

Broomfield Neighbourhood Development Plan 2022-2036

**A report to Chelmsford City Council on the
Broomfield Neighbourhood Development Plan**

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Executive Summary

- 1 I was appointed by Chelmsford City Council in July 2024 to carry out the independent examination of the Broomfield Neighbourhood Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood area on 17 July 2024.
- 3 The Plan is a good example of a neighbourhood plan. It includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. It recognises the sensitive relationship of the parish with Chelmsford to the south, and proposes the development of two sites.
- 4 The Plan has been underpinned by community support and engagement. All sections of the community have been engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report, I have concluded that the Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum area should coincide with the neighbourhood area.

Andrew Ashcroft
Independent Examiner
24 October 2024

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Broomfield Neighbourhood Development Plan 2022-2036 ('the Plan').
- 1.2 The Plan was submitted to Chelmsford City Council (CCC) by Broomfield Parish Council (BPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012, 2018, 2019, 2021 and 2023. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this results from my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope and can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the existing development plan. It seeks to provide a context in which the neighbourhood area can maintain its character and appearance. It also proposes the designation of a package of Local Green Spaces and identifies two sites for development.
- 1.6 Within the context set out above, this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then become part of the wider development plan and be used to determine planning applications in the neighbourhood area.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by CCC, with the consent of BPC, to conduct the examination of the Plan and to prepare this report. I am independent of both CCC and BPC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have 41 years' experience in various local authorities at either Head of Planning or Service Director level and more recently as an independent examiner. I have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

Examination Outcomes

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

Other examination matters

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

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the Environmental Report.
- the Housing Needs Assessment.
- the Landscape Appraisal.
- the Local Green Spaces Assessment.
- the Review of Local Green Space, Valued Landscape and Key Views.
- the representations made to the Plan.
- BPC's responses to the clarification note.
- the adopted Chelmsford Local Plan (May 2020).
- the City Council's Planning Obligations Supplementary Planning Document (January 2021).
- the National Planning Policy Framework (December 2023).
- Planning Practice Guidance.
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 17 July 2024. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I concluded that the Plan could be examined by way of written representations. I was assisted in this process by the comprehensive nature of many of the representations and the professional way in which the Plan has been developed.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development management decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended), BPC prepared a Consultation Statement. It is proportionate to the neighbourhood area and its policies. It is a very good example of a Statement of this type. It is commendably concise and focused with the various details set out in a series of appendices.
- 4.3 Appendix 1 of the Statement records the various activities that were held to engage the local community. I am satisfied that the events and engagement were appropriate to the relevant stages of the Plan and took an iterative approach.
- 4.4 The Statement also provides specific details on the consultation processes that took place on the pre-submission version of the Plan (November 2022 to January 2023). Appendices 6-8 of the Statement advises about the extent to which the Plan was refined by the outcome of this process. This helps to explain the way that the Plan has evolved.
- 4.5 In the round, I am satisfied that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation. From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. CCC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Consultation Responses

- 4.6 Consultation on the submitted plan was undertaken by CCC. This exercise generated representations from the following organisations:
- Essex Bridleways
 - Essex County Council
 - Muslim Community Centre
 - Swifts Local Network
 - Chelmsford City Council
 - Broomfield Parish Council
 - Roka Nixy Limited
 - Obsidian Strategic Asset Management Limited
 - National Highways

- 4.7 Comments were also received from individuals. In several cases, they overlapped with the representation from the Muslim Community Centre.
- 4.8 I have taken account of all the representations in preparing this report. Where it is appropriate to do so, I refer to specific representations on a policy-by-policy basis.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Broomfield. It lies directly to the north of Chelmsford and astride the valley of the River Chelmer. To the north, it borders Great Waltham along with smaller Little Waltham, to the east Springfield and Chelmsford Garden Community and to the west, the Chignals. Its population in 2011 was 4575 persons living in 1892 households. It was initially designated as a neighbourhood area on 22 March 2016. The boundary was subsequently revised on 12 July 2022 to take account of forthcoming parish boundary changes in Chelmsford.
- 5.2 The built form of the village is arranged along the B1008 (Main Road). School Lane runs to the west and Mill Lane to the east. St Mary with St Leonard Church sits to the west of the main road in an attractive location off Church Green. The River Chelmer and its attractive floodplain sit approximately 300m to the east of Main Road.
- 5.3 The Parish is well-served with facilities and services. Several of the facilities are located on Main Road and in School Lane. They include pre-schools and childcare, primary and secondary schools and a library, small food outlets and a small supermarket, two pubs, takeaways and a community café, a village hall and associated playing fields, a football club, a cricket club and two churches.

Development Plan Context

- 5.4 The Chelmsford Local Plan was adopted in May 2020. It covers the period from 2013 to 2036. It provides up-to-date planning policies and identifies sites for development to meet the expected growth in the Plan period. The Plan identifies Broomfield as a Key Service Settlement in acknowledgement that it provides a range of services and facilities for its residents, and acts as a focus for housing development outside Chelmsford and South Woodham Ferrers.
- 5.5 The Local Plan includes several important elements which relate to the neighbourhood area. Firstly, it designates Broomfield Hospital as a Special Policy Area 'to enable the operational and functional requirements of Broomfield Hospital to be planned in a strategic and phased manner as it is outside the defined settlement of Broomfield where ordinarily policy would constrain new development'. Secondly it identifies a strategic growth site north of Broomfield Hospital for around 450 homes, a neighbourhood centre, a new early years and childcare nursery and a new access to Broomfield Hospital (Strategic Growth Site 8). This development straddles the boundary between Broomfield and Little Waltham parishes. CCC has now resolved to grant outline planning permission with several planning conditions and subject to the completion of a planning obligation.
- 5.6 The Local Plan identifies a Defined Settlement Boundary around the main built-up area of the village. The southern part of the Parish and Beaulieu Park east of the A131 are, for planning purposes, included within the wider Urban Area of Chelmsford.

- 5.7 Broomfield also has a Village Design Statement (VDS). It was published in 2011 and formed Supplementary Planning Guidance to the Chelmsford Local Plan. The findings and recommendations of the VDS have helped to inform relevant policies in the submitted Plan, which will supersede the VDS when adopted. However, BPC proposes to re-issue the VDS as a Village Design Guide, to give practical advice and suggestions for all types of developments and changes to the built form of the village. This is best practice.
- 5.8 The submitted Plan has been prepared within its up-to-date development plan context. In doing so, it has relied on up-to-date information and research that has underpinned existing planning policy documents. This is good practice and reflects key elements in Planning Practice Guidance on this matter. The submitted Plan seeks to add value to the different components of the development plan and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement. The submitted Plan acknowledges that CCC has embarked on a review of the Local Plan. In Autumn 2022 it consulted on Issues and Options for the review. It is anticipated that the review of the Local Plan will be adopted in late 2025/early 2026. However, for the purposes of the examination of the neighbourhood plan, the basic conditions test is against the adopted Local Plan.

Visit to the neighbourhood area

- 5.9 I visited the neighbourhood area on 17 July 2024. I approached it from Little Waltham to the north. This helped me to understand its position in the wider landscape in general and its accessibility to the strategic road network (B1008).
- 5.10 I looked initially at Church Green. I saw the attractive nature of the Green and the various period properties. I saw the significance of St Mary with St Leonard Church in the wider townscape and its relationship with the agricultural landscape to the west.
- 5.11 I then walked along Mill Lane to the River Chelmer. This helped me to understand the relationship of the village to its wider landscape setting. I enjoyed the peace and tranquillity available within a short distance from the built-up part of the parish.
- 5.12 I then walked to the south along Main Road. I saw the various retail and commercial facilities in this part of the parish. I then looked at the proposed site for residential and community uses and open space off Saxon Way. I saw the private and unmade nature of the road and the access which it gave to commercial uses to the east.
- 5.13 Throughout the visit I looked at the three proposed Special Character Areas (SCA). I saw that the proposed Mill Lane SCA helped to define the parish's relationship with its natural environment and that the Parsonage Green SCA helped to define the parish's relationship with its built environment.
- 5.14 Throughout the visit I also looked at the proposed Local Green Spaces. I saw their varied scale and nature.

- 5.15 I left the neighbourhood area on the B1008 and drove into Chelmsford. This highlighted the important separation between the two settlements as identified in Policy BFD1 of the Plan.

6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped in the preparation of this section of the report. It is an informative and well-presented document.
- 6.2 As part of this process, I must consider whether the submitted Plan meets the basic conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan in the area;
 - not breach and be otherwise compatible with the assimilated obligations of the European Union (EU) obligations and European Convention on Human Rights (ECHR); and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

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

National Planning Policies and Guidance

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework December 2023 (NPPF).
- 6.4 The NPPF sets out a range of land-use planning principles to underpin both plan-making and decision-taking. The following are particularly relevant to the Broomfield Neighbourhood Development Plan:
- a plan-led system - in this case the relationship between the neighbourhood plan and the Chelmsford Local Plan;
 - building a strong, competitive economy;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - taking account of the different roles and characters of different areas;
 - highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
 - conserving heritage assets in a manner appropriate to their significance.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic

needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination, I am satisfied that the submitted Plan has had regard to national planning policies and guidance subject to the recommended modifications in this report. It sets out a positive vision for the future of the neighbourhood area. It includes a series of policies on a range of development and environmental matters. It has a focus on designating local green spaces and improving the quality of design associated with new development. It also allocates land for two specific developments.
- 6.8 At a more practical level, the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance. Paragraph ID: 41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. It also advises that policies should also be concise, precise, and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. Most of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social, and environmental. I am satisfied that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes a policy on land to the east of Saxon Way (Policy BFD10). In the social dimension, it includes policies on housing mix (Policy BFD8), adaptable homes (Policy BFD9), and local green spaces (Policy BFD7). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has policies on preventing coalescence (Policy BFD1), on landscape character (Policy BFD2), and on flood risk mitigation (Policy BFD16). This assessment overlaps with the details on this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in the Chelmsford administrative area in paragraphs 5.4 to 5.8 of this report.

- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted development plan. Subject to the recommended modifications in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

Strategic Environmental Assessment

- 6.13 The Neighbourhood Plan (General) (Amendment) Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required. The initial screening exercise (undertaken by CCC in June 2023) identified the need to produce an Environment Report for the Plan.
- 6.14 In order to comply with this requirement, BPC commissioned the preparation of an Environmental Report. It is thorough and well-constructed and reaches the following conclusions:

‘Overall, no potential significant negative effects have been identified through the appraisal of the Broomfield NP. The potential for significant positive effects in relation to the SEA topic of ‘community wellbeing’ has been identified, which reflects the plan’s intentions to deliver a community-led affordable housing scheme and new community infrastructure (day facilities and a new GP surgery), as well as new cycle and footpath connections. This strategic site is also considered likely to lead to minor positive effects in relation to the SEA topics of biodiversity, climate change, landscape, and transport.

The additional development pressures are considered likely overall to lead to minor negative effects in relation to the SEA topics of air quality, historic environment, land, soil, and water resources, landscape, and transport, However, this is contrasted with increased opportunities for sustainable travel; and through scope for biodiversity, heritage and surface water management projects within the open green space associated with the community housing site.’

- 6.15 The Report considers reasonable alternatives to the development proposed in the Plan. It advises that, whilst there is no strategic need for the Plan to identify and allocate additional housing development sites, BPC is seeking to pursue a single site allocation that would (through a community-led scheme) deliver additional affordable housing units (of right size and type) to meet local needs (as identified through the Housing Needs Assessment). The site options work identified thirteen sites that were assessed to deliver this ambition. The various sites formed the basis for reasonable alternatives and each site was assessed against the SEA topics established through scoping.
- 6.16 In the round I am satisfied that the approach taken meets the basic conditions. The Environmental Report addresses the relevant matters in a very comprehensive way. I comment on the relevant policy in the Plan in greater detail in Section 7 of this report.

Habitats Regulations Assessment

- 6.17 The June 2023 CCC screening exercise made the following findings on the Habitats Regulations:

'Residential development within the Local Plan and Neighbourhood Plans has the potential to result in an increase in recreational disturbance in particular at Foulness Special Protection Area (SPA) and Ramsar; Dengie SPA and Ramsar; Blackwater SPA and Ramsar; Essex Estuaries Special Area of Conservation (SAC) and Crouch and Roach Estuaries SPA and Ramsar.

Land is allocated for development in the adopted Local Plan within the Broomfield Neighbourhood Plan area: SGS8 – North of Broomfield. Of the allocation for around 450 homes, around half are within the Broomfield parish and the remainder in an adjoining parish.

Overall, it is considered that there is a low risk for in-combination effects on the SAC/SPA through increased visitor pressure from any allocated or windfall development in Broomfield parish. Nevertheless, following the Local Plan Appropriate Assessment an Essex-wide Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and accompanying Supplementary Planning Document (SPD) were adopted by CCC in May 2020. They cover the above sites together with five other SPAs and Ramsar sites along the Essex Coast.

The RAMS includes measures that have been successfully employed for other European sites (e.g. Thames Basin Heaths SPA; Thanet Coast and Sandwich Bay SPA / Ramsar), supported by developer contributions. As a result, this plan-level mitigation measure is considered to be available, achievable and likely to be effective and so can be relied on to ensure that development proposals either avoid affecting the designated sites (no significant effect) or, where significant effects cannot be avoided, that effects will not adversely affect site integrity.'

- 6.18 Based on these findings, the screening exercise made the following conclusions:

'The Local Plan has been subject to continuous and iterative HRA screening and has been found sound following an independent examination. The full consultation process and assessment summary are contained within the HRA Adoption Note which accompanied adoption of the Local Plan (May 2020).

The HRA assessed three principal aspects for appropriate assessment, namely recreational pressure, air quality and water quality. The HRA concluded that significant effects from development proposed in the Local Plan cannot be excluded, either alone or in combination with other plans (with cumulative effects or which are interlinked). This has led to the development of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). This identifies a detailed programme of strategic mitigation measures across 12 local authority areas, which are to be funded by developer contributions from residential development schemes, and which is endorsed by Natural England.

As a result of the screening assessment in Section 4, CCC concluded that there were not likely to be significant environmental effects arising directly from the decisions taken through the Broomfield Neighbourhood Plan.

However, in (its) response to the consultation Natural England advise that a new allocation would trigger the requirement for Appropriate Assessment and consequently full SEA. It is, therefore, recommended that the Broomfield Neighbourhood Plan proceed to further stages of Appropriate Assessment/SEA.'

- 6.19 The Environmental Report addresses habitats issues in the simplified way suggested by Natural England in its comments on the screening exercise as follows:

With regards to internationally designated biodiversity sites, it is recognised that the whole of the Broomfield Neighbourhood Area falls within the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Zone of Influence. This requires all development within the Zone of Influence pays a RAMS tariff and development of over 100 dwellings provides Suitable Alternative Natural Greenspace (SANG). The RAMS has been adopted as a Supplementary Planning Document (SPD) by Chelmsford City Council, and the Broomfield NP proposes Policy BFD3 as additional policy guidance, reiterating the need to comply with the Essex Coast RAMS.

With regards to nationally designated biodiversity sites, none fall within the neighbourhood area. However, the whole neighbourhood area is encompassed by the Impact Risk Zone (IRZ) associated with Blake's Wood & Lingwood Common Site of Special Scientific Interest (SSSI) which falls further afield, east of Chelmsford. Within this IRZ any development of 100 or more homes outside of urban area will require further consultation with Natural England. The residential allocation site in the (Plan) (Policy BFD10) is likely to deliver less than 100 homes and is providing supporting open space. On this basis, negative effects in relation to this SSSI, and the need to consult further with Natural England, are likely to be avoided.

The neighbourhood area contains a network of Priority Habitats, with floodplain grazing marsh surrounding the River Chelmer, and areas of deciduous woodland and woodpasture and parkland within and surrounding the village. There is a small area in the north-west of the neighbourhood area which is identified as part of the National Habitat Network (as Priority Habitat and an enhancement zone). The allocations proposed in the Plan avoid the loss of any Priority Habitat and do not intersect the National Habitat Network.

The spatial strategy therefore works well to avoid negative effects in relation to biodiversity. This is supported by additional policy protections for landscape features (including trees and hedgerow – Policy BFD4) and open spaces (with 15 Local Green Spaces identified under Policy BFD7), and criteria for high-quality design (linked via Policy BFD11). These policy protections are likely to indirectly benefit biodiversity in the long-term. On this basis, minor positive effects are concluded as most likely.'

- 6.20 Whilst the HRA work has a slightly different format than that usually associated with the preparation of a neighbourhood plan, I am satisfied that all the necessary information is in place to support and underpin the submitted Plan. In specific terms, it

highlights the additional protections provided by several of the Plan's policies and that minor positive effects are likely to arise because of the implementation of the Plan.

- 6.21 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns about the way in which these matters have most recently been addressed. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of neighbourhood plan regulations.

Human Rights

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

Summary

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

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. It makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 The recommendations focus on the policies in the Plan given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the neighbourhood area. The wider community and BPC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda. The Plan has two important elements. The first is the way in which several of the policies are directly underpinned by technical Appraisals. The second is its clear and attractive presentation. The structure of the Plan and its policies is very understandable and the use of colour and well-chosen photographs makes the document very attractive and user-friendly.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (ID:41-004-20190509) which indicates that neighbourhood plans should address the development and use of land. It also includes a series of Community Actions.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan. The Actions are addressed thereafter.
- 7.6 For clarity, this section of the report comments on all the Plan's policies.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial parts of the Plan (Sections 1 to 4)

- 7.8 The Plan is very well-organised and presented. It has been prepared with much attention to detail and local pride. It makes an appropriate distinction between the policies and their supporting text. The initial elements of the Plan set the scene for the policies. They are proportionate to the neighbourhood area and the subsequent policies.
- 7.9 Section 1 sets out the vision and objectives for the Plan. It makes a strong functional relationship between the various issues and, in several cases, they feed directly into the resulting policies. The Vision neatly summarises the ambition for the parish as follows:

'In 2036, Broomfield will continue to be a flourishing village community, with its own distinct identity. Sustainable infrastructure and flourishing facilities will help meet the needs of residents, so that it will be a community, as well as a convenient place to live. Its historic character, green spaces and rural surroundings will be sustained and enhanced, promoting the wellbeing of everyone who lives and works here.'

- 7.10 The Vision is underpinned by eight objectives. The objectives provide the context for the presentation of the policies in the remainder of the Plan (Sections 5-12).
- 7.11 The Introduction (Section 2) comments about the neighbourhood plan agenda in general terms and identifies the neighbourhood area (in Map 1). It advises about the distinction between planning policies and community actions/aspirations. Whilst the front cover advises about the Plan period, I recommend that it is included in the supporting text for completeness.

At the end of paragraph 2.12 add: The Plan period is 2022 to 2036

- 7.12 Section 3 provides information about the neighbourhood area. The interesting and comprehensive details help to set the scene for the policies.
- 7.13 Section 4 advises about the national and local planning policy context within which the Plan has been prepared.
- 7.14 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy BFD1 – Preventing Coalescence

- 7.15 This is an important policy in the Plan. It defines a Settlement Buffer (illustrated in Map 4). The land concerned is known locally as the Felsted Field Gap. The Plan advises that the Settlement Buffer aims to maintain the separate identity of Broomfield and that development in the Buffer will only be supported in exceptional circumstances and where it can be demonstrated that the proposal would not have a detrimental impact on the openness of the landscape.
- 7.16 I looked carefully at the Buffer during the visits. Its role, purpose and significance were self-evident.
- 7.17 In general terms I am satisfied that the policy takes a positive approach to this matter and has regard to Section 15 of the NPPF. However, I recommend that the wording and order of the second part of the policy is modified so that it sets out the policy requirement first, and the information requirements thereafter. I also recommend that the proportionate element of the policy is simplified. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

Replace the second part of the policy with:

‘Development proposals in the Settlement Buffer will only be supported where they are in accordance with national and district level policies and they conserve or, where possible, enhance the openness and landscape character of the Settlement Buffer and will not result in an unacceptable reduction in the physical or visual gap between the settlements or otherwise undermine their distinct and separate identities. As appropriate to their scale and nature, development proposals should be accompanied by a Landscape and Visual Impact Assessment (or other appropriate and proportionate evidence) that

demonstrates that there would be no harmful impact on the open character and landscape of the Settlement Buffer.’

Policy BFD2 – Protecting Broomfield’s Landscape Character

- 7.18 The Plan comments that the context to the policy is that the Review of Local Green Space, Valued Landscape and Key Views lists and describes a series of important views within the parish and their degree of sensitivity to development. The majority were initially identified as part of the Landscape Appraisal, with others arising from the residents’ questionnaire and general work involved in preparing the Plan. The views are shown in Map 6. The Plan advises that when development proposals are being prepared, it will be necessary to take account of the potential impact that the development could have on views and demonstrate how the development can be satisfactorily accommodated within the landscape.
- 7.19 The policy comments that proposals for development outside the Settlement Boundary will be required to be accompanied by a Landscape Visual Impact Assessment or other appropriate evidence proportionate to the scale of the proposal, that demonstrates how the proposal can be accommodated in the countryside without having a significant detrimental impact, by reason of the development’s scale, materials and location, on the character and appearance of the countryside and its tranquillity, and distinction from the main built-up areas; and conserves and enhances the unique landscape and scenic beauty within the Parish.
- 7.20 Roka Nixy Limited comments as follows:
- ‘whilst the identification of Important Views is an important consideration, it must reasonably follow that any such view must be open to (and appreciated by) the general public. Important View No.12 is on private land – and therefore not a view that anyone other than the landowner could appreciate/attain. This being the case, it is respectfully submitted that it should not be included on Map 6 alongside other Important Views in the final version of the Neighbourhood Plan.’*
- 7.21 In its response to the clarification note, BPC responded to these comments as follows:
- ‘This view looking east from the end of Saxon Way (including the description and sensitivities outlined in the text) can be seen by the public from the footway on the northern side of Saxon Way; and at the access to the Royal British Legion Club which is open to public membership.’*
- 7.22 I looked carefully at a selection of the identified views, including view 12 during the visit. Based on all the evidence I am satisfied that the views have been carefully chosen and serve a clear purpose. I am also satisfied that View 12 can be appreciated by the public.
- 7.23 Obsidian Strategic Asset Management Limited comments about its promotion of land east of Broomfield (off Glebe Crescent) for residential development as part of the emerging Local Plan through the call for sites initiative. It also advises that the development of the site will not detract from the intentions of the policy. I have noted

this representation. Nevertheless, that will be a matter for CCC to address as it prepares its emerging Local Plan.

- 7.24 In the round, the policy takes a positive approach to this important matter. It supplements the wider approach taken in national and local policy to development outside settlement boundaries. In addition, I am satisfied that the identified Important Views are appropriate to be included in the Plan and the policy takes a non-prescriptive approach towards the way in which their importance is captured in the planning process.
- 7.25 Within this overall context, I recommend two modifications to bring the clarity required by the NPPF. The first is an expansion of the supporting text so that it explains the broader context to development outside the Settlement Boundary. The second is a change to the wording used in the policy. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

Replace ‘will be required to’ with should’

At the end of paragraph 5.21 add: ‘Policy BFD2 has been designed to add value to national and local planning policies in relation to development proposals outside the Settlement Boundary. The Chelmsford Local Plan provides an important local planning context and Policy Map 10 covers Broomfield. Policies S7, DM2, DM8, DM11 and DM12 comment about development outside Settlement Boundaries.’

Policy BFD3 – Recreational Disturbance Avoidance and Mitigation

- 7.26 The context to this policy is that CCC and other local authorities have prepared the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It has been adopted as a Supplementary Planning Document (SPD) by CCC. It sets out the mitigation strategy necessary to protect the birds of the Essex coast and their habitats from increased visitor pressure associated with new residential development in combination with other plans and projects. It also sets out how this strategy will be funded, with the Planning Obligations SPD adopted by CCC providing the mechanism for collecting contributions associated with the mitigation strategy from residential development in the Chelmsford administrative area.
- 7.27 Policy BFD3 transposes the Strategy into the Plan. A similar approach has been taken in other neighbourhood plans which are affected by the RAMS initiative.
- 7.29 I sought BPC’s thinking on whether it is necessary for the policy to be included in the Plan given the status of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy Supplementary Planning Document which is already administered by CCC through the development management process. In its response to the clarification note, BPC advised that:

‘(the) relevant adopted Local Plan policy on this matter is Policy DM16 – Ecology and Biodiversity. The policy was written and adopted before the Essex Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and associated Supplementary Planning Document (SPD) was adopted by the City Council. The policy

was included in the (submitted) Plan to bring the Local Plan policy up-to-date and providing a policy “hook” under which the SPD could operate in the (parish).

- 7.30 I have considered the issue carefully. On balance, I am satisfied that the policy is appropriate and adds value to the SPD in terms of its delivery through the development management process in the parish. I am also satisfied that the policy is appropriate to be included in the Plan as it provides appropriate mitigation for the issues identified in the Environmental Report. In the round, the policy takes a comprehensive and well-researched approach to this issue. In this context I am satisfied that it has regard to Section 15 of the NPPF and meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development

Policy BFD4 – Trees, Woodland, and Hedgerows

- 7.31 This policy addresses key elements of biodiversity in the parish. The Plan advises that the starting point for the consideration of all development proposals should be to avoid the unnecessary loss of, or damage to, established trees, woodland and hedgerows and to include measures that will supplement these features. It also comments that where new or replacement planting is proposed, the specification should use native species of a size that, when mature, are appropriate to the location.
- 7.32 In general terms the policy takes a positive approach to these matters and has regard to Section 15 of the NPPF. In this broader context I recommend that the final two elements of the policy are recast so that they set out requirements for new development rather than commenting about them being supported where they meet the requirements of the policy. Whilst these matters will be important considerations, there will be other material planning considerations and policies which CCC need to consider in making decisions on planning applications.
- 7.33 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the final two paragraphs of the policy with:

‘Wherever practicable, the planting of additional trees and boundary hedges within development proposals should incorporate native species.

As appropriate to their scale, nature and location, development proposals which adjoin the Rural Area, should incorporate new woodland on its rural boundaries designed to mitigate visual impact, reduce noise and light pollution, create and connect wildlife habitats, and provide opportunities for walking and leisure.’

Policy BFD5 – Protecting the Highest-Grade Agricultural Land

- 7.34 The Plan advises that the NPPF requires planning policies to protect and enhance the natural environment by (amongst other things): ‘recognising the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land.’ (Para. 170). It also comments that the Best and Most Versatile Land is defined nationally as Grades 1, 2 and 3a and that this approach is reflected in Local Plan Strategic Policy S4.

- 7.35 The Plan comments that it is important that the best agricultural land in Broomfield is protected from major development. Building on Strategic Policy S11 of the Local Plan, Policy BFD5 is designed to provide additional protection to Grade 2 land. The policy comments about appropriate uses for Grade 2 agricultural land.
- 7.36 I am satisfied that the policy takes an appropriate approach and meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Policy BFD6 – Broomfield Green Wedge

- 7.37 The context to the policy is that the Chelmer Valley area of the parish is part of the Green Wedge addressed by Local Plan Strategic Policy S11b. The northern part of the Chelmer Valley from the Parish Council and Football Club playing fields northwards, has been identified as Valued Landscape and enjoys good public access for leisure and recreation, travel by walking and (along Mill Lane) travel by cycling. The Plan advises that there is some scope for further enhancement and this is set out in Community Action 5. However, the Plan comments that the southern part of the Chelmer Valley has no public access, so offers no opportunities for leisure, recreation, or travel by either cycling or walking. In this context the Plan identifies this as a significant deficiency and which should be addressed to support recent/planned development within the Parish and mitigate its impacts.
- 7.38 The policy has been designed to address these issues. It comments that proposals that secure enhanced access for recreational uses, including footpaths and cycle paths, in the Green Wedge will be supported, subject to the development being in accordance with the relevant strategic policies of the adopted Local Plan.
- 7.39 The policy takes a positive approach to this matter and has regard to Sections 8 and 15 of the NPPF. It is also in general conformity with (and will assist in the implementation) of Policy S11b of the adopted Local Plan. I recommend a specific change to the wording as suggested by Essex County Council. Otherwise, it will contribute to the delivery of the social and economic dimensions of sustainable development.

Replace ‘paths’ with ‘routes’

Policy BFD7 – Local Green Spaces

- 7.40 The policy proposes the designation of fifteen local green spaces (LGSs). The approach taken is underpinned by the Review of Local Green Space, Valued Landscape and Key Views. I looked at a selection of the LGSs during the visit. I noted that they range from the Newland Grove Nature Reserve (LGSa) to Scot’s Green (LGSe).
- 7.41 Based on all the available evidence, I am satisfied that the other proposed LGSs meet the criteria in paragraph 106 of the NPPF. In coming to this overall judgement, I note that the proposed designations have not attracted objections from their owners.

- 7.42 In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 105 of the NPPF. Firstly, I am satisfied that their designation is consistent with the local planning of sustainable development. They do not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or proposed. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. They are an established element of the local environment and have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed LGSs would not endure beyond the end of the Plan period.
- 7.43 The policy itself seeks to take the matter-of-fact approach as set out in paragraph 107 of the NPPF. As such, I am satisfied that it meets the basic conditions. It will contribute to the delivery of the social and economic dimensions of sustainable development.

Policy BFD8 – Housing Mix

- 7.44 The Plan advises that the policy has been designed to supplement Local Plan policies on housing type and size with specific regard to Broomfield. The policy is based on data in the Plan's Evidence Base, specifically the Housing Needs Assessment (HNA) and the residents' questionnaire data. In terms of house sizes, the HNA identified that the biggest need was for three-bedroomed homes to redress the current imbalance and meet forecast needs over the Plan period. The Plan advises that to achieve a better balance, the policy will be implemented for all proposals for 10 or more dwellings. It also comments that these requirements may be adjusted should a more up-to-date and locally assessed needs assessment support a different mix.
- 7.45 The policy comments that developments of ten or more dwellings should provide a specific mix of housing across all tenures, unless it can be demonstrated that more up-to-date and locally assessed needs support a different mix.
- 7.46 In its representation on the policy, CCC comment that:

'Policy BFD8 – Housing Mix and, paragraphs 7.14 and 7.15 (should be) amended/deleted, for the following reasons: Para 7.14 says that Policy BFD8 will 'supplement' Local Plan Policy DM1. The overriding policy considerations should be the indicative market mix requirements of Policy DM1 and the priority affordable housing needs of the City Council as set out in Section 5 of the Planning Obligations SPD. DM1 and BFD8 are therefore in conflict.

(The) results of the residents' survey is not strong enough to provide evidence for a departure from (Local Plan) policy. Your specific allocation can be used to focus on needs that you identify through the Housing Needs Assessment, but it cannot be applied as a general policy for all development as it conflicts with the Local Plan. The proposed housing mix may also be in conflict with your aspirations for Land East of Saxon Way and have unintended consequences.

The Local Plan site allocation policy for Strategic Growth Site 8 (North of Broomfield) includes a requirement for homes of a mixed size and type, with qualification at Para 7.289 that housing should be provided in accordance with the Council's policy

requirements. This site is allocated to meet the wider needs of the Council's area. This site cannot therefore be required to meet the criteria in Policy BFD8, and the two are in conflict.

BFD8 also says that the mix should be provided across all tenures, but as mentioned there is a separate mix for affordable housing for rent (Table 3 of the Planning Obligations SPD), so it would not be expected that Policy BFD8 should apply across all tenures.'

7.47 In its response to the clarification note, BPC commented that:

'Policy DM1 of the Local Plan is not a strategic policy and therefore the Neighbourhood Plan does not have to be in general conformity with it. The Broomfield Housing Needs Assessment is a detailed assessment based solely on the parish rather than the wider City Council administrative area. It is therefore entirely appropriate to include a locally derived policy for the mix of housing to meet locally identified needs.

The Strategic Growth Site policy allocates the site for around 450 new homes of mixed size and type to include affordable housing." Para 7.289 of the adopted Local Plan states "The development should provide a mix of size and types of homes. Affordable, self-build and custom-build, appropriately accessible and adaptable housing as well as other types of specialist housing should be provided in accordance with the Council's policy requirements. The capacity of the site and mix of housing will need to reflect the available primary school places within the admissions area. (In this context) neither the policy nor supporting paragraph specify the housing mix except in relation to the available primary school places – which is not an appropriate means of defining housing need.

Paragraph 7.290 of the adopted Local Plan notes that "There is an emerging Neighbourhood Plan being prepared in Broomfield which it is envisaged will help shape this site allocation.

The Parish Council is therefore of the opinion that there is nothing in a strategic policy in the Local Plan that restricts the Neighbourhood Plan specifying the housing mix for the strategic site and that Policy BFD 8 is in conformity with the strategic policies of the adopted Local Plan.'

7.48 In order to assist in understanding and resolving these tensions I have looked carefully at the Housing Needs Assessment (HNA) produced by AECOM in June 2019. It reaches the following conclusions on the size and mix of housing

'To satisfy the requirements of increasingly smaller and older households, but also to enable younger households to remain in the area, and maintain a balanced population, we recommend the following housing mix: 16% of houses in new developments as one-bedroom homes, 18% two-bedroom, 50% three-bedroom, 9% four-bedroom and 8% five-bedroom. Most of the need will therefore be for two and three-bedroom homes.

This housing mix should, however, be applied flexibly, considering site-specific characteristics, including context and local character, as well as the market dynamics at the time of the specific development.

The type of home to be provided (detached, semi-detached, terraced or flat) is of secondary importance in the context of a HNA. Notwithstanding this, the housing types most likely to meet assessed needs, based on recent transactions in the current stock, are (smaller) detached and semi-detached homes. Additionally, bungalows appeal to an elderly population and this particular type should be promoted to support the needs of the growing elderly population.'

7.49 In addition, the HNA comments about the next steps as follows:

'This Neighbourhood Plan housing needs advice has aimed to provide Broomfield with evidence on housing trends from a range of sources. We recommend that the parish should, as a next step, discuss the contents and conclusions with CCC with a view to agreeing and formulating draft housing policies, in particular the appropriate approach to identifying the level of need for new housing in the (neighbourhood) area, bearing the following in mind:

- *the views of Chelmsford City Council – in particular in relation to the housing need figure that should be adopted;*
- *the views of local residents;*
- *the views of other relevant local stakeholders, including housing developers;*
- *the numerous supply-side considerations, including local environmental constraints, the location and characteristics of suitable land, and any capacity work carried out by CCC, including but not limited to the SHLAA.'*

7.50 In this context I have also looked at the broader context within which the policy has been promoted in the submitted Plan. Paragraph 7.14 advises that Policies BFD8 and 9 will supplement Local Plan policies with specific regard to Broomfield

7.51 I have considered these various matters very carefully. On the one hand, the policy is underpinned by the HNA which has taken a very detailed assessment of housing needs in the parish. On the other hand, it takes a very matter-of-fact approach, and CCC's representation would suggest that the discussions on the contents and conclusions with CCC (with a view to agreeing and formulating draft housing policies) as recommended in the HNA have not reached a successful outcome. In addition, the approach taken in the submitted policy straddles the distinction between the strategic and the non-strategic policies in the Local Plan.

7.52 On the basis of all the available evidence, I recommend that the policy should not be applicable to the development of the strategic site allocated in the adopted Local Plan (Strategic Growth Site Policy 8 - North of Broomfield). Plainly, a strategic site addresses housing need across the Chelmsford administrative area rather than those in the parish. In addition, that site straddles two parishes and it would be inappropriate to apply a specific housing mix in one part of the site and not in the other. I recommend that this matter is addressed as a modification to the supporting text.

7.53 As submitted, the policy is intended to apply across all tenures. In this context CCC advise the delivery of affordable housing is addressed in its Planning Obligations SPD, and Table 3 of that document sets out a separate mix for affordable housing for rent. I have considered this issue very carefully and I note that the SPD is not a strategic policy in the development plan. Nevertheless, the submitted policy offers no guidance

about the way in which it would supplement policies in the Local Plan and/or the approach set out in the SPD. In my view this would not bring the clarity required by the NPPF, and may have the opposite effect. In addition, the size and mix of affordable housing was not directly considered as one of the research questions as identified in Section 1.2 of the HNA. In all the circumstances I recommend that the policy is modified so that it relates only to open market housing.

- 7.54 As submitted, the policy has taken the breakdown of figures for house sizes directly from the HNA. This generates a very prescriptive approach which would be unlikely to be achieved on a case-by-case basis in the development of housing sites. In this context I recommend that the figures are highlighted as approximate and rounded up/down as necessary. This approach was agreed by BPC in its response to the clarification note.
- 7.55 Finally, I recommend that the policy allows for variations where its matter-of-fact applicability would affect the viability of the proposed residential development. This may apply particularly to sites which would deliver houses just above the size threshold and/or those with difficult site conditions. I recommend modifications both to the policy and to the supporting text to address this matter. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

Replace the policy with:

‘Developments of ten or more dwellings should provide the following mix of open market housing, unless it can be demonstrated that more up-to-date and locally assessed needs support a different mix or that the mix would not be commercially viable on the site concerned:

- **1 bed homes approximately 15%;**
- **2 bed homes approximately 15%;**
- **3 bed homes approximately 50%;**
- **4 bed dwellings approximately 10%; and**
- **5 bed (or larger) dwellings approximately 10%.**

Replace the final two sentences of paragraph 7.14 with: ‘To achieve a better balance, Policy BFD8 will be implemented for all proposals for ten or more dwellings, except for the development of the strategic site to the north of Broomfield as allocated in the Chelmsford Local Plan. These requirements may be adjusted should a more up-to-date and locally assessed needs assessment support a different mix.’

Replace paragraph 7.15 with: ‘Policy BFD8 applies to developments of ten or more dwellings to be consistent with the Government’s definition of a major housing development. The policy also acknowledges that the housing mix set out in the policy may have an implication on the commercial viability of certain sites. This may apply particularly to sites which would deliver houses just above the size threshold and/or those with difficult site conditions. In these circumstances, developers should set out a robust case to justify the delivery of a different housing mix on the site concerned.’

Policy BFD9 – Adaptable Homes

7.56 The Plan advises that this policy builds on the Essex Design Guide and Part M of the Building Regulations. It includes two elements as follows:

- proposals for new dwellings that are designed to be accessible and inclusive, including meeting Building Regulations M4 (2) standards, will be supported; and
- proposals for new developments or expansion of existing properties should be capable of receiving high speed and reliable mobile and broadband connectivity. Where connectivity is not currently available suitable ducting that can accept superfast broadband, fixed line gigabit-cable broadband and/or 5G connectivity should be provided to the public highway or other suitable location

7.57 I am satisfied that first part of the policy meets the basic conditions. It offers support for proposals which meet the access standards of the Building Regulations Part M4 (2) without requiring such provision. I recommend the deletion of the second part of the policy (on broadband access), as this matter is now addressed nationally through Building Regulations. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and economic dimensions of sustainable development.

Delete the second part of the policy

Policy BFD10 – Land east of Saxon Way

7.58 The Plan advises that the context to this policy is that stakeholders, landowners, and agents were invited to put forward proposals for developments that might offer a community benefit. It comments that the overall identified housing need of 176 dwellings will be met within the Broomfield portion of the 'North of Broomfield' development (Local Plan strategic site SGS8). Therefore, the Call of Sites invited proposals that would meet the following three criteria:

- include the provision of community facilities;
- include the provision of new green open space with public access; and
- provide housing types prioritised in the HNA and residents' questionnaire response.

7.59 Paragraph 7.28 of the Plan comments that the following constraints to development have been identified through the site assessment process:

- Green Wedge - the site lies just inside the Green Wedge identified in Policy S11 of the adopted Local Plan, where development must not 'materially harm the role, function and intrinsic character and beauty of the Green Wedge'. It must not lead to 'urban sprawl and settlement coalescence' and must provide for 'wildlife, flood storage capacity, leisure and recreation, and travel by cycling and walking' and allow for good public access.
- Landscape - the Neighbourhood Plan Landscape Appraisal identifies landscape constraints for the locality
- Archaeology - the site has known archaeological interest.

- Watercourse - although the developable area is comfortably outside the flood zone, there is a seasonal watercourse to the west to which development should have regard.
- The amenity of neighbouring properties - boundaries with existing properties are mostly covered by hedgerows, trees, or scrub. However, in some places new or enhanced planting may be required.

7.60 In this wider context, the Plan identifies an area 5.3 hectares east of Saxon Way for community facilities, community-led affordable housing, and informal open space. To guide the development of this site, a development concept has been included in the Plan. The concept has been refined through discussion between the landowner and the Neighbourhood Plan Steering Group (as illustrated in Fig. 12). Details of the expected package are set out in paragraph 7.32 of the Plan.

7.61 Obsidian Strategic Asset Management Limited comment that it is not clear why the Land East of Saxon Way has been carried forward for allocation within the Plan, contrary to the findings of the Neighbourhood Plan Site Options Assessment, when there are other more suitable sites in Broomfield.

7.62 I have considered these comments carefully and assessed them against the findings of the Site Options and Assessment (February 2020) and the Environmental Report. I have noted one of the conclusions of the Site Options and Assessment (paragraph 6.3) which advises that:

'The assessment of sites in Broomfield found that, subject to evidence of the need for development, one site is suitable for allocation in the Neighbourhood Plan, a further 12 sites are potentially suitable for residential allocation either in their entirety or in part, and an additional site is considered potentially suitable for allocation for business and commercial use. Of these, two sites have the potential to enable the delivery of cycling infrastructure which could increase connectivity with neighbouring parishes and Chelmsford, and three are identified as having the potential to deliver community benefits including open space and social facilities.'

7.63 In the round, I am satisfied that BPC has taken an appropriate and well-informed approach to this matter. The findings from the Assessment are incorporated into the findings of the Environmental Report. In addition, these reports form part of an iterative approach in which BPC (as the qualifying body) is entitled to make a judgement. In this broader context, I am satisfied that the proposals as captured in this policy sensitively respond to the issues and challenges which BPC gave to land owners and interested parties as it was developing the Plan.

7.64 I sought BPC's comments on the following matters:

- the commercial viability of the proposed package of uses;
- if there a local and active Community Land Trust with the willingness and capacity to proceed as set out in the policy;
- the current position in relation to the delivery of a GP surgery on the site; and
- the extent to which it has assessed the impact of the proposed development on the amenity of the existing residential properties in Saxon Way.

7.65 In its response BPC advised:

'Viability - The Parish Council has worked with the landowner during the preparation of the Plan. The landowner has confirmed his position. Given its location outside the Settlement Boundary, land values will not be those expected of a market housing site, such as the strategic site at North Broomfield or any other site within the Settlement Boundary. As such, there is no reason to think that the proposed package of uses are not viable. They are not 'for profit' uses and therefore commercial viability is not considered to be a relevant constraint in this instance.

Community Land Trust - The Council has worked with the Rural Community Council for Essex to develop the approach set out in the Plan, including the use of a community land trust (CLT) or similar to deliver the community housing element. The RCCE has conducted an affordable housing needs survey on behalf of the Council, which indicated a need for affordable community housing. As a new initiative in Broomfield, there is not an established CLT in the Parish at the moment. The Council considers that the best time to establish the CLT and recruit members is upon confirmation of the allocation when the Plan is adopted, because this will create an immediate purpose and heightened rationale for the CLT.

GP Surgery - The local Integrated Care Board (ICB) has acknowledged that there is a significant shortfall in surgery provision in the North of Chelmsford; and that it has no clear way of addressing this by any other means. A programme of meetings is underway between the ICB and local representatives, led by the Patient Partnership Group at Little Waltham Surgery (the primary care network that is most affected by the shortfall). It is envisaged that a new surgery would operate as another site of this existing GP practice. A planning workshop session is due in September. The Parish Council is part of this process and, due to residents' longstanding desire for a surgery, would prioritise this use within the 1.25 ha developable area of the site allocation. However, should the current ICB process lead to a different outcome, the Council's intention would be to use the developable area entirely for community-led affordable housing.

Amenity - The Council expects that the development proposed in policy BFD10 would require the upgrading of Saxon Way (which is currently unmade) to meet County Highways minimum standards, in order to mitigate impact and improve the amenity of existing residents regarding road safety and pollution. In terms of a detailed impact assessment, there is no detailed scheme at present against which impact could be assessed. However, Policy BFD10, along with the other relevant policies of the Neighbourhood Plan and the Local Plan, are sufficient to ensure that the residential amenity of residents would be safeguarded - in particular, Policy DM29 (Protecting Living and Working Environment) with which a future planning application would need to conform.'

7.66 These responses provide a high degree of assurance about the way the policy has been developed in a collaborative way with landowners and other key partners. It also highlights the environmental and amenity safeguards which are incorporated within the policy.

7.67 CCC comment:

‘Any planning applications for this site would be assessed against Policy BFD10, and so it is advised that the policy includes all the required elements to ensure development is deliverable and sustainable. Given that 1.25ha could generate a development of 25 to 30 dwellings, this would be considered as major development. This may generate a need for various infrastructure contributions, which should be included within the policy.’

7.68 In its response to the clarification note, BPC commented that

‘(it) would be happy for the policy to be amended to include all the required elements if the Examiner considers it necessary to provide a clear and deliverable policy. The Parish Council would support the inclusion of contributions to infrastructure requirements, but on the proviso that it is caveated that the contributions would only be required if the quantum and type of development triggers such needs and is justified, given that CIL is already in place for such contributions.’

7.69 I recommend that the policy addresses such issues within a slightly revised format so that brings the clarity required by the NPPF and provides a more robust policy structure.

7.70 CCC also made specific comments about the access into the site and the mix of uses. BPC responded positively to the access matter and proposed a refinement to CCC’s suggested changes to the mix of uses on the site. I recommend modifications to the policy on these matters.

7.71 The recommend revised policy does not directly address archaeological issues. The issue in the submitted policy is a process rather than a land use policy matter. As such, I have recommended that it is repositioned into the supporting text.

7.72 Essex County Council comments about detailed access and capacity issues. I recommend that the various issues are addressed in the supporting text.

7.73 In the round, I am satisfied that the policy sets out a sensitive package of proposals which will contribute to the delivery of sustainable development. I am also satisfied that, with the incorporation of the recommended modifications, there are sufficient mitigations in the policy to ensure that the site can be delivered in a sensitive fashion. These assurances mirror the details provides in BPC’s responses to the clarification note. In this context I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Replace the policy with:

‘A site of 5.3 hectares east of Saxon way, as identified on Figure 22, is allocated for:

- **community open space, cycle paths and footpaths;**
- **community affordable housing to meet the specific needs of local people in Broomfield; and/or**

- a GP surgery should the Mid and South Essex Integrated Care Board provide evidence that the surgery is required and deliverable at the time a planning application for the development is submitted.

The development of the site should be carried out in accordance with the principles illustrated in the Concept Diagram (Figure 22) and with its main vehicular and pedestrian access point from Saxon Way

The community housing element should come forward alongside the use of the whole site for community open space, cycle paths and footpaths and only where it is:

- delivered and managed through a Community Land Trust or similar body; and
- offered in the first instance to people with a demonstrable local connection with the Parish of Broomfield and who are unable to buy or rent properties in the village at open-market prices.

Where necessary, based on its eventual composition, the development should:

- make financial contributions to early years, primary and secondary education provision, and other community facilities such as healthcare provision;
- make financial contributions to new or enhanced sport, leisure, and recreation facilities; and
- deliver appropriate improvements, as necessary, to the local and strategic road network.’

At the end of paragraph 7.32 add: ‘Plainly the policy addresses a complex set of issues. Developers are encouraged to organise pre-application meetings with the City Council and the County Council as necessary. Depending on the number of dwellings proposed on the site, a full Transport Assessment may need to be undertaken considering opportunities for sustainable transport measures, access arrangements, and the impact on the highway network in terms of safety and capacity. Any proposals for amendments to and/or the provision of new cycle routes/footways should involve consultation with the County Council, as the highway authority, and Essex Highways.’

In paragraph 7.33 after the first sentence add: ‘A written scheme of archaeological investigation will be required prior to any part of the development commencing.’

Policy BFD11 – Development Design Considerations

- 7.74 This is an important policy which sets out design considerations for new development. The policy is underpinned by the Design Guidelines document which has been developed to work in tandem with the Plan to provide guidance on the built form, layout and sustainably of development.
- 7.75 The policy advises that in addition to the requirements of the adopted Chelmsford Local Plan, development proposals must demonstrate how the proposal reflects the character and setting of Broomfield and the locality within which the site is located. It also advises that all planning applications should, as appropriate to the proposal,

demonstrate how they have regard to the Essex Design Guide and the Broomfield Neighbourhood Plan Design Guidelines (April 2020) and the requirements of the Development Design Checklist (Appendix 2). The policy also sets out five design principles. I am satisfied that the principles are both appropriate to be included in this way, and are distinctive to the parish.

- 7.76 In the round, I am satisfied that the policy takes a positive and non-prescriptive approach to design. It is a first-class local response to Section 12 of the NPPF.
- 7.77 I recommend that the proportionate element in the opening part of the policy is made clearer. Whilst good design should be incorporated within all development proposals, the Development Design checklist will have a greater impact on larger or more sensitive proposals. In addition, the recommended modification replaces ‘must’ with ‘should’ to recognise the role played by a neighbourhood plan in the development management process. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

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

In the second part of the policy replace ‘All planning applications....the proposal’ with ‘As appropriate to their scale, nature, and location, development proposals should’

Policy BFD12 – Sustainable Construction Practices

- 7.78 In the context of the broader advice on design matters in Policy BFD11, this policy provides specific advice on sustainable construction. That policy comments that proposals which incorporate energy conservation and sustainable construction will be supported where such measures are designed to be integral to the building design and minimise any detrimental impact on the building or its surroundings. It provides a series of examples of appropriate measures.
- 7.79 In the round I am satisfied that this is a positive policy which has regard to Section 14 of the NPPF and the Written Ministerial Statement of December 2023 on local energy efficiency standards.
- 7.80 I recommend that the opening part of the policy is modified so that the reference to examples is more comprehensively weaved into the policy. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the opening part of the policy with:

‘Development proposals that incorporate energy conservation and sustainable construction, including the following measures as appropriate to the proposal, will be supported where such measures are designed to be integral to the building design and minimise any detrimental impact on the building or its surroundings:’

Policy BFD13 – Special Character Areas

- 7.81 The Plan proposes that three areas (Angel Green/Broomfield Place, Parsonage Green, and Broomfield Mill, Mill Lane), are designated as Special Character Areas. Separate assessments of each of the proposed Areas, including maps to identify their scope, are contained in Appendix 4. The policy comments that development proposals in these areas will be supported where it can be demonstrated that they meet a series of criteria. The policy includes general guidance for development in the three Character Areas and specific criteria for each Area.
- 7.82 I looked at the three proposed Areas during the visit. The description of each Area in Appendix 4 was clear and obvious. The policy approach reflects the character of the areas concerned on the one hand, and is positive and non-prescriptive on the other hand. In the round, it is an excellent policy which has fully embraced the localism agenda. I am satisfied that it meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Policy BFD14 – Land south of Broomfield Place

- 7.83 This is an important policy in the wider context of the Plan. The supporting text advises that during the preparation of the Plan, Essex County Council submitted a proposal to BPC for a purpose-built facility to meet the needs of disabled adults and those with support needs. A need for such facilities has been identified in the wider area to enhance the independence, well-being and skills of vulnerable adults and increase their life opportunities.
- 7.84 The policy allocates land to south and west of Broomfield Place for non-residential day facilities, associated community uses and local/informal green space to be accessed off Main Road. The policy comments that the development of the site should be carried out in accordance with the principles illustrated in the Concept Diagram.
- 7.85 The supporting text comments that a site concept diagram has been agreed (as shown in figure 13) to guide the development of the site. It advises that the diagram is based on the County Council's original submission which has been refined through discussion between the County Council and the Neighbourhood Plan Steering Group. It also comments that development proposals will be expected to have regard to the concept diagram, which will be considered in determining planning applications.
- 7.86 I looked at the site carefully during the visit. In doing so, it was clear that the emerging proposal is centrally-located and will do much to consolidate the sense of place and access to community facilities in the village. The supporting text also comments about the collaborative arrangements which are already in place.
- 7.87 In the round I am satisfied that the proposed allocation is appropriate to the parish. I am also satisfied that the detailed development criteria properly reflect the nature of the site and its sensitivities. They will provide a very useful context within which future planning applications on the site will be assessed and determined. As such, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Policy BFD15 – Public Rights of Way

- 7.88 The policy advises that proposals shall safeguard all public rights of way identified on the Definitive Rights of Way Map including footpaths, bridleways, and byways, and where possible, informal routes on green lanes, unclassified county roads, and local paths.
- 7.89 Essex Bridleways comment that the policy should have addressed the specific needs of horse riders. Whilst the policy could have been expanded to do so, such an approach is not required to ensure that it meets the basic conditions.
- 7.90 I recommend two modifications to bring the clarity to the policy and to allow CCC to apply it through the development management process. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace ‘Proposals’ with ‘Development proposals’

Replace the final part of the policy with: ‘Development proposals that would result in the diversion of the route of an existing right of way will only be supported in exceptional circumstances.’

Policy BFD16 – Flood Risk Mitigation

- 7.91 The Plan advises that significant amounts of the parish fall within what is termed locally as Critical Drainage Areas. These are areas where multiple and interlinked sources of flood risk (surface water, groundwater, sewer, and river) cause flooding during severe weather, thereby affecting people, property, or local infrastructure. It also comments that the continued management of flood risk, especially from surface water flooding, remains a local priority. The Local Plan provides an up-to-date policy approach for the management of flood risk across the City Council area. Nevertheless, the Plan comments that a further reinforcement of the Local Plan approach is needed to manage the risks in the Broomfield Critical Drainage Areas. The Plan advises that proposals in these areas will be required to demonstrate how they will not increase and, where possible, improve surface water run-off rates.
- 7.92 The policy reinforces these issues. It advises that in addition to the requirements of the Chelmsford Local Plan (2020), proposals for development in or which are likely to have an impact on the Critical Drainage Areas should, where appropriate and through the use of Sustainable Urban Drainage Systems and/or storm water harvesting and recycling, result in a surface water run-off rate equal or better than the one-year greenfield surface water run-off rate for that Area. It also comments that the design of Sustainable Urban Drainage Systems should have regard to the standards set out in the Essex SUDS Design Guide.
- 7.93 The policy takes a very distinctive approach to this matter. The Critical Drainage Areas have been carefully selected. In the round, I am satisfied that the policy has regard to Section 14 of the NPPF and meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Policy BFD17 Micro Hydroelectricity Schemes

- 7.94 The policy sits at the end of supporting text which comments about a series of green energy projects. Nevertheless, the policy itself has a sharp focus on micro hydroelectricity schemes and I examine it in this context
- 7.95 The policy comments that proposals for micro hydroelectric schemes will be supported where they meet a series of criteria. In its response to the clarification note BPC provide a context to the definition of micro hydroelectric schemes for inclusion in the Glossary. I recommend accordingly.
- 7.96 In the round this is a positive policy which has regard to Section 14 of the NPPF. It meets the basic conditions and will contribute to the delivery of the environmental dimension of sustainable development.

Include the definition of micro hydroelectricity schemes in the Glossary of the Plan.

Community Actions

- 7.97 The Plan includes community actions. As paragraph 2.7 and 2.19 of the Plan comment, they are not planning policies but are issues that have been identified through the Plan by the community that need to be addressed through wider partnership working. I am satisfied that the actions are both appropriate and distinctive to the neighbourhood area.
- 7.98 The Actions are weaved into the topic-based chapters of the Plan rather than being set out in a separate section as suggested in national policy. I have considered this matter carefully. On the balance of the evidence, I am satisfied that the approach taken is appropriate for the following reasons:
- it complements the natural flow and presentation of the Plan;
 - the Actions are presented in a different colour to the land use policies; and
 - paragraph 2.19 of the Plan explains their role and status.

Other Matters - General

- 7.99 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly because of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan because of the recommended modifications to the policies. Similarly, changes may be necessary to paragraph numbers in the Plan, to accommodate other administrative matters, and to ensure that the Plan is otherwise up-to-date. It will be appropriate for CCC and BPC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies, to accommodate any administrative and technical changes, and to ensure that the Plan is up-to-date.

Other Matters – Community Facilities

7.100 The Muslim Society makes detailed comment on the Plan as follows:

‘Chelmsford has been very popular in recent years among the commuters. Post covid we have seen significant influx of population in Chelmsford. The new developments in Chelmsford will attract many more with different cultural, ethnic, and religious backgrounds. We can see the effect of increasing Muslim population in Chelmsford, on existing religious facilities. There is one mosque and a leisure centre converted to Muslim prayer facilities, both are struggling to accommodate number of attendees. It is causing a lot of issues with traffic and to the neighbours..... We need to build sustainable community and religious facilities for (the Muslims population) especially in North of Chelmsford away from busy roads or junctions. Essex Muslim centre is very keen to see these points are taken seriously in the planning and designing of the future infrastructure and developments in Chelmsford.’

7.101 Similar comments are also raised by several individuals.

7.102 A key element of any neighbourhood plan is its ability to determine the matters which it addresses, and it is not within my role to expand the issues on which the Plan comments. Nevertheless, the issues raised in these representations will be important to the social well-being of the overall community of Chelmsford. The comments have also been raised in relation to the current review of the Local Plan. As such they reflect a wider community need. In this context, I encourage all concerned to seek to continue a dialogue regarding the cultural and religious needs of the local Muslim community.

Other Matters – Specific

7.103 CCC has made a series of comments on the policies in the Plan. I have addressed them earlier in this report.

7.104 CCC has also made a series of more general comments on the Plan. They have been very helpful as part of the overall examination. I recommend the following more general modifications to the Plan insofar as they are necessary to ensure that it meets the basic conditions:

Paragraph 2.14 - Update the references to the NPPF to reflect the December 2023 version.

Paragraph 3.15 Revise the text to read: ‘Until recently, Broomfield Parish had a population of approximately 6,400 residents. Recent population growth has been focused on development extending north from the urban area of Chelmsford and Beaulieu Park. With the creation in 2023 of a new Chelmsford Garden Community Council, the population of Broomfield Parish is expected to fall to about 4,000.’

In paragraph 4.4 revise the text to read: ‘It is anticipated that the Local Plan will be adopted in late 2025/early 2026.’

7.105 The County Council has also made a series of technical and factual comments on the text in the Plan and some of the Community Actions. In its response to the clarification note, BPC advises that:

- the suggestions put forward by the County Council are not matters that impact on whether the Plan meets the Basic Conditions and the Plan can be amended to bring it up-to-date ahead of a referendum; or
- the suggestions repeat those raised at the pre-submission stage of the Plan and which were not incorporated into the submitted Plan

7.106 I have considered the various issues raised by the County Council very carefully. On the balance of the evidence, I am satisfied that their incorporation into the Plan is not required to ensure that it meets the basic conditions. In this context the updating approach suggested by BPC is entirely appropriate.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2036. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community. It recognises the sensitive location of the parish in relation to Chelmsford and the River Chelmer, proposes the development of two sites and the designation of a package of Local Green Spaces.
- 8.2 Following the independent examination of the Plan, I have concluded that the Broomfield Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report, I recommend to Chelmsford City Council that subject to the incorporation of the modifications set out in this report that the Broomfield Neighbourhood Development Plan should proceed to referendum.

Other Matters

- 8.4 I am required to consider whether the referendum area should be extended beyond the neighbourhood area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as most-recently approved by the City Council on 12 July 2022.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth manner. The responses to the clarification note were detailed, informative and delivered in a very timely fashion.

Andrew Ashcroft
Independent Examiner
24 October 2024