

APPENDIX 2

Stebbing Neighbourhood Plan – Schedule of Examiner’s Recommendations

DOCUMENT PAGE/POLICY	EXAMINER’S RECOMMENDATION	EXAMINER’S REASON/S	OFFICER RECOMMENDATION AND REASON
General Recommendation	<ul style="list-style-type: none"> Update any references to the NPPF throughout the Plan including its appendices as necessary 	The Plan was examined against the NPPF 2021 and all reference to national policy should reference the current NPPF published in July 2021.	The NP was written and submitted based on the NPPF 2020 and the NPPF 2021 was published a day after the commencement of the Regulation 16 Consultation. Updating all the references from the previous NPPF to latest is the only way the Neighbourhood Plan can be examined as having regard to both National Policy Planning Framework 2021, as well as regard to guidance issued by the Secretary of State and consequently meet the Basic conditions.
CHAPTER 1: Introduction, Policy Context, Core Objectives and Vision A. Introduction pg.4: paras 1.3,1.4, 1.5	<ul style="list-style-type: none"> Delete all references, direct and indirect to the West of Braintree Garden Community in the Plan and on any maps contained in the Plan with the exception of paragraphs 1.3, 1.4 and 1.5 on page 4 of the Plan 	Although the West of Braintree Garden Community (WoBGC) was withdrawn some references to the WoBGC should be retained to provide a	The WoBGC might have been a key factor in the early preparation of the Neighbourhood Plan. However, since a Landscape Appraisal established that the

		context for the Plan. Any further references to the WoBGC should be removed from the Plan to avoid confusion and assist with clarity.	land between Stebbing Green and Boxted Wood is important in protecting the openness, setting and character as well as the setting of Boxted Wood, the continued mention of WoBGC in the plan is redundant because this countryside based on its special local landscape character merits designation as a green buffer or green wedge. Agree with the Examiner that continued reference in the Plan to the withdrawn WoBGC causes confusion as this might appear to be the justification for the Green Wedge Designation.
Chapter 1: Introduction, Policy Context, Core Objectives and Vision: pg. 12 G. Core Objectives: pg.12	<ul style="list-style-type: none"> • Delete the words "...from any future ad-hoc major strategic development proposals" from core objective iv. 	All objectives relate to development and use of land and help to deliver the vision, but Core Objective iv refers to ad hoc future strategic development	The deleted phrase does not involve development and use of land and should be deleted.

<p>A. Introduction pg.4: para 1.6</p> <p>B. Policy Context: pg.7 paras 1.7, 1.9, 1.11</p> <p>E. The making of the Plan: pg.9 para 1.23</p>	<ul style="list-style-type: none"> • Update references to the NPPF as needed (including paragraphs 1.6, 1.7, 1.9, 1.11 and 1.23) 	<p>The Plan was examined against the NPPF 2021 and not against the previous NPPF on which the NP was based.</p>	<p>The NP was written and submitted based on the NPPF 2020 and the NPPF 2021 was published a day after the commencement of the Regulation 16 Consultation. Updating all the references from the previous NPPF to latest is the only way the Neighbourhood Plan can be examined as having regard to both National Policy Planning Framework 2021, as well as regard to guidance issued by the Secretary of State and consequently meet the Basic conditions.</p>
<p>D. The making of the Plan: pg.9 para 1.19</p>	<ul style="list-style-type: none"> • Correct “6th June 2016” in paragraph 1.19 on page 9 of the Plan to “8th June 2016” 	<p>The date of designation of the Plan area is 8 June 2016.</p>	<p>Correct date is 8 June 2016. Important to provide correct date.</p>
<p>Stebbing NP:pg 18: para 2.9 <u>Chapter 2</u>: Context – Setting the Scene</p>	<ul style="list-style-type: none"> • Correct “Apendix B” in paragraph 2.9 on page 18 of the Plan to “Appendix B” 	<p>Wrong spelling of Appendix</p>	<p>This will be a public document and it is important that spellings are correct.</p>
<p>Stebbing NP: pg.18 & pg. 21 para 2.14 <u>Chapter 2</u> – Context – Setting the Scene</p>	<ul style="list-style-type: none"> • There are two paragraphs numbered 2.14. 	<p>Duplication of paragraph 2.14</p>	<p>Clerical error and duplicate paragraph removed, and numbers corrected to run consecutively.</p>

	<ul style="list-style-type: none"> • Check paragraph numbers run consecutively and make any necessary changes 		
Stebbing Np: pg:30 <u>Policy STEB1: Respecting Stebbing's Heritage – Design and Character</u>	<ul style="list-style-type: none"> • Add the words “, <i>whenever possible</i>,” before “...contribute positively...” in the first sentence of the policy 	This first element of the policy seeks to ensure development preserves and positively contributes to Stebbing's character. This is a high bar to set; higher than the statutory protection for Conservation Areas for example.	Agree with the proposed modification because as drafted the policy is too onerous and the proposed modification provides flexibility and so has regard to national policy and guidance.
	<ul style="list-style-type: none"> • Amend the first bullet point to read: “In the <i>Stebbing</i> Conservation Area and the <i>Stebbing</i> Green Character Area, as <i>designated by this policy and</i> shown on the Policies Map (Map 17), by recognising...” 	The policy should make it clear that it designates the Stebbing Green Character Area.	Agree. The proposed modification provides clarity to enable a decision maker to apply it consistently and with confidence when determining planning applications. Map 18 corrected to read as Map 17
	<ul style="list-style-type: none"> • Amend the third bullet point to read: “Where they conserve or enhance and are sympathetic to the <i>heritage</i> asset (as listed in Appendix B) and its setting, as well as <i>its wider context and location</i> within the historic core of the <i>village</i>.” 	The third bullet point refers to all types of heritage assets and cross-references Appendix B of the Plan. This contains details of both designated and non-	Agree. The modification provides clarity by removing duplication from the criterion.

		designated assets. The criterion refers to setting and with some modification to remove duplication and enhance clarity, it is appropriate.	
	<ul style="list-style-type: none"> • Add a sentence to Appendix B that reads: <i>“The information in this appendix is correct at the time of writing the Plan. Up to date information on heritage assets should always be sought from Historic England or other reliable sources of information.”</i> 	A modification is also made to add some words to Appendix B to ensure that the appendix is future proofed.	Agree. Future proofing Appendix B ensure that any future heritage assets will be covered by the policy.
Stebbing NP: pg. 41 para 5.11 <u>Chapter 5: Landscape, the Countryside and the Natural Environment</u>	<ul style="list-style-type: none"> • Update the reference to the NPPF in paragraph 5.11 on page 41 of the Plan 	The Plan was examined against the latest NPPF 2021 and should be referencing the most current NPPF.	Agree. References to the previous NPPF should be updated to show that the Plan has regard to the latest national policy.
Stebbing NP: pg. 43 <u>Policy STEB2: Green Infrastructure and Development</u>	Change the phrase in bullet point two of the policy to read: <i>“Improve the connectivity between wildlife areas and green spaces through green corridors and/or improvements to the Public Rights of Way, and cycle, footpath and equestrian networks.”</i>	References in the Plan to public rights of way include by default bridleways. However, there is no harm in specifically referring to equestrians to make this clear and to be inclusive.	Agree. The Neighbourhood Plan should be inclusive and including the phrase provides clarity.

Stebbing NP: pg.43 <u>Policy STEB4: Local Green Space</u>	<ul style="list-style-type: none"> • Delete h) Field at Bran End from Policy STEB4, delete any references to this space from the Plan and the inset map on page 48 and the designation shown on the Policies Map 	<p>The Field at Bran End does not meet the NPPF criteria satisfactorily. There is no clear permission from the owner for LGS use and the ecology report shows that only the southern portion of the site is likely to be of significant ecological value.</p>	<p>Agree. The proposed Bran End Local Green Space should be deleted from Policy STEB4 because the whole site does not meet the NPPF criteria for LGS designation.</p>
	<ul style="list-style-type: none"> • Delete the last paragraph of the policy which begins “Development proposals which would result in the loss...” from the policy 	<p>The policy wording is at variance with the NPPF management of development in Local Green Spaces.</p>	<p>Agree. Development restrictions within Local Green Spaces should be consistent with those for Green Belts. The modification renders the policy in general conformity with strategic policy. The Bran End designation should be removed from the inset map on page 48 to avoid confusion and provide clarity. The modification ensures the policy meets the Basic Conditions.</p>
	<p>Change the reference to “...paragraphs 99-101...” in the policy to “...paragraphs 101 – 103... “</p>	<p>Paragraph references are from the previous NPPF.</p>	<p>Agree. Update the paragraph references to reflect the current NPPF July 2021.</p>

	Change the reference to “...paragraphs 99-101...” and “...paragraph 100...” in paragraph 5.12 on page 41 of the Plan to ““...paragraphs 101 – 103... “and “...paragraph 102...” respectively and correct a typo in the same paragraph; “isignificance” should be “significance”		Agree. Update he paragraph references to reflect the current NPPF July 2021. Typing error corrected to read ‘significance’
Stebbing NP: pgs. 43 - 44 <u>Policy STEB5:</u> Protection of Green Wedge	<ul style="list-style-type: none"> Revise the policy to read: “The area between Stebbing Green, New Pastures Lane, Boxted Wood and the Braintree District Council boundary, as shown on Map 6 and the Policies Map (Map 17), is designated as a Green Wedge. Any development within the Green Wedge should respect the open and undeveloped nature of the open valley side to preserve or enhance the setting and distinctive character and appearance and individual identities of the Stebbing Green Character Area, Boxted Wood, the listed heritage assets and Historic Environmental Record sites. 	<p>I consider the policy, with some modifications, does have validity both in landscape and heritage terms and that it has been justified sufficiently.</p> <p>The wording of the policy should be amended to reflect the nature of the green wedge and to remove what might be regarded as controversial or prejudged outcomes. This will mean that it does not prevent development per se, but seeks to ensure any development within this area is appropriate given the qualities and function of the identified area.</p>	<p>Agree. The modification will ensure that the Policy aligns with the NPPF intention of contributing to and enhancing the natural and local environment and recognising the intrinsic character and beauty of the countryside.</p> <p>The modified Policy will be in general conformity with the UDC Local Plan 2005, strategic Policy S7.</p>

	<p>Development proposals will only be supported in the Green Wedge if they are accompanied by a Landscape and Visual Impact Assessment and a Heritage Impact Assessment that demonstrate:</p> <ul style="list-style-type: none"> • how the predominant open nature of the landscape is retained; • that there is no harm to the setting of Stebbing Green • there is no loss or deterioration of Bosted Wood unless there are wholly • exceptional reasons and suitable compensation exist as described in the NPPF; and • that there is no harm to heritage assets.” 		
<p>Chapter 5 Page 49 Landscape, The Countryside and The Natural Environment</p> <p><u>Criterion ii para 5.16</u></p>	<ul style="list-style-type: none"> • Remove the words “...to be retained in use as agricultural land...” from criterion ii. in paragraph 5.16 on page 49 of the Plan 	<p>The supporting text refers to the land being retained in agricultural use. Whilst this might be the most likely scenario, there is little justification for such a statement.</p>	<p>Agree. There is no evidence to support or justify the statement.</p>
<p><u>Stebbing NP: pg.44</u> <u>Policy STEB6: Protected Open Gaps</u> pg. 44 And pg.81 Map 17</p>	<ul style="list-style-type: none"> • Change the title of the policy from “Protected Open Gaps” to “Important Open Gaps” 	<p>To provide consistency and clarity in terminology between Map 17 and Policy STEB6</p>	<p>Agree. The modification provides clarity to the policy in line with Planning policy guidance.</p>

	<ul style="list-style-type: none"> • Add the word “Important” before “...Open Gaps if they are accompanied...” in the second sentence of the policy 	To provide consistency and clarity in terminology and emphasise role of the gaps.	Agree. The modification ascribes the importance of the role of the gaps which will ensure that the character, setting and identity of settlements are protected and that development proposals demonstrate retention of the open nature of the important gaps.
AND Para 5.2 pg. 31	<ul style="list-style-type: none"> • Change the words “...Protected Open Gaps...” to “...Important Open Gaps...” in paragraph 5.2 on page 31 of the Plan 	Provides emphasis on the role and importance of the gaps	Agree. The modification provides clarity to the policy and is unambiguous that the aim of the policy is to protect the physical separation of settlements.
Stebbing NP: pg.51 <u>Policy STEB8</u> : Blackwater Estuary SPA and Ramsar site/Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (Essex Coast RAMs)	<ul style="list-style-type: none"> • Reword the policy to read: “Proposals for new dwellings within the zone of influence of the Blackwater Estuary SPA and Ramsar site will be subject to a financial contribution towards avoidance and mitigation measures as specified in the adopted Essex RAMs Supplementary Planning Document, to ensure the development will have no adverse effect on the integrity of the European site.” 	Wording updates the Policy to reflect the adoption of the Essex Coast RAMs Supplementary Planning Document on 9 September	Agree. Modification ensures that the policy is updated and reflects compliance with the duty to protect habitats and species in accordance with the Conservation of Habitats and Species Regulations 2017.

Stebbing NP: pg. 53: para6.3 <u>Chapter 6: Housing and Design</u>	Update the reference to “...paragraph 66...” of the NPPF in paragraph 6.3 on page 53 of the Plan to “...paragraph 67...”	Updating in the supporting text to reflect the latest NPPF published in July 2021.	Agree. The text should reflect the current NPPF July 2021 against which the Plan examined.
Stebbing NP: pg. 56 <u>Policy STEB9: Design Principles and Location of New Development</u>	Change criterion b) of paragraph 1 of the policy to read: “they respect and preserve the existing character of the village and local area or make a positive contribution...” [retain as existing to end of criterion]	The policy was too restrictive and too onerous	Agree. The modification meets the Basic Conditions by promoting sustainability and flexibility in line with the NPPF.
	Update the reference “Building for Life 12” in paragraph 1 of the policy to “Building for a Healthy Life (BHL)”	Building for Life 12 outdated and did not reflect the most up-to -date design tool	Agree. The NP should reflect the most recent design tool.
	Add three new criteria to paragraph 2 of the policy that read: <ul style="list-style-type: none"> • “The development and diversification of agricultural and other land-based rural businesses; • Sustainable rural tourism and leisure developments which respect the character of the countryside; • Accessible local services and facilities” 	Policy not fully compliant with the NPPF as it excludes 3 types of development.	Agree. Inclusion of the three types of development ensures the policy has regard to the NPPF and Basic Conditions.
	<ul style="list-style-type: none"> • Update criterion seven in part 2 of the policy to read: “Construction of new houses of exceptional quality meeting 	Para 79e reference is from the outdated NPPF	Agree. Updating to Para 80e has regard to latest shows regard to latest NPPF 2021 and meeting Basic Conditions

	the criteria set in paragraph 80e) of the NPPF;”		
	<ul style="list-style-type: none"> • Change “...NPPF 2019.” in the last criterion of part 2 in the policy to “...NPPF 2021.” 	Neighbourhood Plan required to reflect the latest national policy	Agree. Updates policy to reflect latest NPPF 2021
Stebbing NP: pg.57 <u>Policy STEB10: Meeting Local Needs</u>	<ul style="list-style-type: none"> • Add a new sentence at the end of the policy that reads: “Development schemes will be considered on a site-by-site basis and take account of the latest available evidence and market conditions.” 	No apparent rationale for the two-unit threshold in the policy.	Agree. The modification of wording introduces flexibility and aligns with the language used in the NPPF 2021 thereby meeting the Basic Conditions.
	<ul style="list-style-type: none"> • Replace the phrase “low-cost market housing” in the policy with “discounted market housing” 	Low-cost market housing not used in the latest NPPF and has been replaced by Discounted market housing	Agree. The modification of wording aligns with the language used in the NPPF 2021 thereby meeting the Basic Conditions.
Stebbing NP: pg.57 <u>Policy STEB11: Affordable Homes</u>	<ul style="list-style-type: none"> • Change the second sentence in the first paragraph of the policy to read: “This requires development on sites of 10 dwellings or more or on sites of 0.5 hectare or more to provide...” [retain as existing to end] 	Threshold set in Policy STEB11 does not reflect the NPPF threshold.	Agree. Modification will have regard to NPPF 2021 in boosting housing supply needed for different groups in the community thereby meeting the Basic Conditions
Stebbing NP: pg.58 <u>Policy STEB12: Sustainable Design and Construction</u>	<ul style="list-style-type: none"> • Add the words “non-residential” before “...new development...” in the first sentence of the policy 	Neighbourhood Plans should not set nor apply technical standard for	Agree. Addition of non-residential to the policy ensures that the policy is not

		housing (PPG and Written Ministerial Statement 25 March 2015)	introducing national technical standards to new dwellings and therefore meets the Basic Conditions and is in line with the NPPF para 153.
<u>Stebbing NP: pg. 59 para:</u> <u>Policy STEB13: Managing Flood Risk and Drought Mitigation</u>	<ul style="list-style-type: none"> • Change the reference to “...paragraph 178...” of the NPPF in paragraph 6.19 on page 58 of the Plan to “...paragraph 183...” 	The Policy should reference paragraphs in the latest NPPF 2021.	Policy as drafted has regard to the NPPF and is general conformity with UDC LP 2005 Policy GEN 3 and partially consistent with the most recent NPPF 2021 and helps to achieve sustainability thereby meeting the Basic Conditions.
<u>Stebbing NP: pg.61</u> Policy STEB15: Supporting the Local Economy – Small Scale Employment Space	<ul style="list-style-type: none"> • Revise Policy to Read: “Development proposals which provide expanded or new small scale floorspace for Class E commercial, business and service use, will be supported where they will not cause detriment to the amenity of the surrounding area including the effect of additional traffic on the local highway network, satisfactory access and satisfactory parking and servicing provision. <p>New dwellings are encouraged to provide space and facilities for home</p>	<u>The Policy supports the</u> economy and takes a common-sense approach to commercial, business and service uses given the nature of the Plan area but clarity is required to remove ambiguity over what might be permitted in the countryside and close to the settlement boundary or what might be regarded as small-scale or larger scale or conversions.	Agree. The modification provides clarity and removes ambiguity over uses and scale of development likely to be permitted in the countryside and close to a settlement boundary. The modified Policy has regard to the NPPF and helps to achieve sustainable development.

	working. Extensions to existing dwellings, or conversion of outbuildings or construction of small-scale annexes within the curtilage of the dwelling, which provide facilities for home working will be supported provided the proposals are consistent with other relevant policies in this Neighbourhood Plan.”		
	<ul style="list-style-type: none"> • Add a new paragraph to the supporting text that reads: “For the purposes of Policy STEB15, small scale means limited in size and extent. It is not considered appropriate to set thresholds as this may be too restrictive or limit economic development in the area. Small scale not only relates to size, but also to the type and scale of the operation. Proposals will therefore be dealt with on a case-by-case basis.” 	The policy needs some reworking to make sure it is clear, to remove ambiguity over what might be regarded as small-scale or larger scale.	Agree. The definition and flexibility in the modification is in line with Planning Policy Guidance (PPG) which requires that a policy is clear and unambiguous and enables a decision maker to apply it consistently and with confidence when determining planning applications.
<u>Stebbing NP: pg.65</u> Policy STEB19: Protection and Provision of Open Space, Sports Facilities and Playing Pitches	<ul style="list-style-type: none"> • Delete the words “...as shown on the Policies Map (17) ...” from the policy 	Policy STEB19 seeks to protect recreation, sport and play facilities alongside three areas of recreation/sport identified on Map 17 on page 81 of the Plan (which are also	Agree. Deletion of a reference to Policies Map 17 provides clarity on the correct designation of the three sites as Local Green Spaces.

		proposed LGSs).	
	<ul style="list-style-type: none"> • Add a new sentence after the first sentence of the policy that reads: “Facilities should not be built on unless there is a clear surplus to requirements, the facility would be replaced by an equivalent or better provision in an equally accessible location to the local community or the development is for alternative sports and recreation provision, the benefits of which clearly outweigh the current or previous use.” 	<p>This policy is more restrictive than national policy which provides flexibility on development in certain circumstances such as existing open space, sports and recreational buildings and land should not be built on unless the facility is surplus to requirements or they would be replaced by equivalent or better provision or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the former or existing use.</p>	<p>Agree. The modification allows for flexibility in line with the NPPF thereby meeting the basic conditions.</p>
	<ul style="list-style-type: none"> • Delete Mill Lane Recreation Ground and Cricket Field, Alcott Field and Pulford Field from the Policies Map [so that this policy does not apply to any areas identified as Local Green Spaces] 	<p>Policy STEB19 seeks to protect recreation, sport and play facilities alongside three areas of recreation/sport identified on Map 17 on page 81 of the Plan (which are also proposed LGSs).</p>	<p>Agree. These areas can only have a single designation as Local Green Spaces and not sports fields or recreation grounds. The modification ensures that these areas are protected under the LGS designation which is akin to</p>

			the Green Belt development restrictions.
Stebbing NP: pgs.75 - 80 Chapter 10: Housing Allocations <u>Policies STEBH1 – H6</u>	<ul style="list-style-type: none"> ● Add a new bullet point to Policies STEB H1 – H6 inclusive that reads: <i>“The site falls within the Zone of Influence (ZOI) for Hatfield Forest SSSI and NNR. All residential development within the ZOI will need to deliver all measures (including any strategic measures or financial contributions) identified through site specific assessments or otherwise to mitigate any recreational pressure impacts.”</i> 	<p>Natural England (NE) consider that the proposed site allocations present a cumulative risk of harm and that this should be acknowledged in the Plan although NE does not specify how this should be achieved.</p> <p>A mitigation strategy has been developed by NE and sent to the local planning authorities within the ZOI in June 2021. It does not appear as if this document has been adopted as yet. However, the mitigation strategy takes the form of a package of on-site Strategic Access Management Measures (SAMM) to which new housing development projects contribute.</p>	<p>Agreed. The modification avoids delaying the NP progress whilst waiting for a mitigation strategy to be adopted. The additional wording recognises the location of the site allocations within the Zone of Influence and allows for dealing with proposed development on a case-by -case basis through development management helping to boost the supply of housing and thereby having regard to the NPPF and basic Conditions.</p>
Stebbing NP: pg.84	<ul style="list-style-type: none"> ● Update the reference to “...paragraph 56...” of the NPPF in paragraph 13.3 	<p>Reference should be to the current NPPF.</p>	<p>Agreed. The NP should reference the NNPF 2021</p>

Chapter 13: Implementation, Monitoring and Review: pg. 84	on page 84 of the Plan to “...paragraph 57...”		which the NP was examined against.
Stebbing NP: pgs.86 - 91 <u>Appendix B:</u> pgs. 86 - 91	<ul style="list-style-type: none"> • Add a sentence to Appendix B that reads: “The information in this appendix is correct at the time of writing the Plan. Up to date information on heritage assets should always be sought from Historic England or other reliable sources of information.” 	Appendix B is a schedule of heritage assets. It would be useful to add a paragraph to direct readers to the most up to date information, so this is future proofed.	Agreed. Future proofing the schedule will avoid confusion on status of a newly added asset.
Stebbing NP: pg. 93 <u>Appendix D:</u> Glossary and List of Abbreviations	<ul style="list-style-type: none"> • Update references to the NPPF in the glossary as necessary including definition for affordable housing, Local Green Space 	References including definitions should be made to the current NPPF.	Agreed. The NP should reference the NPPF 2021 which the NP was examined against.
	<ul style="list-style-type: none"> • Update reference to “Building for Life” to “Building for a Healthy Life” 	Reference should be made to the up-to-date design tool.	Agreed. The NP should reflect up-to-date terminology as used in the NPPF 2021.