5 November 2021. This exercise generated comments from the following organisations:
- Phase 2 Planning

- Historic England
- Gladman Developments Limited
- Essex County Council
- Essex Bridleways Association
- National Grid
- Natural England
- Wickham Bishops Parish Council

4.9 Comments were also made by two local residents.

4.10 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 parish of Great Totham except for the area covered by the Local Development Plan allocation for the North Heybridge Garden Suburb. Its population in 2011 was 2930 persons living in 1237 houses. It was designated as a neighbourhood area on 7 November 2016. 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 settlements in the neighbourhood area are Totham North and Totham South. They are located on the Maldon Road (B1022) and sit approximately a mile from each other. They have clearly defined settlement boundaries. Each has its own series of community facilities.
- 5.3 The remainder of the neighbourhood area consists of a very attractive agricultural 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. Great Totham is identified as one of a series of larger villages in the Plan's settlement hierarchy (Policy S8). The Plan identifies larger villages as defined settlements with a limited range of services and opportunities for employment, retail and education. They serve a limited local catchment and contain a lower level of access to public transport.
- 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.
- 5.6 The following other policies in the Local Development Plan are also particularly relevant to the Great Totham 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 and Options Report started in January 2022. 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 14 January 2022.
- 5.10 I drove into Great Totham from Witham and Wickham Bishops 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 importance of the Primary School as I entered the village.
- 5.11 I looked initially at the Totham South settlement boundary. I saw the significance of the Village Hall and the adjacent Cricket Ground. I saw that with the Bull PH on the opposite side of the road that they formed a visually interesting element of the village. I walked along the Maldon Road to the village shop and post office.
- 5.12 I then drove to St Peter's Church. I saw the open landscape to the east of the Church Road.
- 5.13 I then drove back in the village. In doing so I saw the attractive modern houses in Beadle Place. I then drove along Prince of Wales Road. I saw the mansard roof houses by the Prince of Wales PH and then the very distinctive Barn Church.
- 5.14 I then drove to the Totham North settlement boundary. I saw the significance of The Compasses PH and the Florist on the Green shop.
- 5.15 I walked around this part of the parish. I saw the very impressive United Reform Church building and the interesting houses in Chapel Road.

- 5.16 Throughout the visit I looked at the Important Views as identified in the Plan. I finished my visit by driving to Tiptree and then to Kelvedon. This helped me to understand the relationship between the different settlements in this part of the District. It also highlighted the significance of the attractive countryside to the south and east of the A12.

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.

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.

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 Great Totham Neighbourhood Plan:

- a plan led system– in this case the relationship between the neighbourhood plan and the approved 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 Arcadian design, 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. 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 a policy for new development within the two settlement boundaries (Policy GT01). In the social role, it includes policies on community and play facilities (Policies GT09 and GT10). In the environmental dimension, the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on wildlife and biodiversity (Policies GT04 and GT05), and on design (Policy GT02). GTPC 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 (August 2021) 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 GTPC 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.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (ID: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 Figure 1.1) and the Plan period (in paragraph 1.1). It also sets out the broader planning policy context in a very comprehensive fashion.
- 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 main issues and challenges (in paragraph 2.17 to 2.20). This provides both a summary of this section and a context for the remainder of the Plan.

- 7.11 Section 3 sets out a comprehensive vision and 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 GTO1 Spatial Strategy

- 7.13 As its title suggests, this policy sets out a spatial strategy for the Plan. The strategy is based around the definition of two settlement boundaries (one for North Totham and one for South Totham). The policy also addresses GTPC's views about the way in which new development should contribute towards the delivery of essential infrastructure.
- 7.14 I am satisfied that part A of the policy meets the basic conditions. It correctly focuses new development in the two settlement boundaries which are the most sustainable locations in the parish. Nevertheless, it is written in a non-prescriptive way which does not prevent development coming forward elsewhere.
- 7.15 Part B of the policy comments about proposals outside the settlement boundaries. I recommend that the wording used is modified so that it takes on a positive rather than a negative approach. Nevertheless, its effect remains unchanged. I also recommend that the fourth criteria (on not providing more development than the identified local housing need) is deleted. As submitted, it provides little clarity on its purpose in general, or what would represent 'significantly more' than the identified need.
- 7.16 Part C of the policy comments about the need for new development to contribute as necessary to community facilities. Plainly this is an important matter. However as submitted, the policy adds no distinctive or added value beyond the approach to developer contributions already applied by MDC and Essex County Council. As such, I recommend that it is deleted from the policy. Nevertheless, given the importance of this matter to GTPC I recommend that it is repositioned into the supporting text.

In the opening element of Part B of the policy replace 'will only be permitted if' with 'will be supported where'

In part B of the policy delete criterion iv.

Delete part C of the policy

Relocate the deleted Part C of the policy to the end of paragraph 4.12

Policy GTO2 High Quality Arcadian Design

- 7.17 This policy sets out the Plan’s ambitions for the delivery of high-quality residential development. It is based around the Plan’s definition of the Arcadian character of the parish. The policy is also underpinned by the excellent Great Totham Village Design Statement. It is a very good example of the way in which a local community has responded positively to the enhanced design agenda in the NPPF 2021.
- 7.18 I recommend two detailed modifications to part B of the policy so that it has the clarity required by the NPPF.
- 7.19 I also recommend that part C of the policy is deleted and relocated into the supporting text. This acknowledges that it reads a process matter rather than as a policy. GTPC agreed to this approach in its response to the clarification note.

In part B of the policy replace ‘must’ with ‘should’

In part B of the policy replace ‘The following are encouraged to be part of design proposals:’ with ‘Where appropriate, the following design features should be incorporated into design proposals’

Delete part C of the policy

Insert the deleted element of the policy at the end of paragraph 5.11.

Policy GTO3 Important Views and Setting of Totham Cricket Field

- 7.20 This policy identifies five important views within the neighbourhood area and seeks to ensure that new development should preserve those views. It also highlights GTPC’s approach to the separate importance of the Cricket Field in the local landscape. Appendix B of the Plan provides greater detail on the identified views.
- 7.21 I took the opportunity to look at the views during the visit. I also looked at the Cricket Field. It was clear that the views attempt to capture the close relationship between the built parts of the parish and its surrounding countryside.
- 7.22 I have considered the issues raised by this policy very carefully. In particular I have taken account of the representation made by Gladman Developments Limited and the responses from GTPC to the clarification note. In general terms, I am satisfied that the approach taken meets the basic conditions. The identified important views capture the character and appearance of the neighbourhood area and have been carefully-chosen. Nevertheless, the first part of the policy is written in a manner which simply requires that the views are preserved. This would not directly relate to the development management process. To remedy this issue, I recommend that the first and second elements of the policy are combined to ensure that there is a clear linkage of the matter to the planning process. I also recommend that the wording of the third part of the policy is modified so that it has the clarity required by the NPPF.

- 7.23 I have taken account of Gladman Development's suggestion that the Plan comments about the proximity of houses to the southern boundary of the cricket pitch. I regard this as a statement of fact and observation rather than something which directly affects the policy itself. In addition, in my judgement, its suggested inclusion in the Plan is not a basic conditions matter.
- 7.24 Otherwise the policy meets the basic conditions. It will contribute significantly to the delivery of the environmental dimension of sustainable development.

Replace parts A and B of the policy with:

'The Plan identifies the following key views which contribute to the character and the appearance of the neighbourhood area:

[At this point list the views included in the submitted policy]

The design, scale, massing and layout of development proposals should respect the identified key views and should not unacceptably impact from their significance in the neighbourhood area.

Development proposals which would unacceptably impact on the identified key views will not be supported'

Replace part C of the policy with: 'Development proposals should take account of the setting of the Totham cricket field (as shown on Figure 6.2). Any development proposals adjacent or close to the cricket field should be designed and arranged in a manner which would safeguard the setting of the cricket field and keep any impacts to the minimum necessary to achieve the delivery of the development proposed'

Policy GTO4 Green/Blue Wildlife Corridors

- 7.25 This policy takes a comprehensive approach to biodiversity. It has four elements as follows:
- development proposals are expected to deliver net biodiversity gains in addition to protecting existing habitats and species;
 - the incorporation of design features into new development that encourages local wildlife to thrive, is strongly encouraged;
 - development should be designed to retain trees, shrubs and hedgerows of arboricultural, habitat and amenity value on-site and to conserve and enhance connectivity to the wider green and blue infrastructure networks; and
 - development should take into consideration the principles of sustainable drainage and natural flood management techniques.
- 7.26 The policy takes an appropriate approach to this matter in general terms. However, in some cases, the elements of the policy are written in a general way and fail to acknowledge that the majority of planning applications in the neighbourhood area

within the Plan period will be of a minor or domestic nature will not necessarily trigger the policy requirements.

- 7.27 I recommend a series of modifications so that it will have the clarity required by the NPPF. In particular, they focus on ensuring that the policy elements are applied either in a proportionate fashion and/or in a way which is appropriate to the development in question. This will ensure that they have the clarity required by the NPPF. Otherwise, the policy takes a positive and proactive approach to this important matter. It will make a significant contribution to the delivery of the environmental dimension of sustainable development.

At the beginning of part A of the policy replace ‘All’ with: ‘As appropriate to their scale nature and location’

At the end of part A of the policy replace ‘are strongly encouraged’ with ‘will be particularly supported’

In part C of the policy replace ‘As part.... gain, development’ with ‘As appropriate to their scale nature and location development proposals’

In part C of the policy replace the final sentence with: ‘Where practicable, any new planting should consist of native species of trees, shrubs and grasses and be designed in a way which would allow their use as stepping stones for wildlife’

Replace part D of the policy with ‘As appropriate to their scale, nature and location development proposals should incorporate sustainable drainage and natural flood management techniques’

Policy GTO5 Recreational Disturbance and Mitigation

- 7.28 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).
- 7.29 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.
- 7.30 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.
- 7.31 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 Great Totham Neighbourhood Plan – Examiner’s Report

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 GTO6 Energy Efficiency of Buildings and Renewables

- 7.32 This policy seeks to ensure that new buildings are developed in a sustainable way. It comments that proposals for new development, including the construction of new buildings and the redevelopment and refurbishment of existing building stock, must demonstrate how the design of buildings and site layouts minimise consumption of energy, water, minerals, materials and other natural resources in order to provide resilience to the effects of climate change. It also comments that developments should demonstrate how they have been designed to incorporate a series of identified measures to adapt to climate change.
- 7.33 The policy has been well-developed. It addresses energy efficiency matters in a proactive way. As submitted part B has a universal effect and not all of the matters expected to be delivered will be relevant to every new development. As such, I recommend that the policy is applied in a proportionate way which takes account of the scale, nature and location of the development proposed. Otherwise, it meets the basic conditions. It will do much to contribute towards the delivery of the environmental dimension of sustainable development.

Replace the opening element of part B of the policy with: ‘All developments should demonstrate how they have been designed to incorporate measures to adapt to climate change. As appropriate to their scale, nature and location development proposals should incorporate the following measures:’

Policy GTO7 Parking Provision

- 7.34 This policy seeks to ensure that new developments comply with adopted parking standards. In particular, it comments that proposals for parking are encouraged to use car ports and/or communal parking. It also comments that parking provision must be permanently available for parking use.
- 7.35 As submitted part A of the policy does not bring any added value to the parking standards already applied by MDC and the County Council. As such, I recommend that it is deleted. Nevertheless, I recommend that the existing reference to these standards in the supporting text are expanded. Otherwise, the policy meets the basic conditions.

Delete part A of the policy

At the end of paragraph 7.5 add: ‘Policy GT07 takes account of this strategic approach. The same account will be taken of any updates to the parking standards.’

Policy GTO8 Pedestrian and Cycle Access

- 7.36 This policy comments that proposals to improve pedestrian and cycle access will be supported. It also comments that proposals should focus on improving access between

Totham North and South and to Wickham Bishops and that new developments should seek to ensure safe pedestrian access to link up with existing footways.

- 7.37 The second sentence of part B of the policy reads as a statement rather than as a policy. In its response to the clarification note GTPC commented:

'The intention of the second sentence of Part B is to make clear that development which has no safe footpath access from its boundary is considered to be limited in sustainability terms. In this respect, it is sustainable movement that is limited because residents or users of these developments will have little choice but to access them by private car'

- 7.38 In all the circumstances, I recommend that this part of the policy is deleted and repositioned into the supporting text.

Delete the second sentence of part B of the policy.

At the end of paragraph 7.12 (as a free-standing sentence) add: 'Development in locations where no connections with existing footways can be provided are considered to have limited sustainability'

Policy GTO9 Expansion of Community and Leisure Uses

- 7.39 This policy comments about community and leisure uses. It has three separate but related elements as follows:

- proposals to improve community hub buildings in Totham North and Totham South will be supported, where they are of a high-quality design;
- proposals for expansion of leisure facilities outside the settlement boundary will be supported where such expansion is required in order to continue providing activities of benefit to the local community and are appropriate for their countryside setting; and
- proposals to enable the Compasses pub in Totham North to provide a range of community uses alongside the main pub use will be supported.

- 7.40 The policy takes full account of the role which the various community buildings perform in the parish. It is very distinctive to the parish. In addition, the policy has a non-prescriptive format. It meets the basic conditions. It will make a significant contribution to the delivery of the social dimension of sustainable development.

Policy GTO10 Play Facilities

- 7.41 This policy concentrates on play facilities. It has two related elements as follows:

- proposals to improve facilities at Totham North and Totham South Recreation Grounds will be supported; and
- any new or enhancement to existing facilities should be designed to provide a multiple purpose use that is sympathetic to its natural setting and the landscape character.

- 7.42 The policy takes a very positive approach to this matter. In this context I recommend two modifications. In part A, I recommend that the policy wording acknowledges that some development of this type may not need planning permission. In part B, I recommend that the policy includes the wording 'where practicable' to acknowledge that shared facilities may not always be capable of delivery or would apply to certain development proposal.
- 7.43 Otherwise it meets the basic conditions. It will make a significant contribution to the delivery of the social dimension of sustainable development.

At the beginning of part A of the policy add 'Insofar as planning permission is required'

At the beginning of part B of the policy add 'Where practicable'

Community Aspirations

- 7.44 The Plan includes a series of Community Actions and Non policy actions (in Section 9 of the Plan). They are issues where the residents of the parish have expressed a strong view, but which are not land use in nature. Other than the two transport related Community Actions, the various initiatives are included in a separate part of the Plan in accordance with national guidance.
- 7.45 The initiative addresses a series of points including:
- community transport issues;
 - environmental issues (including tree planting and works to highway verges);
 - community issues (including maintaining existing community facilities); and
 - transport issues (including a range of proposed speed restrictions).

- 7.46 I am satisfied that the aspirations and initiatives are both appropriate to the parish and locally distinctive.

Monitoring and Review of the Plan

- 7.47 Section 1 of the Plan (and paragraphs 1.14 and 1.15 in particular) addresses the way in which a 'made' Plan would be monitored and reviewed. It comments that an early review of the Plan may be required once the emerging Local Development Plan Review is adopted. This is entirely appropriate.
- 7.48 Nevertheless, I recommend that this element of the Plan is expanded so that it provides a degree of clarity about the process which would be followed. Plainly the extent of any full or partial review of a made neighbourhood plan would only become apparent once the review of the Local Development Plan reaches its final stages.

At the end of paragraph 1.15 add: 'This will be an important matter for the local planning policy context. The Parish Council will assess the need or otherwise for a review of the neighbourhood plan within six months of the adoption of the emerging Local Development Plan'

Other matters - General

- 7.49 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 GTPC 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 2035. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following the independent examination, I have concluded that Great Totham 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 Great Totham 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 neighbourhood 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 7 November 2016.
- 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
15 March 2022