**South Woodham Ferrers Neighbourhood Plan 2020-2036**

**Examination Report**

**Submission Version June 2020**

A Report to Chelmsford City Council into the South Woodham Ferrers Neighbourhood Plan 2020-2036

By Independent Examiner, Jeremy Edge BSc (Hons) FRICS MRTPI

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**18th June 2021**

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1.0 Introduction and Role of the Independent Examiner

* 1. Neighbourhood Planning is an approach to planning introduced by the Localism Act 2011 which provides communities with the power to establish the priorities and policies to shape the future development of their local areas. This Report sets out the findings of the examination of the South Woodham Ferrers Neighbourhood Plan 2020-2036 submission version, June 2021.
  2. My role as an Independent Examiner, when considering the content of a neighbourhood plan is limited to testing whether a draft neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The role is not to test the soundness of a neighbourhood development plan, or to examine other material considerations.
  3. Paragraph 8 of Schedule 4B to the Town & Country Planning Act 1990 (as amended) [excluding 2b, c, 3 to 5 as required by 38C (5) of the Planning and Compulsory Purchase Act 2004 (as amended)], states that the Plan must meet the following “basic conditions”;
  + it must have appropriate regard for national policy;
  + it must contribute towards the achievement of sustainable development;
  + it must be in general conformity with the strategic policies of the development plan for the local area;
  + it must be compatible with human rights requirements and
  + it must be compatible with EU obligations.
  1. In accordance with Schedule 4B, paragraph 10 of the Town & Country Planning Act 1990 (as amended), the examiner must make a report on the draft plan containing recommendations and make one of the following three recommendations:

1. that the draft order is submitted to a referendum, or
2. that modifications specified in the report are made to the draft order and that the draft order as modified is submitted to a referendum, or
3. that the proposal for the order is refused.
4. If recommending that the Plan proceeds to a referendum, I am also then required to consider whether the Referendum Area should extend beyond the designated area to which the Plan relates. I make my recommendations at the end of this Report.
5. I am independent of the qualifying body, associated residents, business leaders and the local authority. I do not have any interest in any land that may be affected by the Plan and I possess appropriate qualifications and experience.
6. I was appointed to undertake the independent examination of the submission version of the South Woodham Ferrers NP on 7th January 2021.
7. South Woodham Ferrers Town Council formally resolved to approve the Neighbourhood Plan at its Full Council meeting on 16 June 2020. On 25 June 2020, Troy Hayes Planning Limited provided the South Woodham Ferrers Neighbourhood Plan submission documents to the Directorate for Sustainable Communities, Chelmsford City Council for Regulation 16 consultation and subsequent examination. The documents submitted were as follows:

• South Woodham Ferrers Neighbourhood Plan, Submission version (June 2020)

• Basic Conditions Statement, incorporating Area Statement and including

Screening for Strategic Environmental Assessment (SEA) and Habitats Regulation

Assessment (HRA) (June 2020)

• Consultation Statement (May 2020)

The following supporting evidence was also included.

• Character Area Study (March 2019)

• Comparator Towns Study (April 2019)

• Landscape Analysis (April 2019)

• Northern Growth Area Ideas (April 2019)

• Parking Occupancy and Car Park User Questionnaire Report (October 2019)

• Town Centre Analysis (February 2019)

• Town Centre Ideas (April 2019)

• Town-wide Analysis (February 2019)

• Town-wide Ideas: Access and Movement (April 2019)

• Town-wide ideas: Green Infrastructure (April 2019)

1. These documents were made available to the public and statutory consultees by Chelmsford City Council (CCC) for Regulation 16 consultation which ran from 1st October 2020 until 12th November 2020, inclusive. I obtained these documents for the purpose of conducting this examination, from CCC’s consultation portal, together with the 72 representations received by CCC over the consultation period.
2. In addition to these documents, CCC requested an Equalities Impact Assessment be prepared in relation to the submission version of the South Woodham Ferrers Neighbourhood Plan (SWFNP) in accordance with the Equality Act 2010. This evaluation was undertaken rapidly and submitted to CCC as part of the evidence base in July 2020.
3. These and other background documents which I have taken into consideration in undertaking this examination are listed in Appendix 1.
4. I have had regard to the extent that the SWFNP conforms to the National Planning Policy Guidance, (NPPF) last updated on 1st October July 2019 and relevant national Planning Practice Guidance (PPG) published and maintained by Ministry of Housing, Communities & Local Government with periodic online revisions, the last in relation to Neighbourhood Planning being 24th May 2021.
5. Concerning general conformity with the adopted strategic planning policy, Chelmsford City Council adopted Chelmsford Local Plan on 27 May 2020. I have examined the SWFNP in relation to the relevant strategic policies in the Local Plan which are clearly distinguished from the Plan’s development management policies, by the prefix “S”, the development management policies being denoted with the prefix “DM”.
6. Subsequent to the preparation of the submission version of the SWFNP, the adopted Local Plan guidance has been supplemented by:

* Chelmsford City Council Planning Obligations Supplementary Planning Document (SPD), January 2021. (This has been based on the earlier study comprising the City Council’s Infrastructure Delivery Plan, June 2018, prepared by Troy Planning in connection with the then emerging Local Plan and the Community Infrastructure Levy Charging Schedule, LDF, April 2014, Chelmsford City Council);
* Making Places - Supplementary Planning Document (SPD), January 2021; and
* “Land North of South Woodham Ferrers Stage Three Masterplan Framework Submission” January 2021, Countryside Properties, Essex County Council Property and Bellway/Speakman, (adopted by Chelmsford City Council, March 2021).

South Woodham Ferrers Neighbourhood Area and Local Context

1. **South Woodham Ferrers Neighbourhood Area - Area Statement**
2. The Basic Conditions Statement for the SWFNP provides a clear Area Statement confirming that the Plan has been prepared and submitted to Chelmsford City Council (CCC) by South Woodham Ferrers Town Council (SWFTC), which is the qualifying body, entitled to submit a Neighbourhood Plan for the South Woodham Ferrers Neighbourhood Area. The Basic Conditions Statement explains that the South Woodham Ferrers Neighbourhood Area was designated by CCC on 14th January 2016, attaching a copy of the agenda and minutes of the Development and Policy Committee at which the resolution was made. The meeting minute confirmed that the neighbourhood area application had been submitted in October 2015 and this had followed the Parish boundary. The designated neighbourhood area is shown in Figure 1 below.
3. The Area Statement confirms that the South Woodham Ferrers Neighbourhood Plan sets out policies that relate to development and the use of land within the neighbourhood area, as shown in Figure 1 below and does not relate to more than one neighbourhood area. The statement confirms that there are no other adopted Neighbourhood Development Plans which cover the designated neighbourhood area and that the SWFNP covers the period 2020-2036. This coincides with the life of the adopted Local Plan.
4. **Local Context**
5. Chapter 2 of the SWFNP and the supporting Equalities Statement, provide a helpful synopsis describing the evolution of the settlement, its new town character and demographic profile. Although the settlement dates from 1899 with growth catalysed by accessibility improvements caused by the railway. Major growth took place in the 1960's and early 1970's, focused along the north-south spine of Hullbridge Road, followed by the second phase of major expansion due to the New Town movement, promoted by Essex County Council, leading to the large-scale expansion of the town realising the vision of it being a 'new country town on the River Crouch'. Development resulting from the new town programme took place initially to the north of the town, with later development from the mid-1980's to the south of the railway line.
6. The town is well known for the pioneering Essex Design Guide 1973 which has influenced the design and implementation of this settlement significantly from the last quarter of the twentieth century and more widely. However, as explained in the SWFNP, now some 50 years on, the fabric of the town centre requires regeneration. This is reflected in the ambitions of the SWFNP, shaped by the community recognition that the earlier priorities have shifted from the earlier response to growth pressures of the 1970's and 80's. Now the settlement faces renewed pressure for growth with land to the north of the town allocated for new homes employment opportunities and infrastructure through strategic policy in the Chelmsford City Local Plan. The challenge for the SWFNP is to shape the future development of the neighbourhood area which integrates future development with the existing community, reflecting the character and qualities of the town, local landscape, delivering improved connections to green space, housing choice and strengthening the role and function of the town centre, over the life of the Plan.

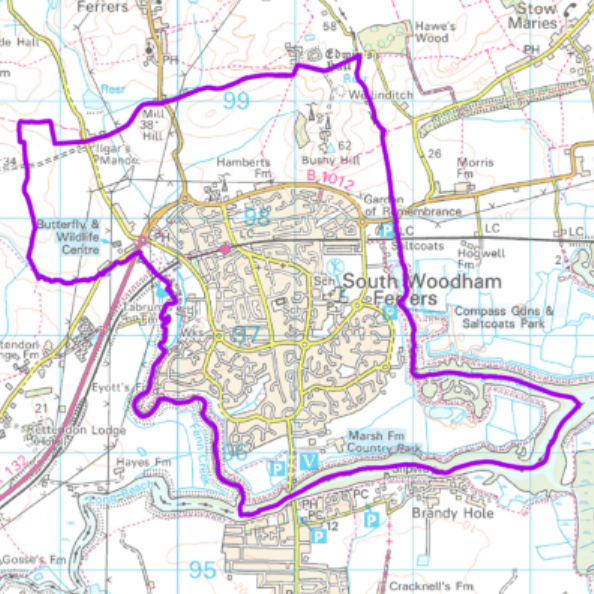


Fig 1: South Woodham Ferrers Neighbourhood Area – Designated on 14th January 2016

Source- Basic Conditions Statement

1. **Demographic profile**
2. The SWFNP explains that original masterplan for South Woodham Ferrers envisaged a population of approximately 18,000 people. Currently the population is about 16,300. The trend has been towards an aging population which is expected to continue, creating new needs over the life of the Plan. This demographic shift has resulted in a reduction of average household size to about 2.46 persons/dwelling whilst the new town expansion during the second half of the last century was designed to meet the needs of young and growing families with a preponderance of three bedroomed dwellings.
3. The SWFNP has been prepared during a period which may turn out to mark a profound shift in town centre functions. The evidence base explains that the town centre, originally developed in partnership between Essex County Council and Asda, has had a relatively low vacancy rate but that the retail offer is skewed heavily towards convenience rather than comparison goods retailers. The analysis of use types in South Woodham Ferrers town centre in the preparation of the Plan has been derived from the Chelmsford Retail Capacity Study, January 2015. Since that time retail activity has continued to alter significantly due to the growth in online retail activity that has accelerated due to the SARS-CoV-2 virus pandemic. It is unclear at present the extent to which retail activity in town centres like South Woodham Ferrers will recover over the life of the Plan although in relation to town planning matters, the flexibility introduced through changes to the Use Classes Order now provides greater flexibility and certainty in the way in which land may be used, particularly in town centres.
4. Concerning employment activity, the Plan recognises the draw of Chelmsford, which accounts for 42% of commuter traffic, being over double the proportion who travel to London, with less than 10% of the economically active population living and working in South Woodham Ferrers, the remainder commuting to nearby towns mainly in South-East Essex. South Woodham Ferrers attracts significant employees from Chelmsford and Maldon, being 60% and 24% respectively of all inward commuter traffic, mainly by car.
5. **Public Consultation**
6. Part 5 of The Neighbourhood Planning (General) Regulations 2012, “the Regulations”, makes provision in relation to procedure for making neighbourhood development plans. To fulfil the legal requirements of Regulation 15(2) of Part 5 of the Regulations, the consultation statement should contain the following:

• details of people and organisations consulted about the proposed Neighbourhood Plan;

• details of how they were consulted;

• a summary of the main issues and concerns raised through the consultation process; and

• descriptions of how these issues and concerns were considered and addressed in the

proposed Neighbourhood Plan.

1. The Consultation Statement should also demonstrate that there has been proper community engagement and that it has informed the content of the Plan. It should also make it clear and transparent that those producing the plan have sought to address the issues raised during the consultation process. Consultation and community engagement are fundamental requirements of the Regulations, the process of plan-making often described as being almost as important as the plan itself.
2. The Consultation Statement (CS) prepared in relation to the SWFNP sets out in considerable detail the evolution of the draft Plan from designation to the analysis of the Regulation 14 consultation responses leading to the preparation of the submission version of the Plan. The CS is structured to describe how the SWFNP consultation activities have met the requirements of Regulation 15(2) of Part 5 of the Neighbourhood Planning (General) Regulations 2012, as follows;
3. *Details of people and organisations consulted about the proposed Neighbourhood Plan;*
4. These details are set out comprehensively in the CS in respect of the Regulation 14 consultation which took place for a six-week period running from 14 February 2020 – 27 March 2020. The CS explains that Notice of the Regulation 14 consultation was sent direct to:

• 46 organisations, representing statutory consultees, and including utility and service

providers, and neighbouring local authorities.

• The seven parish councils neighbouring South Woodham Ferrers.

• 190 residents who had registered for updates during earlier consultation events

• Nine other organisations who had expressed an interest in the progress of the

Neighbourhood Plan.

Further details of these groups are provided in the appendices to the CS.

1. *Details of how they were consulted;*
2. The CS provides a clear summary of the consultation events to engage the community in the preparation of the SWFNP from late 2016 until the Regulation 14 consultation in took place for a six-week period running from 14 February 2020 until 27 March 2020 but was extended to take account of the effects of the Covid 19 pandemic. The consultation activities arranged by the Steering Group were extensive and included:

*“• A series of launch, awareness and profile-raising events in late 2016 and early 2017,*

*including a Community Open Day, displays at the annual Christmas Fayre, Senior Citizens*

*lunch and Children’s Christmas Party.*

*• An event with the Woodville School Student Council in March 2017, including a poster*

*competition for pupils.*

*• A series of visioning events held in August 2017 at the Town Council offices providing*

*people with the opportunity to comment on the strengths, weaknesses, opportunities and*

*threats for South Woodham Ferrers. Following this work on the Neighbourhood Plan was*

*paused whilst the Town Council engaged with consultation on the emerging Local Plan*

*and the implications within that for South Woodham Ferrers, including proposals for*

*growth to the north of the town.*

*• A series of events in March 2019 that re-launched work on the Neighbourhood Plan,*

*presenting a summary of key messages and opportunities for the Plan emerging from the*

*earlier visioning exercises and whether these remained the key focus for work on the Plan.*

*Events included attendance at the Mayor’s annual charity event for local businesses and*

*organisations, displaying material in the town centre, at the Town Council office, and*

*presentation at the Annual Town Meeting. Surveys were prepared alongside this and*

*made available both electronically and in paper format.*

*• A workshop with town centre landowners in June 2019 to discuss the challenges and*

*opportunities for the town centre, and to seek feedback on these. Questionnaires were*

*also circulated.*

*• Informal consultation on emerging ideas and policies for the Neighbourhood Plan which*

*lasted for a six-week period in July and August 2019. Display material was available to*

*view at the Town Council offices for the duration of the six-week period, with two manned*

*events also held, coinciding with (a) a drop-in and information event associated with the*

*relocation of the health centre and (b) the summer ‘fun in the park’ event for children and*

*parents / guardians. Surveys were prepared alongside this and made available both*

*electronically and in paper format.*

*• Formal consultation at the Regulation 14 stage which took place between February and*

*March 2020. This included production of display material available to view at the Town*

*Council offices and in the library, displays and presentations at the Annual Town Meeting,*

*publishing articles in Focus (the weekly magazine distributed to all households in South*

*Woodham Ferrers and available from the Town Council and Library), and contacting*

*various groups, organisations and residents direct. A survey was also made available*

*alongside this in both electronic and paper formats.*

*• Regular contact was maintained with Chelmsford City Council through the process,*

*providing updates on progress and allowing for comments to be made on the emerging*

*content and drafting of policies in the Plan.*

*• Meetings were held with the team responsible for preparing the masterplan for the*

*Northern Growth Area. Workshops organized by the Growth Area team were also*

*attended and a separate Steering Group Committee established by the Town Council for*

*the purposes of liaising specifically on growth area matters. Members of the Steering*

*Group include those also sitting on the Neighbourhood Plan Steering Group, allowing for*

*regular updates.*

*• Screening for SEA / HRA purposes was undertaken by Chelmsford City Council on behalf*

*of South Woodham Ferrers Town Council, including consultation with the statutory*

*consultees.”*

1. The CS further explains that the Town Council established a neighbourhood planning page on its website, which kept the community up to date with information from designation of the neighbourhood area. Minutes of all meetings were made available via the Town Council’s website. The CS details further means of communication for disseminating information about the Neighbourhood Plan including the use of noticeboards around the town, displays, presentations and Q&A sessions at the Annual Town Meeting, articles and updates published in Focus, and posts on the South Woodham Ferrers Facebook page.
2. During the consultation of the Regulation 14 version of the Plan, supporting evidence and the draft Plan were available to view online. The CS provides screenshots of the Town Council website showing details of the information provided during the Regulation 14 consultation period in Appendix E to the CS.

1. *Descriptions of how these issues and concerns were considered and addressed in the proposed Neighbourhood Plan.*
2. The CS details the results of the visioning consultation undertaken in summer 2017 and the subsequent consultation events in March 2019 when the assessment of the earlier visioning was presented back to the community. The CS explains the findings of the consultation events, including:

•  An overview of the display material.

•  A summary of responses to the proposed areas of focus for the Plan.

•  Other comments and suggestions made in response to the proposed areas of focus and other ideas for consideration in the Plan.

•  A set of conclusions.

•  Copies of the display material.

•  Breakdown of responses to each question posed.

1. The CS states that 231 questionnaire responses were received. The key messages were distilled from these replies and are presented in the CS together with response rates to individual questions. The CS confirms that the Steering Group gave consideration to all comments and responses made in the preparation of the Neighbourhood Plan and in particular, how the responses to visioning events and surveys in the early stages of the plan-making process were used to shape the vision and objectives for the SWFNP.
2. A meeting of stakeholders in June 2019, at the Town Council offices considered the challenges faced by the town centre, the changing nature of High Streets, the policy framework and built form. The meeting discussed emerging ideas, including the role of the centre, including possible public realm and development interventions as well as potential non- land-use initiatives. It is apparent from the CS that this consultation initiative has helped shape the emerging strategy for the town centre and draft planning policy in the Plan.
3. It is evident that the Steering Group has carried out an impressive series of activities as a means of engaging the public and involving the community in to elicit opinions and obtain feedback as the proposals for the SWF have developed. The success of the consultation activities and extent of engagement is evidenced by the degree of response from the community throughout this process.

**Strategic Environmental Assessment and** **Sustainability Appraisal**

1. The Introduction to the CS explains that screening for Strategic Environmental Assessment (SEA)and Habitats Regulation Assessment (HRA) was undertaken by Chelmsford City Council on behalf of South Woodham Ferrers Town Council, including consultation with the statutory consultees. The CS does not comment on the out-come, however this is covered in the Basic Conditions Statement which explains that the screening of the draft Plan by Chelmsford City Council for the purposes of SEA and HRA took place in January 2020. In so doing, the City Council consulted with the Environment Agency, Historic England and Natural England. The Environment Agency and Historic England responded to the effect that a full Strategic Environmental Assessment report was not required. Natural England replied that there are unlikely to be significant environmental effects from the proposed plan and stated that the proposals contained within the plan would not have significant effects on sensitive sites which Natural England has a statutory duty to protect. The City Council concluded that neither SEA nor HRA were necessary in relation to the SWFNP as confirmed in the City Council’s screening report dated 26th March 2020[[1]](#footnote-2) a copy of which is appended to the Basic Conditions Statement at Appendix B: SEA / HRA Screening. The City Council’s screening opinion was subsequently published on 15th June 2020.[[2]](#footnote-3)

Consultation Summary

1. The pre-submission version of the SWFNP has been the subject to extensive community engagement, public consultation and consequential revision reflecting comments made as recorded in the Consultation Statement accompanying the submission version of the Plan for examination.
2. The legal requirements of Regulation 15(2) of Part 5 of the Regulations, that the consultation statement should contain the following:

• details of people and organisations consulted about the proposed Neighbourhood Plan;

• details of how they were consulted;

• a summary of the main issues and concerns raised through the consultation process; and

• descriptions of how these issues and concerns were considered and addressed in the

proposed Neighbourhood Plan.

1. I am satisfied that the requirements set out above are met and that the CS demonstrates that there has been proper community engagement which has informed the content of the Plan. I also confirm that it is apparent that in considering the need for Strategic Environmental Assessment and Habitats Regulation Assessment, the screening report prepared by CCC in January 2020 was also subject to appropriate consultation.

**3.0** **South Woodham Ferrers Neighbourhood Plan** **– Vision and Objectives**

1. The vision and objectives for the neighbourhood area are set out in Chapter 3 of the SWFNP. These have been informed by community consultation and the community’s aspirations for the future of the area as follows:

*“Our vision for South Woodham Ferrers is that, by 2036, it will have become a ‘Complete Community’.*

*The strong sense of community and identity that the town experiences will have been strengthened. South Woodham Ferrers will be a safe, friendly, green, accessible and welcoming place for all, with a range of housing choices, leisure and employment opportunities, all in easy walk and cycle of the home, and with a strong and vibrant centre at the heart of the town.*

*Through future growth and change, South Woodham Ferrers will become the ‘riverside country town’, with greenery integrated into the heart of the town.*

*New development will reflect the best of the local ‘Essex vernacular’ and be an exemplar for new design and place making.”*

The five objectives identified below provide the framework for the Neighbourhood Plan policies:

**Objective 01**:

To revitalise the town centre such that it becomes the hub of civic life and activity, providing a wide range of uses and facilities that cater for day-to-day needs, entertainment and leisure for all ages.

**Objective 02:**

To make it safer and easy for all people of all ages to move around South Woodham Ferrers, promoting active and sustainable travel measures.

**Objective 03:**

To integrate surrounding green space into the town and create new green space for the use and enjoyment of all, whilst also delivering environmental, health and well-being benefits.

**Objective 04:**

To reflect the legacy of the Essex Design Guide in any new development, delivering high quality design in the built form and surrounding landscape. Development should be in keeping with the Essex vernacular and respect existing building heights.

**Objective 05:**

To successfully integrate new growth and expansion with the existing built form and communities, providing housing choice and opportunities, as well as new community infrastructure, for the benefit of all.

1. The vision and objectives have influenced the preparation of the planning policies in the SWFNP. These are considered in section 5 of this examination report.
2. I now turn to consider the extent to which the SWFNP can be said to meet the Basic Conditions tests.

**4.0** **Basic Conditions**

1. Only a draft neighbourhood Plan that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. I consider the basic conditions below, taking the basic conditions from Schedule 4B paragraph 8(2) a) and d) together, before moving on to the other conditions:
   1. ***having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan,***

***and;***

***d. the making of the neighbourhood plan contributes to the achievement of sustainable development.***

1. The policies contained in the SWFNP were prepared having regard to the revisions to the NPPF published on 24th July 2018. The NPPF was revised on 19th February 2019 and again on 19th June 2019. This remains the current national guidance issued by the Secretary of State and is the appropriate version of the NPPF against which the Plan has been considered in this examination. All references to the NPPF in this report relate to the most recent version, although the publication date remains 19th February 2019.
2. The NPPF paragraph 11, advises that all plans should be based upon the presumption in favour of sustainable development with clear policies that guide how the presumption should be applied locally. Paragraph 13 of the NPPF acknowledges that the application of the presumption in favour of sustainable development will have implications for how communities engage in neighbourhood planning. Indeed, paragraph 13 advises:

*“Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies”.*

1. I am content that subject to the recommended modifications in this examination report being accepted, the SWFNP will conform to the guidance in the NPPF at paragraph 29, enabling the local community the ability to develop a shared vision for their area and that the SWFNP through the application of its non-strategic planning policies, will if the Plan is made, shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan.
2. I am also content that subject to the recommended modifications in this examination report being accepted, that the SWFNP will generally comply with the provisions of paragraph 16 of the NPPF, regarding plan making which advises:

*“Plans should:*

1. *be prepared with the objective of contributing to the achievement of sustainable development;*

*b) be prepared positively, in a way that is aspirational but deliverable;*

*c) be shaped by early, proportionate and effective engagement between plan- makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;*

*d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;*

*e) be accessible through the use of digital tools to assist public involvement and policy presentation; and*

*f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).”*

1. Thus, if made with the recommended policy modifications in Appendix 3 of this report, the SWFNP should effectively shape and direct sustainable development in designated Neighbourhood Area as envisaged through policy guidance in the NPPF.
2. At paragraph 8, the NPPF defines the three dimensions to sustainable development as being, economic, social and environmental; the NPPF sets out the roles that the planning system is expected to perform in relation to each. These interdependencies of the economic, social and environmental objectives explained in the NPPF are at the root of the SWFNP vision for the Neighbourhood Area as outlined in section 3 of this report and as analysed in Section 3 of the Basic Conditions Statement. I am therefore satisfied that the thrust of the SWFNP has been prepared and is in conformity with the provisions of the NPPF. Consequently, if the recommendations in this Plan are accepted and Plan proceeds to referendum and is made, the application of the SWFNP policies in reaching future development management decisions will assist in delivering sustainable development in the Neighbourhood Area over the life of the Plan.
3. ***e. the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)*.**
4. The Chelmsford City Council Local Plan 2013-2036, adopted 27 May 2020, sets out the overall vision, objectives and strategic planning policies for the City Council’s administrative area to 2036. As outlined in section 1 of this examination report, the Local Plan contains the adopted strategic planning policies with which the policies in the SWFNP must be in general conformity. As indicated in the Basic Conditions Statement, and the Local Plan itself, the strategic policies in the Local Plan are clearly defined as policies S1- S13. The Basic Conditions Statement (BCS) also provides an assessment of how the emerging policies in the SWFNP general conform to the Local Plan strategic policy guidance in Section 4 of the BCS.
5. I am content that the submission version of the SWFNP, subject to the recommended policy alterations in this report, is in general conformity with national and strategic planning policies in the adopted Local Plan.
6. ***f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.***
7. The EU obligations against which the SWFNP need to be assessed for breaches and compatibility are:
   * the European Convention on Human Rights[[3]](#footnote-4);
   * Directive 2001/42/EC[[4]](#footnote-5) on the assessment of the effects of certain plans and programmes on the environment (The Strategic Environmental Assessment (SEA) Directive); and
   * Directive 92/43/EEC[[5]](#footnote-6) on the conservation of natural habitats and of wild fauna and flora (The Habitats Directive).
8. **Human Rights**
9. The Basic Conditions Statement makes no explicit statement regarding the extent to which the SWFNP has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. There is however reference to the Equalities Impact Assessment undertaken at the request of CCC in July 2020. However, in the process of undertaking this examination, I have had regard to the extent to which the policies conform to the provisions of the Human Rights Act 1998. I am of the opinion that the policies in the submission version of the Plan, including recommended modifications, are unlikely to have any prejudicial effects on Human Rights and the related Equality Act 2010 if the Plan were to be made in accordance with the recommendations in this examination report. I therefore consider that the Plan complies with the provisions of the Human Rights Act 1998.
10. **Strategic Environmental Assessment, Sustainability Appraisal and Habitats Regulation Assessment**
11. Section 5 of the BCS explains that screening was also undertaken prior to the Regulation 14 consultation of the Neighbourhood Plan. At that time, Natural England responded saying that, following the Local Plan being found sound by the Planning Inspector, those findings should be reflected in the Neighbourhood Plan, particularly in respect of the Essex Coast Recreational Disturbance and Mitigation Strategy (RAMS)[[6]](#footnote-7). I understand that Chelmsford City Council made some minor amendments and re-consulted on screening of the emerging SWFNP. As a consequence, neither SEA nor HRA were required. The draft emerging SWFNP was amended to reflect this finding.
12. Section 5 of the Basic Conditions Statement also confirms that Chelmsford City Council undertook a screening assessment for the submission version of the SWFNP for SEA and HRA. The Council issued its opinion that neither were necessary on 15th June 2020, following consultation with the Environment Agency, Historic England and Natural England, as described earlier in this report in considering the consultation process.
13. I conclude that the SWFNP supports the requirement that the Plan neither breaches, nor is otherwise incompatible with the requirements of Directive 2001/42/EC. Similarly from the response from Natural England reported in the City Council’s screening opinion dated 26th March 2020, I therefore concur that the Plan is not likely to have significant impacts on European protected species or sites, either on its own or in combination and therefore an HRA is not required and I accept that the Plan policies support the requirement that the submission version of the SWFNP neither breaches, nor is otherwise incompatible with Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora.
14. Concerning Sustainability Appraisal (SA), the BCS records that CCC recommended that a ‘light touch’ Sustainability Appraisal (SA) be undertaken proportionate with the Neighbourhood Plan. The appraisal is set out in the BCS following the methodology undertaken in relation to the Chelmsford Local Plan SA. This set our fourteen objectives and associated an ‘scoring system’. The SA prepared in the BCS provides a brief commentary indicating the how the draft policies in the Neighbourhood Plan respond to the objectives. The BCS indicates that the SWFNP performs well against each of the objectives and will help achieve sustainable development and deliver economic, social and environmental benefits.
15. ***g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).***
16. In accordance with the Town and Country Planning Act, 1990 Schedule 4B, Paragraph 5, I am satisfied that the submission plan proposal is not a ‘repeat ’proposal (i.e. Chelmsford City Council has not refused a submission under paragraph 12 or Section 61E and it has not failed a referendum).
17. As required by the Planning and Compulsory Purchase Act 2004, Section 38B (1) (c), I am also satisfied that the SWFNP does not relate to more than one neighbourhood area and that there is no other Neighbourhood Development Plan in place within this Neighbourhood Area.
18. Concerning the requirement to comply with the requirements of the Town and Country Planning Act, 1990 Schedule 4B, Paragraph 6 (2) (c) and the Neighbourhood Planning (General) Regulations 2012 (as amended) – Regulation 15, the South Woodham Ferrers Town Council as the Qualifying Body, has submitted the following:

* A map identifying the area to which the Plan relates;
* A consultation statement (which contains details of those consulted, how they were consulted, summarises the main issues or concerns raised and how these have been considered and where relevant addressed in the proposed neighbourhood development plan under Regulation 15 (2) (a);
* The proposed neighbourhood development plan; and
* A statement explaining how the neighbourhood development plan meets the ‘Basic Conditions’ requirements of paragraph 8 (2) of Schedule 4b to the 1990 Act;

1. *The map identifying the area to which the Plan relates.*
2. The map identifying the SWFNP designated Neighbourhood Area comprises the area as shown on Fig 1: South Woodham Ferrers Neighbourhood Area – Designated on 14th January 2016 identified in the BCS forming part of the suite of submission documents.
3. *The Consultation Statement*
4. The consultation processes and activities undertaken in connection with the preparation of the SWFNP. These matters as explained in the Consultation Statement prior to the commencement of the examination of this neighbourhood plan are considered in section 2 of this examination report. I am satisfied that the approach of the Steering Group as explained in the Consultation Statement has been undertaken on an open and transparent basis.
5. The process and management of the community consultation has been exemplary and I am confident that the Consultation Statement outlining the terms of reference and actions of the Steering Group, the supporting evidence from the surveys, events, workshops, consultation correspondence and feedback leading to the formulation of draft policies, subsequent pre-submission and submission plan consultations on the draft Plan policies, adequately fulfils the consultation requirement of Section 15 (2) of Part 5 of the Neighbourhood Planning Regulations 2012 and Section 16 of these Regulations in relation to publicising the consultation opportunities during the preparation of the SWFNP.
6. I am therefore satisfied that the consultations described in the SWFNP Consultation Statement, comply with Section 15(2) of part 5 of the Regulations and that the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act, in accordance with Regulation 15(1) of part 5 of the Regulations.
7. The SWFNP meets the definition of a ‘Neighbourhood Development Plan’ in that it sets out policies in relation to the development and use of land in the neighbourhood area and therefore complies with the requirement of the Planning and Compulsory Purchase Act 2005, Section 38A (2).
8. The ‘Neighbourhood Development Plan’ (as defined under Section 38A), specifies the time period for which it is to have effect. The period of the Plan is 2020 to 2036, as defined in the title of the SWFNP. The 16-year life is also referenced in the Plan, thus the requirement of the Planning and Compulsory Purchase Act 2004, Section 38B (1) (a) is satisfied.
9. I confirm that the SWFNP NP does not include any policies relating to excluded development, including minerals, waste or nationally significant infrastructure projects, as defined s61K of the Town & Country Planning Act 1990 (as amended). Thus, the requirement of the Planning and Compulsory Purchase Act 2005, Section 38B (1) (b) is also satisfied.
10. **Basic Conditions - interim findings, prior to consideration of the SWFNP policies**
11. The Basic Conditions Statement summarises the vision of the draft Plan and how it satisfies the Basic Conditions tests by reference to meeting the legal requirements summarised in this section of my report.
12. In Section 5 of this report, I consider the draft SWFNP policies and the extent which they are compatible with national and local adopted planning policies and make recommendations regarding those policies, as appropriate, to satisfy the Basic Conditions. Subject to my recommendations being acceptable concerning the policy modifications suggested in this report, I confirm that the Plan policies relate to land use planning matters (the use and development of land) and that this neighbourhood plan has been prepared in accordance with the statutory requirements and processes set out in the Neighbourhood Planning (General) Regulations 2012.
13. I set out a summary of my overall findings in section 6 of this examination report.

**5.0 Planning Policies and explanatory text**

1. I now consider each of the SWFNP draft planning policies within the Plan and the explanatory text. The policies are arranged in the 5 thematic groups identified in the setting of the vision and objectives of the Plan as follows:

* The Town Centre
* Movement and access
* Green space & natural environment
* Design and character
* Northern growth area
* Community Infrastructure Levy

1. Where in my opinion, the explanatory text requires alteration, the changes suggested in this report are advisory and for clarification, they are not mandatory in order to meet the Basic Conditions test. If the SWFNP is to proceed to referendum, the recommended alterations to the policies must be accepted by the Qualifying Body and the City Council in order that the Plan may move forward to that stage.

**The Town Centre**

1. The preparation of the vision for South Woodham Ferrers Town Centre has evolved over recent years following consultation with the community. The background documents provided as evidence to the assessment of the strengths and weakness of the central area demonstrate the need to revitalize the town centre and convey the need to widen the activities beyond mainly convenience retail to a broader set of activities that will engage the community including:

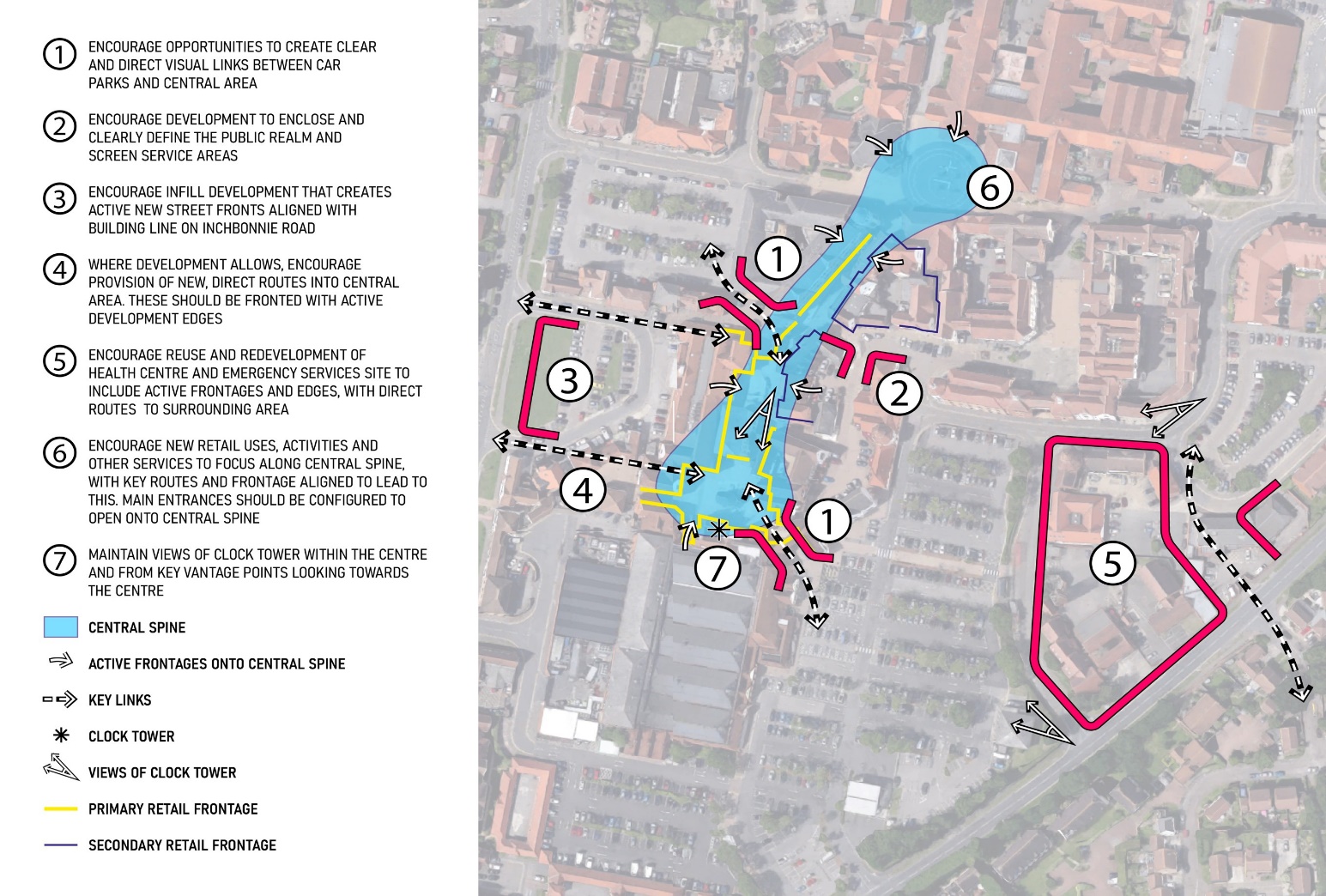
* a wider range of shops, restaurants, civic and community facilities.
* new employment opportunities and space for start-up businesses in the town centre.
* Enhanced quality of the public realm and improved connections with the town as a whole.
* The centre should offer an attractive and welcoming place in which people wish to congregate.
* Activities that bring the town together, such as local festivals and cultural events, and which

instill pride in the town, should be actively encouraged and facilitated in the town centre.

Policy SWF TC1: The central spine

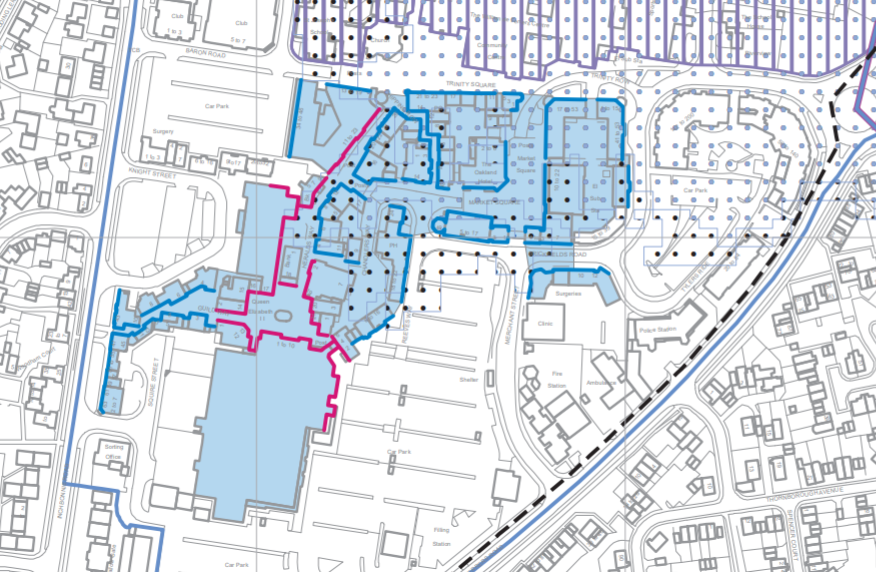
1. Policy SWF TC1 proposes to retain a linear “High Street” between the Bandstand Square and Trinity Square and then sets out a series of design principles in Fig 22, reproduced below for convenience.

*Figure 22: Potential town centre development interventions*

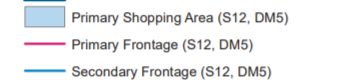


1. The policy conforms to paragraph 85 of the NPPF as confirmed in the BCS. In particular, it supports the role of town centre and takes a positive approach to growth, management and adaptation. Policy SWF TC1 will assist in promoting the vitality and viability over the life of the Plan encouraging diversification including the prospect of a market, leisure-based uses and the introduction of housing. The policy clearly supports the economic objective in paragraph 8a of the NPPF in assisting the delivery of growth and innovation of activities in the town and will contribute to the realisation of economic prosperity meeting the needs of the existing population and planned expansion over the life of the Plan.
2. Policy SWF TC1 also conforms to paragraph 125 of the NPF in relation to aspirations for the design and layout of the town centre which will contribute towards the delivery of the social dimension of sustainable development.
3. In the Local Plan vision statement at paragraph 4.2 is that by 2036, the South Woodham Ferrers Town Centre would be revitalised “by enhancing its retail, cultural and leisure offer”. This vision is reinforced through Policy S12 of the Local Plan which defines and sets out the role of South Woodham Ferrers, advising that the Council will promote through its planning policies and proposals, the continued strengthening of South Woodham Ferrers Town Centre (as a Designated Centre within this policy) in their varied roles and functions to positively contribute towards the viability, vitality, character and structure of this centre. The Designated Centre is shown below on the extract from Policies Map 6.

Fig 2 - Extract from Local Plan Map 6 Designated Woodham Ferrers Town Centre



1. The Policies Map, for South Woodham Ferrers (Map 6 above) describes the Primary Shopping Area, Primary and Secondary frontages in Woodham Ferrers Town Centre as follows:



5.1 Policy S12 further advises that:

“South Woodham Ferrers Town Centre will be a focus for shopping, business,

education, and leisure. The Town Centre will continue to provide an important

role for the residents of South Woodham Ferrers and the surrounding area.

Within the Town Centre there is an area where retail development is concentrated.

This Primary Shopping Area contains all the Primary Frontages and closely related

Secondary Frontages. The Primary Shopping Area and frontages are defined on

the Policies Map.”

1. The broad similarities between the strategic designation of South Woodham Ferrers Town Centre and the proposed layout plan in the submission draft neighbourhood plan are such that it is evident that the scale and distribution of primary and secondary retail frontages in Policy SWF TC1 conform generally to the Policy 12 designations in the adopted Local Plan.
2. The Consultation Statement demonstrates that considerable energy has been expended in envisioning the future of the town centre and that this gained support from the town centre landowners as well as the general public during the preparation of the Plan. The Regulation 16 (submission version) consultation revealed a more mixed reaction towards the prospect for the likely success of the town centre proposals, although a number of comments appear to be conflated with concerns relating to congestion and traffic impact. I consider those concerns in relation to the assessment of the Movement policies in this examination report.
3. In relation to matters relating to design detail, expressed in the policy, these are justified in relation to the aspiration to revitalise the town centre, the central point of Objective 1.
4. I consider that Policy TC1 needs no alteration having regard to conformity with national and local strategic planning policy and having regard to the Regulation 16 matters raised.

Policy SWF TC2: Town centre design principles

1. The town centre design principles espoused in Policy SWF TC2 conform to the design principles enshrined in the NPPF, Chapter 12 at paragraphs 124-128 inclusive. Concerning strategic guidance within the Local Plan, Strategic Priority 8 - Creating well designed and attractive places, and promoting healthy communities has relevance although not a strategic policy. This strategic priority explains at paragraph 3.33 that “*high-quality design of new development is essential to making places more attractive, sustainable, safe and accessible. Good design can also help mitigate the impacts of climate change and air pollution, promote healthier lifestyles and build a sense of civic pride. This includes public realm improvements to create attractive places where people want to live, work and visit*.”
2. In ensuring that all new development meets the highest standards of design, paragraph 3.34 advises that the Local Plan will require the use of masterplans and encourage design codes where appropriate for strategic scale developments. Matters relating to design are considered principally through development management rather than at a strategic policy level and thus on a strict interpretation of meeting the Basic Conditions tests, for neighbourhood planning in South Woodham Ferrers, there appears to be a general lacuna in relation to strategic design policy to which the neighbourhood plan should conform. Nonetheless, I note that the use of masterplans and design codes are encouraged in Policy DM24 – Design and place shaping principles in major developments, where the Council will *“…require the use of masterplans by developers and will implement design codes where appropriate for strategic scale developments. The Council will consider the use of Planning Briefs and Design Codes on other development sites*.”
3. As to Regulation 16 comments express support for Policy TC2 was expressed by Anglian Water in relation to the encouragement for the use of SuDS to manage surface water drainage. More general comments were more widely expressed by other consultees on the need to open up the Town Centre from South Woodham Ferrers Town Council and numerous comments in support of the need for the revitalization of the Town Centre, including the need for long term maintenance and management of this important asset with the town. There were no Regulation 16 objections to the policy.
4. For clarity, firstly I recommend the minor modification to the second paragraph of this policy as indicated in Appendix 2 by tracked changes, and as shown amended in Appendix 3. Secondly, in relation criterion “i”, there is a lack of clarity to the extent of the protected view corridor to the Clock Tower in the policy text. This is fortunately provided visually in Fig 22 in the SWFNP. I therefore recommend that this plan should be cross referenced to the policy as indicated in Appendix 2 by tracked changes, and as made in Appendix 3.

Policy SWF TC3: Town centre uses and activities.

1. The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'. In relation to national planning policy, the use classes order was revised effective from 1st September 2020; this change post-dates the submission version of the SWFNP. These changes are not currently reflected in a revision to the NPPF but are set out in detail on the Government’s Planning Portal[[7]](#footnote-8) . The purpose of this change is to introduce greater flexibility in land use change considered generally appropriate, particularly in town centres where, because of health policy changes due to the response to the Covid 19 pandemic, many retail and office functions have suffered to the effect that they have become unviable. These changes are an attempt to mitigate the risk of town centre properties becoming vacant and harming vitality and viability of town centres, by offering the opportunity of allowing changes of use quickly without recourse to planning control.
2. Policy TC3 conforms to central government policy in relation to current appropriate uses within Class E which combines commercial, business and service uses in a single use class. Similarly, this policy conforms to the thrust of Policy S12 of the adopted Local Plan concerning retail uses, but the introduction of new use classes now means that changes of many existing uses which would have previously required planning permission but now falling within Class E will be generally acceptable within town centres without recourse to planning control, unless restricted by use of Article 4 Directions. For clarity, the uses within Class E include:

E(a) Display or retail sale of goods, other than hot food

E(b) Sale of food and drink for consumption (mostly) on the premises

E(c) Provision of:

E(c)(i) Financial services,

E(c)(ii) Professional services (other than health or medical services), or

E(c)(iii) Other appropriate services in a commercial, business or service locality

E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms)

E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)

E(f) Creche, day nursery or day centre (not including a residential use)

E(g) Uses which can be carried out in a residential area without detriment to its amenity:

E(g)(i) Offices to carry out any operational or administrative functions,

E(g)(ii) Research and development of products or processes

E(g)(iii) Industrial processes

1. Class E broadly covers uses previously defined in the revoked Classes A1/2/3, B1, D1(a-b) and ‘indoor sport’ from D2(e):
2. In relation to the Regulation 16 consultation replies, Mr. Paul Dodson of Maldon District Council drew attention to the changes to the Use Classes Order, also noting new Class F, which includes uses previously defined in the revoked classes D1, ‘outdoor sport’, ‘swimming pools’ and ‘skating rinks’ from D2(e), as well as newly defined local community uses. I agree that the draft policy should be updated to reflect the revisions to the Use Classes Order effective from last September to reflect current national regulations and provide further flexibility of use within the Town Centre. However, in the light of the changes in the use classes order introduced last year it may not be realistic to expect to control land use change to the extent anticipated when the SWFNP was being prepared. This is feasible where landownership and town planning controls operate in tandem with very satisfactory results where ownership ambitions and planning policy coincide, such as for example by the Portman Estate in Marylebone in the City of Westminster. However, where there is a multiplicity of ownerships as is the case in South Woodham Ferrers Town Centre, as evidenced in the Town Centre Ownership Plan[[8]](#footnote-9), this is almost certainly an unrealistic proposition, without restrictions through the application of Article 4 Directions.
3. Mr. Kevin Fraser in the representations made on behalf of Essex County Council (ECC) similarly pointed out that the Use Classes Order had been revised and that Policy SWF TC3 should be reviewed in the light of these changes and referenced in Appendix D (Glossary), of the SWFNP for clarity. I agree that would be desirable.
4. Due to the re-categorisation of land uses in the recent revisions of Use Classes Order in town centres and with specific reference to the South Woodham Ferrers Town Centre, it would be more practical to integrate Policy TC3 and TC4 into a single SWFNP Town Centre Land Use policy. There are some uses previously in Use Class A and Use Class D, (now revoked) that are now classified as, “sui generis” uses for which changes of use to those activities now require planning permission. This could not be anticipated during the preparation of the SWFNP. Such community facilities formerly in use class D2 and which now comprise sui generis uses include cinemas, concert halls, bingo halls and dance halls.

Policy SWF TC4: Town centre community facilities

1. The BCS states that paragraph 85 (a) of the NPPF, like Policies SWF TC3 and SWF TC4 promotes the long-term vitality and diversification of activities in the Town Centre.
2. In the case of Policy SWF TC4 development which provides new community facilities, or which improves existing facilities, conforms to paragraph 92 of the NPPF through recognising the need to plan positively for the provision and use of such facilities and services that the community requires to enhance the sustainability of the settlement. Additionally, paragraph 92 of the NPPF supports the delivery of local strategies to improve health, social and cultural well-being for the community, whilst guarding against the unnecessary loss of valued facilities and services. Policy SWF TC4 conforms to the NPPF by protecting valued community facilities, although the ability to achieve this may have been eroded by the recent change in the use classes order. To achieve the protection of community uses acknowledged in paragraph 92 of the NPPF, this may need co-operation between the City Council and Town Council to apply restrictions through the application of an Article 4 Direction to prevent future changes of use that might result in the unnecessary loss of valued community facilities. This is evidently a concern of the local community expressed in the evidence base in support of the submission version of the SWFNP and which is a recurrent theme in the Regulation 16 consultation comments, together with the related need to enhance the infrastructure provision, maintenance and quality. There were, however, policy specific comments expressly commenting on Policy SWF TC4 through the Regulation 16 consultation process in support of community facilities to meet both the needs of the existing and planned expansion of the settlement.
3. As to conformity with adopted strategic Local Plan policy, the BCS indicates (at page 26) that Policy SWF TC4 conforms to Policy S1, in seeking to strengthen the Town Centre and through the design policies the NDP, it also seeks to respect and enhance the character of the built form. At a high level, these claims appear to be correct. More particularly, Policy SWF TC4 conforms to strategic Local Plan Policy S5 – Protecting and enhancing community assets, protecting them from inappropriate changes of use or redevelopment and recognising the importance of these facilities for maintaining the social welfare of the community and delivering facilities related to development through contributions from planning obligations, the community infrastructure levy and other funding streams.
4. Concerning the objective of retaining and encouraging community uses within Class F in the town centre, supported by Policy 92 of the NPPF, where changes of occupancy between different forms of community use or specific occupants are concerned, the planning system does not facilitate intervention through policy other than through an Article 4 direction to prevent such restriction. Similarly, there is no town planning control which would generally require a community use occupier to give notice to the Local Planning Authority that it plans to vacate premises within the locality. For these reasons I have recommended minor changes to the policy which would require applicants (which could include the landowner of the subject community use) to engage with the local planning authority as part of the application process to demonstrate lack of viability and need, to retain the community use.
5. A further means by which the community may wish to control the use of land within the neighbourhood area might be through designating the subject property as an Asset of Community Value, but this is outside the scope of the examination of this neighbourhood plan.
6. As a means of revitalising the south Woodham Ferrers Town Centre, it will be feasible through the application of planning policy to exert land use controls within a single policy encompassing the ambitions and controls within draft Policies SWF TC3 and SWF TC4, reflecting the new use classes. I therefore set out the recommended changes to a single town centre land use policy, Policy SWF TC3, in Appendix 2 by tracked changes and as made in Appendix 3. I further recommend that the supporting text to the single town centre land use policy should be amended to reflect the national policy shift in the Use Classes Order, although this is a discretionary matter for the Town Council, in conjunction with CCC. Subsequent town centre policies in the SWFNP will require renumbering.

Policy SWF TC5: Town centre streets and spaces

1. Chapter 8 of the NPPF concerning promoting healthy and safe communities supports the policy ambition in Policy SWF TC5, through paragraph 92 (a) which support planning policies which meet community needs by planning positively for the provision and use of shared spaces, to enhance the health, social and cultural well-being for all sections of the community. This is recognised in the BCS (at page 8). The BCS advises that the policy conforms to strategic Local Plan Policy S1 in seeking to strengthen the Town Centre. The most significant and recent local planning guidance however is “Making Places”, the Supplementary Planning Document (SPD)[[9]](#footnote-10). This was formally adopted by the Council on 26 January 2021. As SPDs do not form part of the development plan, thus they cannot introduce new planning policies into the Plan, however they are a material consideration in decision-making. “Making Places” provides comprehensive detailed guidance across all spatial scales, including public places such as Woodham Ferrers Town Centre and undoubtedly will be a significant source of guidance in development management decision making over the lives of both the Local Plan and the SWFNP. It would be particularly helpful to applicants for the SPD to be referenced in the supporting text to Policy SWF TC5 as a material consideration. It would similarly add clarity if the guidance were to be added to the Glossary in Appendix D to the Plan.
2. During the Regulation 16 consultation, no express comments were received as far as I am aware in relation to this policy.
3. In reviewing the policy content, to avoid possible conflict with guidance in the recently adopted SPD and to provide greater flexibility, I recommend that the policy be simplified as indicated. Information within the policy regarding requirements for approvals other than town planning would be more appropriately included within the supporting policy text.
4. Whilst I assume not intended, I am troubled by the inference that might be made that a possible failure of a proposal that did not provide development of sufficient quality in the Town Centre, might nonetheless be mitigated by the making of a financial contribution. This might be inferred as the buying and selling of planning permission which of course is unlawful.
5. I therefore recommend that the first sentence of the policy be revised as indicated in Appendix 2 and as made in Appendix 3.
6. Concerning provision of outdoor tables and seating, associated with cafes and restaurants in the town Centre where pedestrian movement is unhindered, this will a matter for control through local licencing and section 7a of the Highways Act 1980[[10]](#footnote-11) relating to eligible locations, defined in section 115 of the Highways Act. These locations are comprising footpaths and areas where pedestrian access is controlled or restricted. Licencing arrangements are already in place through CCC and require consultation with other parties including Essex County Council as Highway Authority before a licence may be granted. At present and until September 2021, temporary accelerated licencing arrangements are in place by way of the Business and Planning Act 2020[[11]](#footnote-12), in response to the Covid-19 pandemic. Annual licencing would normally include deemed planning permission. It is therefore a consideration for town centre management and public health rather than control by the planning system. Furthermore, the policy support and encouragement for new seating to be installed that provides opportunities for people to sit and relax is a power already invested in the Town Council by way of section 1 (1) of the Parish Council Act 1957[[12]](#footnote-13), rather than through town planning policy. For these reasons, I recommend that references to provision of outdoor tables and seating and seating for public use in the South Woodham Ferrers Town Centre more generally, should be deleted from the policy.
7. Provision of outdoor tables and seating may be a matter that the Town Council might wish to include within a project in the neighbourhood plan, but it would not be appropriate to meet the Basic Conditions test to include as part of a policy in the Plan. These recommended changes are also shown in Appendix 2 by tracked changes and as made in Appendix 3. The supporting policy text should be amended to reflect the recommended changes in the vent that the Plan is taken forward to a referendum.

Policy SWF TC6: Town centre car parking

Development proposals that reconfigure parking provision and the layout of spaces will be supported, subject to evidence of use, which complement initiatives to improve the arrival experience into the town centre and include for improved walking and cycling connections into the central spine from the car park and adjacent areas.

Where multi-storey or decked parking provision is proposed this should be wrapped with active development frontages and be informed by the scale of adjacent buildings.

Proposals for the rationalisation or reconfiguration of car parking should be associated with proposals that support active travel measures (non-car modes of travel) across the town.

Proposals that involve the loss of on-street parking within the town centre will be supported where adequate alternative provision is shown to be available within the existing car parks, and where the space lost is replaced with public realm improvements, including landscaping, walking and cycling provision.

1. The BCS advises the draft policy meets the Basic Conditions tests through conforming to national planning policy advice in the NPPF through improving the attractiveness of the public realm,(NPPF paragraph 102e) improving health and well-being by encouraging sustainable transport encouraging walking and cycling (NPPF paragraphs 91 and 92), supporting development of under-utilised land and buildings) through reconfiguring parking provision and the layout of parking spaces making a more efficient use of land within the Town Centre (NPPF paragraph 118 d).
2. In relation to the strategic policies of the Local Plan, the BCS notes that Policy SWF TC6 conforms to Strategic Policy S1, through the City Council’s requirement that all new development accords with the spatial principles, the first of which is to optimise the use of suitable previously developed land for development.
3. The policy provisions of Policy SWF TC6, concerning town centre car parking has been contested during the Regulation 16 consultation, linked with transport and movement issues more widely in the neighbourhood area. This is perhaps unsurprising as car parking is the dominant land use within the town centre and as indicated in the SWFNP, 70% of arrivals to the town centre are by car, yet only 9% of users arrive from outside the settlement. The supporting statement explains a car park and visitor survey was undertaken by Alpha Parking for the Town Council in October 2019[[13]](#footnote-14). At paragraph 4.19 the conclusions from this survey in the SWFNP are that:
   * + Space capacity exists with the car parks.
     + The length of stay of the majority of car park users is less than two hours.
     + Most users of the car parks only use these once or twice a week,
     + The majority of the users of the car parks are visiting for purposes of shopping, food and drink.
4. There is no mention in the SWFNP regarding the likely trade-draw associated with the Sainsbury store, petrol filling station, medical centre and associated comparison retail offer at Burnham Road, South Woodham Ferrers which was permitted on appeal (APP/W1525/W/14/3001905) and opened in November 2019, just one month after the completion of the Parking Occupancy & Car Park User Questionnaire Report by Alpha Parking. This would be expected to cause some trade diversion away from South Woodham Ferrers Town Centre where the dominant convenience store is operated by Asda thereby increasing parking capacity in the Town Centre. It is likely that over the life of the Plan, if the Northern Growth Area (NGA) / Local Plan Strategic Site 10 is realised, considerable convenience retail demand and some comparison retail sales will be met by the Sainsbury development on Burnham Road, for reasons of proximity and accessibility, rather than the Town Centre. The impact on retail and services demand from the NGA on the Town Centre at this point is uncertain due to the current uncertainty over the scale of development and mix in the emerging Masterplan.
5. Concerns about access to the Town Centre raised by respondents to the Regulation 16 consultation were more concerned with accessibility, road capacity and congestion in reaching the Town Centre rather than parking capacity within it. The draft policy SWF TC6 balances the likely sustainability benefits of increased cycling and walking opportunities and environmental benefits that would be delivered by this Policy SWF TC6 and requires evidence of parking need at the time of the application. This should enable a satisfactory allocation of land uses to be made reflecting a more efficient use of previously developed land and thereby enhance vitality and viability of the Town Centre.
6. The suggested use of multi-storey parking as a possible mitigation measure for the reduction of surface parking in the town centre appears a little incongruous given the concern expressed regarding pedestrian safety within the Town Centre, but I accept that this may be made acceptable by design, lighting and active property management and surveillance.
7. In conclusion, I recommend no modification to Policy SWF TC6.

**Movement and access**

Policy SWF MA1: Active travel

1. The BCS advises that Policy SWF MA1 conforms with paragraph 91c) and 92b) of the NPPF by supporting healthy lifestyles, encouraging walking and cycling and helping to deliver local strategies which improve health and wellbeing. The policy also conforms to Chapter 9 of the NPPF, Promoting sustainable transport, at paragraph 102, paragraph 125 in relation to design principles and paragraph 170 through combatting air pollution and climate change.
2. Policy SWF MA1 conforms generally to Local Plan strategic policies, S1 -Spatial Principles concerning infrastructure provision, S2 – Climate Change and Flood Risk and S9 Infrastructure.
3. Regarding Regulation 16 consultation responses, Mr. Kevin Fraser, Principal Planning Officer (Spatial Planning), Essex County Council, (ECC) supported the policy, but recommended that the first paragraph of the policy be amended to amended to ensure such active travel routes are provided within an attractive and pleasant environment as follows:

“Development proposals should enable active travel through delivery of new attractive walking and cycle routes, and or improvements to the environment of existing routes.”

1. Mr. Fraser further recommended that concerning the third paragraph of the policy, regarding new cycle routes reflecting best practice principles, the reference to London Cycling Design Standards should be replaced with the Department of Transport (DfT) Local Transport Note LTN1/20. Subsequent to ECC’s regulation 16, comments submitted on 12th November 2020, the Local Plan SPD, “Making Places” adopted by CCC on 26th January 2021 also refers at paragraph 6.9, this to the Department of Transport (DfT) Local Transport Note LTN1/20, in relation to designing new cycle routes, noting that these should be read in conjunction with the 'Highways Technical Manual', which provides specific technical guidance on how to build a layout in compliance with Essex Highways and 'Manual for Streets' standards. Having regard to these helpful comments from ECC above, it would be preferable if the source information regarding local and national design standards were to be incorporated in the supporting text to this policy rather than the policy itself. This would draw attention to “the wider design policies” referred to in the fifth paragraph of this policy.
2. In considering the Regulation 16 representations of Sue Dobson on behalf of the Essex Bridleways Association, as I understand matters as bridleways only exist to the north of the current settlement, it would be more appropriate to consider access to these under the green space and natural environment policies of the Plan.
3. Accordingly, I recommend the minor modifications to Policy SWF MA1 as shown by tracked changes in Appendix 2 and as made in Appendix 3.

Policy SWF MA2: Alleyways

1. The BCS confirms that Policy SWF MA2 conforms to the advice in NPPF, paragraphs 91 and 95 relating to promoting healthy and safe communities set out in Chapter 8 of the national guidance. In particular, the BCS cites paragraph 91b) of the NPPF, which encourages the delivery of safe and accessible spaces so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion through design, by way of the use of clear and legible pedestrian routes, and high-quality public space which encourage the active and continual use of public areas. The BCS notes that Policy SWF MA2 (Alleyways) conforms to this guidance.
2. In relation to strategic Local Plan policies, the BCS advises that Policy SWF MA2 conforms generally with policies S1 and S9. I agree with that assessment.
3. Responding to the Regulation 16 consultation, Essex Police recommended careful consideration when designing homes that “provide new entrances and windows that face onto the proposal,” (Policy SWF MA2: Alleyways), if appropriately designed, such vistas provide enhanced natural surveillance to an area; but poor designs can result in generating a crime hotspot. This advice mirrors the wider advice in CCC’s recent guidance in the “Making Places” SPD at paragraph 7.14 and the reference to further design guidance in Secured by Design[[14]](#footnote-15) and the associated online documents.
4. It is evident from comments received during the preparation of the Plan that the design of the Town Centre in particular with its high level of permeability also creates conditions where members of the public may feel unsafe, particularly after sunset. I have no doubt that the proposed policy will deliver sustainable development but would be made more effective for development control purposes if presented as a criteria based policy. I have therefore revised the policy as indicated through the tracked changes in Appendix 2 and as made in Appendix 3.
5. Again, it would be helpful for applicants if the supporting text could make reference to CCC’s “Making Places” SPD and also the further design guidance in Secured by Design in preparing planning applications where this policy has relevance.

Policy SWF MA3: Public transport

1. Policy SWF MA3 conforms to the guidance in the NPPF at Chapter 9 regarding promoting sustainable transport at paragraphs 102-104 as indicated in the Basic Conditions Statement through identifying the opportunities to promote and encourage public transport use, thereby conforming to NPPF, paragraph 102c, through for example, measures such as real-time information and improved waiting facilities at bus stops, associated with new development. Encouraging the use of public transport in the locality as a consequence of new development proposals should assist in mitigating the effects of climate change through a relative reduction in private car use and associated pollution through emissions in addition to reducing congestion, identified as a problem within the town. In relation to Local Plan Strategic policy, Policy SWF MA3 conforms to Policy S1, by ensuring that development is served by necessary infrastructure.
2. The policy is broadly supported by South Woodham Ferrers Town Council in its Regulation 16 representations and also by Runwell Parish Council.
3. To provide greater clarity, I recommend a minor modification to the first paragraph of the policy to reflect the fact that development management decisions will still be made by CCC if the SWFNP is made, although significant weight would at that time be afforded to the relevant policies of the SWFNP. The recommended minor modifications are shown by tracked changes in Appendix 2 and as made in Appendix 3.

Policy SWF MA4: E-vehicles and Mobility as a Service

1. The BCS explains that Policy SWF MA4 (E-Vehicles and Mobility as a Service) will encourage sustainable economic growth and local investment through encouraging e-vehicle charging and docking points and improved bus services between key areas including the Northern Growth Area, Chelmsford, Wickford, the town centre and the railway station. It would therefore be in general conformity with the NPPF at paragraph 80, supporting economic growth and productivity. The policy will also assist in promoting healthy and safe communities through reducing vehicle emissions and providing more sustainable transport solutions conforming to the guidance at paragraph 102b, by realising changing transport technology and usage.
2. Through exploring new mobility solutions, Policy SWF MA4 encourages sustainable development including e-vehicle charging and docking points, aligning with the NPPF’s aims of focusing on sustainable locations and offering a genuine choice of transport modes. This could help to improve air quality, conforming to paragraph 103 of the NPPF. The use of Mobility as a Service as outlined in the Policy SWF MA4 and the supporting policy text, conform to the NPPF’s aims in paragraph 148 of supporting the transition to a low carbon future and contributing to reductions in greenhouse gases, encouraging active travel and reduction in air and noise pollution through the implementation of sustainable transport measures.
3. In terms of conformity with strategic planning policy in the Local Plan, Policy SWF MA4 would meet the policy objective by utilising existing and planned infrastructure effectively. There were no Regulation 16 representations expressly relating to this policy.
4. As a general point, although “major development” is defined in the SWFNP by way of a footnote, cross referenced to the definition of the term in the NPPF, it would be helpful if the term as defined were to be included in the SWFNP Glossary for consistency.
5. Policy SWF MA4 is aspirational. As yet, “Mobility as a Service” is still essentially at a concept stage. Under this approach to mobility, a service provider would supply a multi-modal transport subscription service to users. A successful service is not yet running in the UK as far as I am aware. To operate effectively, the necessary transport infrastructure would need to be in place, with services being provided at a price and frequency sufficient to entice the take-up of subscriptions at a level that would be viable to sustain the service. Over the life of the SWFNP to 2036, this may be a feasible enterprise within the neighbourhood area, but as part of a sub-regional strategic enterprise. At present, it would appear that the multi-modality and pricing structure required, is more likely to be found in a major metropolitan area, such as London or the West Midlands conurbation, where I understand interest has been focused in the UK so far. Mobility as a Service would therefore not be appropriate as a policy mechanism to include in a neighbourhood plan and

reference to it should be deleted.

1. Mobility hubs may however offer greater multi-modal relevance associated with development within the neighborhood area over the life of the Plan, at appropriate locations such as the rail station and Town Centre in this aspirational policy.
2. I recommend that draft Policy SWF MA4 is amended as shown in Appendix 2 by way of tracked changes and shown as made in Appendix 3.

**Green space & natural environment**

Policy SWF GS1: Completing the Green Necklace

1. The supporting statement to the SWFNP explains that whilst the natural setting of the town is a major asset there is little connection between it and the surrounding natural environment. Policy SWF GS1 seeks to provide better connections with the natural environment and enhance “greening” within the existing settlement, associated with new development in the town. The policy also seeks to reduce flood risk through provision of sustainable urban drainage measures as part of greening the town.
2. This policy also seeks to integrate new green space within the new Northern Growth Area but without placing additional visitor and recreational pressures on the River Crouch environment to the south.
3. By introducing new crossings to facilitate improved access to all green spaces to overcome restrictions that exist due to the layout of the original road layout, as recognised in the BCS, Policy SWF GS1 offers the potential to deliver environmental benefits.
4. The BCS notes that Policy SWF GS1 conforms to the NPPF guidance at paragraph 91c by encouraging and supporting healthy lifestyles, where this addresses identified local health and well-being through the provision of safe and accessible green infrastructure, that encourage walking and cycling.
5. In relation to promoting sustainable transport, the draft policy also conforms to the guidance in the NPPF at paragraphs 102 and 104 in encouraging walking and cycling, in addition to conforming to paragraph 121b by improving the quality of access to open space.
6. As recognised in the BCS, policy SWF GS1 offers the potential to deliver environmental benefits by

delivering net environmental gains consistent with the advice in paragraph 118 of the NPPF by greening the street network. Concerning the NPPF’s advice at paragraph 127e), Policy SWF GS1 would assist by ensuring that development in the Northern Growth Area optimises the delivery of accessible green space.

1. The introduction of SuDS drainage measure to improve the resilience of the town to flood risk, incorporated within Policy SWF GS1 conforms to national guidance in the NPPF at paragraphs 149 and 150.
2. Concerning conformity with the Local Plan, Policy SWF GS1 conforms to Spatial policy S1, by ensuring development is served by necessary infrastructure. Also, the policy conforms to Strategic Policy S9 (Infrastructure Requirements), through the provision of safer and greener pedestrian connections.
3. The Regulation 16 representations made by South Woodham Ferrers Town Council (SWFTC) (Karen Hawkes) regarding this policy, generally offered support. The representations confirmed the Council’s support for ‘green necklace’ concept that would ensure there is a green perimeter around three sides of the town, with the River Crouch forming the fourth border. In addition, SWFTC supported the initiatives to encourage other modes of transport, like cycling, and reduce dependency on using the motor car within the Town.
4. The representations by ECC concerning this policy related to acknowledging the multi-functional character of the green necklace, which would better reflect the anticipated character of the various green spaces on completion of the ‘necklace’ surrounding the town.
5. Anglian Water supported the Policy in relation to the requirement for applicants to include the provision of Sustainable Drainage Systems (SuDS) wherever possible on the basis that the use of SuDS would help to reduce the risk of surface water and sewer flooding thus improving water quality. Other Regulation 16 consultees, including Countryside Properties and Michael Benning, were supportive of the ‘green necklace’, although in the case of Countryside Properties, support was qualified to the extent that the green necklace was ‘conceptual’, the detail to be defined through a masterplan, associated with Policy SWF NGA1.
6. Ms Sue Dobson, on behalf of the Essex Bridleways Association, raised various concerns on behalf of the EBA in relation to policies within the SWFNP. As to the Green Space and natural environment section of the Plan, Ms Dobson pointed out that no specific mention had been included in the Plan for the provision of bridleways for equestrians; only walkers and cyclists needs are acknowledged. Her plea was that equestrian’s needs should not be ignored. I note that Local Plan Policy Strategic Growth Site Policy 10 requires, where appropriate new and enhanced cycle routes, footpaths, Public Rights of Way and bridleways to be incorporated. I therefore recommend that the policy be modified to include for the provision of bridleways within the green necklace linking as appropriate with the existing network. This is justified by creating “new green space for the use and enjoyment of all”, as indicated in Objective 3.
7. As there are only bridleways to the north of the town, this concern has equal relevance in relation to Policy SWF NGA1 as Policy SWF GS1.
8. To the extent that connections and crossing points should be provided along Ferrers and Burnham Road within Policy SWF GS1, these and other interventions are identified in the SWFNP on Fig 24, Public realm strategy for the town centre, and conceptually on Fig 44, Concept masterplan of Northern Growth Area respectively. The Regulation 16 comments include a substantial number of observations on highways matters related to the perceived current failings of the existing road network serving the town generally, the need for improvements to meet these deficiencies, the need for improvements related to proposed development associated with the SWFNP, principally concerned with improving connectivity within the town centre and how traffic might be successfully incorporated within the neighbourhood area serving the strategic allocation for new housing and associated development comprising the NGA. Within the SWFNP traffic and transport matters are partly considered in Policy SWF GS1 and Policy SWF NGA1. In relation to the Regulation 16 responses concerning road transport and highways matters, the issues relating to these two draft policies are often conflated. Often the matters raised are based on strongly held opinions rather than on evidence. A number of representations pursue the need for a town bypass to separate through traffic from indigenous movements within the neighbourhood area. In considering the issues raised, there is a considerable amount of repetition of points, or reviewing points from different perspectives. It is entirely understandable that these points are matters of considerable concern and should as relevant be appropriately considered in the examination of the SWFNP. However, the strategic policy framework for the neighbourhood area has already been set in a recently adopted Local Plan. It is a necessary condition for a submission version neighbourhood plan to conform to strategic policies of the adopted Local Plan for that area. In the case of the Chelmsford Local Plan, the Strategic Growth Site Policy 10 - North of South Woodham Ferrers considers in some detail the components of the development that would be acceptable on this major expansion area and the principles of the masterplan that is expected to articulate the delivery of the NGA. This includes various policy criteria related to movement and access relating to the integration of the new development to the existing settlement. In relation to the measures identified to accommodate the level of planned development envisaged, there is no expectation that a by-pass, for example, is necessary to deliver the planned development and other aspirations and objectives of the SWFNP over the life of the Plan to 2036. There may be other considerations relating to other development, including national infrastructure projects which may have impacts on the local highway network, but these are not matters with which neighbourhood plan examinations may consider.
9. Concerning the Regulation 16 representations of Mr Brunning relating to Policy SWF GS1 and the impact of the proposal to introduce a number of crossings on Ferrers Road to provide safe access for pedestrians to the areas of open space forming part of the green necklace / open space network. I note that in supporting the Policy SWF GS1, neither ECC nor CCC have raised concerns relating to the proposed crossings on Ferrers Road.
10. There is considerable support for the delivery of the ‘green necklace’ overall. This would principally be completed in connection with the realisation of the Northern Growth Area as provided in the now adopted masterplan.
11. I consider that subject to minor modification as indicated by tracked changes in Appendix 2 and as shown as made in Appendix 3, the policy would contribute to the delivery of sustainable development.

**Design and character**

Policy SWF DC1: Design

1. At paragraph 125, the NPPF avers that Plans should at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Whilst the design policies in the Plan have been prepared with local communities so they reflect local aspirations, and an understanding of the area’s distinctive characteristics. This guidance explains that neighbourhood plans can play an important role in identifying the defining qualities of each area and explain how these should be reflected in development.
2. Paragraph 126 of the NPPF expects Plan policies to provide maximum clarity about design expectations at an early stage, using visual tools such as design guides and codes to provide a framework for creating distinctive places, with a consistent and high-quality standard of design. The guidance permits flexibility to allow variety where such discretion is justified, tailored to the circumstances in each place.
3. The BCS notes that Policy conforms to the NPPF at paragraph 118e to the extent that policies should support opportunities to use the airspace above residential and commercial premises for new homes. However contextually this guidance is focused on efficient use of land and buildings, rather than design. In that context with reference to limiting the height of buildings in the town centre and beyond to four and three storeys respectively, would not necessarily appear to be appropriate, however in relation to the existing townscape and a design context, the policy satisfactorily conforms to the criteria in NPPF paragraph 127.

1. Policy SWF DC1 generally conform to the NPPF at paragraph 151 by contributing to the provision of well-designed energy efficient buildings and places through the use of renewable and low carbon energy systems, although the Making Places SPD now provides greater design detail regarding energy efficiency throughout the City Council’s administrative area than proposed within Policy SWF DC1, for this reason, I recommend that reference to this SPD should be acknowledged in the policy, whilst the submission version policy text relating to low carbon energy designs might be referenced in the supporting text to the policy to further encourage the use of photovoltaic and other zero or low carbon technologies.
2. The structure of the adopted Local Plan is that design guidance within the falls to a series of development management policies, rather than strategic policy guidance. This is now supported by the excellent Making Places SPD adopted January 2021. This guidance which is a material consideration in decision making and comprehensively sets out best practice guidance and also clarifies in terms of design, what is a policy requirement and what is to be encouraged but not strictly required by policy throughout the City Council’s administrative area. In combination with the adopted Local Plan, this local guidance provides clearer design guidance than that prepared for the neighbourhood area in Policy SWF DC1.
3. Comment on this policy from consultees was mixed. The view of Historic England prepared by Mr. Edward James, Historic Places Advisor, East of England, referenced paragraph 185 of the NPPF which explains that neighbourhood plans, should set out a positive strategy for the conservation and enjoyment of the historic environment. In particular, this strategy needs to take into account the desirability of sustaining and enhancing the significance of all types of heritage asset where possible, the need for new development to make a positive contribution to local character and distinctiveness; and ensure that it considers opportunities to use the existing historic environment to help reinforce this character of a place. Although describing the section on Design and Character, as robust, it was considered lacking in reinforcing South Woodham Ferrer’s existing sense of place, opportunities for improvement where possible, and generally how the parish’s historic environment and character might influence future building design and layout. It is perhaps unfortunate that the generous and helpful assistance and suggestions offered by Historic England had not been available or explored earlier in the plan making process as the Plan might have been considerably enriched by local heritage and design references to a greater extent and thereby reinforcing local distinctiveness within the Plan.
4. Representations from Savills on behalf of Bellway Homes Ltd regarding this policy drew attention to Policy SWF DC1 with regard to building heights where, “Proposed building heights should reflect the prevailing character of the area: within the town centre, as defined on the Chelmsford Local Plan policies map (Map 6), buildings up to four storeys in height may be considered appropriate, subject to production of supporting site appraisals. Elsewhere in the built-up area, building heights of two and three storeys are appropriate.” The representations on behalf of Bellway in respect of the Northern Growth Area were that as the NGA is not located within the defined town centre, building heights would be determined for areas being ‘elsewhere in the built-up area’ and therefore restricted by the policy to three storeys, considered to be unjustified within the growth area. The definition of the “built-up” area in the SWFNP derives from Policy SWF DC2. The definition is unhelpful because it introduces potential confusion with the strategic policy guidance in the Local Plan in terms of the guidance in Policy S7. The settlement hierarchy in Policy S7 shows “South Woodham Ferrers Urban Area”, as defining the extent of the settlement shown on Local Plan Inset Map 6. This is the equivalent of a “Defined Settlement Boundary” shown on the inset maps for lower order settlements, beyond which is countryside. The term “Built up area”, introduced Policy SWF DC2 and as applied in Policy SWF DC1, adds a further complication, not least because the NGA which it encapsulates will set out further guidance and details regarding the composition, layout, density and design of the land uses contained within it through the emerging masterplan. In relation, to land use efficiency, this is likely to include a townscape somewhat distinct from the earlier housing and employment land layouts comprising the urban form today, but nonetheless respecting Objective 4 of the SWFNP. Accordingly, I consider that the policy limitation in restricting the building heights within the NGA to be justified in delivering high quality design in keeping with the Essex vernacular and respecting building heights beyond the town centre within South Woodham Ferrers.
5. ECC’s representations on Policy SWF DC1 explained that the County Council had previously recommended an amendment to the policy to ensure that the design of SuDS are considered early in the development design process, due to their multi-functional roles in the design of places, and being consistent with the proposed design-led approach of the plan. The recent advice in the Sustainable Drainage Systems Design Guide for Essex, 2020[[15]](#footnote-16) provides up to date design guidance for minor and major planning applications in addition to masterplanning guidance for drainage systems. I have recommended in amending Policy SWF DC1, that proposals for development should also conform to this guidance.
6. Representations by Essex Police (Ms Heather Gurden) sought inclusion of a reference to “Secured by Design” (SBD) within Policy SWF DC1. This guidance offers the opportunity to improve the security of buildings offering advice and/or accreditation on how to include security within development proposals, providing safe places to live, work, shop and visit. A reference to SBD[[16]](#footnote-17) in the supporting text would assist in drawing attention to this additional design guidance and similarly the advice in the City Council’s recent guidance, “Making Places” at, section 7.14 (Safety of Spaces).
7. I also recommend that references to Building for Life 12[[17]](#footnote-18) in the policy should be replaced by Building for a Healthy Life, 2020[[18]](#footnote-19).
8. The recommended revisions to this design policy, should provide up to date references to policies at national and local levels that will be relevant to development proposals for the neighbourhood area in conjunction with the other design policies cited to deliver sustainable development in the neighbourhood area as indicated by tracked changes in Appendix 2 and as made in Appendix 3.

Policy SWF DC2: Built-up area

The Neighbourhood Plan defines the built-up area of South Woodham Ferrers as that drawn on the Chelmsford Local Plan policies map, (Map 5), which includes land within the extent of the Northern Growth Area allocated for development. Proposals for development outside of the built-up area will only be considered where they are of a scale and form consistent with the landscape character and rural uses. The green necklace wrapping around South Woodham Ferrers, including land to the north of the Northern Growth Area, shall be preserved and protected from future development.

1. The BCS advises that Policy SWF DC2 conforms to the NPPF at paragraph 125, by being prepared to reflect the local community’s aspirations, and are grounded in an understanding the area’s defining characteristics, notably the completion of the green necklace.
2. Through seeking to conserve and protect the natural environment beyond the South Woodham Ferrers Urban Area, through ensuring that development is consistent with the landscape character and rural uses, the policy conforms to the advice in the NPPF at paragraph 170.
3. Regarding Local Plan policy guidance, Policy SWF DC2 is generally consistent with strategic policies S1 concerning spatial strategy, S4 conserving and enhancing the natural environment. The policy as drafted does not however satisfactorily conform to Policy S7 which advises that, “Beyond the main settlements the Council will support diversification of the rural economy and the conservation and enhancement of the natural environment.”
4. Concerning the extent of the “green necklace”, this is now shown with greater accuracy on the approved Masterplan at page 53, on the plan entitled “Proposed Landscape Strategy” than the concept masterplan (Figure 44) of the submission version of the SWFNP. Since the Masterplan was approved by Chelmsford City Council on 2nd March 2021, references to the concept masterplan in the supporting text and diagrams in the SWFNP should be deleted in favour of the approved masterplan. Also, as protection of the northern part of the green necklace is already provided through strategic Local Plan Policy S7 and now also in the approved Masterplan, I recommend that the last sentence of Policy SWF DC2 should be deleted. Further details concerning the approval of the Masterplan by CCC are to be found at paragraph 5.110 below.
5. Accordingly, there being no Regulation 16 representations specifically related to this policy, I recommend that the policy should be amended as indicated in respect of Policy DC1 substituting reference to the “built up area” by “South Woodham Ferrers Urban Area” and by providing the flexibility so that appropriate housing and employment development can be supported, subject to other relevant considerations beyond the urban area. These recommended changes, including the re-naming of the policy are shown in Appendix 2 by tracked changes and as made in Appendix 3. These changes would also require some amendment and explanation in the supporting policy text.

Policy SWF DC3: Parking

1. The BCS advises that Policy SWF DC3 conforms to the NPPF’s objective of ensuring that parking in new development contributes to making high-quality spaces as outlined in paragraph 102e through reconfiguring parking provision and the layout of spaces and setting key principles for parking in new development, although it stops short of detailed design guidance. The BCS also notes that Policy SWF DC3 will assist in establishing or maintaining a strong sense of place through the arrangement of streets, by creating distinctive places to live. This policy is not expressly related to strategic adopted Local Plan guidance in the BCS. There is a tenuous link in strategic policy S9 concerning infrastructure provision associated with new development, but in essence parking policy is not covered in the strategic policies of the Local Plan. Parking policy in SWF DC3 has been considered in the representations made by Essex County Council and Chelmsford City Council in their Regulation 14 and subsequent Regulation 16 comments. ECC pointed out in its Regulation 16 observations that the policy is too sweeping in dismissing rear courtyards for parking in paragraph 7.12 of the submission version of the Plan. On behalf of EEC, Mr. Fraser explained that used appropriately, rear courtyards can provide an appropriate level of good design, dependent on its quality (use of soft landscaping; high quality materials and natural surveillance). The representations by Essex Police supported the policy applauding the appreciation of designing spaces that both reduce crime and the fear of crime.
2. However, in its Regulation 16 comments, Chelmsford City Council drew attention to the fact that an outstanding matter from the City Council’s Regulation 14 Consultation reply had not been considered. The CCC consultation reply had expressed a policy preference for development where car parking is well integrated and does not dominate the street (page 13), and where stretches of on street parking are to be avoided (page 17). This representation also observed that since the Regulation 14 Consultation, the City Council had consulted on its draft Making Places SPD, to support the Local Plan and as indicated earlier in this examination report, the SPD has since been adopted by the City Council. In its representations, CCC stated that Policy SWF DC3 appeared to be in conflict with the SPD, by saying that formal parking spaces can be planned into the street. To resolve this policy conflict, the City Council offered a policy revision suggesting that criterion b) of the policy is strengthened and becomes the preferred position, followed by on street parking as a secondary solution. The proposed amended policy prepared by CCC reads as follows:

**“Policy SWF DC3: Parking**

Parking within proposed new development, including the northern growth area, shall be designed such that it is used in the way it is intended, avoiding informal parking that undermines the quality of the street environment. Parking should be unobtrusive and in locations that benefit from natural surveillance. On-plot parking is the preferred approach. Proposals for rear or separate parking courts are not encouraged and should only be proposed unless alternative provision is impracticable. Key principles for integrating parking include:

a. On-plot parking is preferred for new development. This should be set back from the main building line in accordance with ECC parking standards. Parking bays set back from the building line should be of a sufficient size to accommodate a parked car.

b. Where it can be shown that on-plot parking is not achievable, formal parking spaces, including unallocated visitor parking, can be planned into the street, where forming a comprehensive public realm strategy, including tree planting and use of materials to define parking spaces and soften the visual impact of parked cars.

c. Garage and parking courts should only be provided where they benefit from natural surveillance, are directly accessed from the front of properties, and are designed as attractive, functional spaces, incorporating tree planting. Narrow vehicular accessways should be avoided.

d. Undercroft and decked parking may be appropriate but should in all instances be wrapped with active development frontages, particularly at ground floor level.”

1. I am content to recommend that amended Policy SWF DC3, as proposed above by CCC should be accepted in preference to the submission version draft policy in order to overcome the potential policy conflict. I also recommend that the supporting statement should include a reference to the recently adopted design SPD, Making Places and in particular section 6 which refers to the Essex CC standards and the quantitative standards in paragraph 6.21. The recommended revisions to Policy SWF DC3 are a shown as made in Appendix 3.

Policy SWF DC4: Chetwood School

1. The submission version of the SWFNP explains the background to the closure of the Chetwood School, the buildings and site for which is located at Gandalf's Ride, South Woodham Ferrers. The school was a Primary Foundation which closed on 31st August 2009. The supporting text to the policy explains that following closure, the buildings have been re-purposed as a ‘Family Hub Delivery Site’ offering ‘stay and play’, child clinic services and advice. The property remains in the ownership of Essex County Council. There remains a community ambition that the school will in the future be re-opened as a primary school, as children in the former catchment area of the Chetwood School now travel across the town for primary education in the other schools. The intention of this policy is to safeguard the possible future use of the site and buildings for re-use as a school.
2. The BCS advises that Policy SWF DC4 conforms to planning guidance in the NPPF at 92a, although it appears that paragraph 94 may also be relevant in meeting the community’s ambition of sufficient spaces being assessed and proposals being advanced in time to meet need.
3. The policy would also conform general to Local Plan Policy S9 in providing infrastructure, services and facilities, including schools, that are identified as necessary to serve the community’s needs.
4. In relation to replies during the Regulation 16 Consultation, Mr. Fraser on behalf of Essex County Council explained that CCC’s Local Plan includes early years use in its definition of education, and that therefore the site is still in education use and furthermore subject to protection from alternative uses by Local Plan Policy DM22. Mr. Fraser explained that this policy states that the change of use or redevelopment of educational establishments identified on the Policies Map, will only be permitted if they are surplus to educational requirements, and will be considered on a case-by-case basis (paragraph 8.130). The site is presently identified in the Policies Map for education use. ECC also have control of the site through ownership. Mr. Fraser’s recommendation that reference to ‘community use’, and its use for purposes other than education should be deleted from the policy, and reference made to alternative use only once the property is identified as being surplus to education use. I accept that recommendation as being appropriate for this site and I similarly recommend the Policy amendment as shown in Appendix 2 by way of tracked changes and as made in Appendix 3.

**Northern growth area**

Policy SWF NGA1: Placemaking Principles

1. In its assessment of conformity with the NPPF, the BCS points to Chapter 5, Delivering a sufficient supply of homes, and paragraph 61 which seeks that the community assesses housing need by size, type and tenure of housing and reflects that need in planning policy, including affordable housing, families with children, the elderly, students, those people who wish to self-build, those people who have disabilities requiring housing to meet their needs and travellers.
2. In meeting the economic needs of the NGA, the BCS acknowledges that Policy SWF NGA1 conforms to national guidance in Chapter 6 of the NPPF, Building a strong, competitive economy, where part (m) of Policy SWF NGA1, reflects the ambition in paragraph 80, by requiring planning policies and decisions to help create the conditions in which businesses can invest, expand and adapt, taking into account both local business needs and wider opportunities for development, particularly for SMEs and medium size enterprises.
3. In contributing to the vitality of the South Woodham Ferrers Town Centre, the BCS identifies that Policy SWF NGA1 will conform to NPPF paragraph 85e by enhancing connectivity to the town centre and thereby enhancing its vitality through easier access for the population who will be living in the NGA.
4. The BCS also highlights the completion of the Green Necklace through delivery of the NGA, will conform to the guidance in the NPPF in the Transport section at paragraphs 102-107, although greater conformity might also occur in relation to the national planning policy advice in Chapter 8, concerning promoting healthy and safe communities.
5. Regarding Local Plan strategic policy, delivery of the Northern Growth Area, is a major ambition of the adopted Local Plan as set out in the section entitled, Strategic Growth Site Policy 10 - North of South Woodham Ferrers. This provides a policy template for the preparation of a masterplan which is expected to deliver greater detail for securing planning permission to facilitate the development of this urban extension to the north of South Woodham Ferrers. The SWFNP quotes the Local Plan which advises, “although the development quantum and extent of the allocation is set out in the Local Plan, the emerging Neighbourhood Plan being prepared in South Woodham Ferrers is envisaged to help shape this allocation”. In shaping the allocation, Objective 5 of the SWFNP explains that the intention of the neighbourhood plan in relation to the growth area policies is to, “… successfully integrate new growth and expansion with the existing built form and communities, providing housing choice and opportunities, as well as new community infrastructure, for the benefit of all.”
6. In shaping the allocation of housing and employment land set out in Local Plan Strategic Growth Site Policy 10, the submission Plan version of Policy SWF NGA1 sets out 15 placemaking principles which the community seeks to secure in delivering an urban extension which will integrate with the existing settlement for the wider benefit of the town, allaying local concerns in relation to various topics, traffic impact being amongst the most important and generating considerable Regulation 16 comment. In essence, much of this concern relates to uncertainty concerning the ultimate size and composition of the growth area for housing and employment, which in turn would generate additional traffic on roads that are already perceived as being congested at peak travel periods. Fundamental to the cause of this uncertainty appears to be that as yet, there has been no scenario testing and assessment of the likely traffic impact of different scales of development available within the public domain.
7. I note however that the preparation of the masterplan has been advanced since the submission of the SWFNP for examination. The site promoters, Countryside Properties, Essex County Council Property and Bellway/Speakman published “Land North of South Woodham Ferrers Stage Three Masterplan Framework Submission in January 2021[[19]](#footnote-20). This comprehensive masterplan was subsequently approved by Chelmsford City Council on 2nd March 2021, and so the masterplan now comprises part of the City Council’s development plan. Consequently, it follows that to meet the Basic Conditions test, the growth area policies in the SWFNP must conform to adopted strategic Local Plan Policy SGS 10 including the related adopted masterplan for the land to the north of South Woodham Ferrers, as required by the first paragraph of Local Plan Policy SGS10. This now means that a number of the Regulation 16 representations have been rendered otiose through the adoption of the masterplan and as reflected in my recommendations for revisions to Policy SWF NGA1. If my recommendations are accepted, the supporting statement to the growth area policies will require revision, similarly reflecting the adoption of the masterplan.
8. I therefore make the following comments regarding the placemaking principles in Policy SWF NGA1;

a. Provide for an accessible, central green space that helps create and complete the green necklace of connected routes around the town.

1. Principle a. is met satisfactorily by the Masterplan at page 52, in relation to the Green Grid.

b. Focus development on the flatter parts of the site, such that it does not encroach on Bushy Hill, nor the ridgeline to the north of the site, preserving long distance views to these.

1. Principle b. is met by the masterplan initially in relation to the site analysis and subsequently for various land use allocations and their accessibility in terms of movement and infrastructure connectivity.

*c. Incorporate existing streams and water features within the site into green spaces and streets and, where possible, SuDS should be multi-functional to deliver benefits for the built, natural and historic environment.*

1. The intention in c. is met by the Masterplan intention to retain and enhance key existing site features including streams, trees and hedgerows. The adopted masterplan makes confirms that the central water course and tree-line forming a strong green spine running through the centre of the site and the western watercourse would be retained as the backbone of a green infrastructure network. The masterplan states that these retained spines would be enhanced with links to other interconnected open spaces, forming a green infrastructure network that permeates the site, whilst open spaces would be multi-functional, incorporating amenity space, opportunities for play, SUDS and water management, and biodiversity benefits where possible.

*d. Retain existing rights of way across the site and establish new, attractive walking and cycling routes that connect with these, and the wider network.*

1. The adopted masterplan will deliver over 10 kilometres of new pedestrian and cycle routes and bridleways within the site, comprising either new links or connecting existing paths into a wider network, including paths south into the town. The masterplan also identifies routes north of the allocation boundary to Woodham beyond the allocation boundary forming part of the proposed network and will be secured through legal agreement.
2. The masterplan also details the bridleway provision which proposes the extinguishment of Bridleway 46, some 108m in length, in favour of a pedestrian/cycle route, along with cycle track downgraded to footpath from Bridleway so cyclists can legally link to the new and existing Bridleways. The masterplan states that these two bridleways will be replaced with a route up to Edwin’s Hall Road which is approximately 1,100 m in length, where 860m of this is within the allocation boundary. The masterplan confirms that the bridleway will be secured through a legal agreement to be attached to an outline planning permission to ensure its delivery.
3. These arrangements would meet criterion d.

*e. Incorporate potential for the reopening of the route of the former South Woodham Ferrers to Maldon railway as a green walking and cycling corridor, either as part of the development or at a later date.*

1. This ambition would be met by the masterplan by Crossing 5, the proposed new junction on Burnham Road north of Hamberts Road. This element of the masterplan would provide a left-in left-out junction with a new footway / cycleway on the frontage of Burnham Road linking to pedestrian and cycle routes within the development. An uncontrolled crossing over the Burnham Road with tactile paving is proposed here, aligning with the route of the former South Woodham Ferrers to Maldon railway. This would satisfy criterion e.
2. This element of the policy was supported by Maldon District Council in its regulation 16 consultation reply, keen to see the re-opening of the former rail line as a green walking/cycling corridor, as it is one of the goals in the Maldon District Green Infrastructure Strategy SPD. By contrast, ECC’s representations on this criterion considered that the ambition to reopen the railway line between the town and Maldon as a sustainable green corridor was not necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development (NPPF, paragraph 56), and should therefore be deleted. My reading of the draft policy is that the policy does not call for the rail corridor to be re-opened as a requirement to overcome planning harm due to the proposals, but rather the potential for the re-opening of the route of the former South Woodham Ferrers to Maldon railway as a green walking and cycling corridor should be capable of being re-opened at some point in the future, perhaps funded by CIL receipts as a project, but not directly sought as a planning gain expectation associated with the grant of planning permission.

*f. Provide safe crossing points for pedestrians and cyclists at key points along Burnham Road, Woodham Road and the B1418, allowing safe use of the rights of way and other places of entry into the site. Cycle infrastructure should be provided at crossing points and junctions.*

1. Criterion f would be satisfied by the plan and description of engineering works showing the existing and proposed cycle and pedestrian networks, including the proposed crossing points on the Burnham Road for pedestrians and cyclists.

*g. Create new development frontages along the northern side of Burnham Road, helping to change the nature of the street and driver behaviour, but that, beyond the main points of access identified on the concept masterplan, these should not be accessed directly by vehicles from Burnham Road.*

1. The concept housing areas proposed in the adopted masterplan do not provide for frontage access where new development is proposed. The masterplan explains that in addition to highway capacity improvements at the junction with the A1418, traffic calming measures will be introduced as agreed with the Highway Authority and delivered by way of a legal agreement. The objective in providing these measures will be to improve traffic safety and influence driver behaviour. These measures would meet criterion g. I believe that the earlier concerns of ECC, expressed in the County Council’s Regulation 16 Representations are met by the adopted masterplan expectations regarding the absence of frontage access by vehicles to Burnham Road.

*h. Incorporate a new central street through the site, which allows access into the site for buses, as well as multiple points of vehicle access. Wherever possible, bus stops should be located so that all residents are within walking distance of a bus stop.*

1. The masterplan provides a central corridor which will provide the central area functions to meet local needs as identified on page 82. The bus strategy within the masterplan details a proposed Demand Responsive Transport Service Area to meet local need within the central corridor and rail station areas which would appear to be a reasonable and deliverable offer meeting the ambition of criterion h.
2. *Provide for a network of permeable and well overlooked walking routes through the site.*
3. The framework masterplan offers a layout structured around a ‘green grid’ comprising a variety of interlinked landscaped spaces and with new dwellings arranged around a hierarchy of streets providing appropriate accessibility and reinforcing placemaking, in accordance with local and county-wide guidance. Thus, a major influence on the detailed design will necessarily be the City Council’s recently adopted Making Places Supplementary Planning Document. This comprehensive and contemporary design advice will ensure the safety of walking routes throughout the masterplan area, meeting criterion i.
4. *Provision of a mix of housing types set around pedestrian and cycle friendly streets and spaces, including mews type streets, play streets and homezones.*
5. Concerning a mix of housing types, the adopted masterplan which anticipates delivering approximately 1,200 dwellings in the NGA, states that a mix of housing types and densities will be constructed, with highest densities at around 40 dwellings per ha being delivered closest to the Sainsbury supermarket and medical centre and proposed primary school, being the closest locations to the rail station. These dwellings would comprise a mix of flats and houses. Medium density dwellings of around 30 dwellings per ha would be constructed more generally throughout the development area, comprising a wide range of house sizes and typologies. Lower density housing at a density of approximately 20 dph built in areas closer to more sensitive locations closer to the boundaries of the NGA, undesignated heritage assets and existing housing along Willow Grove, adjoining the site’s western boundary. The mix of residential types proposed is shown graphically on the Framework Residential Plan on page 81 of the adopted masterplan. The masterplan also makes reference to the provision of sites for travelling show people. Given that the entire framework masterplan is designed to be cycle and pedestrian friendly, the expectation in criterion j. will be met through the detailed designs.

*k. Focus provision of any onsite community uses close to the new medical centre and Superstore, such that they create a cluster of uses and activities along a central spine connecting with Hullbridge Road, the existing Village Hall, Station and Neighbourhood Centre, linking the new community with the existing, and with access provided to green space along the watercourses within the Growth Area, making an attractive setting for the central area. Potential school provision, including an early year’s facility, shall be located close to the centre.*

1. The proposed central corridor including the existing supermarket, associated comparison shopping and medical centre identified in the framework masterplan also identifies the locations for the network of landscaped open spaces running through the corridor incorporating sustainable drainage basins and the existing stream. The proposed new primary school, community facilities and children’s and young persons’ play areas are also shown within this area. The masterplan therefore conforms to criterion k. of Policy SWF NGA1. I note the concerns of ECC in its Regulation 16 representations regarding locations for the new primary school in the NGA. These have been reflected in the adopted masterplan on page 75, where the preferred and alternative locations are reviewed with reference to the County Council’s Education Site Suitability Checklist.

*l. Respect the sensitive setting of the Garden of Remembrance. Land to the east of the Garden and within the Growth Area should form part of the ‘green necklace’ around the town, including provision of new allotments for the town.*

1. Whilst the Garden of Remembrance is not expressly referred to, on page 58 in the adopted masterplan, the land to the east of it, being part of the eastern boundary, is identified for allotment provision as part of the “green circle”, broadly corresponding to the green necklace within the SWFNP. This will meet this land use expectation within Policy SWF NGA1.

*m. Provide new employment floorspace preferably in close proximity to the new Medical Centre and superstore, creating a local centre, subject to proposed uses being complementary, or, alternatively, close to existing employment uses on Hamberts Road. Flexible premises for small and medium enterprises, including those looking for ‘grow-on’ space, are encouraged.*

1. The preferred masterplan location is identified as being to the north of Woodham Road, close to the existing Hamberts Road employment area. It would comprise approximately 1,000m2 of floorspace. Three alternative locations are identified in the masterplan, two to the east, the other to the west of the central corridor. All of the identified options could provide the mix of sizes and typologies sought for employment use sought by this policy. Thus, the new employment requirement will be met by the framework masterplan.

*n. Provision of plots for Travelling Showpeople where the road infrastructure can accommodate it whilst protecting the setting of the landscape and living environment of existing and future residents. Locations for preferred sites shall be tested through the masterplan and consider proximity to water courses. Preferred locations include the east of the allocation area, north of Woodham Road and adjacent to the Hamberts Road employment area. Existing roadside vegetation and landscaping should be retained.*

1. The masterplan reflects this emerging neighbourhood plan policy at page 77 identifying three possible locations for five plots for travelling showpeople within the NGA on the plan, showing these options. The preferred location identified corresponds to that identified in the SWFNP.

*o. The layout of development should not preclude the longer-term opportunity to bury or divert the overhead power cables.*

1. On page 41 of the adopted masterplan the distribution of overhead power transmission cables is shown throughout the NGA. This network is extensive. The working assumption in the masterplan, that this network will remain in place has been accepted by Chelmsford City Council has been accepted through the adoption of the masterplan.
2. I am aware of ECC’s helpful explanation regarding the Bradwell B Development Consent Order (DCO) process, and the need for the new nuclear power station to be connected into the National Grid transmission network. ECC’s representations explain that paragraph 3.3.56 of the Bradwell B Stage One Consultation (March 2020) identifies that a new 400kV substation is required to transmit the electricity generated by Bradwell B to the National Grid (NG), and this will be located on site at Bradwell. I understand that NG is responsible for building the substation and connecting it to the National Grid and as explained by ECC’s representations, this could be included in Bradwell B’s DCO application or a separate DCO made by National Grid and will be subject to a later decision. It is further understood that the existing pylons through the site will need to be replaced and upgraded to transmit the electricity from Bradwell and will be subject to a their own DCO process.
3. ECC’s representation explains that this project proposes a potential Strategic Route 1 for construction vehicles and workforce, following existing roads from the A130/A132 junction via Burnham Road on towards the Bradwell B site, which will require junction and highway improvements. I note that there are also proposals for potential temporary park and ride facilities north west of South Woodham Ferrers, to reduce impacts along Burnham Road. As yet, a detailed Transport Strategy for the project is to be defined and is a key requirement for ECC to identify implications on the local and wider network to provide appropriate highway mitigation and improvements. ECC advise that the layout of development should not preclude the longer-term opportunity to bury or divert the overhead power cables. Matters such as these, being national infrastructure projects, are of interest, but not topics that may be considered in assessing the extent to which neighbourhood plans meet the Basic Conditions test. I appreciate the comments made by Mrs . Pauline Price in her Regulation 16 comments raised concerning likely traffic impact, air quality considerations and amenity concerns relating to the Bradwell power station proposals, but these concerns are beyond the remit of neighbourhood planning examinations.
4. Whilst the draft policy ambition, criterion o. is to retain the longer-term opportunity to bury or divert these cables, this aspiration appears to be an unrealistic and unlikely expectation in relation to the Local Plan assumption on this matter.

*Developers will be expected to mitigate the transport impact of their proposed development in liaison with relevant partners, including the Highways Authority, to ensure the network performs satisfactorily for all post- development.*

1. I note that ECC, as highway authority, support the requirement for developers of the NGA to liaise with ECC on relevant highway matters, to ensure the network performs satisfactorily for all post development. This final element of the draft policy is yet to be tested. In working up the detailed layouts and geometries for the highway alterations necessary to satisfactorily deliver the NGA proposals, a full evaluation will be required to demonstrate that the likely impacts will be appropriately mitigated in order that the overall proposals are acceptable in planning terms.
2. In conclusion, other than criterion o. which the adopted masterplan has discounted as a viable assumption, the masterplan for the NGA satisfies the policy objectives set out in Policy SWF NGA1. To simplify this policy and to avoid repetition, I recommend that Policy SWF NGA1 should be amended as indicated in Appendix 2 by tracked changes and as shown as made in Appendix 3.
3. To reflect these recommended policy alterations, if these are accepted, then the supporting text will require revision to reflect the preparation and adoption of the masterplan as outlined in this examination report.

Policy SWF NGA2: Housing

1. This policy encourages the delivery of multi-generational living within the NGA, referring to Lifetime Homes. However, following the Government's 2015 'housing standards review', Lifetime Homes standards were replaced by the optional building regulations standard M4(2) entitled 'accessible and adaptable dwellings'. At paragraph 127f, the NPPF supports the development of places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
2. The Self-build and Custom Housebuilding Act 2015[[20]](#footnote-21) (as amended by the Housing and Planning Act 2016) provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding. Both cover where an individual, or group build houses to be occupied by those persons.
3. The Self Build and Custom Housebuilding Act 2015 (as amended) requires local authorities to maintain a register for those interested in building their own homes and for local planning authorities to grant sufficient planning permissions to meet the demand identified by the register. Paragraph 61 of the NPPF advises that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, people wishing to commission or build their own homes). This assessment took place in preparing the now adopted Local Plan and the requirements for the City Council’s administrative area are set out in Policy DM1. This requires for major development proposal of more than 100 dwellings, that 5 per cent of the affordable housing category should comprise self-build or custom dwellings. The requirement is dynamic, as at the point at which the planning application is submitted, the Council will review the appropriate percentage based on need at that time based on the latest local need requirement for this category of housing. The draft SWFNP states that this category of housing will be considered in the preparation of the masterplan for the NGA. Since the masterplan has already been approved and adopted, that is no longer feasible, this may however be resolved during the preparation of the planning application(s) for the overall development proposals and in the light of the developer contributions as set out in the City Council’s Planning Obligations SPD, adopted in January 2021.
4. I note that in its Regulation 16 representations, Bellway and its agent Savills, raised objection to the scale of clustering in relation to the provision of serviced plots for self-build and custom housing development. This is a reasonable request, facilitating the pepper potting of such plots reflecting need, distributed throughout the Growth Area. Importantly, the overall need for self-build and custom housing plots, will now be determined in accordance with the provisions of adopted Local Plan Policy DM1.
5. Essex County Council’s Regulation 16 representations supported Policy SWF NGA2 as they encourage well-being and healthy living, reflecting aspirations in the Essex Design Guide.
6. The adoption of the Masterplan for the Northern Growth Area allows for the related neighbourhood plan policies to be simplified to avoid duplication, whilst encouraging reinforcement of local distinctiveness through new development across the neighbourhood area through the Plan as a whole. I recommend that Policy SWF NGA2 be revised as shown in Appendix 2 by tracked changes and further shown as made in Appendix 3.

Policy SWF NGA3: School provision

1. Policy SWF NGA3: School provision, conforms generally to the guidance in the NPPF, which at paragraph 92 advises that a sufficient choice of school places should be available to meet the needs of existing and new communities. To achieve this, LPAs are required to take a proactive, positive and collaborative approach to meeting such needs. This requirement is met by Local Plan through the site infrastructure requirements of Strategic Growth Site Policy 10 – North of South Woodham Ferrers with:

a) the potential co-location of a new primary school with an early years and childcare nursery; and

b) one stand-alone early years and childcare nursery or, two new stand-alone early years and childcare nurseries

1. This policy expects the developer to provide the land and total cost of physical scheme provision with delivery through the Local Education Authority. The adopted Masterplan acknowledges the on-site requirements of school provision in SGS Policy 10 and provides greater certainty in relation to the location of these facilities than the pre-dated draft neighbourhood plan schools policy. The Masterplan also reflects Essex County Council’s Regulation 16 observation on Policy SWF NGA3, that ECC was at that time having on-going discussions with the developer and the City Council regarding the siting of the school facilities through the formal masterplanning process.
2. Consequently, Policy SWF NGA3 has been substantially overtaken by events associated with the preparation of the now adopted masterplan in relation to the location, funding and delivery of school facilities associated with the development of the Growth Area, however the principal ambitions of draft Policy SWF NGA3 will be met.
3. I therefore recommend that Policy SWF NGA3 should be reduced in scope, relating to the provision of safe accessibility as shown by tracked changes in Appendix 2 and as made in Appendix 3.

**Community Infrastructure Levy**

Policy SWF NCIL 01: Community Infrastructure Levy (CIL)

1. Government guidance on the operation of the Community Infrastructure Levy (CIL), explains that where all, or part of a chargeable development is within the area of a Town Council, the charging authority must pass a proportion of the CIL receipts from the development to the Town Council which must use these CIL receipts to support development in the Town Council’s area by funding the provision, improvement, replacement, operation or maintenance of infrastructure; or anything else that is concerned with addressing the demands that development places on the area. Thus, the Town Council’s remit in spending the CIL receipts is extensive. In the case of South Woodham Ferrers Town Council, if the SWFNP is made following a referendum, Chelmsford City Council as the charging authority must pass 25% of the relevant CIL receipts to the Town Council. For this to apply, the neighbourhood plan must have been made before any relevant planning permission first permits development[[21]](#footnote-22).
2. The levy can be used to fund a wide range of infrastructure, including transport, flood defences, schools, hospitals, and other health and social care facilities. Government guidance also advises that the use of neighbourhood funds provided through the CIL should match priorities expressed by local communities, including priorities set out formally in neighbourhood plans.
3. Policy SWF NCIL 01 explains how the Town Council proposes to spend the CIL receipts which it will receive in relation to development in the neighbourhood area, if the SWFNP is made. The law does not prescribe a specific process for agreeing how the neighbourhood portion should be spent, although there should be community consultation at the neighbourhood level proportionate to the level of levy receipts and the scale of the proposed development to which the neighbourhood funding relates. That expectation has been met in terms of the Regulation 16 consultation, which publicised the proposed application of CIL receipts in the neighbourhood area. The consultation replies concerning the use and application of CIL monies were generally focused on transport, town centre regeneration and education themes. Constructive support has been provided by ECC, including the offer of involvement to the Town Council in delivering SWFNP projects as appropriate. In referring to comparative neighbourhood planning CIL examples elsewhere in Essex, ECC commented that the SWFNP does not contain a specific policy regarding developer contributions. It would not be feasible for a new CIL policy to be introduced without further consultation at this stage, but in relation to a possible future Plan review this is a matter that could be considered at that time.
4. As to the construction of Policy SWF NCIL 01, there is no need for the inclusion of the first sentence, as collection of CIL is a matter for the City Council as local planning authority. I have no further comments in relation to the expenditure of CIL receipts within the neighbourhood area, other than to note that the examination of neighbourhood plans in meeting the Basic Conditions, does not extend to considering, “projects” proposed within the submission version of a plan. Nonetheless, I am satisfied that the policy intention of SWF NCIL 01 will contribute to the achievement of sustainable development within the neighbourhood area. The proposed amendment referred to above is shown in Appendix 2 and as made in Appendix 3.

**6.0 Summary**

* 1. When examining neighbourhood plans, paragraph 8 of Schedule 4B to the Town & Country Planning Act 1990 (as amended) [excluding 2b, c, 3 to 5 as required by 38C (5) of the Planning and Compulsory Purchase Act 2004 (as amended)], states that the Plan must meet the following “basic conditions”;
  + it must have appropriate regard for national policy;
  + it must contribute towards the achievement of sustainable development;
  + it must be in general conformity with the strategic policies of the development plan for the local area;
  + it must be compatible with human rights requirements and
  + it must be compatible with EU obligations.
  1. In accordance with Schedule 4B, paragraph 10 of the Town & Country Planning Act 1990 (as amended), the examiner must make a report on the draft plan containing recommendations and make one of the following three recommendations:

1. that the draft order is submitted to a referendum, or
2. that modifications specified in the report are made to the draft order and that the draft order as modified is submitted to a referendum, or
3. that the proposal for the order is refused.
4. **Meeting the Basic Conditions**
5. When examining neighbourhood plans, paragraph 8 of Schedule 4B to the Town & Country Planning Act 1990 (as amended) [excluding 2b, c, 3 to 5 as required by 38C (5) of the Planning and Compulsory Purchase Act 2004 (as amended)], states that the Plan must meet the following “basic conditions”;

a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan.

d. the making of the neighbourhood plan contributes to the achievement of sustainable development.

e. the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).

f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.

g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

1. The extent to which the submission version of the SWFNP meets the Basic Conditions is fully reviewed in section 4 of this examination report, prior to consideration of the submission version policies. Having regard to the examination of the policies in section 5 of this report, I consider that the policies, subject to the recommended policy amendments, would meet the Basic Conditions tests.
2. I am satisfied that the consultations described in the SWNP Consultation Statement and appendices, comply with Section 15(2) of part 5 of the Regulations and that the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act, in accordance with Regulation 15(1) of part 5 of the Regulations.
3. The SWFNP meets the definition of a ‘Neighbourhood Development Plan’ in that it sets out policies in relation to the development and use of land in the neighbourhood area and therefore complies with the requirement of the Planning and Compulsory Purchase Act 2005, Section 38A (2).
4. The ‘Neighbourhood Development Plan’ (as defined under Section 38A), specifies the time period for which it is to have effect. The period of the Plan is 2020 to 2036, as defined in the title of the SWFNP. The 16-year life is also referenced in the Plan, thus the requirement of the Planning and Compulsory Purchase Act 2004, Section 38B (1) (a) is satisfied.
5. I confirm that the SWFNP does not include any policies relating to excluded development, including minerals, waste or nationally significant infrastructure projects, as defined s61K of the Town & Country Planning Act 1990 (as amended). Thus, the requirement of the Planning and Compulsory Purchase Act 2005, Section 38B (1) (b) is also satisfied.
6. Screening of the draft Plan by Chelmsford City Council for the purposes of SEA and HRA took place in January 2020. The City Council consulted with the Environment Agency, Historic England and Natural England. The Environment Agency and Historic England responded to the effect that a full Strategic Environmental Assessment report was not required. Natural England replied that there are unlikely to be significant environmental effects from the proposed plan and stated that the proposals contained within the plan would not have significant effects on sensitive sites which Natural England has a statutory duty to protect. The City Council concluded that neither SEA nor HRA were necessary in relation to the SWFNP as confirmed in the City Council’s screening report dated 26th March 2020 and as published on 15th June 2020.
7. I am content that the Plan does not breach and is not otherwise incompatible with the European Convention on Human Rights or breach Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (The Strategic Environmental Assessment (SEA) Directive); or Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (The Habitats Directive).
8. Subject to my recommendations being acceptable concerning policy modifications recommended in section 5 of this report which are intended to ensure that the policies conform to national planning policy guidance and adopted strategic planning guidance within Chelmsford City Council’s adopted Local Plan, advice in the Making Places SPD, adopted January 2021 and the Masterplan for Strategic Growth Site 10: North of South Woodham Ferrers approved on 2 March 2021 which now forms part of the development plan, I concur with the Basic Conditions Statement that the Plan policies relate to land use planning matters (the use and development of land) and that this neighbourhood plan has been prepared in accordance with the statutory requirements and processes set out in the Neighbourhood Planning (General) Regulations 2012, as explained and for the reasons given in sections 2 and 4 of this report.

**7.0 Conclusions and Recommendations**

1. I conclude that the SWFNP policies, subject to my recommended modifications as set out in this examination report in Appendix 3, will contribute to the attainment of sustainable development within the South Woodham Ferrers Neighbourhood Area. I also conclude that, subject to the recommendations in this report being accepted, the Plan would meet the basic conditions as defined in the Localism Act 2011, Schedule 10 and Schedule 4B, 8 (2) of the Town and Country Planning Act 1990 and Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended).
2. I am satisfied that subject to the recommended policy revisions being accepted, that the draft SWFNP has given adequate regard to the policies in the National Planning Policy Framework (NPPF 2019) and other relevant national planning guidance and would be in conformity with the strategic policies of the adopted Chelmsford Local Plan.
3. I therefore recommend that in accordance with Schedule 4B to the Town and Country Planning Act 1990, paragraph 10 (2), b) that the modifications specified in this report are made to the South Woodham Ferrers Neighbourhood Plan 2020 - 2036 Submission Version, June 2020 and that the Plan as modified is submitted to a referendum.

Referendum Area

1. It is the independent examiner’s role to consider the referendum area appropriate if the Qualifying Body wishes to proceed to the referendum stage. If South Woodham Ferrers Town Council wishes to proceed to a referendum with this Plan, I consider that the referendum area should extend to the entire administrative area of the Town Council being the designated Neighbourhood Plan Area.

**Jeremy Edge BSc FRICS MRTPI   
18th June 2021**

**Appendix 1 - Background Documents**

In examining the SWFNP, I have had regard to the following documents:

**Documents cited and / or prepared by or on behalf of the Town Council in the preparation of the SWFNP.**

1. South Woodham Ferrers Neighbourhood Plan, Submission version (June 2020)
2. Basic Conditions Statement, incorporating Area Statement and including
3. Screening for Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) (June 2020)
4. Consultation Statement (May 2020)
5. The following supporting evidence was also included.
6. Character Area Study (March 2019)
7. Comparator Towns Study (April 2019)
8. Landscape Analysis (April 2019)
9. Northern Growth Area Ideas (April 2019)
10. Parking Occupancy and Car Park User Questionnaire Report (October 2019)
11. Town Centre Analysis (February 2019)
12. Town Centre Ideas (April 2019)
13. Town-wide Analysis (February 2019)
14. Town-wide Ideas: Access and Movement (April 2019)
15. Town-wide ideas: Green Infrastructure (April 2019)
16. TCPA and DCLG, Best Practice in Urban Extensions and New Settlements: A report on emerging good practice, March 2007

**Other Documents**

1. The Town & Country Planning Act 1990 (as amended)
2. The Planning and Compulsory Purchase Act 2004 (as amended)
3. Human Rights Act 1998
4. National Planning Policy Framework, revised 19 February 2019
5. National Planning Policy Framework, revised 19 June 2019
6. Planning Practice Guidance, Last updated Last updated 24 May 2021
7. Neighbourhood Planning (General) Regulations 2012
8. Localism Act 2011
9. Equality Act 2010
10. Human Rights Act 1998
11. The Neighbourhood Planning (General) Regulations 2012
12. Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment, implemented in England through the Environmental Assessment of Plans and Programmes Regulations 2004.
13. European Convention on Human Rights (as last amended on 2nd October 2013

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**Appendix 2 - Recommended Revised Policies (tracked changes)**

**Policy SWF TC1: The Central Spine**

No modification proposed.

**Policy SWF TC2: Town centre design principles**

Proposals for new development in South Woodham Ferrers Town Centre should complement the special character of the centre, reflected in the height and massing of buildings, as well as the materials used and interpretation of the Essex Design Guide for application in central areas, expressed through the building styles and roof heights.

Development proposals which meet the following criteria will be supported:

a. Create clear and consistent building lines with active frontages at ground floor level, following established building lines where they exist.

b. Provide the principal points of access to buildings on the main street or public space onto which it fronts.

c. Provide for clear, direct and well-overlooked pedestrian routes through or around the development site, connecting with the existing route network.

d. Clearly define areas of public and private realm through well-defined building lines and enclosure of private space. Blank walls and exposed back land areas, including car parking and servicing areas, should be screened from view, preferably through the wrapping of these with active development edges, or with other solutions such as provision of green walls that improve the quality of the townscape.

e. Avoid creation of blank gable ends.

f. Respect the prevailing building height. Where building heights vary this change should be subtle and step up or down by no more than half to one storey between buildings.

g. Incorporate generous floor to ceiling heights, particularly at ground floor level, to allow for flexibility and change of use over time.

h. Support improvements to the quality of the public realm in the town centre.

i. Protect or enhance views of the Clock Tower from key vantage points in the centre and on approach to the centre as shown on Figure 22: Potential town centre development interventions.  
j. Align with SuDS drainage principles and explore options that reduce surface water runoff volumes and pollution

**Policy SWF TC3: Town centre uses and activities.**

Proposals for major development in the town centre (as defined in the Chelmsford Local Plan, Polices Map, Plan 6) should incorporate a mix of uses consistent with the role, function and character of the town centre.

Suitable uses in the town centre will include uses listed below in Class E and Class F of the Use Classes Order[[22]](#footnote-23)and residential, Class C3:

Class E - Commercial, Business and Service

E(a) Display or retail sale of goods, other than hot food

E(b) Sale of food and drink for consumption (mostly) on the premises

E(c) Provision of:

E(c)(i) Financial services,

E(c)(ii) Professional services (other than health or medical services), or

E(c)(iii) Other appropriate services in a commercial, business or service locality

E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms)

E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)

E(f) Creche, day nursery or day centre (not including a residential use)

E(g) Uses which can be carried out in a residential area without detriment to its amenity:

E(g)(i) Offices to carry out any operational or administrative functions,

E(g)(ii) Research and development of products or processes

E(g)(iii) Industrial processes

Class F - Local Community and Learning

F1 Learning and non-residential institutions – Use:

F1(a) Provision of education

F1(b) Display of works of art (otherwise than for sale or hire)

F1(c) Museums

F1(d) Public libraries or public reading rooms

F1(e) Public halls or exhibition halls

F1(f) Public worship or religious instruction (or in connection with such use)

F1(g) Law courts

F2 Local community – Use:

F2(b) Halls or meeting places for the principal use of the local community

F2(c) Areas or places for outdoor sport or recreation (not involving motorised vehicles or firearms)

F2(d) Indoor or outdoor swimming pools or skating rinks

Class C

C3 Dwellinghouses

The main focus of the town centre for new business and retail activities will be encouraged along the central spine (the primary retail frontage defined in the Chelmsford Local Plan).

Where residential uses are proposed in the areas of primary or secondary retail frontage within the central spine (as indicated on Figure 22) these should be on the upper floors of a mixed-use scheme, with ground floors comprising retail or other complementary uses. Outside of this and other areas of primary retail frontage (as indicated on the Chelmsford Local Plan Policies Map, Plan 6) residential uses may be appropriate at ground floor level.

Temporary proposals for the use of vacant buildings within the use classes listed above including ‘pop-ups’, are encouraged.

Community facilities

Applications for development that provide new community facilities or which improve existing facilities in the town centre will be encouraged. Proposals for such uses should:

a. Ensure that good access to facilities is provided to everyone commensurate with the scale of development, b Include walking, cycling, public transport links and related infrastructure.

c. Demonstrate by design, adaptation for future community uses and functions has been considered.

d. Demonstrate that there would be no unacceptable impact on the character, appearance or local environment.

The loss of community facilities will only be supported where an equivalent replacement of alternative provision is made for that use or met by an existing facility within the town centre. Where an existing community facility is vacated wherever practicable, reuse for alternative community facilities will be the preferred land use option. Proposals which would result in the loss of community facilities from the town centre will need evidence to be submitted to demonstrate that the use is not economically viable through appropriate evidence of market testing and that it is no longer required to meet the needs of the community.

Proposals for community uses integrated with other complementary town centre uses are also encouraged.

**Policy SWF TC5: Town centre streets and spaces**

Within the designated Town Centre:

a. Development proposals involving streets and spaces that enhance the attractiveness of the public realm will be supported. b. Proposals for development in the central spine (the area of primary retail frontage as defined in the Local Plan) should include appropriate materials and design coding to define this part of the Town Centre and distinguish it from the surrounding network of pedestrian streets facilitating outdoor activities and events including markets, screenings and displays.

**Policy SWF TC6: Town Centre Car Parking**

No modification proposed.

**Policy SWF MA1: Active travel**

Development proposals should enable active travel through delivery of new attractive walking and cycle routes, and or improvements to the environment of existing routes.

Where new walking and cycling routes are provided, they must be direct, safe and convenient to use. The layout of proposed development should allow for the natural surveillance of routes through overlooking with active development frontages. Proposals should not result in the loss of existing walking or cycling routes, nor reduce the capacity or safety of that infrastructure.

Where new cycle routes are provided, they should reflect national and local best practice guidance.

Where existing walking and cycling routes are provided within or adjacent to a site, development proposals should link to these networks.

Proposals for commercial, leisure and community uses should support and enable active travel through inclusion of safe, secure and convenient cycle parking and changing facilities where appropriate. Proposals for secure and covered cycle parking areas in the public realm are welcome, subject to compliance wider design policies.

**Policy SWF MA2: Alleyways**

Development proposals adjacent to an existing alleyway which facilitates passive surveillance by:

1)Providing new entrances and windows that face onto the footpath;

2). Demonstrating how the route might be made more direct, with a clear visual link from each end; and

3) Providing, if relevant, low level lighting designed to respect the amenity of occupants of any neighbouring residential properties, will be supported.

**Policy SWF MA3: Public transport**

Proposals for development should respond to the need to reduce the generation of road traffic and help reduce air and noise pollution. Where appropriate to the scale of development, proposals, that incorporate sustainable transport measures, including new and enhanced bus services, new and improved public transport infrastructure, including real time information, waiting facilities, and or accessibility to services will be supported.

Proposals that support provision of improved bus services to Chelmsford and Wickford (including Wickford station), as well as between the Northern Growth Area, railway station and town centre will be encouraged.

**Policy SWF MA4: E-vehicles and Mobility Hubs**

Development proposals which provide for e-vehicle charging points and/or shared mobility infrastructure (mobility hubs) within the public realm in locations which would not harm pedestrian circulation, or the appearance of the street scene, or wider townscape will be supported. .

Proposals including public EV charging infrastructure, capable of delivering  ~~provide~~ additional charging points will be encouraged.

Appropriate locations for new mobility hubs include the town centre and railway station car parks.

**Policy SWF GS1: Completing the Green Necklace**

Development proposals will be supported which:

A) In the Northern Growth Area include accessible green space that complements and completes the network of multi-functional green infrastructure around the town: and

1. Allow for a continuous network of walking routes and bridleways that are accessible to all and
2. Provide the type and mix of green space conforming to the standards established by Chelmsford City Council and the Essex Biodiversity Validation Checklist;and

B) Incorporate greenery within the public realm as appropriate through provision of tree planting, green spaces and sustainable urban drainage systems; and.

C) Provide appropriate safe crossing points for pedestrians and cyclists, which connect with existing rights of way and other established routes onFerrers Road and Burnham Road.

**Policy SWF DC1: Design**

Development proposals which will deliver high quality design in the built form and the surrounding landscape and in keeping with the Essex vernacular and demonstrating;

i) a design-led approach underpinned by good practice principles, reflecting a thorough site-appraisal, enhancing and reflecting local distinctiveness; and

ii) the inclusion of the best practice design principles, where relevant, identified in the:

1. Sustainable Drainage Systems Design Guide for Essex, 2020[[23]](#footnote-24), ,
2. Chelmsford Local Plan, and
3. Making Places SPD, will be supported.

Opportunities for improving character and local conditions identified within the South Woodham Ferrers Character Area Study and as presented in this Neighbourhood Plan in Tables 1-4 will be encouraged.Within the town centre, as defined on the Chelmsford Local Plan policies map (Inset Map 6), proposed development of up to four storeys in height will be supported subject to the consideration of supporting site appraisals. Elsewhere in the South Woodham Ferrers Urban Area as defined on Inset Map 5 building heights of two and three storeys are appropriate.

Major residential developments demonstrating design innovation reinterpreting local design cues, and an imaginative sense of place, whilst respecting the surrounding context, including how they would deliver best practice through submission of a Building for a Healthy Life 12[[24]](#footnote-25) assessment (or later equivalent), will be encouraged.

**Policy SWF DC2: South Woodham Ferrers Urban Area**

The Neighbourhood Plan defines the South Woodham Ferrers Urban Area as that drawn on the Chelmsford Local Plan policies map~~,~~ (Inset Map 5), which includes land within the extent of the Northern Growth Area allocated for development. Proposals for development outside of the urban area of a scale and form consistent with the landscape character and rural uses will be supported subject to compliance with other relevant policies within the SWFNP.

**Policy SWF DC4: Chetwood School**

The site of the Chetwood School shall be safeguarded for future educational or community use. The change of use or redevelopment from education use will only be permitted if it is identified as surplus to educational requirements. Until such time as the school is reused for educational purposes, other civic and community uses will be considered appropriate, subject to impact on residential amenity.

**Policy SWF NGA1: Placemaking Principles**

Proposals for development of the Northern Growth Area which conform to the adopted, Land North of South Woodham Ferrers Masterplan and which mitigate the cumulative transport impact through all phases of development following acceptable assessment by the Highway Authority will be supported.

**Policy SWF NGA2: Housing**

Proposals for multi-generational homes that facilitate sub-division of a dwelling to be occupied as a separate home for independent living will be encouraged

Development in the Northern Growth Area which makes appropriate provision for self and custom build housing on fully serviced sites will be supported.

**Policy SWF NGA3: School provision**

Development proposals incorporating safe pedestrian and cycle friendly accessibility and designed to provide safe but limited vehicular drop off and waiting facilities provided for vehicles will be supported.

**Policy SWF NCIL 01: Community Infrastructure Levy (CIL)**

CIL receipts payable to South Woodham Ferrers Town Council will be used to help support delivery of the projects outlined in the Neighbourhood Plan, including those in the green project boxes, and which may include but are not limited to:

a. Town centre public realm improvement projects, including trialing pilot projects to test the feasibility of schemes.

b. Support for establishment of a Town Centre business forum or similar and associated initiatives to promote the town.

c. Provision of a town-wide cycle network, working in partnership with ECC, to include safe crossings and junctions along Ferrers Road to be delivered in line with best practice Dutch-style principles.

d. Transformation of the network of alleyways, including opportunities for community gardening projects, lighting and a programme of regular maintenance.

e. Street greening initiatives, including tree planting, wildflowers and provision of rain gardens.

f. Identify and test a pilot Play Street / Homezone project within an existing residential cul-de-sac.

g. Improved town-wide public transport provision and infrastructure, including improved waiting facilities and travel information.

Possible projects and the spending of any CIL monies received by the Town Council as a result of new development will be kept under review and regularly updated.

**Appendix 3 - Recommended Revised Policies**

Policy SWF TC1: The central spine

No modification proposed.

Policy SWF TC2: Town centre design principles

Proposals for new development in South Woodham Ferrers Town Centre should complement the special character of the centre, reflected in the height and massing of buildings, as well as the materials used and interpretation of the Essex Design Guide for application in central areas, expressed through the building styles and roof heights.

Development proposals which meet the following criteria will be supported.

a. Create clear and consistent building lines with active frontages at ground floor level, following established building lines where they exist.

b. Provide the principal points of access to buildings on the main street or public space onto which it fronts.

c. Provide for clear, direct and well-overlooked pedestrian routes through or around the development site, connecting with the existing route network.

d. Clearly define areas of public and private realm through well-defined building lines and enclosure of private space. Blank walls and exposed back land areas, including car parking and servicing areas, should be screened from view, preferably through the wrapping of these with active development edges, or with other solutions such as provision of green walls that improve the quality of the townscape.

e. Avoid creation of blank gable ends.

f. Respect the prevailing building height. Where building heights vary this change should be subtle and step up or down by no more than half to one storey between buildings.

g. Incorporate generous floor to ceiling heights, particularly at ground floor level, to allow for flexibility and change of use over time.

h. Support improvements to the quality of the public realm in the town centre.

i. Protect or enhance views of the Clock Tower from key vantage points in the centre and on approach to the centre as shown on Figure 22: Potential town centre development interventions.

j. Align with SuDS drainage principles and explore options that reduce surface water runoff volumes and pollution.

Policy SWF TC3: Town centre uses and activities.

Proposals for major development in the town centre (as defined in the Chelmsford Local Plan, Polices Map, Plan 6) should incorporate a mix of uses consistent with the role, function and character of the town centre.

Suitable uses in the town centre will include uses listed below in Classes E and Class F of the Use Classes Order[[25]](#footnote-26)and residential, Class C3:

Class E - Commercial, Business and Service

E(a) Display or retail sale of goods, other than hot food

E(b) Sale of food and drink for consumption (mostly) on the premises

E(c) Provision of:

E(c)(i) Financial services,

E(c)(ii) Professional services (other than health or medical services), or

E(c)(iii) Other appropriate services in a commercial, business or service locality

E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms)

E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)

E(f) Creche, day nursery or day centre (not including a residential use)

E(g) Uses which can be carried out in a residential area without detriment to its amenity:

E(g)(i) Offices to carry out any operational or administrative functions,

E(g)(ii) Research and development of products or processes

E(g)(iii) Industrial processes

Class F - Local Community and Learning

F1 Learning and non-residential institutions – Use:

F1(a) Provision of education

F1(b) Display of works of art (otherwise than for sale or hire)

F1(c) Museums

F1(d) Public libraries or public reading rooms

F1(e) Public halls or exhibition halls

F1(f) Public worship or religious instruction (or in connection with such use)

F1(g) Law courts

F2 Local community – Use:

F2(b) Halls or meeting places for the principal use of the local community

F2(c) Areas or places for outdoor sport or recreation (not involving motorised vehicles or firearms)

F2(d) Indoor or outdoor swimming pools or skating rinks

Class C

C3 Dwellinghouses

The main focus of the town centre for new business and retail activities will be encouraged along the central spine (the primary retail frontage defined in the Chelmsford Local Plan).

Where residential uses are proposed in the areas of primary or secondary retail frontage within the central spine (as indicated on Figure 22) these should be on the upper floors of a mixed-use scheme, with ground floors comprising retail or other complementary uses. Outside of this and other areas of primary retail frontage (as indicated on the Chelmsford Local Plan Policies Map, Plan 6) residential uses may be appropriate at ground floor level.

Temporary proposals for the use of vacant buildings within the use classes listed above including ‘pop-ups’, are encouraged.

Community facilities

Applications for development that provide new community facilities, or which improve existing facilities in the town centre will be encouraged. Proposals for such uses should:

a. Ensure that good access to facilities is provided to everyone commensurate with the scale of development, including walking, cycling, public transport links and related infrastructure.

b. Include walking, cycling, public transport links and related infrastructure.

c. Demonstrate by design, adaptation for future community uses and functions has been considered.

d. Demonstrate that there would be no unacceptable impact on the character, appearance or local environment.

The loss of community facilities will only be supported where an equivalent replacement of alternative provision is made for that use or met by an existing facility within the town centre. Where an existing community facility is vacated wherever practicable, reuse for alternative community facilities will be the preferred land use option. Proposals which would result in the loss of community facilities from the town centre will need evidence to be submitted to demonstrate that the use is not economically viable through appropriate evidence of market testing and that it is no longer required to meet the needs of the community.

Proposals for community uses integrated with other complementary town centre uses are also encouraged.

Policy SWF TC5: Town centre streets and spaces

Within the designated Town Centre:

a. Development proposals involving streets and spaces that enhance the attractiveness of the public realm will be supported.

b. Proposals for development in the central spine (the area of primary retail frontage as defined in the Local Plan) should include appropriate materials and design coding to define this part of the Town Centre and distinguish it from the surrounding network of pedestrian streets facilitating outdoor activities and events including markets, screenings and displays.

Policy SWF TC6: Town Centre Car Parking

No modification proposed.

Policy SWF MA1: Active travel

Development proposals should enable active travel through delivery of new attractive walking and cycle routes, and or improvements to the environment of existing routes.

Where new walking and cycling routes are provided, they must be direct, safe and convenient to use. The layout of proposed development should allow for the natural surveillance of routes through overlooking with active development frontages. Proposals should not result in the loss of existing walking or cycling routes, nor reduce the capacity or safety of that infrastructure.

Where new cycle routes are provided, they should reflect national and local best practice guidance.

Where existing walking and cycling routes are provided within or adjacent to a site, development proposals should link to these networks.

Proposals for commercial, leisure and community uses should support and enable active travel through inclusion of safe, secure and convenient cycle parking and changing facilities where appropriate. Proposals for secure and covered cycle parking areas in the public realm are welcome, subject to compliance wider design policies.

Policy SWF MA2: Alleyways

Development proposals adjacent to an existing alleyway which facilitates passive surveillance by:

1). Providing new entrances and windows that face onto the footpath;

2). Demonstrating how the route might be made more direct, with a clear visual link from each end; and

3). Providing, if relevant, low level lighting designed to respect the amenity of occupants of any neighbouring residential properties, will be supported.

Policy SWF MA3: Public transport

Proposals for development should respond to the need to reduce the generation of road traffic and help reduce air and noise pollution. Where appropriate to the scale of development, proposals, that incorporate sustainable transport measures, including new and enhanced bus services, new and improved public transport infrastructure, including real time information, waiting facilities, and or accessibility to services will be supported.

Proposals that support provision of improved bus services to Chelmsford and Wickford (including Wickford station), as well as between the Northern Growth Area, railway station and town centre will be encouraged.

Policy SWF MA4: E-vehicles and Mobility Hubs

Development proposals which provide for e-vehicle charging points and/or shared mobility infrastructure (mobility hubs) within the public realm in locations which would not harm pedestrian circulation, or the appearance of the street scene, or wider townscape will be supported.

Proposals including public EV charging infrastructure, capable of delivering provide additional charging points will be encouraged.

Appropriate locations for new mobility hubs include the town centre and railway station car parks.

Policy SWF GS1: Completing the Green Necklace

Development proposals which:

A) in the Northern Growth Area include accessible green space that complements and completes the network of multi-functional green infrastructure around the town and:

a) Allow for a continuous network of walking routes and bridleways that are accessible to all; and

b) Provide the type and mix of green space conforming to the standards established by Chelmsford City Council and the Essex Biodiversity Validation Checklist: and

B) Incorporate greenery, within the public realm as appropriate, through provision of tree planting, green spaces and sustainable urban drainage systems: and

C) Provide appropriate safe crossing points for pedestrians and cyclists, which connect with existing rights of way and other established routes on Ferrers Road and Burnham Road will be supported.

Policy SWF DC1: Design

Development proposals which will deliver high quality design in the built form and the surrounding landscape and in keeping with the Essex vernacular and demonstrating;

i) a design-led approach underpinned by good practice principles, reflecting a thorough site-appraisal, enhancing and reflecting local distinctiveness; and

ii) the inclusion of the best practice design principles, where relevant, identified in the:

a) Sustainable Drainage Systems Design Guide for Essex, 2020,

b) Chelmsford Local Plan, and

c) Making Places SPD,

will be supported.

Opportunities for improving character and local conditions identified within the South Woodham Ferrers Character Area Study and as presented in this Neighbourhood Plan in Tables 1-4 will be encouraged.

Within the town centre, as defined on the Chelmsford Local Plan policies map (Inset Map 6), proposed development of up to four storeys in height will be supported subject to the consideration of supporting site appraisals. Elsewhere in the South Woodham Ferrers Urban Area as defined on Inset Map 5 building heights of two and three storeys are appropriate.

Policy SWF DC2: South Woodham Ferrers Urban Area

The Neighbourhood Plan defines the South Woodham Ferrers Urban Area as that drawn on the Chelmsford Local Plan policies map (Inset Map 5), which includes land within the extent of the Northern Growth Area allocated for development. Proposals for development outside of the urban area of a scale and form consistent with the landscape character and rural uses will be supported subject to compliance with other relevant policies within the SWFNP.

Policy SWF DC3: Parking

Parking within proposed new development, including the northern growth area, shall be designed such that it is used in the way it is intended, avoiding informal parking that undermines the quality of the street environment. Parking should be unobtrusive and in locations that benefit from natural surveillance. On-plot parking is the preferred approach. Proposals for rear or separate parking courts are not encouraged and should only be proposed unless alternative provision is impracticable. Key principles for integrating parking include:

a. On-plot parking is preferred for new development. This should be set back from the main building line in accordance with ECC parking standards. Parking bays set back from the building line should be of a sufficient size to accommodate a parked car.

b. Where it can be shown that on-plot parking is not achievable, formal parking spaces, including unallocated visitor parking, can be planned into the street, where forming a comprehensive public realm strategy, including tree planting and use of materials to define parking spaces and soften the visual impact of parked cars.

c. Garage and parking courts should only be provided where they benefit from natural surveillance, are directly accessed from the front of properties, and are designed as attractive, functional spaces, incorporating tree planting. Narrow vehicular accessways should be avoided.

d. Undercroft and decked parking may be appropriate but should in all instances be wrapped with active development frontages, particularly at ground floor level.

Policy SWF DC4: Chetwood School

The site of the Chetwood School shall be safeguarded for future educational or community use. The change of use or redevelopment from education use will only be permitted if it is identified as surplus to educational requirements. Until such time as the school is reused for educational purposes, other civic and community uses will be considered appropriate, subject to impact on residential amenity.

Policy SWF NGA1: Placemaking Principles

Proposals for development of the Northern Growth Area which conform to the adopted, Land North

of South Woodham Ferrers Masterplan and which mitigate the cumulative transport impact through all phases of development following acceptable assessment by the Highway Authority will be supported.

Policy SWF NGA2: Housing

Proposals for multi-generational homes that facilitate sub-division of a dwelling to be occupied for separate independent living will be encouraged.

Development in the Northern Growth Area which makes appropriate provision for self and custom build housing on fully serviced sites will be supported.

Policy SWF NGA3: School provision

Development proposals incorporating safe pedestrian and cycle friendly accessibility and designed to provide safe but limited vehicular drop off and waiting facilities for vehicles will be supported.

Policy SWF NCIL 01: Community Infrastructure Levy (CIL)

CIL receipts payable to South Woodham Ferrers Town Council will be used to help support delivery of the projects outlined in the Neighbourhood Plan, including those in the green project boxes, and which may include but are not limited to:

a. Town centre public realm improvement projects, including trialing pilot projects to test the feasibility of schemes.

b. Support for establishment of a Town Centre business forum or similar and associated initiatives to promote the town.

c. Provision of a town-wide cycle network, working in partnership with ECC, to include safe crossings and junctions along Ferrers Road to be delivered in line with best practice Dutch-style principles.

d. Transformation of the network of alleyways, including opportunities for community gardening projects, lighting and a programme of regular maintenance.

e. Street greening initiatives, including tree planting, wildflowers and provision of rain gardens.

f. Identify and test a pilot Play Street / Homezone project within an existing residential cul-de-sac.

g. Improved town-wide public transport provision and infrastructure, including improved waiting facilities and travel information.

Possible projects and the spending of any CIL monies received by the Town Council as a result of new development will be kept under review and regularly updated.

1. STRATEGIC ENVIRONMENTAL ASSESSMENT and HABITATS REGULATIONS ASSESSMENT DRAFT SCREENING REPORT

   SOUTH WOODHAM FERRERS NEIGHBOURHOOD PLAN <http://www.southwoodhamferrerstc.gov.uk/_UserFiles/Files/Neighbourhood%20Plan/SEA%20and%20HRA%20FINAL%20Screening%20Report,%20South%20Woodham%20Ferrers.pdf> [↑](#footnote-ref-2)
2. STRATEGIC ENVIRONMENTAL ASSESSMENT and HABITATS REGULATIONS ASSESSMENT DRAFT SCREENING REPORT

   SOUTH WOODHAM FERRERS NEIGHBOURHOOD PLAN <http://www.southwoodhamferrerstc.gov.uk/_UserFiles/Files/Neighbourhood%20Plan/SEA%20and%20HRA%20FINAL%20Screening%20Report,%20South%20Woodham%20Ferrers.pdf> [↑](#footnote-ref-3)
3. European Convention on Human Rights (as last amended on 2nd October 2013) <https://www.echr.coe.int/Documents/Convention_ENG.pdf> [↑](#footnote-ref-4)
4. Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment, (SEA Directive) <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32001L0042> [↑](#footnote-ref-5)
5. Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31992L0043> [↑](#footnote-ref-6)
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