

KELVEDON NEIGHBOURHOOD PLAN

Report to Braintree District Council of the Independent Examination

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1. Executive Summary

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

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

3. I consider the Plan to be an adequate expression of the community's views and ambitions for Kelvedon. It is based on an effective programme of public consultation which has informed a 15 year Vision supported by seven sets of Objectives to be achieved through eight themes and 41 planning policies dealing with issues distinct to the locality. There is a commitment to supporting monitoring and review of the Plan which also considers a number of community actions and site aspirations outside the scope of this examination. The Plan is supported by a Consultation Statement and Basic Conditions Statement and has been screened to determine whether full Strategic Environmental and Habitats Regulations Assessments are required. There is some supporting evidence provided and there is good evidence of community support and the involvement of the local planning authority.

4. I have considered the 50 representations made on the submitted Plan, including representations from statutory environmental bodies and on the Strategic Environmental Assessment and Habitats Regulations Assessment screening reports. These are addressed in this report as appropriate.

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

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

2. Introduction

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

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

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

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

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

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

12. I am also required to make a number of other checks under paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990.

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

- the submitted Kelvedon Neighbourhood Plan
- the Basic Conditions Statement
- the Consultation Statement
- Strategic Environmental Assessment and Habitats Regulations Assessment screening reports
- relevant parts of the development plan for Braintree comprising Local Plan Review (2005), the Core Strategy (2011) and the Local Plan 2013-2033 (Section 1) along with the emerging Local Plan to 2033 (Section 2)
- representations made on the submitted neighbourhood plan
- relevant material held on the Kelvedon Parish Council, Kelvedon Neighbourhood Plan and Braintree District Council websites
- National Planning Policy Framework
- Planning Practice Guidance
- relevant Ministerial Statements

14. The Kelvedon Neighbourhood Plan was submitted when the National Planning Policy Framework (February 2019) applied. A revised National Planning Policy Framework was published on 20 July 2021 which was shortly after the consultation on the submitted Plan closed. I have considered the implications of the revised National Planning Policy Framework during my examination. It has had no significant impact. My report references the July 2021 National Planning Policy Framework and the Plan will need to be appropriately updated to reflect it.

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

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

16. I carried out an unaccompanied visit to the Neighbourhood Area on a weekday during September. I visited the main locations addressed in the Plan, including the Village Development Boundary, High Street and the other Commercial Zones. My visit included the proposed Local Green Spaces, Key Views and other Open Spaces as well as the proposed Dark Sky Area. I also visited a selection of the local community facilities and assets and explored the rural setting of Kelvedon.

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

18. Producing the Kelvedon Neighbourhood Plan has clearly involved significant effort over many years led by the Steering Group. The process began in 2015 and is informed by significant community involvement. There is evidence of collaboration with Braintree District Council and this will continue to be important in ensuring delivery of the Plan. The evident commitment of all those who have worked so hard over such a long period of time to prepare the Plan is to be commended and I would like to thank all those at Braintree District Council and Kelvedon Parish Council who have supported this examination process.

3. Compliance with matters other than the Basic Conditions

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

Qualifying body

20. Being a parish council Kelvedon Parish Council is a Qualifying Body and the only organisation able to prepare a neighbourhood plan.

Neighbourhood Area

21. I am satisfied that the Plan relates to the development and use of land for a designated neighbourhood area which comprises the area of Kelvedon Parish Council and was agreed by Braintree District Council on 31 March 2015.

22. The Plan generally refers to the parish rather than the neighbourhood area and this is appropriate given the wider public understanding of this description. Nevertheless, it is important that the Plan identifies the neighbourhood area and this can be achieved by retitling Map 1. The Village Development Boundary is addressed later in this report and it is recommended this is presented on a separate Map. A link to a more detailed map of the neighbourhood area / parish boundary would be helpful.

- M1 – Amend Map 1 to:
 - Retitle it as “Kelvedon Neighbourhood Area”
 - Delete the Village Development Boundary from both map and key
 - Insert “Kelvedon Neighbourhood Area and” before “*Parish boundary*” in key

- OM1 - [Provide a link to a suitable map which clearly depicts the boundary of the neighbourhood area / parish at an appropriate scale]

Land use issues

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

Plan period

24. The period of the neighbourhood plan is uncertain. It is stated that the Plan “generally aligns with the strategic policies of the Braintree District Local Plan for the period 2017 – 2032” (paragraph 3.4). A plan period to 2032 is also referenced in relation to monitoring and review (paragraph 15.1). The Plan’s Vision is for “the next 15 years” (paragraph 5.1) with an uncertain start date and Policy HO2 relates to the period 2017 – 2033. Braintree’s Local Plan is also to 2033 and not 2032. Given the intention to align with the Local Plan I recommend that the Plan period runs to 2033 and the Plan is modified to address this.

- M2 – Make the Plan period 2017-2033 throughout the Plan, and consider including it on the Plan’s cover

Excluded development

25. I am satisfied that the Plan makes no provision for excluded development such as national infrastructure projects.

4. Consultation

26. I have reviewed the extensive Consultation Statement, including its Appendices, and relevant information provided on the Kelvedon Parish Council website. This provides a clear record of the extensive consultation process that has been undertaken since designation of the neighbourhood area in 2015.

27. The public consultation process has been wide ranging and used a variety of different engagement methods. These included a website, surveys, local magazines, social media, a newsletter and multiple consultation events. The surveys included all households in the neighbourhood area. There has also been local consultation on the potential housing sites identified in the Local Plan. A separate business and retail survey was undertaken. Kelvedon Community Festival was used as a venue for involving people with a stall and display boards inviting comments and feedback. This also engaged users of services within Kelvedon who are resident in neighbouring areas.

28. Participation levels have been good with a response rate of 42% to the community survey drawn from across the neighbourhood area. There is a good range of responses by both age and gender to the questionnaires, including from those aged 16-24. There is also a good range of responses from those who are relatively new residents and those who have lived in the neighbourhood area for 11 or more years. There was an 82% response rate to the business and retail survey.

29. The Plan was subject to Regulation 14 consultation for eight weeks in 2018 and this was promoted through various channels, including a consultation questionnaire delivered to every household which was also made available online. Completed questionnaires were able to be returned at multiple locations and further copies were made available at Kelvedon Library and the Parish Council offices along with copies of the Plan. The consultation included use of a church fete and music festival. It was promoted on social media and through local newspapers and magazines. There is evidence of the consultation including the required statutory and other consultees.

30. 320 responses were received, including from statutory consultees, and there is good evidence in Appendix 11 of considered analysis of the responses from both statutory consultees and the community and subsequent amendments being made to the Plan. 92% of respondents supported the Plan's Vision and almost all the policies received well over 80% support. Policy HO1 received 69% support, reflecting tension over the scale and impact of new housing in the area.

31. 50 separate representations have been made on the submitted Plan including from individuals, statutory bodies, developer representatives, and local organisations. All the representations have been considered and are addressed as appropriate in this report. A number of representations, including from Essex Police, Essex Swifts, Essex County Council, Pigeon Investment Management Ltd, WSP UK Limited, L&Q, Coggeshall Parish Council and Forestry Commission raise new issues for inclusion in the Plan. While many of these are entirely reasonable proposals the scope of the Plan is a matter for the Qualifying Body and the question as to whether these new issues should be included does not impact on the Basic Conditions. These representations would need to be made at an earlier stage in the Plan's preparation. There are a significant number of supportive representations from local residents.

32. I am satisfied with the evidence of the public consultation undertaken in preparing the Plan over a long period of time. The Plan has been subject to wide public consultation at different stages in its development. The participation rates have been good. The process has allowed community input to shape the Plan as it has developed and as proposals have been firmed up. Statutory bodies, landowning and development interests have been appropriately involved and the local planning authority has been engaged through the process. The Plan has been amended through the process of public engagement.

5. General comments on the Plan's presentation

Vision Statement and Objectives

33. I have reviewed the Plan's 15 year *Vision for Kelvedon* statement and the seven sets of Objectives that inform the 41 policies in the Plan. The Vision seeks a sustainable approach to growth that respects the character of Kelvedon as a rural village, provides and appealing place to live, work and take leisure and plays its part in reducing climate change. This approach reflects the feedback received through consultation and is carried through into the Plan's Objectives. It is supportive of sustainable development.

34. The Objectives are appropriate and recognise the need to provide for levels of housing development required by the Local Plan. The Objectives for *Health and Social Care* are presented in a different style to the other six sets of Objectives and the clarity of the Plan would be improved by taking a more consistent approach.

- OM2 – [Redraft the Health and Social Care Objectives in the same style as the Plan's other Objectives]

35. The Plan includes a number of Community Actions and sets out aspirations for four sites. These are not presented as planning policy and will not form part of the development plan if the Plan is made after a successful referendum. They do not raise any issues relating to the Basic Conditions.

36. The policies are distinguished from the rest of the Plan by the use of tinted boxes and unique identifying codes. I am satisfied they are clearly differentiated from other aspects of the Plan.

Other issues

37. The Plan includes references to a number of documents which comprise the evidence base. This is supported by Chapter 19 which lists some but not all of the referenced documents and a link to various background reports is also provided after paragraph 4.6.

38. The majority of the evidence base documents listed in Chapter 19 is not made available on the Neighbourhood Plan website and links are not otherwise provided. As a result the content of the evidence base is not easily accessible.

- OM3 – [Provide a section of the Neighbourhood Plan website which brings together all the documents in the Plan’s evidence base into a single location and provides links]

39. The general lack of a strong evidence base supporting a distinct approach for the parish is a major influence on my recommendations.

40. The Plan includes a number of Maps and these are of varying quality in the printed Plan. Where they do not provide sufficiently accurate boundaries or locations for a number of Plan policies I make recommendations in relation to the individual policies. It would be helpful if larger, high resolution copies were available, including links to where they are available online. All Maps, including those in the Appendices, should include a North arrow to avoid any confusion, such as with the *Built Form Character Assessment Map* on page 19 of the Appendices.

- OM4 – [Provide higher quality, larger scale maps where recommended with a link alongside each map to a high resolution, online version and provide all maps with a North arrow]

41. There are a significant number of policies which relate only to housing development that could sensibly relate to any form of development. It is for the Qualifying Body to determine the scope of its policies and this is not a matter for the Basic Conditions. My recommendations to confirm the scope of some policies and the addition of a new section of the Plan to accommodate revised Policies HO6, HO9 and HO12 are intended to be consistent with the approach as described in the Plan.

42. The Plan is well set out and presented with a clear Contents and an appropriate structure and hierarchy of headings. No page numbers are provided despite them being included in the Contents. The Contents are also lacking titles for each of the eight Appendices provided in a separate volume.

- OM5 – [Provide page numbers or remove them from the Contents and provide details of the contents of the Appendices]

43. Chapter 20 provides a Glossary. The references to the National Planning Policy Framework are now out of date and the definitions provided are not always accurate or consistent with national planning policy. These include:

- Affordable homes – differing definition to that in NPPF, Annex 2
- Localism Act – Neighbourhood plans are “made” not “adopted”
- National Planning Policy Framework – Local Plans need to take this into account and must be consistent with it to be found sound. Neighbourhood plans need to have regard to national planning policy. There is no separate provision for “County” policies.

44. The Glossary needs to provide accurate information if it is to be useful and if the Plan is to provide the clarity needed. Given the wide availability of the information provided there could be merit in reconsidering whether the Glossary should be included in the Plan.

- M3 – Update and amend the Glossary to be consistent with the National Planning Policy Framework or remove it from the Plan

45. Chapter 21 provides a list of “*relevant BDC policies*”. It is explained in paragraph 6.2 as “*A list of all the relevant BDC Emerging Local Plan policies*” but the Local Plan to 2033 (Section 2) is undergoing Public Examination its policy framework is subject to amendment. Chapter 21 is likely to become out of date and reduce the Plan’s clarity. It serves no necessary purpose and should be deleted.

- M4 - Delete Chapter 21

46. Paragraph 3.2 states that *“As an adopted Plan, the Neighbourhood Plan will be read in conjunction with BDC’s emerging Local Plan.”* Once made (rather than adopted) the neighbourhood plan will be form part of the development plan along with the existing Local Plan as well as being read in conjunction with the emerging Local Plan.

- OM6– [Replace the first sentence of paragraph 3.2 with *“As a made Plan, the Neighbourhood Plan will form part of the development plan with Braintree District Council’s adopted Local Plan. It will also be read in conjunction with Braintree District Council’s emerging Local Plan.”*]

47. The Plan references a Policy NE9 in paragraph 12.11 which is not present in the Plan. This is noted by CPRE Essex’s representations.

- OM7 – [Delete reference to Policy NE9 in paragraph 12.11]

48. The Plan’s drafting anticipates an Examination and appropriate changes to the supporting text will be needed in the production of a revised version for the referendum.

- OM8 – [Make appropriate drafting changes to reflect the evolution of the Plan in the version to go to referendum]

6. Compliance with the Basic Conditions

49. The Plan is supported by a Basic Conditions statement that assesses each of the Plan's policies against the Basic Conditions relating to national planning policy, strategic policies in the development plan and sustainable development. The Plan's Objectives are also assessed against national planning policy and strategic policies in the adopted and emerging Local Plan.

National planning policy

50. The Plan is required to "*have regard*" to national planning policies and advice. This is addressed in the Basic Conditions statement which relates the Plan's policies to the National Planning Policy Framework (NPPF) (February 2019). A new National Planning Policy Framework was published in July 2021. I have considered the new national planning policy as part of my examination. It has had no material impact. References to the NPPF should be updated to reflect the new document.

- M5 – Update references to the National Planning Policy Framework to reflect the content and paragraph numbering of the July 2021 revision

51. The analysis of each of the Objectives and policies against relevant sections of the National Planning Policy Framework identifies no instances where regard has not been had. There are some instances where it is recognised that Plan policies go beyond the requirements of national planning policy. I address these as appropriate in my examination of individual policies. The overall conclusion is that "*All KNP [Kelvedon Neighbourhood Plan] policies have been prepared with regard to national planning policy*".

52. The assessment provided is relatively limited and generally comprises a description of the purpose of the Plan policy. Nevertheless this does serve to demonstrate that consideration has been given to national planning policy.

53. I address some conflicts with national planning policy in my consideration of individual policies and recommend some modifications. There are also some areas where

the drafting of the Plan's policies needs to be amended in order to meet the National Planning Policy Framework's requirement for plans to provide a clear framework within which decisions on planning applications can be made. The policies should give a clear indication of *"how a decision maker should react to development proposals"* (paragraph 16). It is also important for the Plan to address the requirement expressed in national planning policy and Planning Practice Guidance that *"A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared."* (NPPG Paragraph: 041 Reference ID: 41-041-20140306). The Plan's policies do not always meet these requirements and a number of recommended modifications are made as a result.

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

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

Sustainable development

56. The Plan must *"contribute to the achievement of sustainable development"*. This is addressed in the Basic Conditions statement by a short statement on how each policy contributes towards sustainable development. No instances of conflict are identified. The overall conclusion is that *"All KNP [Kelvedon Neighbourhood Plan] policies contribute towards the achievement of sustainable development"*.

57. The analysis is limited and high level. It does not distinguish between the economic, social and environmental objectives contributing to sustainable development. Nevertheless

I am satisfied that the overall contribution of the Plan to sustainable development is positive and I am satisfied that the Plan meets this Basic Condition.

Development plan

58. The Plan must be *“in general conformity with the strategic policies of the development plan”*. The strategic policies in both the adopted and emerging Local Plan are identified and each Plan policy is considered against it. The analysis of each of the Objectives and policies against the strategic policies of the development plan identifies no instances where the Plan policy does not conform with local strategic planning policy. There are some instances where it is recognised that Plan addresses topics which are not included in strategic development plan policies or goes beyond it. The assessment identifies no instances where strategic policy is contradicted. The overall conclusion is that *“All KNP [Kelvedon Neighbourhood Plan] policies.....are considered to be in general conformity with local strategic planning policy”*.

59. On request Braintree District Council informed me that it *“is satisfied that the Kelvedon Neighbourhood Plan is in general conformity with the Local Plan”*.

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

Strategic Environmental Assessment

61. The Plan must be informed by a Strategic Environmental Assessment if it is likely to have significant environmental effects. A Screening Report was published in September 2018 and concluded in November 2017 that *“The Neighbourhood Development Plan does not allocate land for development purposes, nor do the findings of this SEA Screening Report determine that any of the Plan’s content would have any detrimental effect on any facet of the environment included within Annex II of SEA Directive.....The content of the Kelvedon neighbourhood Plan has therefore been **screened out** for its requirement of Strategic Environmental Assessment in line with the requirements of Directive 2001/42/EC”*.

62. Environment Agency, Historic England and Natural England did not disagree with this conclusion in their representations on the submitted Plan but were not consulted separately on the Screening Assessment. This was undertaken during the Examination. Historic England concluded that it *“concurrs with the conclusions of the report that the preparation of a Strategic Environmental Assessment is not required”* and Natural England concluded *“that there are unlikely to be significant environmental effects from the proposed plan”*. Environment Agency did not offer a separate view but raised no issues in its other representations on the Plan.

63. The Screening Report assessed the pre-submission consultation version of the Plan. I have considered whether the subsequent changes made to the Plan and to the Local Plan might reasonably result in a different conclusion being reached were the assessment to be repeated and have concluded that none of the changes are significant for the purposes of meeting this requirement.

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

Habitats Regulations Assessment

65. The Plan must be informed by a Habitats Regulations Assessment if it is likely to lead to significant negative effects on protected European sites. A Screening Report was published in September 2018 that concluded *“Subject to Natural England’s review, this HRA Screening Report indicates that the Kelvedon Parish draft Neighbourhood Plan is not predicted to have any Likely Significant Effect on any Habitats site, in combination with other plans and projects. The content of the Kelvedon Neighbourhood Plan has therefore been **screened out** for any further assessment and Braintree DC can demonstrate its compliance with the UK Habitats Regulations 2017.”* Natural England has stated that it *“does not have any comments to make on the HRA report”*.

66. The Screening Report assessed the pre-submission consultation version of the Plan. I have considered whether the subsequent changes made to the Plan and to the Local Plan might reasonably result in a different conclusion being reached were the assessment to be repeated and have concluded that none of the changes are significant for the purposes of

meeting this requirement. Natural England made no comment on this issue when the Plan was submitted.

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

Other European obligations

68. The Plan must be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations. The Basic Conditions Statement asserts that this is the case while not providing further evidence. I am satisfied that the Plan has appropriate regard to the rights and freedoms guaranteed under the ECHR and to the Equality Act 2010. No contrary evidence has been presented. There has been adequate opportunity for those with an interest in the Plan to make their views known and representations have been handled in an appropriate and transparent manner with changes made to the Plan.

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

7. Detailed comments on the Plan policies

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

Housing

71. **Policy HO1** – This supports residential development in addition to Local Plan requirements subject to provision of necessary infrastructure.

72. The provision of road, sewerage, education and health infrastructure is generally a strategic matter which is addressed by the Local Plan (paragraph 20, NPPF). This is recognised by the Policy which addresses only the need generated by levels of development above those anticipated in the Local Plan. The Policy is positively worded.

73. The Local Plan context is subject to change and the Policy should reflect this by avoiding reference to the specific approach in an emerging document at the time of the Plan's preparation. This can be included in the supporting text and should address the impact of the planning consent for development of emerging Local Plan site allocation KELV 335 on the planned housing provision.

74. The Policy would remove support from development with infrastructure requirements that generate only minor adverse impacts on the natural environment regardless of its wider benefits. This is too restrictive an approach.

75. The means for delivering infrastructure is addressed through Policy DC1 and the Local Plan and should not be duplicated. Braintree District Council has not made provision for introducing the Community Infrastructure Levy. It is appropriate for Policy DC1 to be referenced in the supporting text.

76. The Plan does not provide clear evidence of infrastructure constraints. This is not necessary given Policy HO1's positive approach. Nevertheless, the supporting text should reference appropriate evidence supporting its explanation of infrastructure constraints and it is neither appropriate to reference a named local authority officer nor fail to provide publicly available evidence supporting the existence of infrastructure constraints. I share many of Essex County Council's representations clarifying the wording of the Policy and the selective inclusion of example types of infrastructure does not aid clarity.

77. Policy HO1 relates to the provision of infrastructure rather than the "*Number of new homes*" and should be retitled

78. Policy HO1 does not meet the Basic Conditions.

- **M6 – Amend Policy HO1 to:**
 - **Replace the title with "New housing and associated infrastructure"**
 - **Move the opening paragraph to the supporting text**
 - **Replace "*this minimum number*" with "Local Plan housing requirements"**
 - **Delete "*, including healthcare provision/improvements, primary school place provision, sewerage capacities and road infrastructure,*"**
 - **Replace "*time or preferably in advance to serve the needs of the existing village and new development once complete and occupied and that there are*" with "in a timely and phased manner with"**
 - **Insert "significant" before "adverse"**
 - **Delete the last sentence**

- **OM9 – [Replace footnote 2 with publicly available evidence of infrastructure constraints in Kelvedon]**

79. **Policy HO2** – This introduces a requirement for housing development of 10 homes or more to include a housing and trajectory plan and take account of infrastructure requirements.

80. The Policy introduces a significant additional requirement which is acknowledged by the Basic Conditions Statement as going beyond national planning policy and the strategic policies of the Local Plan.

81. National planning policy clearly identifies the *“housing trajectory”* as a strategic and not a neighbourhood planning matter – *“strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites”* (paragraph 74, NPPF). There are no specific sites allocated for development in the Plan. The cumulative need for infrastructure is also a strategic matter. I share concerns about the additional impact of the Policy expressed by Essex County Council and Turley on behalf of Parker Strategic Land.

82. A requirement for all new housing developments even as small as planning applications for ten new homes to be phased is a significant constraint and not appropriate in all circumstances. It would need to meet the requirements of all planning conditions that they are *“kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects”* (paragraph 56, NPPF). The Plan is not supported by strong evidence of infrastructure constraints in the neighbourhood area.

83. Policy HO2 does not meet the Basic Conditions.

- **M7 – Replace Policy HO2 with *“Development proposals for 10 or more homes should be supported by a phasing plan for the delivery of new homes and infrastructure where necessary.”***

84. **Policy HO3** – this introduces a requirement for major housing developments to include a Development Brief and a Statement of Community Consultation as specified.

85. The Policy is supported by details in Appendices for the content of both a Development Brief and a Statement of Community Consultation which *“will be required”* or

“must” be provided. There is also support for active engagement with the Parish Council and community. It is unclear why the Policy title relates only to Development Briefs given its scope. It is also unclear why the requirements of Policy HO3 relate only to residential development as they are equally relevant to other major development types and this is recognised in the supporting text. The threshold size of development in the Policy is not entirely consistent with that of *“major development”* in national planning policy (Annex B, Glossary, NPPF). This defines it as development of 10 or more homes or sites of 0.5 hectares or more.

86. There are national information requirements for planning applications and national planning policy supports local information requirements being *“kept to the minimum needed to make decisions..... Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.”* (paragraph 44). Braintree District Council provides details of the information required for different types of planning application via a local validation list.

87. The Policy requirement for a Development Brief encompassing all the information set out in Appendix A goes further than both national and local information requirements and may not be necessary in all cases. This is recognised by Braintree’s local validation list including a category of documents that are sometimes required separate from those that are always required. It is also open to the local planning authority to request additional supporting information where it is necessary, relevant and material. I share concerns about the additional impact of the Policy expressed by Essex County Council and Turley on behalf of Parker Strategic Land. I recommend that while provision of the information set out in Appendix A can be supported where appropriate it cannot be a requirement.

88. The second part of the Policy requires a Statement of Community Consultation to accompany applications for major development. There is strong support in national planning policy for the benefits of early engagement for all types and scales of development – *“Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties”* (paragraph 39, NPPF). National planning policy is also clear that it is something to be encouraged by local authorities but it cannot be

required - “They cannot require that a developer engages with them before submitting a planning application” (paragraph 40, NPPF).

89. Braintree District Council requires a “*statement of community involvement*” to be provided with all applications for major development and the Policy is consistent with this. Braintree District Council does not prescribe the content of such a statement and the Policy is supported by Appendix B which sets out minimum requirements that “*must*” be met. The content of Appendix B is not unreasonable but it is for the applicant to decide how and what to include in a statement. Appendix B provides helpful guidance but it cannot be prescriptive. The local planning authority may seek further information where this is deemed necessary.

90. Appendices A and B should be included in the main body of the Plan to make it easier and clearer to use.

91. Policy HO3 does not meet the Basic Conditions

- **M8 – Replace Policy HO3 and its title with:**

“Development Briefs and community consultation

Where appropriate, planning applications for major housing development should be supported by a Development Brief and Statement of Community Consultation as set out in Appendices A and B. Early engagement and pre-application discussion is encouraged for all applications.”

- M9 – Move Appendices A and B into the main body of the Plan
- M10 – Replace “*shall*” with “*should*” in the first line of Appendix A
- M11– Replace the second paragraph of Appendix B with “Where a Statement of Community Consultation is provided this should include the following:”

92. **Policy HO4** – This provides policy criteria which must all be met for housing development outside the Village Development Boundary to be considered favourably.

Kelvedon's Village Development Boundary is established by Policy RLP2 of the adopted Local Plan and included as an Inset in the Local Plan Policies Map. This has been reaffirmed in the preparation of Braintree Local Plan Section 2. Map 1 provides the only detail of the Village Development Boundary in the Plan and this is too small to enable its detailed location to be determined. It will need to be adjusted following development of site allocation KELV 335 west of Kelvedon Station in a future plan review.

93. Policy RLP2 permits exceptions to countryside policies protecting land outside the Village Development Boundary only for affordable housing schemes. Otherwise Local Plan Policy CS5 applies limiting development to that which is *"appropriate to the countryside"*.

94. Policy HO4 is significantly more enabling and supports consideration of sites adjoining the Village Development Boundary for housing development. This supporting text indicates that this reflects recognition of the need for further development in Kelvedon alongside an inability to identify sites considered acceptable. This conundrum was not resolved by a site selection survey undertaken during preparation of the Plan which generated responses from nearly one third of residents. A decision has been made to leave site selection to Braintree District Council through the Local Plan review.

95. As it stands Policy HO4 is in conflict with the adopted Local Plan and its strategic approach to locating development within development boundaries. It appears to be more of an advocacy statement seeking to influence the selection of sites in the Local Plan than a considered planning policy. It will weaken the role of the Village Development Boundary in providing certainty. It would be an appropriate role of the neighbourhood plan to make changes to the Village Development Boundary where these can be justified. In the absence of this intention it is important that the Plan does not undermine its effectiveness and that it is left to the Local Plan to make the necessary changes and appropriate site allocations.

96. Policy HO4 does not meet the Basic Conditions

- **M12 - Delete Policy HO4**

- **M13** - Include reference to Policy RLP2 establishing Kelvedon’s Village Development Boundary in the supporting text and provide a link to the online Local Plan Policies Map and/or provide a large scale map depicting the detailed boundary
- OM10 –[Consider inclusion of the criteria in Policy HO4 within the supporting text for the Introduction to the Housing Policies as an expression of the principles which should inform future site allocations or amendments to the Village Development Boundary.]

97. **Policy HO5** – This establishes expectations for the mix of different sized and types of homes in major residential development, including specifying a proportion that should be bungalows. A range of housing types is also encouraged for smaller development.

98. The Policy intent to provide for a mix of housing types is consistent with both national and local planning policy (including paragraph 62 NPPF and Policy RLP8). There is a stated concern of an overprovision of larger 4+ bedroom homes and this is supported by evidence that Kelvedon has more 4+ bedroom homes and fewer 3 bedroom homes than Braintree as a whole. There is support through public consultation for more new homes to be smaller and also for more bungalows to be provided in response to an ageing population.

99. The Policy is for 17% of new homes in major development to be bungalows. This is justified on the basis of evidence from the Community Survey of a need for 42 new bungalows. The Policy prescribes a precise percentage breakdown of new homes by number of bedrooms. This is supported by general evidence that the breakdown needs to depart from that for Braintree as a whole. No evidence for the specific percentages in the Policy is provided. I share concerns about the prescriptive nature of the Policy expressed by Turley on behalf of Parker Strategic Land and Pigeon Investment Management Ltd.

100. The remainder of the Policy is imprecise in supporting a “*diverse mix*” of home types and providing a very wide range of examples. Braintree District Council describes it as “*confusing and contradictory*”. There is also a general encouragement for two to three

bedroom homes which relates weakly to the precise percentages expected. The support for smaller developments to provide a mix of types is eclectic in the examples provided.

101. The overall intention of Policy HO5 is appropriate. There is also evidence supporting a need to provide more homes with fewer bedrooms. There is a lack of evidence supporting a prescribed breakdown of homes of different bedroom sizes. Similarly, the evidence supporting a prescribed percentage of new homes to be provided as bungalows is insufficient to justify the approach. The Policy would more appropriately reference the need to consider the available evidence in providing an improved mix of housing types and sizes with the expectation of an increase in the share of bungalows and houses with a smaller numbers of bedrooms expressed in the supporting text. Other aspects of the Policy are too generic to provide the necessary certainty required of a planning policy. The drafting is unduly prescriptive in stating what “will” be required. Major development is as defined in national planning policy and includes sites of 0.5 hectares or more as well as developments of 10 or more homes (Annex B, Glossary, NPPF). This should be referenced in the supporting text.

102. Policy HO5 does not meet the Basic Conditions.

- **M14 – Replace Policy HO5 with:**

“Development proposals for new dwellings which improve the mix of housing types and sizes in the Parish will be supported.

Major residential development should include evidence demonstrating the mix of dwelling types and sizes is appropriate to the area taking into account the most recent Strategic Housing Market Assessment and other relevant evidence.”

103. **Policy HO6** – This favours development which is similar in key urban design characteristics to existing buildings and supports reference to the Kelvedon Design Guide, including specified design criteria.

104. There is strong support for well designed development and the use of Design Guides in national planning policy and Local Plan Policy SP7 requires “*high standards of urban and architectural design*”. This is not the same as requiring new development to be similar to existing buildings and the Policy takes a negative and restrictive approach. The Policy is not supported by evidence of the changing nature of design quality in the area although there is clear support for high quality design in the results of public engagement.

105. The policy criteria proposed address the issues in a positive way, alongside use of the Kelvedon Design Guide. It is not clear whether all the policy criteria apply and they may not all be appropriate to every development.

106. The Kelvedon Design Guide is provided in an Annex in a separate Volume. It largely comprises a series of high level Objectives and supporting statements. It is generally positive in approach apart from overly prescriptive statements of what “*must*”, “*will*” or “*shall*” be done. It also requires a Design Code to be provided for developments of more than 5 hectares and no evidence is provided for determining this threshold. Design Codes may be appropriate for smaller as well as larger developments depending on their context.

107. The Policy is drafted to be relevant to all types of development and not just housing development. This is a sensible approach and will require the Policy to be relocated into a different section of the Plan and renumbered. A section on the design of new development would also accommodate a revised Policy HO9 and HO12. Retitling the Policy will aid clarity of the Plan.

108. Policy HO6 does not meet the Basic Conditions.

- **M15 – Relocate, renumber and amend Policy HO6 as follows with:**
 - **Locate the Policy outside the Housing section of the Plan and renumber it (e.g. Policy D?)**
 - **Replace the title with “Design of new development”**
 - **Delete the first two sentences**
 - **Insert “should, where appropriate,” before “ensure that”**

- Insert “(“ before “or” in subsection a.
 - Replace the full stop at the end of subsections a. to f. with a comma and insert “and” at end of subsection f.
 - Insert new sentence at end “Development proposals should have regard to the Kelvedon Design Guide and where a Design and Access Statement is provided it should demonstrate how this has influenced proposals.”
- M16 – Replace all instances of “must”, “will” or “shall” in The Kelvedon Design Guide (Appendix D, Volume 2) with “should” and delete “5ha” as a threshold size of development above which a Design Code should be provided

109. **Policy HO7** – This sets out requirements for the provision of affordable homes, the type of affordable homes and the local connection criteria to be met.

110. The approach to the share of affordable housing provision, the threshold size of development where it needs to be provided, and the tenure split is intended to align with that in the emerging Local Plan Policy LP33. It draws on the evidence base which supports this approach but in the absence of additional robust local evidence the Plan cannot anticipate a Local Plan policy being found sound and adopted. The Community Survey undertaken in 2016 does not provide additional robust evidence supporting the detailed approach set out in the Policy.

111. The supporting text includes an outdated Government definition of affordable housing.

112. The drafting of the expectation that new affordable homes will not be physically distinguishable from other homes is prescriptive in stating what “must” be created and prescribing that “*dwelling are distributed in clusters*”. Alternative arrangement of affordable homes may be appropriate and more suited to management needs.

113. The Policy's "*local connection*" criteria align broadly with those used by Braintree District Council but these only apply to exception sites in rural areas. There is no robust up to date evidence provided with the Plan to support wider use of local connection criteria.

114. Policy HO7 does not meet the Basic Conditions.

- **M17 – Replace Policy HO7 with:**
“Development proposals which make provision for affordable housing that demonstrate it meets local needs will be supported. The location, layout and design of affordable housing should create an inclusive environment and be externally indistinguishable from other housing provided on the same site.”
- M18– Provide the most recent Government definition of affordable housing (Annex B, NPPF) in paragraph 7.33 of the supporting text

115. **Policy HO8** – This establishes a minimum garden size of 100m² subject to defined exceptions.

116. The Policy is supported by reference to the longstanding recommended minimum garden size of 100m² in the Essex Design Guide and endorsement of the need for offering minimum garden sizes in the Kelvedon Community Survey. The Essex Design Guide also provides for similar exceptions to the Policy for one and two bedroom dwellings and flats. No evidence is provided supporting the particular exception for three bedroom terrace dwellings to justify the prescription that "*private gardens shall be a depth of 2.5 x the width of the house*".

117. The Essex Design Guide recognises that the need for flexibility in relation to other situations and also that "*some local authorities may have different minimum garden sizes*". It would be appropriate for a neighbourhood plan to establish a different approach where local evidence is provided. Instead Policy HO8 largely follows a county-wide standard and there is no local evidence to support any variation for three bedroom terraces. The drafting

of Policy HO8 is more prescriptive than that of the Essex Design Guide and lacks the flexibility required of planning policy.

118. The expectation that new development will *“have regard”* to the Essex Design Guide in former Local Plan Policy CS9 is not continued into Policy SP7 of the recently adopted Local Plan Section 1. Consequently it is appropriate for the Plan to make direct reference to its role.

119. Policy HO8 does not meet the Basic Conditions.

- **M19 – Replace Policy HO8 with “Development proposals for new dwellings should have regard to the Essex Design Guide in determining the appropriate minimum private garden size.”**

120. **Policy HO9** – This is an extensive policy setting out criteria and approaches to secure high quality design.

121. The Policy is drafted to be relevant to all types of development and not just housing development. This is a sensible approach and will require the Policy to be relocated into a different section of the Plan and renumbered. A section on the design of new development would also accommodate a revised Policy HO6 and HO12.

122. The drafting includes sections which provide advice to applicants, such as what is a *“central part of achieving good design”* or whether internal layouts a *“generally a planning matter”*, rather than policy to be considered in the determination of planning applications.

123. The distinction between development within and outside a Conservation Area lacks clarity and is a potential source of confusion. For example, it is desirable that *“a positive contribution will be made to the street scene”* for development within a Conservation Area as well as outside. Given the legal requirement that it is desirable for all development in Conservation Areas to *“preserve or enhance”* their character and appearance and supportive national planning policy this lack of clarity is unnecessary and no distinction should be

made. Similarly, it is duplicative to require new development to be in accordance with national technical housing standards and this requirement is repeated within the Policy.

124. The drafting of the Policy that development failing to take opportunities for enhancing local character and quality *“will not permitted”* is drawn from national planning policy which has been replaced by the recently revised National Planning Policy Framework. It is, nevertheless, consistent with revised national policy that *“development that is not well designed should be refused”* (paragraph 124, NPPF).

125. It is unclear whether all the policy criteria should be considered in relation to all development. It is also unclear whether the three *“considerations”* which follow criterion g. should relate directly to its expectations for the quality of parking design.

126. The Policy is that new development *“will adhere to the principles of....Building for Life 12”* and that applicants *“will demonstrate”* how they have had regard to it. Planning Practice Guidance supports the use of Building for Life 12 as an assessment framework for considering design quality but it cannot be compulsorily mandated through planning policy.

127. The Policy is for development to have regard to both the Kelvedon Design Guide in Appendix D and the Built Character Assessment in Appendix E. By contrast Policy HO6 references only the Kelvedon Design Guide and uses the reference to the Built Character Assessment in the first paragraph of the Design Guide as the mechanism for ensuring it is considered.

128. Policy HO9 does not meet the Basic Conditions.

- **M20 - Relocate, renumber and amend Policy HO9 as follows:**
 - **Locate the Policy outside the Housing section of the Plan and renumber it (e.g. Policy D?)**

- Delete *“and be in accordance with the national technical housing standards. In the Conservation Area, this means”* and insert a comma before *“recognising”*
- Replace *“Outside the Conservation Area, a positive contribution will”* with *“A positive contribution should”* and locate it at the end of the first paragraph after *“orientation.”*
- Replace *“A central part of achieving good design is responding to and integrating”* with *“Development proposals should respond to and integrate”*
- Replace the full stop at the end of criteria a. to f. with a comma and insert *“and”* at the end of criterion f.
- Replace criterion f. with *“Providing highly energy efficient homes and use of renewable energy”*
- In criterion g.
 - replace *“Parking will be designed”* with *“Designing parking”*
 - insert *“, including:”* after *“development”*
 - delete *“Consideration should include:”*
 - delete *“(please refer to the KNP Design Guide)”*
- Replace remainder of Policy from *“To help”* to *“Volume 2”* with:
“Where appropriate development proposals should demonstrate how they have had regard to:
 - **The Building for Life 12 assessment framework**
 - **Kelvedon Design Guide (Appendix D)”**

129. **Policy HO10** – This support replacement dwellings and extensions within the Village Development Boundary subject to defined criteria.

130. The Policy is positively worded. It will be helped by the recommendation for a separate map showing the Village Development Boundary at an appropriate scale.

131. The wording is unduly prescriptive in stating what *“must”* be provided and there are syntax errors in the drafting of the last two bullet points.

132. Policy HO10 does not meet the Basic Conditions.

- **M21 – Amend Policy HO10 to:**
 - **Replace “*must*” with “*should*” in the second paragraph**
 - **Replace the fourth bullet with “*boundary treatments traditional to the area*”**
 - **Delete “*The*” and “*are safeguarded*” in the last bullet**

133. **Policy HO11** – This supports development of previously used small sites within the Village Development Boundary.

134. The Policy is positively worded. It applies to sites proposed for five or fewer dwellings and no evidence is presented for this choice of threshold. Nevertheless, it offers a supportive approach that does not exclude larger scale development. It is unclear whether all the criteria apply. The Policy will be clearer if each criterion can be identified.

135. The Policy drafting lacks clarity in referencing the “*Village Boundary*” instead of the “*Village Development Boundary*” and the title should also be clear that the Policy is only relevant to residential development. The reference to “*Local Heritage Asset*” is also unclear and I recommend use of “*non-designated heritage asset*” consistent with national planning policy.

136. It will be necessary for mitigation for loss of wildlife to be provided rather than “*sought*” in appropriate cases. The expectation that development should meet the requirements of the Natural Environment policies in the Plan is unnecessary as all relevant development plan policies are considered in relation to planning applications. It is unlikely that any development of the scale envisaged is required to undertake a Habitats Regulations Assessment and such requirements exist without a need to include them in a Plan policy. I recommend that a consistent approach is taken to the role of the Kelvedon Design Guide.

137. Policy HO11 does not meet the Basic Conditions.

- **M22 – Amend Policy HO11 as follows:**
 - **Replace the title with “Housing development on previously-developed sites within the Village Development Boundary”**
 - **Letter the bullet point criterion consistent with other policies and insert “, and” at the end of the penultimate criterion**
 - **Replace “*Local Heritage Asset*” with “undesigned heritage asset” in the first criterion**
 - **Replace the second criterion with “Adequate mitigation is provided where appropriate for the loss of wildlife habitat”**
 - **Delete the third criterion**
 - **Replace “*Fulfils the requirements of*” with “has regard to” in the final criterion**

138. **Policy HO12** – This provides policy criteria to secure sustainable and energy efficient buildings.

139. The Policy is drafted to be relevant to all types of development and not just housing development. This is explicitly acknowledged in the third bullet. This is a sensible approach and will require the Policy to be relocated into a different section of the Plan and renumbered. A section on the design of new development would also accommodate a revised Policy HO6 and HO9.

140. It is unclear whether all the criteria apply. The Policy will be clearer if each criterion can be identified. There are syntax errors in the drafting of the bullet points. The reference to Local Plan Policy is unnecessary and duplicative as all relevant development plan policies are considered in relation to all planning applications. Local Plan Policy CS9 has also been replaced by the recently adopted Local Plan Section 1 and as noted in representations from Braintree District Council there is no specific mention of solar panels. It is also unnecessary for Plan policy to reference to a need for third party consents for works on heritage assets.

141. There is a specific expectation that non-residential development should aim to meet the BREEAM excellent standard. National planning policy is that “*any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards*” (NPPF, paragraph 154) and the Plan can support but not require development to deliver higher voluntary standards.

142. Policy HO12 does not meet the Basic Conditions.

- **M23 - Relocate, renumber and amend Policy HO12 as follows:**
 - **Locate the Policy outside the Housing section of the Plan and renumber it (e.g. Policy D?)**
 - **Letter the bullet point criterion consistent with other policies and insert “, and” at the end of the penultimate criterion**
 - **Insert “Support for” at the beginning of the third criterion and replace “*should aim to*” with “*which*”**
 - **Replace “*Any new development to incorporate*” with “*Incorporating*” at the beginning of the fourth criterion and delete after “*sources*”**
 - **Replace the final criterion with “*Retrofitting heritage assets to reduce energy demand and generate renewable energy where appropriate and consistent with safeguarding historic character and significance.*”**

Moving around

143. Representations from Essex County Council update the description of progress on expanding the A12 and should be included.

- OM11 –[Update paragraph 8.2 to respond to the update provided by Essex County Council]

144. **Policy MA1** – This requires development creating new access or increasing traffic levels to demonstrate it will be acceptable and identifies three location of particular concern.

145. There is clear support for measures which address the impact of traffic and congestion from public consultation. The Policy lacks any evidence base demonstrating the scale of or trends in traffic levels and congestion in either the parish or in the three locations identified. This has implications for the Policy drafting when the identification of specific locations cannot be justified. These can be included in the supporting text.

146. The Policy is unduly prescriptive in stating what “will” need to be demonstrated and it is unnecessary to restate support for developments which accord with other policies. Planning policies are only relevant to development for which express planning permission is required. The policy relates to both traffic congestion and parking stress.

147. Policy MA1 does not meet the Basic Conditions.

- **M24 – Amend Policy MA1 to:**
 - **Add “and parking stress” to the title**
 - **Delete the first sentence**
 - **Replace the second sentence with “Development proposals which increase the number of vehicle access points or which would result in a significant increase in traffic should demonstrate that their impact on the free flow of traffic or parking stress, including conflict with larger vehicles, is acceptable.”**
 - **Move the details of the locations of particular concern to the supporting text and consider identifying them on Map 2**

148. **Policy MA2** - This requires all development proposals to make provision for and contribute to traffic calming, including use of s106 obligations and Community Infrastructure Levy.

149. The Policy presents a sweeping and disproportionate approach that would apply to any development and regardless of its traffic impact. It also overlaps with Policy DC1 regarding developer contributions and the Community Infrastructure Levy is not operating in Braintree. As noted by Essex County Council there are also additional ways in which such

measures may be funded. The approach should only apply where appropriate and to development which will result in a significant increase in traffic.

150. Policy MA2 does not meet the Basic Conditions.

- **M25 – Replace Policy MA2 with “Development proposals which would result in a significant increase in traffic should make provision for, and/or contribution to, relevant traffic calming measures where appropriate.”**

151. **Policy MA3** – This is a wide ranging policy addressing the need and opportunity for development to improve connectivity and support sustainable transport modes.

152. The Policy is grounded in feedback from the public consultation but the other evidence is very limited. The focus of the Policy is on residential development although it is relevant to other development types. The drafting includes aspirational statements – *“access for all should be the norm”* – alongside planning policy. It also includes elements outside the scope of planning policy, including the recording of Public Rights of Way on a Definitive Map, speed limit designs, controlled parking zones and resisting changes to bus and train services. These would be appropriate in the supporting text. No evidence is provided for reducing parking standards.

153. Representations from both Essex County Council and Essex Bridleways Association identify the failure of the policy to address equestrian access and reference to *“multi user routes”* is supported. This is an omission which does not relate to the Basic Conditions.

154. The Policy is unduly restrictive in stating what *“must”* be provided, *“will”* be required and *“shall”* be submitted. It refers incorrectly to the requirements for Travel Plans and Assessments. There is no rationale for restricting the policy to housing development and Kelvedon Parish Council has confirmed the intention that the policy covers all types of development.

155. Policy MA3 does not meet the Basic Conditions.

- **M26 – Replace Policy MA3 with:**
“New development will be supported that supports the objective of improving connectivity within the village and, wherever possible, includes:
 - a. **appropriate safe pedestrian and cycle routes to public transport hubs and medical, recreational, educational and retail facilities which link to other local and national networks where possible,**
 - b. **shared use cycle ways/footpaths,**
 - c. **appropriate provision for those with mobility problems and visual impairment,**
 - d. **appropriate provision of ‘shared spaces’ or ‘living streets’ which reduce both the speed and dominance of motorised transport,**
 - e. **long term public access to and the ongoing maintenance of new foot or cycle paths,**
 - f. **secure covered cycle bays or storage in any new public or shared private parking areas,**
 - g. **secure cycle at local amenities including the Health Centre, Library, Kelvedon Recreation Ground, and the railway station, and**
 - h. **appropriate provision for sustainable modes of transport including the requirements of electric and hybrid cars within new and refurbished developments and car parks.**

A Transport Assessment or Travel Plan and Statement should be submitted as appropriate.”

- **OM12 – [Replace “pedestrian and cycle” with “multiuser” in a. and add “bridleways” to e.]**

156. **Policy MA4** – This seeks development which meets existing parking standards as a minimum.

157. The Policy is broadly consistent with Local Plan Policy RLP 56 and the 2009 *Parking Standards - Design and Good Practice* prepared for Essex which also supports the use of minimum standards for residential development. This document is referred to in the Policy but no reference is provided. As highlighted by Essex County Council the Parking Standards are material considerations rather than Plan requirements.

158. Policy MA4 does not meet the Basic Conditions.

- **M27 - Amend Policy MA4 to read “Development proposals for new homes should have regard to Essex County Council Parking Standards. Proposals which fall below these standards should be supported by evidence of the local circumstances justifying the departure.”**
- OM13 – [Provide a reference to *Parking Standards - Design and Good Practice*, Essex Planning Officers Association/Essex County Council, September 2009 and a link in the supporting text]

159. **Policy MA5** – This supports promotion of footpaths/bridleways and new paths along the River Blackwater.

160. The Policy is positively worded. It addresses both the “*promotion*” of footpaths and the role of landowners in formalising a long distance footpath through the Parish. These are not matters of planning control and should be addressed in the supporting text and not the Policy. The drafting references what the Plan will support. Planning policy relates to development proposals and the determination of planning applications and not general statements of support. As noted in representations by Feering Parish Council the Policy references bridleways in its title but not its text.

161. Policy MA5 does not meet the Basic Conditions.

- **M28 – Amend Policy MA5 to:**

- **Replace “The Plan will support the promotion of existing footpaths and” with “Planning applications will be supported which include”**
- **Insert “and bridleways” after “paths”**
- **Replace “, if landowners are willing to formalise” with “and/or”**
- **Delete “, in particular through the parish,”**

Health and Social Care

162. **Policy HSC1** – This supports new and improved healthcare facilities with good accessibility, the protection of existing ones and the need for healthcare services to be in step with the growth of the parish.

163. The Policy is supported by some evidence of the pressure on healthcare facilities from growth and development in the area. It addresses considerations raised by L&Q about future demand as well as maintaining existing provision. While it is appropriate for the Plan to support new healthcare facilities and seek to protect existing ones the planning of future healthcare needs is a strategic policy issue (paragraph 20, NPPF) and goes beyond the scope of a neighbourhood plan. The Policy drafting is negative in “*resisting*” loss of services.

164. Policy HSC1 does not meet the Basic Conditions.

- **M29 – Amend Policy HSC1 to:**
 - **Insert “including provision for essential and additional GP services being provided to a higher standard and including other specialised services such as treatment of minor injuries.” after “encouraged”**
 - **Delete “, whilst resisting” and replace “any” with “Any”**
 - **Insert “should be avoided” at end of first paragraph**
 - **Delete second paragraph**

Education

165. Representations from Essex County Council address out of date references in the supporting text which should be considered in finalising the Plan.

- OM13 –[Update the supporting text in response to Essex County Council’s representations identifying references which are out of date and to recognise the *10 year plan for Essex schoolplaces 2021-2030*]

166. **Policy ED1** – This supports new, expanded and existing day care nursery facilities.

167. The Policy is positively worded. The drafting references what the Plan will support. Planning policy relates to development proposals and the determination of planning applications and not general statements of support. Some parts of the Policy are unnecessary as all planning applications will be considered against all development plan policies, including the impact on the Conservation Area. The Policy is inconsistent in describing both “day care nursery” and “nursery day care”.

168. Policy ED1 does not meet the Basic Conditions.

- **M30 – Retitle and replace Policy ED1 with:**
“The provision of nursery day care
Planning applications for existing and expanded nursery day care facilities and additional nursery day care facilities within the Village Development Boundary which provide appropriate on-site parking will be supported.”

169. **Policy ED2** - This supports provision of additional pre-school provision in an appropriate location.

170. The Policy is supported by some evidence of growing demand for preschool provision. It is positively worded. The drafting references what the Plan will support. Planning policy relates to development proposals and the determination of planning applications and not general statements of support. The drafting lacks clarity and is inconsistent with Policy ED1 in not referencing the Village Development Boundary although this is addressed in the supporting text.

171. Policy ED2 does not meet the Basic Conditions.

- **M31 – Replace Policy ED2 with “Planning applications for the provision of high quality permanent and improved preschool provision will be supported. Proposals should:**
 - a. **be located within the Village Development Boundary,**
 - b. **provide buildings of an appropriate size,**
 - c. **encourage access on foot,**
 - d. **provide on-site parking, and**
 - e. **provide external play space.”**

172. **Policy ED3** – This supports the expansion of the school on its current site.

173. The Policy is supported by some evidence of public support for expanding the existing site if needed rather than making alternative provision. The drafting references what the Plan will support. Planning policy relates to development proposals and the determination of planning applications and not general statements of support.

174. Essex County Council has provided representations seeking a more general policy that could address other options. This would be appropriate but the Kelvedon Parish Council has drafted a Policy which addresses only the expansion of the existing school and as the Qualifying Body it determines the scope of the Policy. This is also an indication of its preference. If development were to come forward in another way then it would be considered against other development plan policies.

175. Policy ED3 does not meet the Basic Conditions

- **M32 – Replace Policy ED3 with “Planning applications to expand the current Kelvedon St Mary’s Primary Academy to accommodate future needs and which provide appropriate on-site parking will be supported.”**

Historic Environment

176. **Policy HE1** – This encourages improvements to the High Street, including identifying three specific locations.

177. The Policy is supported by evidence of the historic interest of the High Street, including a Built Form Character Assessment which identifies the scope for enhancements. A Map is provided which identifies the location of the three Areas on the High Street cited in the Policy. Along with the Gateways these cover the entire length of the High Street and given the same policy approach is envisaged in all three it is unclear why they are separately identified. The Policy drafting lacks clarity and is generally worded rather than providing a means for determining planning applications.

178. Policy HE1 does not meet the Basic Conditions

- **M33 – Amend Policy HE1 as follows:**

Replace the first paragraph with:

“Development proposals will be supported in the High Street (Map 5) which:

- a. Improve the public realm,**
- b. Reinforce a sense of place,**
- c. Improve conditions for pedestrians and cyclists,**
- d. Reduce the impact of motor vehicles and congestion,**
- e. Support greater local use of retail and other local businesses, and**
- f. Create focal points for business activity and community interaction.**

Development proposals with a significant impact on the public realm of the High Street should demonstrate how they will contribute to a high quality public realm.”

- **Delete the second, third and sixth paragraphs.**
- **In the fourth paragraph replace “*could be utilised in these areas to*” with “*which*” and add “*will be supported*” at end.**
- **In the fifth paragraph delete “*also*”**

- M34 – Amend Map 5 to combine Areas 1, 2 and 3

179. **Policy HE2** – This supports development of burial grounds according to identified criteria.

180. The Policy is supported by some evidence of a need to increase the area of burial space. The drafting is positively worded and references what the Plan will support. Some elements of the Policy are unnecessary including the need for proposals to meet Environment Agency requirements or inappropriate for inclusion in a Plan policy, including the request from the Churchwardens. The Policy drafting lacks clarity and is generally worded rather than providing a means for determining planning applications.

181. Policy HE2 does not meet the Basic Conditions.

- **M35 – Amend Policy HE2 as follows:**
 - **Replace the first sentence with “Development of a new burial ground in close proximity to the Church Street area and in particular St Mary the Virgin Church will be supported.”**
 - **Delete the second sentence**
 - **Replace “*Ideally, the location should be able to provide the following*” with “Appropriate development proposals should:”**
 - **Replace the bullets with letters a. to c. and insert “and” at the end of the b.**
 - **Insert “provide” at the beginning of a.**
 - **Delete the third paragraph**
 - **Replace the final paragraph with:**

“The development of an appropriate natural burial ground for the village will be supported. Appropriate development proposals should be:

 - a. Appropriate in terms of landscape character,**
 - b. Of an appropriate size for its intended duration,**
 - c. Adjacent to a road, and**
 - d. Able to provide suitable parking facilities, including for hearses”**

182. **Policy HE3** – This supports designation of local heritage assets by Braintree District Council and the protection and enhancement of non-designated heritage assets.

183. The preparation of a “Local List” or similar arrangement for recognising the value of local heritage assets is a matter for the local planning authority. It is not appropriate to use planning policy as an advocacy statement and a Plan cannot place an obligation on another decision maker. It would be appropriate for the Plan to evidence and identify locally significant heritage assets and address them in policy. This has not been done and there is no definition of “*Local Heritage Assets*” beyond being non-designated heritage assets. Support for a Local List would be appropriate for inclusion in the Plan as a Community Action.

184. Policy HE3 does not meet the Basic Conditions.

- **M36 – Amend Policy HE3 to:**
 - **Retitle as “Non-designated heritage assets”**
 - **Delete the first sentence**
 - **Insert “proposals” after “Development”**
 - **Delete “Local Heritage” in the fourth line**
 - **Replace “Local Heritage Assets” with “non-designated heritage assets” in the sixth line**

Natural Environment

185. **Policy NE1** - This supports retention of designated open spaces.

186. Map 6 identifies different types of open spaces recognised by Braintree District Council. It is hard to distinguish the different shading between the five different categories and there is a spelling error in the title. The Map also needs to be provided at a larger scale which allows precise boundaries to be identified.

187. The Policy references five locations and the Map depicts six locations. The Policy also lacks clarity in referring to both “*designated Public Open Spaces*” and “*Informal public*”

open spaces". There is some evidence of a need for open space within the area and its protection is also recognised in Local Plan policy. I visited each of the locations during my visit to the area. The Policy drafting lacks clarity and is generally worded rather than providing a means for determining planning applications.

188. Policy NE1 does not meet the Basic Conditions

- **M37 – Amend Policy NE1 to read “Development proposals should retain existing public open spaces within and adjacent to the villages (Map 6).”**
- M38 - Increase the clarity of Map 6 and provide it at a larger scale

189. **Policy NE2** – This supports new recreational and play spaces.

190. The Policy is supported by some evidence of a shortfall in some types of open space. It refers generally to “*public open spaces*” but the evidence and the title are more specific. The Policy drafting lacks clarity and is generally worded rather than providing a means for determining planning applications. It is not apparent what “*designation*” of new spaces would involve.

191. Policy NE2 does not meet the Basic Conditions.

- **M39 – Amend Policy NE2 to read “Development proposals which make provision for new recreational and play spaces or repurpose existing amenity spaces will be supported. Such spaces should be multifunctional and improve the green infrastructure of the Parish wherever possible.”**

192. **Policy NE3** – This requires development to maintain and enhance Green Infrastructure and biodiversity and deliver net gain alongside particular considerations for new housing development.

193. The Policy is supported by some evidence of the importance of the parish for biodiversity and the opportunities for improvement.

194. The Policy introduces the concept of “*Environmental Net Gains*” without providing a definition. It would be consistent with national planning policy to support “*net gains for biodiversity*” (paragraph 174, NPPF).

195. The Policy lacks clarity in referencing “*significant*” rather than “*major*” housing development for which there is a national definition. Kelvedon Parish Council has confirmed the intention that the policy covers all types of development. There is also no definition of specific elements of “*Green Infrastructure*” in the parish and confusingly the Plan refers to this in both the upper and lower case.

196. The Policy should support the provision of information on ecological impact without pre-judging whether development “*will be permitted*” and it is inappropriate to reference a local authority officer role in the context of a planning policy. The advice on the timing of surveys and assessments and the use of the biodiversity checklist does not constitute planning policy and should be provided in the supporting text.

197. The policy drafting is unduly restrictive in stating what “*will*” be required and “*must*” be included or demonstrated. Essex County Council’s representations to delete “*wherever possible*” go beyond the scope of national planning policy and its representations recognising the “*multifunctional*” nature of green and blue infrastructure make the Policy more consistent with Policy NE2.

198. Policy NE3 does not meet the Basic Conditions.

- **M40 – Amend Policy NE3 to:**
 - **In the first paragraph:**
 - **Replace “*will*” with “*should*”**
 - **Replace “*wherever possible as Environmental Net Gains*” with “**and should, wherever possible, provide net gains for biodiversity**”**

- In the second paragraph:
 - Replace “*Significant*” with “Major”
 - Insert “and other” after “*housing*”
 - Insert “significant” before “*direct*”
 - Delete from “*will be permitted*” to “*Ecological Adviser*” and insert “should be supported by evidence that”
- Move the third paragraph and the last sentence of the fourth paragraph to the supporting text
- In the fourth paragraph:
 - Replace “*Significant*” with “Major”
 - Insert “and other” after “*housing*”
- In the final paragraph:
 - Delete “*Housing*”
 - Replace “*must*” with “should”
 - Insert “multifunctional” before “*Green*”
- Use lower case “green infrastructure” and “blue infrastructure” throughout

199. **Policy NE4** – This designates eleven areas of Local Green Space and defines a category of development that will be supported.

200. The Policy is supported by an assessment of local green spaces against the criteria set out in national planning policy in Appendix C. Each Local Green Space is supported by a photograph and a summary table identifying their location, existing use and designations and assessing them against the national criteria. They are shown on Map 7.

201. The evidence supporting designation of each of the Local Green Spaces is relatively limited and I have carefully considered the merits of each location including through a visit. I am confident that each proposal is reasonably close to the local community and none of them comprise an excessively extensive tract of land. They are characterised by each being both small and located within the community they serve. Their value has a clearly local feel. There is some evidence for each proposal of its local significance and this was consistent with my site visits. I note that two of the Local Green Spaces have proposed or existing

designations but am satisfied that there is additional benefit in their designation. I note that landowners for each of the proposed Local Green Spaces were approached for their views and Kelvedon Parish Council confirmed that two areas considered for designation were not taken forward following consultation feedback.

202. Map 7 is inadequate for defining the boundary of each Local Green Space by virtue of its small scale. The clarity of the Policy would also be enhanced if the Local Green Spaces were numbered as in the map and each was consistently named.

203. As well as designating Local Green Spaces the Policy states that only development for *“formal or informal recreation”* will be supported. This is not consistent with national planning policy which states *“Policies for managing development within a Local Green Space should be consistent with those for Green Belts”* (NPPF, paragraph 103) and Green Belt policy references *“inappropriate”* development and *“very”* special circumstances (NPPF, paragraph 147). The Policy also seeks improvements to green infrastructure and net gain to biodiversity. This latter requirement duplicates Policy NE3.

204. While I conclude that each of the proposed areas is suitable as a Local Green Space Policy NE4 does not meet the Basic Conditions.

- **M41 – Amend Policy NE4 to:**
 - **replace *“seeks to designate”* with *“designates”***
 - **insert *“where inappropriate development will not be approved except in very special circumstances”* after *“Map 7”***
 - **number the Local Green Spaces and use the same names and numbers for each Local Green Space in Policy NE4 and Map 7**
 - **delete the second paragraph**

- **M42 – Retitle Map 7 as “Local Green Spaces” and provide larger scale maps for each Local Green Space enabling its detailed boundary to be determined**

205. **Policy NE5** – This requires housing development to respect a series of identified views.

206. The Policy is supported by an assessment of the Key Views and the supporting methodology in Appendix F. Five views are assessed and four considered to be rated “special” or “exceptional” are included as view cones in Map 8 of the Plan. The overlap between the selected views and those identified through the Community Survey is partial and this is explained by the use of the results of technical studies of the landscape and key views (although these are incorrectly referenced in paragraph 12.21). Map 8 uses a small scale base map and the clarity of the view cones would be improved by using a larger scale map.

207. I visited each of the proposed Key Views and am generally satisfied they are appropriate. The description of the significance of each view is brief and the location map general in their depiction. It is not possible to determine the depth of the view identified. It is also apparent that the views are indicative given that they are not unique to the precise locations identified. I share representations from Turley on behalf of Parker Strategic Land in this respect. The Policy drafting is not unduly restrictive and I am content with the broad approach.

208. There are detailed considerations arising from my visit for three of the proposed Key Views:

Key View 1 – This view is for a point further south west than shown just after the junction of the slip road off the A12. It is notable as an arrival point into the village although the visibility of St Mary’s Church tower is limited and obstructed by vegetation.

Key View 3 - The view cone for View 3 “*East from Brockwell Meadow*” differs between Appendix F and Map 8 and it appears to comprise a number of different view cones each pointing in different directions. This does not align with the

description of a single view. Further, the view described is looking broadly south east but recorded as being to the east in Appendix F.

Key View 4 – This is described from being from a permissive footpath that is not shown on Map 8 and it is difficult to locate precisely. It confirms a need to provide precise co-ordinates for each of the Key Views (for example through use of grid references or what3words). There are three glimpsed views through gaps in the hedgerow running along the west side of the permissive path that each offer slightly different views across to the distinctive Felix Hall. None of these matches the perspective shown in the photograph of View 4 in Appendix G. Kelvedon Parish Council did not address this issue when it was raised with them and a location should be agreed with Braintree District Council before inclusion in the Plan

209. The Policy is unduly restrictive in relating to all housing development regardless of its scale or whether it impacts on any of the Key View. It also states what “*must*” be demonstrated or ensured. There are errors in the documents referenced in footnotes 67 and 69 of the Plan. There is no rationale for restricting the policy to housing development and Kelvedon Parish Council has confirmed the intention that the policy covers all types of development.

210. Policy NE5 does not meet the Basic Conditions.

- **M43 – Amend Policy NE5 to:**
 - **Delete “*Housing*”**
 - **Insert “*Indicative*” before “*Key Views*” or “*views*” in all instances, including the title**
 - **Replace “*must*” with “*should*” in all instances**
 - **Insert “, where appropriate,” before “*demonstrate*”**

- **M44 – Revise Map 8 to:**
 - Provide a larger scale base map
 - Provide co-ordinates locating each of the Key Views

- Accurately locate the view cone for Key View 1
 - Accurately depict a single view cone for Key View 3
 - Agree and locate Key View 4 at the most significant point along the permissive path
 - Include the names for each of the numbered view cones in a Key (as has been done for Local Green Spaces in Map 7) , including describing the correct direction of Key View 3
- OM14 – [Review the Plan’s footnotes so they relate to the correct references and replace the photograph depicting Key View 4 in Appendix G]

211. **Policy NE6** – This requires replacement allotments to be provided where they are lost to housing development.

212. The Policy is supported by evidence of two allotments. These are not identified on a map and their detailed boundaries are significant for the purpose of implementing the Policy. The Policy drafting lacks clarity. There is no rationale for restricting the policy to housing development and Kelvedon Parish Council has confirmed the intention that the policy covers all types of development.

213. Given the significance of the land involved it is appropriate for the Policy to be more prescriptively worded than others in the Plan.

214. Policy NE6 does not meet the Basic Conditions.

- **M45 – Amend Policy NE6 to replace the first paragraph with “Development proposals that would cause significant harm to or loss of allotments (Map ?) should demonstrate that at least an equivalent number of plots will be provided elsewhere in an accessible location in close proximity to the village. “**
- M46 – Provide a large scale map showing the location and boundary of each of the two allotments.

215. **Policy NE7** – This is an extensive policy addressing a range of different sources of pollution and establishing expectations for new development.

216. The Policy includes general statements, such as support for the Government’s 25 year plan for the environment, tree planting along busy roads and a desire for developers to work with the Parish Council, which should be in the supporting text. It addresses pollution for both odours and light but these sources are not included in the title. It is negatively worded in stating what “*will not be supported*” and unduly prescriptive in stating what “*must*” happen. The last section on noise pollution lacks an identifying letter. The Policy also extends beyond the scope of the Plan in addressing development “*beyond the parish boundary*” and in “*surrounding areas*” and this is noted in representations from Colchester Borough Council.

217. With the exception of light pollution there is limited evidence specific to the parish supporting the Policy beyond strong community support for addressing the impact of pollution. The evidence does not support detailing avoidance of a rise in water temperature levels from those experienced in 2018. Section e. requiring an increase in capacity at Coggeshall Water Recycling Centre addresses a matter for strategic policy in the Local Plan. Section f. controlling levels of water abstraction overlaps with other relevant statutory requirements outside the scope of planning controls.

218. The Dark Sky Area is supported by evidence from CPRE’s light pollution maps and covers the areas identified as being in the three categories displaying the lowest levels of light pollution. This is shown in Map 9. The Plan introduces only one Dark Sky Area. There is support for addressing light pollution and dark landscapes in national planning policy and Planning Practice Guidance. While the boundaries of the proposed Dark Sky Areas are too imprecise to be a formal designation, I am content with the evidence provided and the Policy is appropriate.

- **M47 – Amend Policy NE7 to:**
 - Retitle it as “Pollution”
 - Move the first paragraph into the supporting text
 - In the second paragraph:
 - Replace “, both within and beyond the parish boundary, that increase” with “should avoid any significant increase in”
 - Delete “will not be supported”
 - Insert “significant” before “pollution” in the third paragraph
 - Replace “must” with should in all instances
 - Delete “within Kelvedon Parish and surrounding areas” in section a.
 - Replace “dominate” with “dominant” in section b.
 - Delete “and work with the Parish Council” in section c.
 - Replace section d. with “New development proposals should avoid significant detrimental impacts on water quality or a significant rise in temperature levels within waterways”
 - Delete sections e. and f.
 - In the sentence after the sub-heading “Light Pollution” replace “areas” and “Areas” with “area is” and “Area” and replace “designated as” with “recognised as a”
 - Replace section g. with “New development proposals should avoid artificial light levels which cause a significant increase in light pollution in the Dark Sky Area”
 - Replace “applications” with “proposals”, “must” with “should” and insert “including” after “pollution” in section h.
 - Provide an identifying letter before the last paragraph on noise pollution and replace “an” with “a significant”
 - Move the last sentence to the supporting text

219. **Policy NE8** – This addresses development in Flood Zones.

220. There is limited evidence specific to the parish supporting the Policy and there is significant duplication with national planning policy (*Planning and flood risk, NPPF*) and

Planning Practice Guidance. Such duplication is contrary to national planning policy and a source of ambiguity and lack of clarity. There is no evidence provided supporting the definition of 8m or 3m buffer strips, the selection of 1 in 100 year flood events or the order of preferences for providing access to development in areas of flooding risk. These considerations are addressed in Policy LPP 78 of Braintree’s emerging Local Plan (Section 2) which is likely to create further policy duplication. The Policy includes statements about other consents which should be in the supporting text. It is unduly prescriptive in stating what “will” happen.

221. I have considered the merits of including the Policy given the level of duplication with national planning policy. I recognise that flood risk issues are important to the parish and recommend a significant revised Policy.

222. Policy NE8 does not meet the Basic Conditions.

- **M48 – Replace Policy NE8 with:**

“New development which reduces flood risk will be supported, including measures to:

- **Provide natural flood and water management, such as swales and rain gardens, which integrates with the streetscape,**
- **Provide multi-functional attenuation basins that support blue and green infrastructure and contribute positively to the landscape,**
- **Use permeable paving wherever appropriate,**
- **Collect and re-use grey water, and**
- **Provide long term management and maintenance of sustainable urban drainage systems where included.**

Business and Retail

223. **Policy BR1** – This supports business development in specified use classes subject to a range of policy criteria, including high energy efficiency targets.

224. The Policy is supported by evidence prepared for the Plan of a demand for local business expansion. The supporting text states that Class B1 uses are excluded from the Policy because they are addressed in the Local Plan and in relation to three employment zones. Such uses may occur outside the employment zones and the Policy includes Class E uses and so covers all of the Class B1 uses following changes to the Use Classes Order in September 2020.

225. The Policy criteria are appropriate except in relation to retention or enhancement of historic, cultural or architectural features. While this may be desirable it may not be possible in all circumstances and the public benefit of new or expanded business development may outweigh the impact of their loss.

226. The Policy provides no evidence supporting a requirement for all new non-residential buildings being built to higher energy efficiency standards and this aspect of the Policy duplicates the requirements of Policy HO12. It is also inconsistent in expecting different BREEAM standards and out of date in relation to the periods set for achieving different standards. The Plan can support but not require development to deliver higher voluntary standards such as BREEAM.

227 Policy BR1 does not meet the Basic Conditions.

- **M49 – Amend Policy BR1 to:**
 - **Insert “respected and” before “retained” and “where possible” after “enhanced” in criterion c.**
 - **Delete the last paragraph beginning “All new non-residential”**

- **M50 – Delete reference to the exclusion of Class B1 in paragraph 13.9**

228. **Policy BR2** – This establishes a policy expectation for new homes to be designed to include a home office and for business hubs to be provided in larger housing schemes.

229. The Policy is supported by some evidence of the scale of home working in the parish.

230. The Policy introduces a demanding requirement for enabling a home office to be provided whenever changes are made to an existing home or a new home is built, regardless of the scale or purpose. It includes advice on how building design can support provision of a home office which should be included in the supporting text. The Policy also lacks definition as to the scale of new housing development where a business hub should be considered and that this should be supported by evidence of demand. Some of the Policy drafting lacks the clarity needed of planning policy.

231. Policy BR2 does not meet the Basic Conditions.

- **M51 – Replace Policy BR2 with:
“New or redesigned dwellings which enable a home office to be accommodated will be supported.**

Planning applications for major housing development should, where appropriate and there is evidence of demand, make provision for work or business hubs that are accessible from the new homes and provide services to the local community.”

232. **Policy BR3** – This supports provision of live-work units subject to policy criteria including in relation to size and number of bedrooms.

233. The Policy is supported by a definition of *“live-work units”*. There is no evidence relating to their role in the parish and the link provided to the work of the Live Work Network is broken. The needs and demands for live-work units vary in different locations and the lack of an evidence base means that the detailed requirements of the Policy are not justified.

234. The Policy supports live-work units *“throughout the built area of the village”*. For clarity and consistency with the rest of the Plan this should be defined as the area within the Village Development Boundary. The Policy drafting is unduly restrictive in supporting no adverse impact on amenity regardless of how insignificant it is. Some of the Policy drafting

lacks the clarity needed of planning policy, such as the *"minimum requirement of one to two bedrooms"* highlighted in representations from Braintree District Council, and all planning applications are considered against all relevant development plan policies.

235. Policy BR3 does not meet the Basic Conditions.

- **M52 – Amend Policy BR3 to:**
 - **Replace the first five lines with "Planning applications for live-work units within Use Class E will be supported within the Village Development Boundary subject to there being no significant adverse impact on amenity by reason of:"**
 - **Replace criterion e. with "An appropriate balance of definable functional workspace and residential use"**
 - **Delete criterion i.**

236. **Policy BR4** – This supports provision for broadband and mobile connectivity, including in new development.

237. The Policy is supported by evidence of community support for improved services. There is no evidence specific to the parish of existing or future connectivity or demand. There is support for improved connectivity in both national planning policy and Local Plan Policy SP6.

238. The Policy is not supported by a definition of *"superfast broadband"* and Local Plan Policy SP6 is supportive of *"ultrafast broadband"*. This reduces the clarity of the policy. It is unduly prescriptive in stating what *"must"* be demonstrated or provided. The Policy also contains details of what kind of evidence might be provided with a planning application that is best included in the supporting text.

239. Policy BR4 does not meet the Basic Conditions.

- **M53 – Amend Policy BR4 to:**
 - **Replace “*superfast*” with “*ultrafast*” in all instances**
 - **Replace “*must*” with “*should*” in all instances**
 - **Delete the second and third sentences of the second paragraph and consider providing this information in the supporting text**

240. **Policy BR5** – This protects existing employment uses subject to detailed criteria and encourages the growth of five existing commercial zones.

241. The Policy is supported by limited evidence of commercial activity and trends in the parish. It uses the terms “*business*” and “*commercial*” interchangeably which reduces clarity. The first part of the Policy protecting business uses is very different to the second part supporting the growth of the Commercial Zones and I recommend they are separated.

242. The Policy is negatively drafted in terms of what “*will only be supported*” and lacks clarity in what might be considered a “*range of acceptable Use Classes*” for alternative uses for sites. The policy requirements relating to traffic and parking duplicate other development plan policies and are not necessary.

243. Map 11 identifies seven commercial zones in the High Street and elsewhere. One of these – “*Fire HQ*” (the Service Headquarters of the Essex County Fire and Rescue Service) lies outside the parish boundary and so cannot be included in the Plan.

244. The location of the Commercial Zones is informed by the emerging Braintree Local Plan Section 2 although this is only referenced in paragraph 13.9 in relation to Policy BR1. This includes an incorrect reference to Policy LLP3 instead of LPP3 which identifies “*Employment Policy Areas*”. The Policy Areas identified in the parish are Allshot’s Farm, London Road and Kelvedon Railway Station. Policy LPP5 specifically addresses the future development of Allshot’s Farm. The boundary of the Local Plan Employment Policy Area for London Road, Kelvedon does not match that of the Plan’s for “*Knights Dev.*”.

245. The justification for the boundary of the three High Street Zones is unclear. They do not match the boundary of the two “*Local Centres*” in the emerging Local Plan and differ from the three “*High Street Zones*” in Map 5. The precise boundaries are unclear and Kelvedon Parish Council informed me that the boundary “*was better suited to being undefined*” due to the changing nature of shops and businesses.

246. Given the lack of separate evidence I recommend an alignment of the boundaries of the Commercial Zones with the Employment Policy Areas and Local Centres in the emerging Local Plan which has a clearer evidence base.

247. Policy BR5 does not meet the Basic Conditions.

- **M54 – Amend Policy BR5 to:**
 - **Create two separate policies “Protection of Business Uses” and “Commercial Zones”**
 - **Delete “Change of Use:”**
 - **Replace the first sentence with “Proposals for the change of use of business premises in Use Classes C1, C2 and/or E should be supported by evidence that satisfactorily demonstrates:”**
 - **Delete from “ALSO” to “immediate area”**
 - **Replace the final paragraph with a new Policy:**
“Commercial Zones
Development proposals will be supported in the Commercial Zones identified in Map 11 which support the growth and diversity of economic activity and the provision of small scale shops, services and community facilities to meet local needs.”

- **M55 - Amend Map 11 to align the boundaries of the Commercial Zones with the three Employment Policy Areas and two Local Centres on the Braintree Local Plan Section 2 Proposals Map and delete “Fire HQ” and “Centre of the Village”**

- OM15 –[Correct references to the emerging Braintree Local Plan Section 2 in paragraph 13.9]

248. **Policy BR6** – This seeks to protect specified community facilities subject to test of viability or alternative provision.

249. The Policy is not supported by specific evidence of the value of community facilities in the parish and these are recognised under generic categories rather than being individually identified. Map 3 identifies the location of the health centre and two dentists but is not directly referenced in the Policy. Representations from Barry Jones also question whether all the locations shown are in use. Map 4 identifies the location of a range of “*Community Assets*” only some of which fall into the categories identified in the Policy. Map 4 is not referenced in Policy BR6 or in any other policy and does not serve a direct purpose. It would be helpful to provide a single map showing the community facilities addressed by Policy BR6. A map should not be considered to provide a complete inventory of the community facilities in the parish.

250. The Policy is negatively worded in stating what “*will be resisted*”. It has a similar effect to former Local Plan Policy CS11 which has been replaced by the newly adopted Braintree Local Plan Section 1.

251. Policy BR6 does not meet the Basic Conditions.

- **M56 – Amend Policy BR6 to:**
 - Replace “*will be resisted, unless it can be shown*” with “**should demonstrate**”
 - Replace “- *please refer to Health and Social Car Policy HSC1*” with “(see Map 3)”
- OM16 – [Provide a Map showing the location of the community facilities identified in Policy BR6 and consider combining it with Maps 3 and 4]

252. **Policy BR7** – This permits new and altered shop fronts and advertisements in the Conservation Area subject to defined criteria.

253. The Policy is supported by some evidence of the importance of the local environment and character.

254. Policy BR7 meets the Basic Conditions.

255. **Policy BR8** – This permits small scale commercial development in converted or extended buildings outside the Village Development Boundary subject to defined criteria.

256. The Policy is not supported by any evidence specific to the parish. Criterion d. addresses the siting and design of new buildings which conflicts with the limited scope of the policy on conversion and extension of existing buildings. New buildings will be addressed by other development plan policies.

257. Policy BR8 does not meet the Basic Conditions.

- **M57 – Amend Policy BR8 to delete criterion d.**

Developer Contribution

258. **Policy DC1** – This requires development to assess the impact on and contribute to infrastructure where appropriate and establishes expectations for engagement and criteria for making exceptions.

259. The supporting text identifies priorities for developer contributions in the parish. While planning obligations necessarily relate to the site it is not inappropriate for the Plan to identify local priorities in the supporting text and to address the need for local infrastructure to be considered in policy.

260. The broad intention of the Policy seeking early engagement and determination of necessary infrastructure requirements which don't make a development unviable is appropriate but the detail of the Policy drafting makes it inappropriate for inclusion at the proposed level of detail. I share many of Essex County Council's reservations about the Policy.

261. Planning obligations are rarely agreed prior to submission of a planning application and planning obligations may be considered for all types of development on an individual basis. The Policy also addresses strategic infrastructure needs beyond the scope of a neighbourhood plan and there is significant overlap with emerging Local Plan Policy LPP82, including wording that has subsequently been changed through the Local Plan process.

262. Policy DC1 does not meet the Basic Conditions.

- **M58 - Amend Policy DC1 to:**
 - **Delete “*relevant*” in the second paragraph**
 - **Delete the third, fourth and fifth paragraphs**

8. Recommendation and Referendum Area

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