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Report on Myland and Braiswick Neighbourhood Plan 2016-2032 Reviewed 2022-2023

An Examination undertaken for Colchester City Council with the support of Myland Community Council on the Regulation 15 submission version of the Review Neighbourhood Plan.

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Date of Report: 13 September 2023

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Main Findings - Executive Summary

I made an initial determination on 2 August 2023 that the modifications contained in the Myland and Braiswick Neighbourhood Plan:2016-2032 Reviewed 2022-2023 (the Review Plan) are not so significant or substantial as to change the nature of the extant Neighbourhood Plan which the Review Plan would replace.

From my examination of the Review Plan and its supporting documentation, including the representations made, I have concluded that subject to the Examiner Modifications (**EMs**) set out in this report, the Review Plan meets the Basic Conditions.

I have also concluded that:

- The Review Plan has been prepared and submitted for examination by a qualifying body – Myland Community Council (MCC);
- The Review Plan has been prepared for an area properly designated – the parish of Myland and the adjacent neighbourhood of Braiswick as shown at Appendix C of the Review Plan;
- The Review Plan specifies the period to which it is to take effect – 2016-2032; and
- The policies relate to the development and use of land for a designated neighbourhood area.

Therefore, I recommend that Colchester City Council should make the Review Plan with **EMs 1-7** specified in this report (there will be no statutory requirement for a referendum).

1. Introduction and Context

Myland and Braiswick Neighbourhood Plan 2016-2032, Reviewed 2022-2023

- 1.1 The designated Neighbourhood Plan Area includes the parish of Myland and the adjacent neighbourhood of Braiswick. The Plan area is a key part of northern Colchester. It is the subject of the Myland and Braiswick Neighbourhood Plan 2016-2032 which was “made” (adopted) in December 2016 by Colchester City Council (CCC).
- 1.2 In the following years, the main source of Government planning policy, the National Planning Policy Framework (NPPF), has been updated whilst the Colchester Local Plan has been adopted. The Myland and Braiswick Neighbourhood Planning Group on behalf of Myland Community Council (MCC) have also undertaken regular reviews of the implementation of the made Plan and engaged with the local community on the content and applicability of the made Plan to inform its intended review. These are the principal reasons why it was deemed appropriate to update the original Neighbourhood Plan for the area.

- 1.3 In addition to additional text within the Review Plan, policies have been amended, clarified and added along with updates to their supporting justification.¹

The Independent Examiner

- 1.4 As the Review Plan has now reached the examination stage, I have been appointed as the examiner of the Myland and Braiswick Neighbourhood Plan 2016-2032, Reviewed 2022-2023 by CCC with the agreement of the MCC.
- 1.5 I am a chartered town planner and former government Planning Inspector with over thirty years' experience. I have worked in both the public and the private sectors. I am an independent examiner and do not have an interest in any of the land that may be affected by the Review Plan.

Submitted Documents

- 1.6 I have considered all policy, guidance and other reference documents relevant to the examination, including those submitted which comprise:
- the Myland and Braiswick Neighbourhood Plan 2016-2032, Reviewed 2022-2023, as proposed to be modified;
 - a map of the Plan area, which identifies the area to which the proposed Neighbourhood Plan relates;
 - a copy of the extant Myland and Braiswick Neighbourhood Plan 2016-2032 as made, with tracked changes;
 - the Consultation Statement (undated);
 - the Basic Conditions Statement (undated);
 - The Modification Statement setting out a summary of the proposed changes to the made Plan (November 2022);
 - A Schedule of Representations (Regulation 16);
 - The Strategic Environmental Assessment (SEA) Screening Report (August 2022);
 - The SEA Screening Determination (January 2023);
 - The Habitat Regulations Assessment (HRA) Screening Report (August 2022); and
 - the responses from MCC (8 and 18 August 2023) and CCC (10 August 2023)) to the Examiner's questions of 2 and 11 August 2023.²

¹ The changes are set out in the track changed version of the Neighbourhood Plan which was submitted to the City Council.

² View the documents and responses at: [Myland and Braiswick Neighbourhood Plan Review: Submission Consultation · Colchester City Council](#) and [Myland and Braiswick Neighbourhood Plan Examination July 2023 · Colchester City Council](#)

Planning Policy Context

- 1.7 The most relevant parts of the Development Plan for this part of Colchester, not including documents relating to excluded minerals and waste development, is the Colchester Local Plan (CLP) (Parts 1 and 2).
- 1.8 Planning policy for England is set out principally in the NPPF and is accompanied by the Planning Practice Guidance (PPG) which offers guidance on how this policy should be implemented. All references in this report are to the latest iteration of the NPPF³ and the accompanying PPG.

2. Procedural Considerations

Initial Determination

- 2.1 As the proposal has been submitted as a modification of the made Neighbourhood Plan, I undertook an initial determination under Paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act"). This concerned whether the modifications contained in the Review Plan are so significant or substantial as to change the nature of the Neighbourhood Development Plan which the Review Plan would replace.
- 2.2 If there is no change to the nature of the made Plan, the modification proposal can be examined under the streamlined process set out in Schedule A2 of the 2004 Act (no referendum). Otherwise, the examination would proceed under Schedule 4B of the Town and Country Planning Act 1990 (as amended), whereby an examination and referendum would be required.
- 2.3 MCC and CCC are required to publish statements setting out their reasoned views on this matter. For MCC, the provision is contained in Regulation 15(1)(f) of the Neighbourhood Planning (General) Regulations 2012 (as amended) ("the 2012 Regulations"). For CCC, the provision is at Regulation 17(e)(ii).
- 2.4 The views of MCC are also to be publicised at the Regulation 14 stage.⁴ In this regard, the views are expressed in the Statement of Changes⁵ dated June 2022. This indicates that the modifications made require examination but not a referendum.

³ A new version of the NPPF was published during the examination on 5 September 2023. It sets out focused revisions (to the previously published version of 20 July 2021) only to the extent that it updates national planning policy for onshore wind development. As such, all references in this report read across to the latest 5 September 2023 version.

⁴ Regulation 14(a)(v).

⁵ As provided by MCC in reply to Examination letter reference 02/AS/MBNP dated 11 August 2023.

- 2.5 The subsequent statement of the views of MCC is contained in its Modification Statement submitted to CCC prior to Regulation 16 consultation. For CCC, its commentary in relation to Regulation 17(e)(ii) is contained in its own Modification Statement.
- 2.6 To inform my determination, I considered all the relevant submitted documents including the written statements on this matter provided by MCC and CCC as well as the third-party representations. I have also considered the guidance given in the PPG.⁶
- 2.7 MCC state that based "Based on guidance available the Myland Community Council and Braiswick Residents Association in harmony with their Local Planning Authority, Colchester Borough Council⁷, consider that whilst the main text, rationale and evidence of the existing Plan remains materially the same the modifications may be regarded as more significant than modification type 1 but not as significant as modification type 3..."⁸ i.e. material but not such that the nature of the Plan is changed. MCC conclude that the modifications made require examination but not a referendum.
- 2.8 CCC states⁹ that it agrees with the MCC in that the proposed modifications will ensure that the Plan remains up to date and that the goals and objectives of the Plan will have been updated but remain largely unchanged in their nature. Therefore, CCC considers the submitted Plan constitutes material modifications which do not change the nature of the Plan and would require examination but not a referendum.
- 2.9 In making my determination, I am mindful that the CCC Regulation 16 representation identified that ongoing liaison had occurred with MCC.
- 2.10 I note that the made Neighbourhood Plan identified a clear vision and a suite of objectives. The Vision is unaltered by the Review Plan and the objectives remain. The Review Plan maintains the same organisational structure albeit some policies have been amended, incorporating new content with necessary updates to the supporting text of the Review Plan to assist in clarifying the approach. Additional policies are included which reflect the Development Plan and the outcome of community engagement.
- 2.11 The overall nature of the Review Plan including its scope, issues, aims and policy context is similar to the made Plan.
- 2.12 I am satisfied that the modifications proposed in the Review Plan are material but are not so significant or substantial as to change the nature of the made Neighbourhood Plan which the Review Plan would replace. I set out my determination in my procedural letter of 2 August 2023 to CCC

⁶ PPG Reference IDs: 41-106-20190509 and 41-085-20180222.

⁷ Colchester Borough Council changed its legal title to Colchester City Council, effective from 23 November 2022.

⁸ See the three bullets (types 1-3) in PPG Reference ID: 41-106-20190509.

⁹ Modification Statement.

and MCC which has not subsequently altered. Therefore, I have conducted this examination in accordance with the relevant provisions in Schedule A2 to the 2004 Act, which I set out below.

The Scope of the Examination

2.13 As the independent examiner, I am required to produce this report and recommend either:

- (a) that the local planning authority should make the draft plan; or
- (b) that the local planning authority should make the draft plan with the modifications specified in this report; or
- (c) that the local planning authority should not make the draft plan.

2.14 The scope of the examination is set out in Paragraph 11(1) of Schedule A2 to the 2004 Act. The examiner must consider:

- Whether the draft plan meets the Basic Conditions.
- Whether the draft plan complies with the provisions made by or under Section 38A and Section 38B of the 2004 Act. These are:
 - it has been prepared and submitted for examination by a qualifying body for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for “excluded development”; and
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.
- Such matters as prescribed in the 2012 Regulations.

2.15 I have considered only matters that fall within Paragraph 11(1) of Schedule A2 to the 2004 Act, with one exception. That is the requirement that the draft Plan is compatible with the Human Rights Convention.

The Basic Conditions

2.16 The “Basic Conditions” are set out in Paragraph 11(2) of Schedule A2 to the 2004 Act. In order to meet the Basic Conditions, the draft plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;

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- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with and not breach European Union (EU) obligations (under retained EU law);¹⁰ and
- meet prescribed conditions and comply with prescribed matters.

2.17 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Neighbourhood Development Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.¹¹

Site Visit

2.18 I made an unaccompanied site visit to the Neighbourhood Plan Area on 15 August 2023 to familiarise myself with the Plan area and visit relevant sites and locations referenced in the Review Plan and evidential documents.

Written Representations with or without Public Hearing

2.19 This examination has been dealt with by written representations. At the Regulation 16 stage, no representors suggested that a hearing would be necessary. Sufficient written evidence has been provided which I have supplemented by my site visit. In all respects, the representations clearly articulate their submissions to the Review Plan. There are no exceptional reasons to justify convening a public hearing.¹²

Examiner Modifications

2.20 Where necessary, I have specified Examiner Modifications (**EMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

¹⁰ The existing body of environmental regulation is retained in UK law.

¹¹ This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

¹² See Paragraph 12(2)(a) of Schedule A2.

3. Compliance Matters and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Myland and Braiswick Neighbourhood Plan 2016-2032, Reviewed 2022-2023, has been prepared and submitted for examination by MCC, which is a qualifying body for an area that was designated by CCC in 2013.¹³
- 3.2 It is the only Neighbourhood Plan for the area and does not relate to land outside the designated Neighbourhood Plan Area.

Plan Period

- 3.3 The Review Plan clearly specifies the period to which it is to take effect, which is from 2016 to 2032 and is unaltered from the existing made Plan.

Neighbourhood Plan Preparation and Consultation

- 3.4 Details of the Review Plan preparation and consultation are set out in the MCC Consultation Statement, as submitted to CCC. The extant Plan has been subject to ongoing review by the MCC. It appears that a decision to update the made Plan began in 2020 whereupon community surveys were undertaken leading to a draft version of the Review Plan being produced in 2022. This formed the basis for the SEA Screening Report undertaken by CCC.
- 3.5 Based on correspondence received, Regulation 14 consultation took place between 3 August 2022 and 18 September 2022. 4 respondents submitted consultation responses resulting in a number of changes to the draft Plan as detailed in MCC correspondence submitted in response to examination letter ref AS/02/MBNP.
- 3.6 At the Regulation 16 stage, between 27 March 2023 and 15 May 2023, representations were received from 5 different respondents and are provided in the submitted Regulation 16 Consultation Schedule.
- 3.7 I confirm that the legal requirements have been met by the consultation process. In addition, there has been regard to the advice in the PPG on plan preparation and engagement.

Development and Use of Land

- 3.8 The Review Plan sets out policies in relation to the development and use of land in accordance with Section 38A of the 2004 Act.

¹³ See footnote 7.

Excluded Development

- 3.9 The Review Plan does not include provisions and policies for “excluded development”.¹⁴

Human Rights

- 3.10 Both the MCC and CCC are satisfied that the Review Plan does not breach, and is compatible with, EU Obligations and Convention rights (within the meaning of the Human Rights Act 1998). With regard to the available evidence, including the Review Plan, the Consultation Statement and the Basic Conditions Statement, I have no reason to disagree.

4. Assessment of the Basic Conditions

EU Obligations

- 4.1 The Review Plan was screened for SEA by CCC, which found that it was unnecessary to undertake a full SEA. Having read the SEA Screening Report, I support this conclusion.
- 4.2 The Review Plan was further screened for HRA. I note that the whole of Colchester lies within the Zone of Influence as part of the Essex Coast Recreational Disturbance Avoidance Mitigation Strategy developed in conjunction with Natural England. The HRA Screening finds that given that the Review Plan does not allocate land for development, recreational disturbance could be screened out of further assessment. Statutory consultees raised no objections to the Review Plan, including Natural England who agreed¹⁵ that there are unlikely to be any significant environmental effects from the proposed Plan. From my independent assessment of this matter, I have no reason to disagree.

Main Issues

- 4.3 I have appraised all the representations that have been made and am mindful that the Review Plan must be considered in the context of the wider planning system. This includes the CCC Local Plan (Parts 1 and 2) as well as the NPPF and PPG. It is not necessary, and it would be inappropriate, to repeat in the Neighbourhood Plan matters that are quite adequately dealt with elsewhere.¹⁶
- 4.4 Furthermore, the Review Plan does not have to deal with each and every topic raised through the consultation. In this regard, the content of the Review Plan and the scope of the policies is largely at the discretion of

¹⁴ The meaning of ‘excluded development’ is set out in s.61K of the 1990 Act.

¹⁵ See SEA Screening Determination January 2023.

¹⁶ See NPPF, Paragraph 16 f).

MCC, albeit informed by the consultation process and the requirements set by the Basic Conditions.

- 4.5 I am obliged to assess whether the Neighbourhood Plan satisfies the Basic Conditions. Similarly, some of the suggested additions and improvements are not necessary when judged against the Basic Conditions. Be that as it may, non-material changes, including suggestions and corrections set out in the representations including those of CCC, can be incorporated into the final version of the Plan by MCC/CCC if deemed appropriate.¹⁷
- 4.6 The following section of my report sets out Examiner Modifications that are necessary in order to meet the Basic Conditions. Some of the proposed modifications are necessary to have closer regard to national policy and advice. In particular, I am mindful that plans should contain policies that are clearly written and unambiguous.¹⁸ In addition, the policies should be supported by appropriate evidence.¹⁹
- 4.7 Having regard to the Review Plan, the consultation responses, other evidence and my site visit, I consider that there are eight main issues, based on the policy structure of the Review Plan. These relate to the Basic Conditions in so far as regard is had to national policy and guidance, the contribution the Review Plan makes to the achievement of sustainable development and whether the Review Plan is in general conformity with strategic development plan policies. These concern the following objectives of the Review Plan:
- Housing
 - Education
 - Employment
 - Environment
 - Social Amenity
 - Sport and Leisure
 - Transport and Roads
 - The Public Realm.

Issue 1: Housing

- 4.8 The Review Plan's housing objective remains unaltered. It seeks to ensure that housing growth will provide a mix of high-quality, well-designed dwellings that meet the different needs across the community.
- 4.9 In this regard Policy HOU1 of the Review Plan includes alterations that would provide:
- a new reference to forms of sheltered housing for the elderly; and
 - references to design requirements, including climate change mitigation.

¹⁷ PPG Reference ID:41-106-20190509.

¹⁸ NPPF, Paragraph 16.

¹⁹ PPG Reference ID: 41-041-20140306.

- 4.10 Revisions to Policy HOU2 would clarify that local heritage assets may be designated or otherwise and extend the list of identified assets within the areas with specific reference to archaeology.
- 4.11 A new Policy HOU3 would require the comprehensive planning of housing sites within Braiswick in line with Local Plan Policy NC3 and to ensure the protection of existing public open spaces and the bowling green.
- 4.12 As set out in the amended supporting text to the Housing chapter, the Local Plan notes the expected increase of people over the age of 65 in the period to 2032 which warrants the amended reference to sheltered housing in Policy HOU1.
- 4.13 The household survey of 2022 indicated the importance placed on good housing design and climate change which reflects the consequent modifications to the extant Neighbourhood Plan. In this regard, I am mindful that the Myland Design Statement (MDS) is intended as guidance for development. The design recommendations of the MDS suggest materials should be chosen to blend as far as possible with the existing building(s) and immediate neighbours in order to maintain both harmony and diversity of styles. Its recommendations are not unduly prescriptive and are reasonable. The proposed revisions of Policy HOU1 are more directive and do not reflect the flexibility inherent in the MDS. I therefore recommend a modification to the submitted Review Plan to ensure consistency between the two (**EM1**).
- 4.14 The amendments to Policy HOU2 provide some clarity to the local heritage assets referred to within the Review Plan. I note the list of assets within Policy HOU2 appears to incorporate Braiswick Farmhouse twice. However, I understand these references are correct since there are two Braiswick Farmhouses in the Neighbourhood Plan Area. Whilst it is not a matter that goes to the meeting of the Basic Conditions, MCC and CCC may wish to clarify this point for the benefit of readers in the next iteration of the Plan.²⁰
- 4.15 Local Plan Policy NC3 requires land at Braiswick to be comprehensively planned. Proposed Policy HOU3 provides a cross reference to Local Plan Policy NC3 but with additional requirements to protect existing public open space and the bowling green. In the absence of contrary evidence, this seems locally distinct and acceptable.
- 4.16 Subject to the above, the content of the Housing policies will have regard to national policy and guidance, will contribute to the achievement of sustainable development and would be in general conformity with strategic development plan policies, thus meeting the Basic Conditions.

²⁰ See paragraph 4.5 above and footnote 17 (also paragraph 4.36 below).

Issue 2: Education

- 4.17 The Review Plan does not include any changes to extant Policy EDU1 albeit additional text is included within the supporting text to reflect the community feedback in relation to the adequacy of school places. Such text does not change the nature of the Review Plan and the Basic Conditions are met.

Issue 3: Employment

- 4.18 The Review Plan includes factual alterations to extant Policy EMP1 which otherwise remains as previously made. The updated reference to the North Colchester and Severalls Strategic Economic Area and Policy NC1 of the Local Plan is appropriate.
- 4.19 The alterations to Policy EMP2 reflect community feedback for the need for a range of business unit sizes. The policy is reasonable albeit the reference to 'small' workshops is unclear and undefined. To assist in the policy's interpretation, I recommend an additional modification (**EM2**) which will provide an indication of what is meant by workshops derived from the evidence cited within the Colchester Local Plan, including the Essex Grow-On Space Feasibility Study.
- 4.20 Subject to the above, I find that the Basic Conditions would be met.

Issue 4: Environment

- 4.21 The Review Plan contains a number of changes to the objectives relating to the environment. The new reference within Policy ENV1 to landscape and biodiversity enhancements being designed into new developments is reasonable in the context of national policy and the MDS.
- 4.22 Similarly, the additional reference to the diverse biodiversity habitats of Highwoods Country Park, which I saw occupies an important part of the Plan area, within Policy ENV4 is reasonable and adds precision to the policy whilst reflecting the community feedback received during the preparation of the Review Plan.
- 4.23 Policy ENV5 is an entirely new policy within the Plan. In essence, it seeks to avoid the loss of green space and maintain connectivity between green spaces as identified in the Myland and Braiswick Green Network adopted by the MCC in 2021 (and as appended at Appendix D to the Review Plan). The Green Network includes key areas within Myland and Braiswick and references spaces planned as part of new development. The Network also refers to verges and domestic gardens. Appendix D is clear that the 'green network' is intended to be defined as described within the narrative of the document. Policy ENV5 states that the Green Network will be protected to avoid further loss of green space. Given that the definition of green space is intended to include domestic gardens where modest development, for example extensions, outbuildings etc, is to be expected, I am not satisfied

that the policy wording is reasonable. I recommend a modification to the policy to enable some flexibility to be exercised in its implementation (**EM3**) which will enable the effective and balanced management of development proposals to ensure the unwarranted loss of green space. Such a change would be consistent with the approach of Local Plan Policy ENV3.

- 4.24 Policy ENV6 is also a new policy within the Review Plan which seeks, amongst other things, to support proposals that make a positive contribution towards protecting and improving the local environment. The policy principles are in line with national policy and the Local Plan and have support from the community feedback. I remain mindful that the Review Plan policies must be relevant to land use and will form part of the Development Plan to be used in determining planning applications by CCC and others. For that reason and in order to ensure clarity, I recommend a modification to the policy which refers to 'development proposals' (**EM4**).
- 4.25 I am mindful that CCC recommends an additional policy relating to the Essex Coast Recreational Disturbance and Avoidance Mitigation Strategy which is included within the Local Plan Policy ENV1 and supported by adopted guidance. CCC suggest that the additional policy is required for consistency. However, I am mindful of the HRA and SEA Screening consultation responses of Natural England which found no likelihood of significant environmental effects arising from the Review Plan in addition to the fact that the matter is clearly addressed by the extant Local Plan and supporting guidance. Therefore, the inclusion of a further policy in the Review Plan is unnecessary and repetitious contrary to government guidance. Nevertheless, a cross reference to the Local Plan provisions within the text of the Review Plan would be prudent and I therefore recommend accordingly (**EM5**).
- 4.26 Subject to the above, I find that the Basic Conditions would be met.

Issue 5: Social Amenity

- 4.27 Community feedback during the preparation of the Review Plan indicates a desire for local people to have access to a range of social and community facilities. Policy SAM1 incorporates amended wording to actively encourage the provision of community facilities in addition to the agreed community centres for planned developments and a reference to additional healthcare services. On the balance of available evidence, this is a reasonable policy requirement.
- 4.28 Policy SAM2 of the Review Plan is a replacement policy (given that its predecessor is no longer required) that seeks to identify suitable sites for electric vehicle charging points. In the context of national policy and subject to a necessary recommended modification to ensure it is relevant to the use of land (**EM6**), this is reasonable.
- 4.29 Subject to the above, I find that the Basic Conditions would be met.

Issue 6: Sport and Leisure

- 4.30 Notwithstanding the addition of text to reference the community feedback in relation to sports and leisure opportunities, the Review Plan does not include any changes to the extant Policies SPL1-3 of the current Neighbourhood Plan and I am satisfied they are justified and meet the Basic Conditions.

Issue 7: Transport and Roads

- 4.31 The Review Plan includes additional details to Policy RAT1 which appropriately references cycle infrastructure design guidance, the need for interconnected footpaths and cycle routes and seating at bus shelters. This reflects community feedback and is consistent with the broad principles of the Local Plan and national policy.
- 4.32 The addition of 'see page 25 of the MDS' adds nothing substantive to Policy RAT3 and is an unnecessary addition. To provide context, I recommend it simply be relocated to the supporting text of the policy (**EM7**).
- 4.33 Subject to the above, I find that the Basic Conditions would be met.

Issue 8: The Public Realm

- 4.34 Whilst additional text is included to reference the Vision of the Review Plan, no changes to extant Policy DPR1 is proposed. I am satisfied this is justified and meets the Basic Conditions.

All Other Matters

- 4.35 In this examination, I have focussed on the differences between the made Neighbourhood Plan and the Review Plan in conjunction with all the relevant representations which have been submitted. Nevertheless, I have considered afresh the whole of the Review Plan. I have reviewed each policy, in terms of its regard to national policy and guidance and general conformity with the strategic policies in the Development Plan, including Policies EMP3, ENV2, ENV3 and RAT2 not specially mentioned above. Whilst there is some overlap between the policies of the Local Plan and the Review Plan, I am satisfied that the combined effect of policies within both documents would not be repetitious and would be consistent and effective.
- 4.36 Aside from the issues that I have discussed and subject to the modifications that I have recommended, I am satisfied that there are no other matters that affect the Basic Conditions which I consequently consider would be met. Other minor changes (that do not affect the Basic Conditions) could be made by MCC and CCC of their own volition.²¹

²¹ See footnote 17.

5. Conclusions

Summary

- 5.1 The Myland and Braiswick Neighbourhood Plan: 2016-2032 (Reviewed 2022-2023) has been duly prepared in compliance with the procedural requirements. My examination has assessed whether the Review Plan meets the Basic Conditions and other legal requirements. I have had regard for all the responses made following consultation on the Review Plan and the evidence documents submitted with it.
- 5.2 I have set out modifications to a number of policies and their supporting text to ensure the Review Plan meets the Basic Conditions and other legal requirements.

Examiner Recommendation

- 5.3 I recommend that CCC should make the Review Plan with the modifications specified in the Appendix to this report.

Overview

- 5.4 Inevitably, considerable time and effort has been devoted to the development and production of this Review Plan and I congratulate those who have been involved. The Review Plan should continue to prove to be a useful tool for future planning and change within Myland and Braiswick over the coming years.

Andrew Seaman

Examiner

Appendix: Examiner Modifications

Examiner Modification (EM) number	Page no./ other reference	Modification
EM1	Page 9	<p>HOU1 – Housing in Myland and Braiswick will have a variety of choices, design and living styles that meet the needs of residents, including forms of sheltered housing for the elderly. There will be respect for the scale and character of the existing street scenes and environment by matching the predominant use the <u>sympathetic use of appropriate</u> brick and tile construction such that they blend with the existing design and skyline. This includes the use of predominantly pitched roofs, sufficient off-street parking, and housing extensions that are also sympathetic to the surrounding street scene and design materials. Developers should achieve the highest quality of design commensurate with current national and local design guidance. This <u>is</u> to address the challenge of climate change and improving sustainability by, for example, electric charging points and alternative fuel sources such as air-source heat pumps that do not <u>unacceptably</u> impact on existing neighbouring residents. Similarly, extensions to existing properties should enhance and be sympathetic to the character of surrounding properties.</p>
EM2	<p>13</p> <p>Amend text page 13</p>	<p>EMP2 – The provision of a broad range of business unit sizes <u>including small appropriately sized</u> workshops <u>for start-up and grow-on</u> businesses, office accommodation for short-term hire and business incubation units will be encouraged to facilitate new start-ups and help growing businesses to remain in north Colchester.</p> <p>The January/February 2022 survey respondents clearly see it as important</p>

		that local employment opportunities are created alongside housing development. They are seen as coming through retail and leisure provision plus provision of business/office units <u>which will enable start-up and grow-on business opportunities</u> . The Northern Gateway developments are cited as opportunity providers. There is considerable crossover with responses under social amenity. Good transport links are required.
EM3	15	ENV5 – The Myland and Braiswick Green Network adopted by MCC in 2021 will be protected to ensure no further <u>avoid unjustified</u> loss of <u>the identified</u> green spaces and maintain connectivity between those green spaces and where possible seek further enhancements to the Network through development opportunities. See Appendix D for supporting narrative and template map.
EM4	15	ENV6- MCC and BRA will support <u>Development</u> proposals that make a positive contribution towards protecting and improving the local environment and biodiversity within the Plan area and in all of its activities <u>will be supported in principle</u> , for example hedgerow retention and associated biodiversity buffer zones to act as green corridors, the planting of insect and bird attracting plants and shrubs.
EM5	Addition text page 16	Add to the supporting text: <u>The Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) applies to the plan area and Policy ENV1, particularly Part B, of the Colchester Local Plan applies. Attention is drawn to the development plan requirements which indicate a need for residential development within the zone of influence of habitats sites to make a financial contribution towards mitigation measures, as detailed in the Essex Coast RAMS</u>

		<u>2018-2038, and adopted Supplementary Planning Document, to avoid the adverse in-combination effects of increased recreational disturbance to the Essex coast habitats sites.</u>
EM6	17	SAM2— Opportunities will be taken <u>in relation to land use proposals</u> to identify suitable sites for the installation of electric vehicle charging points available to the public.
EM7	21 Amend text page 22	RAT3 – MCC and BRA will pursue with partners the provision of a multi-use bridge across the A12 to re-establish connection from Footpath 39 to the Essex Way and other footpath networks and neighbouring settlements. See page 25 of the MDS. Whilst the completion of the Approach Road network, the connection to the A12 and Park and Ride might be regarded as factors in mitigation there remains considerable development within the Plan Area and associated traffic levels will need to be sustainable. Public transport will need to be affordable, more frequent/regular services with reliable and accessible up-to-date information. <u>See page 25 of the MDS.</u>