

In the first three cases, the comments are repeated *verbatim*, followed by the Parish Council response in **emboldened text**.

A. Savills on behalf of Woolsington One Limited

Savills on behalf of our client, Woolsington One Ltd, we are pleased to submit these representations to the draft Noak Bridge Neighbourhood Plan (“NBNP”). For context, our client controls land at Wash Road, Noak Bridge, and the Council is currently considering our client’s planning application (25/00171/OUT) which seeks permission for 300 homes on this land. As the representative of a major landowner in the area which would be subject to the Neighbourhood Plan, we have obviously taken a keen interest in the preparation of the NBNP. Having considered the content of the NBNP, we wish to formally object to the NBNP on the basis that it fails the basic conditions test and would undermine the Local Planning Authorities planning for the area, via its emerging Local Plan.

The following comments provide a summary of our concerns, which we would be pleased to discuss in more detail at the Examination. For ease, we repeat the paragraph numbering and The NBNP refers to the adopted Development Plan as comprising of the saved policies of the Basildon District Local Plan, first adopted in March 1998 and saved in September 2007. These policies were first prepared around 30 years ago, and it must be agreed, are extremely dated. It is also widely known that the Council cannot demonstrate a 5 year housing land supply, as required by the December 2024 National Planning Policy Framework (NPPF).

Per Paragraph 11(d) of the NPPF, where there is no up-to-date development plan, consideration must be given to the policies contained in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Given the above, it is clear from recent reports to planning committee that the Council is determining applications which involve the provision of housing using the policies contained within the NPPF, and not its own adopted Local Plan. The Council has recently consulted upon its draft Local Plan Part 1, and the Part 2 consultation is on-going. Given the foregoing, the NBNP is not considered to be in general conformity with the strategic policies contained in the development plan for the area of the authority. Therefore, it fails test E of the Basic Conditions.

The Parish Council strongly rejects this (somewhat confused) claim. Basic Condition (e) states “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).”

NPPF paragraphs 19-20 state “19. The development plan for an area comprises the combination of strategic and non-strategic policies which are in force at a particular time. Strategic policies 20. Strategic policies should set out an overall strategy for the pattern, scale and design quality of places and make sufficient provision 12 for...” and then lists a range of matters.

Planning Practice Guidance explains what is expected of this basic condition. It advises as follows:

“What is meant by ‘general conformity’?”

When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with***
- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy***
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy***
- the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach***

Paragraph: 074 Reference ID: 41-074-20140306”

Therefore regardless of whether the development plan is out of date or not, the strategic policies remain those in the adopted development plan. The NBNP is in general conformity with the development plan’s strategic policies, as required in basic condition (e), and this is clearly set out in the Basic Conditions Statement section 5.

The development plan does not include the NPPF (which is covered by a different basic condition – condition (a)). Nevertheless the NBNP has been developed to have regard to the national policies in the NPPF, as demonstrated in Section 3 of the Basic Conditions Statement.

The current emerging Local Plan was published for consultation after the submission of the NBNP for examination in June 2024 (and after it was resubmitted again in September 2024). The NBNP could not therefore have taken account of the (future) direction of travel in the as yet un-published draft Local Plan. Very limited weight can be attached to the emerging Local Plan policies whilst they remain the subject of objections yet to be resolved at examination. The Basic Conditions Statement does however demonstrate that the 2023 Issues & Options consultation was considered against the NBNP policies (see Basic Conditions Statement section 5).

2.1. National Policy

Section 2.1 of the NBNP refers to the chapters contained within the NPPF which are considered especially relevant to the issues addressed by the NBNP. Section 2.1 states that Chapter 2 of the NPPF (achieving sustainable development) is relevant. Chapter 2 of the NPPF contains the social objective, which includes “ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations”. Therefore, it is notable that the list of topics which Section 2.1 includes omits NPPF Chapter 5, which concerns delivering a sufficient supply of homes.

Neighbourhood Plans do not have to address all possible topics in the NPPF. Noak Bridge Neighbourhood Plan (NBNP) section 2.1.3 lists the sections of the NPPF that are especially relevant to the issues addressed in the NBNP. However, this is not an exhaustive list, as stated in section 2.1.3.

Policy NB1- Infill and Redevelopment to Provide New Housing

Policy NB1 states that “Infill housing development or redevelopment of previously developed land or buildings will only be considered acceptable within the built part of the settlement of Noak Bridge. The areas outside the built part of the settlement are considered to be open countryside.”

The policy text clearly does not accord with national planning policy, which does not solely restrict new housing development to sites within the built part of existing settlements, in order to exclude open countryside. Indeed, national planning policy make clear that previously developed land may be located in open countryside, or within the Green Belt. It is not restricted to existing settlements. National planning policy includes exceptions where development within the Green Belt is not inappropriate, and this includes situations involving previously developed land. Policy NB1 which directs that only previously developed land within the existing settlement will be considered acceptable is therefore fundamentally inconsistent with national planning policy. This is particularly relevant because Paragraph 6.1.6 of the NBNP also states that “The Basildon Annual Monitoring reports do not record significant levels of residential development within the Plan Area. This indicates that the Plan Area has relatively few opportunities for residential development / redevelopment other than on greenfield sites outside the built parts of the settlement.”

Therefore, on the one hand, the NBNP concedes that there are few opportunities for significant levels of residential development within Noak Bridge, other than on greenfield sites outside the built parts of the settlement, and on the other hand, via Policy NB1, seeks to restrict new housing development to the existing settlement. This approach is significantly at odds with the required approach within the NPPF, which seeks to significantly boost the supply of homes, by ensuring that a sufficient amount and variety of land can come forward where it is needed.

This is an incorrect interpretation of policy NB1. The policy does not seek to restrict new housing to the existing settlement. It deals solely with infill housing and redevelopment of PDL. Other housing development outside the built area is a matter for the Local Planning Authority and the emerging Local Plan because the NBNP does not allocate any sites for housing. However for the purposes of clarity the matter is explained at NBNP section 6.1.8 which states “Any housing development outside the built part of the settlement will be resisted unless it is allocated in a development plan document or meets one of the exceptions in the NPPF.” This is quite clear in explaining the application of, and limitations associated with, the policy.

Policy NB5 - Green Belt

Policy NB5 states that “The Green Belt is shown on Figure 21. The Green Belt will continue to be protected to maintain its openness and permanence. Development proposals in the Green Belt will be determined against principles set out in the policies of the development plan and NPPF. Proposals for inappropriate development will not be supported except in very special circumstances.” The policy text is overly simplistic, suggesting that development proposals will be assessed against “principles”, not requirements. In particular, it does not adequately reflect the provisions contained within national planning policy, following the latest NPPF publication, which expands the list of circumstances where development in the Green Belt may not be regarded as inappropriate, provided certain circumstances apply and rules are met.

The wording of policy NB5 is not out of date or inadequate. Whilst the objector may wish for it to reflect the NPPF precisely, it would then be unnecessary due to duplication. Instead, it does not list the specific circumstances where development in the Green Belt may not be regarded as inappropriate, instead preferring to refer to the policies of the development plan and NPPF. In this way the policy will remain up to date for the duration of the NBNP plan period.

The Policy remains very necessary for the reasons given in response to the examiner’s question about the need for this policy.

Policy NB10 - Local Green Spaces

Policy NB10 seeks to designate various green spaces as Local Green Spaces, to afford them protection. LG8 Field to the east of Martindale Avenue is one such proposal. This land is included within our client's planning application red line, however the proposals have sought to address the NBNP's approach for this space as within the planning application, it is retained as open space either side of the existing PRoW.

This is noted and is to be welcomed. However the proposed designation as a LGS remains relevant and necessary for the reasons given in response to the Examiner's question about policy NB10. It is noted that the commentator is not seeking the removal of the LGS designation.

Policy NB11- Important Views

Policy NB11 seeks to designate important local views, including View 16: Northwards towards Great Burstead Church. It is worth noting that in our client's planning application, the shape and configuration of the main development parcel (Phase 1) has been focussed on maintaining this view through the development site, and framing the view. As such we consider that the proposals would achieve the requirement of the draft policy, which states that "development proposals should preserve or enhance the local character of the landscape and through their design, height and massing should recognise and respond positively to the various Important Views."

This is noted and is to be welcomed. However the identification of Important View 16 remains relevant and necessary for the reasons given in the policy justification. It is noted that the commentator is not seeking the removal of Important View 16 from the NBNP.

Policy NB21 – Noak Bridge Primary School

Policy NB21 states that all major development proposals should mitigate their impact on existing education facilities. "Mitigation should take the form of provision of education facilities on a new site serving the development or the enhancement of existing facilities." This policy fails to appreciate that Essex County Council are the responsible authority for the provision of existing and new schools, and school place planning. As such Essex County Council as a statutory consultee will always confirm what form of mitigation upon schools may be required in each case.

The policy simply reflects the reality that housing development that has an impact on school capacities must be mitigated - unless of course the County Education Authority confirm that there is sufficient headroom in existing schools not to trigger a need for mitigation. That will remain the case irrespective of this policy. However large-scale housing development will continue to put pressure on existing education facilities and must be mitigated appropriately. This policy underlines the importance of this, without adding to the burden placed upon residential developers, because if no mitigation is required then the matter will be set aside by the LPA.

Policy NB26 - Parking

Policy NB26 states that "Development proposals must make adequate provision for vehicle and cycle parking and access for deliveries, service vehicles, tradesmen working on-site and social visitors as well as for residents or workers. Regard must be had to the Noak Bridge Design Code". It should be noted that Essex County Council as highways authority are the statutory highways consultee and they set development requirements in the Essex area.

The policy has been drafted to respond to specific issues identified by the local community in the Plan area. The policy provides a local context to pre-existing County parking standards. The policy also provides the ability for the LPA to address the specific issues (due to street design and larger numbers of cars than anticipated) experienced in Noak Bridge, and to ensure that they aren't repeated in any future developments.

Summary

In summary, we object to the NBNP in its current form for the reasons outlined above. The NBNP fails to meet the Basic Conditions as follows:

1. The policies are inconsistent with and therefore cannot be considered to have sufficient regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan). The NBNP therefore fails test A.

See above for response.

2. The NBNP fails to identify land for new homes and other development, as such it does not meet the social objective aspect of the NPPF definition of sustainable development. Therefore, the NBNP fails test D which requires the making of the order (or neighbourhood plan) to contribute to the achievement of sustainable development.

This is incorrect. There is no requirement to identify land for new homes etc when producing Neighbourhood Plans.

3. The NBNP is inconsistent with, and therefore not in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). In this case, the Local Plan is "out of date", and the NPPF directs that consideration must be given to the policies contained in the Framework taken as a whole. It is clear that the Council are giving greater weight to the policies contained within the NPPF, and those within their emerging Local Plan, when assessing applications involving the provision of housing.

This is incorrect; see above.

We trust that the summary analysis described in these representations is clear, however should clarification be required please do not hesitate to contact either my colleague *** Personal details have been removed *** or myself at these offices. We also request that in due course we are afforded the opportunity to attend the Examination, given our client's land interests within the NBNP area."

B. The Essex Police Designing out Crime Office

The Essex Police Designing out Crime Office (DOCO) welcomes the opportunity to comment on the Draft Noak Bridge Neighbourhood Plan and Design Code for 2023- 2042. We welcome the inclusion of Secured by Design (accreditation and products), as detailed within the following policies.

- Section 8: Design and Conservation 8.1.6.
- Policy NB15 – Design Principles
- Design Codes ‘Public realm spaces’.

When designing new homes and community amenities, it is imperative to consider crime as a material consideration. The perception of crime and the fear of crime can be an influential factor in determining the synergy and ongoing sustainability of the wider community. Essex Police would recommend developers consider the foreseeability of crime and maximise on the opportunity to design such issues out, as to prevent the need for bespoke situational crime prevention measures in the future. Engagement with the DOCO will garner the opportunities for crime and help support developers to expedite requirements within the documentation such as Policy ‘NB26 – Parking’ (in support of paragraph 10.6.4).

Furthermore, we welcome the inclusion of Policy NB15 - Design Principles within the Neighbourhood Plan for all new developments to “meet the principles set out in SBD Guidance as well as accessibility and inclusivity.” Please note that achieving the ‘principles of SBD’ will equate to obtaining the full SBD award.

We welcome the inclusion of Secured by Design within the draft Design Code in relation to the Public Realm (PS.06 – Public Realm). Such inclusion would reflect upon current Home Office Agenda, such as the Violence against Women and Girls initiative, whereby collaborative working will ensure that the proposed development and the public realm spaces attributed to the community are fully inclusive, created for the benefit for all, with safety and security considered at its core.

The Parish Council (through the Steering Group) made several changes to the NBNP and Design Code to address the previous comments from the Designing Out Crime Office at the Regulation 14 stage and they are pleased to see the revised text being so positively supported through these latest comments.

C. David Lock Associates on behalf of Bloor Homes

David Lock Associates (DLA) are pleased to provide a response to the above consultation, on behalf of our clients, Bloor Homes. Bloor Homes are promoting land to the west of the Neighbourhood Plan area, both North and South of Dunton Road, and it is in this context we write to respond to the consultation.

The Parish Council notes that the site that Bloor Homes is promoting lies outside the NBNP area, and therefore it is unclear how any measures in the NBNP will directly impact the Bloor Homes proposals.

Local Plan Strategy and Conformance with Higher Tier Local and National Policy

Bloor Homes is generally supportive of local communities creating their own neighbourhood plans, with neighbourhood planning serving an important role in allowing local communities to shape their own locality. Neighbourhood plans also provide a critical mechanism for local communities to form a vision for the future of their neighbourhoods and to shape the future of their community, by establishing key planning policies which form part of the statutory Development Plan. In this context, Bloor Homes have comments with regards to the compliance of the emerging neighbourhood plan with local and national planning policies.

Firstly, the references throughout the Plan to paragraphs within the NPPF have not been updated to reflect the changes in the December 2024 version. The December 2024 iteration of the NPPF includes a number of changes which have implications in plan-making, and failing to acknowledge these changes means the Neighbourhood Plan does not align with current National Planning Policy. Specific examples of this include the lack of recognition of the concept of 'Grey Belt' within the plan, and the inclusion of First Homes as a prioritised form of Affordable Housing (which has been removed from the new NPPF). The Neighbourhood Plan does not reference these changes, but they are all pertinent to the policies which will help the Noak Bridge community guide development in their neighbourhood. Unfortunately, a lack of compliance with the NPPF December 2024 may cast doubt on whether the Neighbourhood Plan meets the 'basic conditions' for neighbourhood plans, specifically 'condition a' which requires neighbourhood plans to have regard to national policies and advice contained in guidance issued by the Secretary of State.

The NBNP could not have been updated to reflect the December 2024 NPPF because it was submitted for examination in June 2024 (and then again in September 2024), prior to the publication of the new NPPF. Any textual changes the Examiner feels it necessary to make to reflect the December 2024 NPPF can be made in the tidying up exercise of finalising the Plan before it goes to referendum.

Many aspects of the Neighbourhood Plan do not reflect the key policy objectives of the emerging Basildon Local Plan, which was subject to a Regulation 18 Consultation in late 2024, particularly regarding the approaches to Green Belt and the housing strategy. The emerging local plan seeks to prioritise existing urban areas and brownfield sites for new housing; however, Policy SG1 (Growth Needs) of the emerging Local Plan acknowledges that such sites would not be sufficient to meet the housing needs of Basildon and that over half of the housing which is required over the plan period will need to come from Green Belt sites. In this context, the Neighbourhood Plan should make provisions in its housing and Green Belt policies to acknowledge this.

The current emerging Local Plan was published for consultation after the submission of the NBNP for examination in June 2024 (and after it was resubmitted again in September 2024). The NBNP could not therefore have taken account of the (future) direction of travel in the as

yet un-published draft Local Plan. Very limited weight can be attached to the emerging Local Plan policies whilst they remain the subject of objections yet to be resolved at examination. The Basic Conditions Statement does however demonstrate that the 2023 Issues & Options consultation was considered against the NBNP policies (see Basic Conditions Statement section 5).

In this context, it must also be acknowledged that the Neighbourhood Plan will very likely be adopted prior to the adoption of the emerging Basildon Local Plan. Notwithstanding the issue of conformity with the NPPF, the Neighbourhood Plan risks many of its key policies becoming immediately obsolete once the emerging Plan is adopted. The PPG makes clear that where there is conflict between a local plan and a neighbourhood plan, it is the most recent policy which takes precedence and attracts more weight. In this respect any such discord with the Local Plan will result in Neighbourhood Plan policies attracting very little weight. Moreover, the Plan references Basildon's Local Development Scheme from 2022, this is now out of date and needs updating to the 2025 Local Development Scheme and associated timeline.

Comments noted. See above.

Neighbourhood Plan Policies

Bloor Homes have a number of comments in regard to the policies held within the neighbourhood plan, and the specific wording of these policies. These comments are set out in the section of this letter, in reference to the specific policies as appropriate.

Policy NB1: Infill and Redevelopment to Provide New Housing

Policy NB1 sets out the requirements for infill and redevelopment to provide new housing within the Noak Bridge settlement. However, the emerging draft Basildon Local Plan defines Noak Bridge as part of Basildon, which falls within the 'Large Town' designation, and states that there should be a presumption in favour of sustainable development within these locations. Policy NB1 should highlight this presumption and adopt a less restrictive approach to align with emerging policy.

See comments in response to Savills / Woolsington One Limited on policy NB1 above.

Policy NB5: Green Belt

Policy NB5 defines the Green Belt within the Neighbourhood Plan Area and states that development proposals in the Green Belt shall be tested against the principles in the Development Plan and NPPF. While this is consistent with the wider policy context, it must be acknowledged that the Green Belt is subject to review as part of the ongoing plan-making process for the emerging local plan and that this policy may become very quickly outdated.

See comments in response to Savills / Woolsington One Limited on policy NB1 above. Policy NB5 is unlikely to become out of date itself as a result of the ongoing plan-making process because it does not fall into the trap of identifying specific measures that might become replaced / outdated / superseded during the life of the NP.

However Figure 21 that precedes policy NB5 (which shows the Green Belt boundaries at the time of writing) may become out of date. That in itself is not of great import, because the boundaries of the Green Belt will be defined – for the purposes of the NBNP plan area – on the Local Plan policies map, including any updates to the Green Belt boundary.

Policy NB11: Important Views

Policy NB11 is very robustly worded in stating that ‘development proposals which would have a significant adverse impact on an identified Important View will not be supported.’ The Important Views (Figure 28) cover much of the Neighbourhood Plan Area and include 20 views. This combination creates an approach which may prelude sustainable development across the plan area.

Policy NB11 reflects both previously and recently identified Important Views, and is underpinned by evidence in the community engagement exercises, the Basildon Landscape Character Assessment 2014, the Noak Bridge Character Appraisal and the Conservation Area Appraisal work undertaken by Basildon Council. These views remain Important Views, regardless of the pressure for development on the Green Belt, and will need to be accounted for if development proposals emerge in affected areas in the future. As Savills, for Woolsington One Limited, explain in their representations, it is possible to plan for Important Views:

“It is worth noting that in our client’s planning application, the shape and configuration of the main development parcel (Phase 1) has been focussed on maintaining this view [View 16: Northwards towards Great Burstead Church] through the development site, and framing the view. As such we consider that the proposals would achieve the requirement of the draft policy....”

As such there is no rationale for dismantling this policy when developers are indicating that it is possible for it to achieve it’s intended purpose in a way that they consider will be compatible with their proposals.

Conclusion

Overall, further work needs to be undertaken on the draft Neighbourhood Plan before it can be adopted. The plan needs to be updated to reflect the requirements of the current NPPF and the policies contained therein in order for the plan to be considered sound. Likewise, the plan should be reviewed to ensure conformity with the emerging Basildon Local Plan to ensure there are no fundamental conflicts which would see the Neighbourhood Plan policies quickly become out of date. We trust that these comments have been helpful and look forward to receiving confirmation that they have been received and processed. If you have any queries or require further clarification or details, please do not hesitate to contact me.

D. Other Comments

The other positive comments by non-statutory consultees are warmly welcomed by the Parish Council. The recognition of the comprehensive and detailed nature of the Plan and the general support for the approach set out therein is appreciated.