

## APPENDIX 1: SUMMARY OF RECOMMENDATIONS

## Burnham-on-Crouch Neighbourhood Plan Examiner's Recommendations

Key:

Text in bold indicates new text: **new**Text struck through indicates deleted text: ~~deleted~~

| Policy | Examiner's recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Examiner's reason                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Officers' recommendation and reason                                                                                                 |
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|        | Rename Statement of Community Involvement to Consultation Statement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | To correct an error                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Agree – to correct an error                                                                                                         |
|        | Land use and non-land use policies to be clearly distinguished                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | To provide clarity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Agree - to provide clarity the non-land use planning policies will be shown in a different colour to the land use planning policies |
| 1.5    | <p>Insert the following supporting text at the end of 1.5:</p> <p><b>National planning policy indicates that policies in neighbourhood plans should be land use based. It is on this basis that these policies will sit with the Maldon Local Development Plan as part of the development plan for planning purposes. National policy anticipates that neighbourhood planning groups will generate a series of non-land use policies and proposals. This is the case in this Plan. Whilst they sit within the main body of the Plan they are shown in (insert colour) shading. This distinguishes them from the main land use policies (shown in blue).</b></p> | <p>Whilst their contents will be important to the future of the town, these policies are non-land use proposals and projects. In accordance with government policy they need to be distinguished from the land use policies elsewhere in the Plan.</p> <p>Given both the significance and the number of these proposals I am satisfied that they remain within the order in which they sit in the submitted Plan. Nevertheless, I recommend that they are shown in a different colour to that used for the land use policies.</p> <p>In addition, I recommend that a further paragraph is added to the introduction of the Plan to highlight this matter.</p> | Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.                                      |

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| Policy | Examiner's recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Examiner's reason                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Officers' recommendation and reason                                                                   |
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| S1     | <p>Reposition the policy into the supporting text at the end of Section 3 and with the following modifications:</p> <p>The Maldon District Council Emerging Local Development Plan (2014-2029) provides the evidence base to support an objectively assessed housing need to deliver a <b>target minimum</b> of 4,650 dwellings within the District over the plan period of 2014-2029 at a rate of 310 dwellings per annum.</p> <p>As one of the three main settlements of the District, Burnham-on-Crouch is a sustainable settlement which has a specific role in delivering strategic growth in order to meet the needs of the local population. However, strategic growth in Burnham-on-Crouch <del>has a target</del> <b>will deliver a minimum</b> of 450 dwellings, with any development above this figure needing to resolve infrastructure capacity issues, particularly with regard to education, health, sewerage and SuDS.</p> <p>Further detail as to the development of the strategic sites in Burnham-on-Crouch is given in Policy S6 of the Maldon District Council Emerging Local Development Plan (2014-2029).</p> <p>Replace policy S1</p> <p>Policy S1 – Strategic housing growth</p> <p><del>The Maldon District Council Emerging Local Development Plan (2014-2029) provides the evidence base to support an objectively assessed housing need to deliver a target of 4,650 dwellings within the District over the plan period of 2014-2029 at a rate of 310 dwellings per annum.</del></p> <p><del>As one of the three main settlements of the District, Burnham-on-Crouch is a sustainable settlement which has a specific role in delivering strategic growth in order to meet the needs of the local population. However, strategic growth in Burnham-on-Crouch has a target of 450 dwellings, with any development above this figure needing to resolve infrastructure capacity issues, particularly with regard to education, health, sewerage and SuDS.</del></p> | <p>I recommend a series of detailed modifications that take account of factual matters that were published in the Main Modifications to the Local Development Plan during this examination. They refer specifically to housing site's anticipated build trajectories</p> <p>I also recommend a modification so that the policy requires the delivery of a minimum level of housing. This matter has been properly raised by several developers. The modification will ensure that the Plan meets the basic condition of having regard to national planning policy on boosting the supply of housing (National Planning Policy Framework (NPPF) paragraphs 47-50).</p> <p>In terms of the details of the policy its wording in the submitted Plan is narrative largely setting out the relationship between the two plans. I recommend modifications both to the policy and to the text to address this matter and to provide clarity and certainty to the decision-maker.</p> | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> |

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| Policy | Examiner's recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Examiner's reason | Officers' recommendation and reason |
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|        | <p>Further detail as to the development of the strategic sites in Burnham-on-Crouch is given in Policy S6 of the Maldon District Council Emerging Local Development Plan (2014-2029).</p> <p><b>Within the Plan period a minimum of 450 dwellings will be provided.</b></p> <p><b>These dwellings will be provided through both the development of the strategic housing sites shown in table 1 and figure 4 and on other windfall sites.</b></p> <p><b>Proposals for the residential development of the following three strategic sites will be supported within the context of site specific policies set out in policies H.7, H.8 and H.9 of this Plan:</b></p> <ul style="list-style-type: none"> <li>• Land west of Burnham on Crouch (Policy HO.7)</li> <li>• Land north of Burnham-on-Crouch (West) (Policy HO.8)</li> <li>• Land north of Burnham-on-Crouch (East) (Policy H).9)</li> </ul> |                   |                                     |

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*Modify the left-hand reference number and the year 0-5, 6-10 and 11-15 trajectories in the table at the top of page 20 to reflect the figures indicated in the Main Modifications to the Local Plan and give it a table number (to cross refer to the modified policy).*

**Table 1: Housing trajectory for the strategic sites allocated in policy S1**

| Ref.  | Source of supply (1)                     | Total      | Year 1-5             | Year 6-10            | Year 11-15          |
|-------|------------------------------------------|------------|----------------------|----------------------|---------------------|
|       |                                          |            | 2014/15 –<br>2018/19 | 2019/20 –<br>2023/24 | 2024/25-<br>2028/29 |
|       | <b>Burnham-on-Crouch Strategic Sites</b> |            |                      |                      | 0                   |
| S2(i) | West of Burnham-on-Crouch                | 180        | 138                  | 42                   | 0                   |
| S2(j) | North of Burnham-on-Crouch (West)        | 180        | 123                  | 57                   | 0                   |
| S2(k) | North of Burnham-on-Crouch (East)        | 90         | 0                    | 90                   | 0                   |
|       | <b>Total</b>                             | <b>450</b> | <b>261</b>           | <b>189</b>           | <b>0</b>            |

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| Policy | Examiner's recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Examiner's reason                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Officers' recommendation and reason                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| S2     | <p>Reposition the policy into the supporting text at the end of Section 3 and with the following modifications:<br/> Policy E1 of the Maldon District Council Emerging Local Development Plan (2014-2029) and the Employment Land Study 2015 state that <del>there is a need to supply a total of 2,200 jobs within</del> <b>a minimum of 2000 new jobs will be created in</b> the District, amounting to a total District provision of 11.4 ha of B1, and B2 <b>and B8</b> employment space during 2014-2029. As one of the main settlements, Burnham-on-Crouch plays a role in the provision of strategic employment sites. Policy E1 of the Maldon District Council Emerging Local Development Plan (2014-2029) states the following existing designated employment sites in Burnham-on-Crouch which are reserved for employment development:</p> <ul style="list-style-type: none"> <li>• E1 (b) Burnham Business Park;</li> <li>• E1 (j) Springfield Industrial Estate</li> </ul> <p>Replace Policy</p> <p>Policy S2 – Strategic Employment Growth<br/> <del>Policy E1 of the Maldon District Council Emerging Local Development Plan (2014-2029) and the Employment Land Study 2015 state that there is a need to supply a total of 2,200 jobs within the District, amounting to a total District provision of 11ha of B1 and B2 employment space during 2014-2029. As one of the main settlements, Burnham-on-Crouch plays a role in the provision of strategic employment sites. Policy E1 of the Maldon District Council Emerging Local Development Plan (2014-2029) states the following existing designated employment sites in Burnham-on-Crouch which are reserved for employment development:</del></p> <ul style="list-style-type: none"> <li>• E1 (b) Burnham Business Park;</li> <li>• E1 (j) Springfield Industrial Estate</li> </ul> <p><b>Proposals for the development of the extension to Burnham Business Park (E2(p)) for employment uses (Class B1, B2 and B8) as shown on figure 4 will be supported.</b></p> | <p>I recommend a series of detailed modifications that take account of factual matters that were published in the Main Modifications to the Local Development Plan during this examination. They refer specifically to overall amount of employment land required in the wider District, to a change in policy numbering to an extended range of uses and to a revised site area to the extension to Burnham Business Park. The first three of these three points are as follows:</p> <ul style="list-style-type: none"> <li>• Overall District requirement 11.4 ha rather than 11.0 ha</li> <li>• Policy number E1p rather than E1q</li> <li>• Site E1p B1, B2 and B8</li> </ul> <p>I recommend modifications accordingly.</p> <p>As I have already commented in relation to Policy S1 this policy in the submitted Plan its narrative largely setting out the relationship between the two plans. I recommend modifications to address this matter and to provide clarity and certainty to the decision maker.</p> | <p>Agree – in general.</p> <p>Proposed amendment to Examiner's recommendation to correct an error, as the current wording could be misleading. The changes make it clear that the new jobs will be created throughout the District, not just on the new 11.4ha employment allocations. (proposed changes shown in italics):</p> <p><b>...a minimum of 2000 new jobs will be created in</b> the District, <del>amounting to a total District provision</del> <b>including allocations</b> of 11.4 ha new <b>employment land for</b> <del>of</del> B1, and B2 <b>and B8</b> employment space <del>uses</del> during 2014-2029...</p> <p>To correct an error - in policy S2 – replace E2(p) with <b>E1(p)</b></p> |

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| Policy | Examiner's recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Examiner's reason                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Officers' recommendation and reason                                                                   |                  |      |       |                                    |                   |       |  |  |
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|        | <p>Table 2: Extension to Burnham Business Park as allocated in policy S2</p> <table border="1"> <tr> <th>Ref</th><th>Site</th><th>Appropriate uses</th><th>Size</th></tr> <tr> <td>E1(p)</td><td>Extension to Burnham Business Park</td><td>B1, B2, <b>B8</b></td><td>3.4ha</td></tr> </table>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Ref                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Site                                                                                                  | Appropriate uses | Size | E1(p) | Extension to Burnham Business Park | B1, B2, <b>B8</b> | 3.4ha |  |  |
| Ref    | Site                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Appropriate uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Size                                                                                                  |                  |      |       |                                    |                   |       |  |  |
| E1(p)  | Extension to Burnham Business Park                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | B1, B2, <b>B8</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 3.4ha                                                                                                 |                  |      |       |                                    |                   |       |  |  |
| CS1    | <p>Replace part of policy</p> <p>CS1a Community Assets and Services<br/>Support community groups in the Town such as the sea scouts, youth groups, and elderly organisations with access to facilities. (non-land use policy formatting)</p> <p>CS1b<br/><del>Protect existing community assets such as the cinema, the clock tower, halls, the weekly Tuesday High Street Market, the monthly Sunday Farmers Market and the Annual Art Trail and many more (as shown in the Town Guide).</del></p> <p><b>The following community uses and buildings will be safeguarded for community use:</b></p> <ul style="list-style-type: none"> <li>• <b>The clock tower;</b></li> <li>• <b>The cinema</b></li> <li>• <b>The market</b></li> </ul> <p><b>Proposals for the change of use to non-community uses will not be supported unless:</b></p> <ul style="list-style-type: none"> <li>• <b>Alternative community facilities are provided within the locality as part of the planning application concerned; or</b></li> <li>• <b>It can be clearly demonstrated that the community building concerned is no longer financially viable</b></li> </ul> | <p>This policy has two separate parts. The first sets out to support community groups such as the sea scouts and the youth club. It is not a land use matter that can be controlled through the planning system. I recommend a modification so that this element of this policy is identified as an aspirational non-land use proposal.</p> <p>I recommend that the second part of the policy is modified to ensure that it safeguards community buildings and community land uses. This approach would reflect the control that the planning system can exert over such buildings and uses. As part of the modification I recommend that a degree of flexibility is introduced into the approach, especially when improved or relocated facilities may arise as a direct outcome of any such planning applications. It also reflects that some community buildings or uses may become economically unviable during the Plan period.</p> | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> |                  |      |       |                                    |                   |       |  |  |

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| Policy | Examiner's recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Examiner's reason                                                                                                                                                                                                                                                                                         | Officers' recommendation and reason                                                                   |
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| CS2    | <p>Policy CS.2 – Community Facilities</p> <p>Community facilities should <del>only</del> be provided where a need is identified <b>in relation to proposals for new housing development in accordance with Maldon District Council standards at the time. Community facilities should be provided or improved either within the town in general or on the site concerned, including the three strategic sites identifies in policy S1.</b> The improvement of existing facilities in the Town would be preferred to new facilities in peripheral locations.</p>                                                                                                                                                                                                                                                                                                                                                                                                             | <p>I recommend a modification to this policy to ensure that it meets the basic conditions with regards to national and local planning policy. I also recommend that the policy establishes the scale of the contribution by reference to the most up to date Maldon District Council (MDC) standards.</p> | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> |
| CS3    | <p>Replace policy</p> <p>Policy CS.3 – New Sports and Amenity Space</p> <p><del>Burnham-on-Crouch Town Council will support investment in new and existing sports and leisure facilities within the Town</del></p> <p><b>Proposals for investment and improvements in new and existing sports and leisure facilities in the town will be supported.</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>I recommend a modification to ensure that the policy is more inclusive. As drafted the support is from the Town Council rather than as part of the development plan as a whole</p>                                                                                                                     | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> |
| CS4    | <p>Insert the following text immediately before the policy:</p> <p><b>This should be of an appropriate size to meet the needs of the existing residents and the needs of any planned new homes. Facilities could include play equipment, designated dog exercising areas, quiet areas and a nature trail.</b></p> <p>Replace policy</p> <p>Policy CS.4 – Amenity Space Provision in the North of the Town</p> <p><del>A new amenity space should be provided adjacent to the Parish Church of St. Mary the Virgin, designed to enhance the setting of the listed building. This should be of an appropriate size to meet the needs of the existing residents and the needs of any planned new homes. Facilities could include play equipment, designated dog exercising areas, quiet areas and a nature trail. The design and layout of the new amenity space should respect the setting of both the Parish Church of St. Mary the Virgin (Grade II*) and Burnham</del></p> | <p>The policy addresses a variety of factors. They would be clearer to the decision maker if they were set out as criteria in the policy.</p> <p>Some elements of the policy are supporting text rather than policy. I recommend the second sentence is placed in the supporting text.</p>                | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> |

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| Policy | Examiner's recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Examiner's reason                                                                                                                                                                                                                                                                                                   | Officers' recommendation and reason                                                                   |
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|        | <p>Hall (Grade II)</p> <p><b>Proposals for amenity space adjacent to St Mary's Church will be supported subject to the following criteria:</b></p> <ul style="list-style-type: none"> <li>• The amenity space should respect the setting of the listed church building;</li> <li>• The amenity space should respect the setting of Burnham Hall; and</li> <li>• The facilities included in the amenity space should address the recreational needs of households in the immediate vicinity of the site.</li> </ul>                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                     |                                                                                                       |
| CS5    | <p>Insert the following supporting text before the policy:<br/> <b>Allotments in the Town are a valued and well-used resource. Policy CS5 safeguards existing allotments. This will be a key component of delivering the community infrastructure key principle as set out in Section 2 of the Plan</b></p> <p>Replace policy</p> <p>Policy CS.5 – Allotments<br/> <del>The allotments in the Town are a valued and well-used resource. The area to the south, SN38, has been allocated as an area of semi-natural open space in the Maldon District Council Emerging Local Development Plan (2014-2029). Burnham Town Council supports that all viable allotment land be safeguarded for that use in perpetuity.</del></p> <p><b>Existing areas of allotments in the Town will be safeguarded. Proposals for built development on allotments will not be supported.</b></p> | <p>The reference to site SN38 has now been removed in line with the LDP Post-Examination Modifications.</p> <p>The policy as drafted is part policy and part supporting text. I recommend that the policy is replaced with a modified policy and that the elements of the supporting text sit before the policy</p> | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> |
| CS6    | <p>Replace policy</p> <p>Policy CS.6 – St. Mary's Primary School<br/> <del>St Mary's Primary School could increase its permanent capacity by replacing a temporary classroom if required and developer</del></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>The reference to the option of taking children to Southminster by a school bus service is not directly a land use issue. On this basis, I recommend that it is removed from the policy.</p>                                                                                                                      | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> |

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| Policy            | Examiner's recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Examiner's reason                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Officers' recommendation and reason                                                                                                                                                                                                     |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                   | <p><del>contributions will be expected to meet this, in preference to bussing 'excess' pupils to Southminster</del></p> <p><b>Proposals to extend St Mary's Primary School to replace temporary classrooms will be supported.</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                         |
| CS7               | <p>Policy CS.7 – Early Years Facilities<br/>New early years care facilities should be provided in accessible locations, within the town centre, adjacent to existing schools, or, where appropriate, located adjacent to new housing <b>or employment</b> development.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>Representations highlight that there is a positive recognition amongst the development community on this matter. It has been suggested that there would be merit in locating such facilities close to employment as well as housing development. This approach reflects the requirement to drive sustainable development through its three separate dimensions and I recommend accordingly.</p>                                                                                                                                                           | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>                                                                                                                                   |
| CS8, CS8.1, CS8.2 | <p>Insert the following supporting text before the policy:<br/><b>The area around the Station and Foundry Lane is an important gateway into the town centre in general terms and for rail users in particular. Whilst the station itself is well-maintained its extensive car park is underused and it is dominated by the industrial premises off Foundry Lane to the south. In addition its relationship with the adjacent Co-op store is poor. There are significant opportunities to improve the public realm in this part of the town and to secure improved circulation between the station and the supermarket. This will involve negotiation with various stakeholders and will be subject to the legal provisions surrounding the rail franchise; ideally, Burnham Town Council may be able to secure operational control of the station car park</b></p> <p><b>Policy CS.8 also supports the development of new retail, residential and office accommodation adjacent to the railway station. There is a significant opportunity to bring forward brownfield development in a highly sustainable location. Burnham Town Council would support the enhancement of this location to provide sheltered accommodation for the elderly, close to shops, the doctors' surgery and the railway</b></p> | <p>I recommend a series of policy and supporting text modifications to these policies (CS8, CS8.1, CS8.2). In particular, I recommend that the policies are combined into a single policy. This will bring clarity to land owners, investors and decision-makers alike. The modifications also take account of the inherent limitations of the planning system. Issues around the under use of the station car park, its charging regime and the potential for the Town Council to secure operational control over the car park are not land use matters</p> | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> <p>Proposed amendment to correct an error – in policy CS.8, first bullet point, replace Foundry Road with <b>Foundry Lane</b></p> |

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| Policy | Examiner's recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Examiner's reason | Officers' recommendation and reason |
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|        | <p><b>station (see Figure 7, illustrating the policy area labelled 'secondary area').</b></p> <p>Replace policies</p> <p>Policy CS.8 - Station and Foundry Lane Areas<br/>The size and setting of the station car park should be re-assessed with a view to:</p> <ul style="list-style-type: none"> <li>(a) ensuring that there is more intensive use of the area provided for car parking,</li> <li>(b) releasing land for use in accordance with policy CS.8.2 below, and</li> <li>(c) facilitating appropriate landscaping and public realm improvements to secure better and safer circulation between the station and the supermarket. This will involve negotiation with various stakeholders and will be subject to the legal provisions surrounding the rail franchise; ideally, Burnham Town Council may be able to secure operational control of the station car park.</li> </ul> <p>Policy CS.8.1<br/>Support planning permission for improvements to the frontage and smaller shop units for Station Road and Foundry Lane and throughout the High Street.</p> <p>Policy CS.8.2<br/>New retail, residential and office units should be provided by the station as and when the opportunity arises. Burnham Town Council would support the enhancement of this location to provide sheltered accommodation for the elderly, close to shops, the doctors' surgery and the railway station (see Figure 7, illustrating the policy area labelled 'secondary area').</p> <p><b>Proposals to rationalise the area around the railway station and Foundry Lane to create a more attractive gateway to the town will be supported.</b></p> <p><b>Particular support will be given to proposals that deliver some</b></p> |                   |                                     |

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| Policy                           | Examiner's recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Examiner's reason                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Officers' recommendation and reason                                                                   |
|----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
|                                  | <p>or all of the following:</p> <ul style="list-style-type: none"> <li>Physical improvements to the frontages of buildings in Foundry Road;</li> <li>The development of retail, residential and office units adjacent to the railway station; and</li> <li>The implementation of landscaping and public realm improvements that would deliver better and safer circulation<sup>165</sup> between the railway station and the supermarket.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                       |
| Physical Infrastructure policies | <p>Insert the following supporting text at the end of 1.5:<br/> <b>National planning policy indicates that policies in neighbourhood plans should be land use based. It is on this basis that these policies will sit with the Maldon Local Development Plan as part of the development plan for planning purposes. National policy anticipates that neighbourhood planning groups will generate a series of non-land use policies and proposals. This is the case in this Plan. Whilst they sit within the main body of the Plan they are shown in (insert colour) shading. This distinguishes them from the main land use policies (shown in blue).</b></p> <p>Insert an additional paragraph before section 5.1 to read:<br/> <b>The highways proposals listed in Policies PI. 1-12 are currently unfunded. They may be suitable for consideration for funding under the Maldon Local Highways Funding Panel process.</b></p> <p>Highway Proposals Policies PI 1-5<br/> Road Access Proposals Policies PI 6-9<br/> Pedestrian/Cycle Friendly Proposals Policies PI 10 -12<br/> Improved Bus and Rail Services Policies 13 and 15<br/> Railway Station Key Zone Policy 16<br/> (non-land use policy formatting)</p> | <p>Whilst their contents will be important to the future of the town, these policies are non-land use proposals and projects. In accordance with government policy they need to be distinguished from the land use policies elsewhere in the Plan.</p> <p>Given both the significance and the number of these proposals I am satisfied that they remain within the order in which they sit in the submitted Plan. Nevertheless, I recommend that they are shown in a different colour to that used for the land use policies.</p> <p>In addition, I recommend that a further paragraph is added to the introduction of the Plan to highlight this matter.</p> | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> |

## APPENDIX A

| Policy | Examiner's recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Examiner's reason                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Officers' recommendation and reason                                                                                                                                                                            |
|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PI 10  | <p>Replace part of policy</p> <p><b>Policy PI.10a Safe Cycle &amp; Pedestrian Routes</b><br/>Plan, build and highlight clearly signposted, direct and safe cycle and pedestrian routes into the Town from new and existing neighbourhoods, between all schools and the town centre. The existing network of footpaths should be better maintained and new routes should connect to an agreed network.<br/>(non-land use policy formatting)</p> <p><b>PI. 10b Safe Cycle &amp; Pedestrian Routes</b><br/><del>Also, a proposed combined clearly marked pedestrian walkway/cycle path should be created e.g. along the existing walkway adjacent to Riverside Car Park down to Priors boatyard</del><br/><b>Proposals to create a combined pedestrian walkway/cycle path along the existing walkway adjacent to Riverside Car Park will be supported.</b></p>                                                                                    | <p>This policy has two separate parts. The first part is aspirational in design and context. This part of the policy should sit separately as a non-land use proposal with the batch set out above.</p> <p>The second part refers to a more specific proposal for a pedestrian and cycle path adjacent to the Riverside Car Park. This is a land use policy that should be retained as such and separated from the non-land use component set out in the previous paragraph. I recommend a modification to this part of the policy so that it has the clarity required by the NPPF</p> | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> <p>Proposed amendment to correct an error (Amendment in italics):<br/>Riverside <b>Park</b> Car Park</p> |
| PI 14  | <p>Insert the following additional text after the second paragraph of section 5.4 of the Plan:<br/><b>Policy PI. 14 sets out a positive context for the delivery of improvements to the railway station and its immediate surroundings. The delivery of this policy will require the involvement of a variety of stakeholders. The policy acknowledges that some of the investment sought may not need planning permission. The Plan also supports the introduction of bus stops and visitor information in this locality. This matter overlaps with the approach adopted in Policy PI. 15</b></p> <p>Replace policy</p> <p><b>PI 14 Railway station</b><br/><del>Burnham Town Council will seek to improve, through the appropriate stakeholders, the appearance of the railway station with new public realm and improvements to the station building. Provide additional and enhance existing facilities including café, business</del></p> | <p>I recommend modifications to the policy so that it sits as a supportive policy for the variety of improvement envisaged in the policy. This will provide the clarity required by the NPPF and provide a clear context for the various organisations to assess and organise their investment programmes throughout the lifetime of the Plan. The modifications also make the appropriate distinction between policy and supporting text and acknowledge that some of the potential investment projects may not need planning permission.</p>                                         | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>                                                                                                          |

## APPENDIX A

| Policy | Examiner's recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Examiner's reason                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Officers' recommendation and reason                                                                                                                                                                                                                                      |
|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|        | <p><del>and commercial space, ticket office, customer lounge, retail units, including public toilets, bus stop and visitor information of the Town's layout and facilities</del></p> <p><b>Proposals for the improvement of the railway station and for the implementation of public realm works in its immediate surroundings will be supported.</b></p> <p><b>Insofar as planning permission is required particular support will be given to any or all of the following proposals:</b></p> <ul style="list-style-type: none"> <li>• <b>Improvements to existing facilities (including café, business and commercial space); and</b></li> <li>• <b>Improvements to the ticket office and customer lounge; and</b></li> <li>• <b>The introduction of new retail units; and</b></li> <li>• <b>The introduction of new public toilets</b></li> </ul>                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                          |
| PI 17  | <p>Include new supporting text at the end of paragraph 5.6:<br/> <b>The existing Riverside Car Park would benefit from being resurfaced and marked out to an appropriate standard. This process would assist in making the most effective use of the space and presenting a positive image to visitors and local residents alike.</b></p> <p>Replace policy</p> <p>Policy PI 17 <b>Car Park Provision</b><br/> Burnham Town Council will support Planning applications which assist car parking provision within the town centre, particularly in the following locations:<br/> (i) the Marina Car Park incorporating spaces for visiting coaches (3rd party ownership)<br/> (ii) the Maldon District Council Millfields car park should be extended to the west to provide additional spaces<br/> (iii) Riverside Car Park to be surfaced to an approved condition and appropriately marked</p> | <p>The third component of the policy refers to the surfacing and marking out of the Riverside car park. Whilst I can see that this would be a very worthwhile venture it would not require planning permission. On this basis, I recommend that it is addressed in the supporting text. I also recommend a modification to the policy so that it makes absolutely clear that the Plan (as well as the Town Council) supports the development of further car parking facilities</p> | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> <p>Proposed amendments to correct errors in supporting text and policy:<br/> Riverside <b>Park</b> Car Park;<br/> <b>Marina Burnham Yacht Harbour</b> Car Park</p> |

## APPENDIX A

| Policy | Examiner's recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Examiner's reason                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Officers' recommendation and reason                                                                   |
|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
|        | <p><b>Proposals that would deliver new or improved car parking provision within the town centre will be supported. Particular support will be given to the following proposals:</b></p> <ul style="list-style-type: none"> <li>• The incorporation of parking spaces for coaches into the Marina Car Park; and</li> <li>• The extension of the Millfields car park to the west</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                       |
| PI 18  | <p>Policy PI 18<br/> <del>Improve connectivity to include ultra fast broadband as soon as possible and 4G in the area. Location of 4G masts should be sited appropriately to strike a balance between technical requirements and conservation of heritage and character.</del></p> <p>Replace part of policy</p> <p><b>PI 18a Telecommunications and Broadband Service</b><br/>           Improve connectivity to include ultra fast broadband as soon as possible and 4G in the area.<br/>           (non-land-use policy formatting)</p> <p><b>PI18b</b><br/> <b>Proposals for the siting of new 4G phone masts in the Plan area will be supported where they respect the character of the area in which they are located and where they safeguard the built heritage of the town.</b></p> | <p>The policy has two separate parts. The first sets out an expectation that Broadband and mobile phone signals should be improved in the Plan area. Whilst this is appropriate it depends on commercial judgements that are beyond the planning system. I recommend a modification to the policy so that its first sentence is identified separately as a non-land use policy and in a separate colour.</p> <p>The second part sets out the Plan's general support for new installations subject to environmental considerations. I recommend a modification to this land use part of the policy so that its purpose and role is clear.</p> | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> |
| PI19   | <p>Amend the heading at 5.8 to read:<br/>           5.8 <del>Recycling works</del> <b>Water recycling centres</b> and underground sewage/surface water infrastructure</p> <p>Current drainage capacity fails to cope with heavy rain in several places in Burnham-on-Crouch with combined sewage and surface water drainage, leading to localised flooding, with raw sewage entering some houses. <del>Current statutory requirements are that as part of the planning process only developments of ten houses or</del></p>                                                                                                                                                                                                                                                                  | <p>On the basis of this technical response [from Anglian Water] I recommend modifications to the policy and supporting text so that it reflects national planning policy and provides the necessary clarity for developers throughout the Plan period</p>                                                                                                                                                                                                                                                                                                                                                                                    | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> |

## APPENDIX A

| Policy | Examiner's recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Examiner's reason | Officers' recommendation and reason |
|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-------------------------------------|
|        | <p><del>more need to be notified to the relevant authority for them to assess the impact on sewage and drainage.</del></p> <p><del>Burnham Town Council</del> <b>The Plan</b> will seek to ensure that all planning applications, irrespective of size of development, that impact on the sewer system shall, at the time of application, provide written confirmation that contact has been made with, and acknowledgement obtained from, the relevant service provider that the application will not adversely affect the operational effectiveness of the existing underground sewer collection system. <del>The service provider should also provide confirmation that the Town's existing water recycling works has adequate capacity to process the projected additional load imposed by the application.</del></p> <p>Replace policy</p> <p>Policy PI 19 – <b>Water Infrastructure</b><br/> <del>Ensure the water recycling works and underground sewage/surface water infrastructure in the Town meets all current and projected future requirements.</del></p> <p><b>Proposals for new development should demonstrate that there is or will be sufficient infrastructure capacity at Burnham-on-Crouch water recycling works and underground sewage/surface water infrastructure in the Town to meet all current and projected future necessary requirements.</b></p> <p>IMPLEMENTATION Priority Short term Lead Responsibility<br/> MDC/BTC/Anglian Water/D of E, SuDS, Funding Source <del>ECC/MDC</del><br/> CIL budget, Utility Operator</p> |                   |                                     |

## APPENDIX A

| Policy | Examiner's recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Examiner's reason                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Officers' recommendation and reason                                                                                                                                              |
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| PI 20  | <p>Delete policy</p> <p><del>Policy PI 20 – Drainage</del><br/> <del>BTC will not support planning applications for any extra buildings that do not include these drainage assessments together with a commitment to fund front loaded mitigation works irrespective of the size of development.</del><br/> <del>IMPLEMENTATION Priority short term Lead Responsibility</del><br/> <del>MDC/BTC/Anglian Water/D of E SuDS, Funding Source:</del><br/> <del>Developers incl. S106, ECC/MDC New Homes Bonus and CIL,</del></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>The policy is considered too onerous and well beyond national and local legislation and policy. On the basis of my comments in relation to Policy PI.19 I share this approach. The policy does not have regards to national policy and other associated legislation. On this basis I recommend that the policy is deleted.</p>                                                                                                                                                                                                         | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>                                                                            |
| EC1    | <p>Show the Springfield Business Park on one of the maps in the Plan</p> <p>Insert new supporting text at the end of 6.1 to read:<br/> <b>As part of a package of measures to stimulate the economy in the town Policy EC.1 sets out to safeguard the Springfield Business Park for employment uses. A range of new buildings will be supported. Clustering types of businesses and industries could help different industrial parks to develop a unique selling point (USP). The USP could also be supported in an additional location within Burnham-on-Crouch in an incubator space to enable small and micro businesses to start and establish themselves.</b></p> <p>Replace policy</p> <p><b>Policy EC1 – Springfield Business Park</b><br/> Ensure that the site which has been allocated for employment at the Springfield Business Park is protected to meet an identified strategic local need, in terms of type of building, size of units and type of industry. Large, medium and small office units should be built for long term lease and short term rent particularly for the knowledge based sector and possibly tourism. Clustering types of businesses and industries could help different industrial parks to develop a unique selling point (USP). The USP could also be supported in an additional location within Burnham-on-Crouch in an incubator space to enable small and micro businesses to start and</p> | <p>I recommend a series of modifications so that the policy and the supporting text elements are separated and so that the policy itself has long term clarity for both the investor and the decision-maker. In doing so I recommend the deletion of any direct reference to the tenure of the buildings concerned. This is a matter of commercial judgement rather than one of planning control. I also recommend that the Park is shown on one of the Maps. This will provide clarity not currently provided in the submitted Plan.</p> | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> <p>Both Burnham and Springfield Business Parks will be shown on Fig 4.</p> |

## APPENDIX A

| Policy | Examiner's recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Examiner's reason                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Officers' recommendation and reason                                                                   |
|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
|        | <p><del>establish themselves.</del></p> <p><b>Land at Springfield Business Park (as shown on Map Insert number xxx) will be safeguarded for employment purposes.</b></p> <p><b>Proposals for new employment buildings will be supported, particularly for the knowledge based sector.</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                       |
| EC2    | <p>Policy EC2 – <b>River related uses</b></p> <p><del>Encourage</del> The provision of river-related <b>trades will be supported.</b> in locations as identified in Policy RI.3.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>This policy encourages the development of river-related trades. In the submitted Plan the policy offers such support in locations where existing uses are proposed to be safeguarded by Policy RI. 3. Plainly the majority of any new such businesses will either be close to the river or in the safeguarded locations. Nevertheless there is no reason why this policy cannot apply throughout the town. This would accord with the positive approach to job creation in the NPPF. In any event as figure 8 demonstrates there are several river related uses already operating successfully throughout the built-up area.</p>                                                                                                                                                         | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> |
| EC3    | <p>Include additional supporting text at the end of paragraph 6.2:</p> <p><b>Policy EC.3 recognises that there is a particular concentration of retail units in High Street itself. These sit at the heart of the town and its impressive conservation area. The retention of a strong core of retail units is vital to the economic and social well-being of the Town and its inherent sustainability.</b></p> <p>Replace policy</p> <p>Policy EC3 – <b>Retention of Retail Uses</b></p> <p><del>Resist the loss of retail between the cinema and “One-Stop” as the primary retail frontage in Burnham-on-Crouch. There should be no loss of retail uses to be replaced by residential or office use in this area. In addition, support should be given to maintain and develop new retail business in this area.</del></p> <p><b>A Primary retail area is defined between the Cinema to No.40</b></p> | <p>The policy seeks to define the spatial extent of the primary retail area by reference to the names of the properties at either end of its northern side. I recommend that the extent of the policy area is defined by the addresses of the buildings concerned.</p> <p>I propose a modification to the policy itself so that it has the necessary clarity on what proposals will and will not be supported. The policy will need to have regard to national planning policy. The General Permitted Development Order 2015 has introduced significantly different permitted development rights than those that were in place at the time was being developed. In particular Classes C, D and M respectively of that Order provide a degree of flexibility (subject to conditions) for</p> | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> |

## APPENDIX A

| Policy | Examiner's recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Examiner's reason                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Officers' recommendation and reason                                                                   |
|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
|        | <p><b>High Street (northern side) and No.51 to 151 High Street (southern side).</b></p> <p><b>Insofar as planning permission is required within the primary retail area proposals for the change of use from retail to other uses will not be supported.</b></p> <p><b>Within the Primary retail area proposals for the expansion of existing retail uses will be supported where they preserve or enhance the character or appearance of the Burnham Conservation Area.</b></p> | <p>changes of use from retail use to a restaurant/café, to a financial and professional service use and for use as a dwelling house without the need for planning permission. In the case of Classes C and M such proposals would need prior approval from MDC. As part of the process MDC would need to take a view about the likely effects of such proposals on the sustainability of this shopping area.</p> <p>The second part of the policy offers support for the retention and development of new retail businesses in this primary shopping area. I recommend a modification to this part of the policy to address two issues. The first is that most changes of use from commercial buildings to retail use would not need planning permission. Nevertheless, it would be appropriate to modify the policy to support the expansion of existing retail units. I recommend that appropriate safeguards are put in place given that this part of the High Street is at the heart of the Town and its impressive and distinctive conservation area. The second is that the planning system cannot directly 'maintain' existing retail units.</p> |                                                                                                       |
| EC4    | <p>Replace policy</p> <p><b>Policy EC4 – Co-op / Mildmay Foundry</b></p> <p><del>Encourage the enhancement of the Co-op/Former Mildmay Foundry site and its environs.</del></p> <p><b>Proposals for the enhancement or the extension of the Co-op supermarket and its immediate environment will be supported.</b></p>                                                                                                                                                           | <p>The policy reflects the community's support for the potential extension of the supermarket. It is sustainably located in its own right and is accessible on foot or by car into the town centre itself. I recommend a modification to the policy so that its planning purpose is absolutely clear.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> |
| EC5    | <p>Include the following additional supporting text at the end of paragraph 6.4:</p> <p><b>All such proposals should be designed to have regard to the</b></p>                                                                                                                                                                                                                                                                                                                   | <p>I recommend two modifications. The first clarifies the purpose of the policy and ensures that it will be effective as a development management tool</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>Agree – the modifications meet the basic conditions for the reasons expressed by</p>               |

## APPENDIX A

| Policy       | Examiner's recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Examiner's reason                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Officers' recommendation and reason                                                                   |
|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
|              | <p><b>character and appearance of the designated conservation area. High quality materials and designs should be used. Wherever possible designs should reflect the rich and varied maritime heritage of the town.</b></p> <p>Replace policy</p> <p>Policy EC5 – <b>High Street Character</b><br/>Encourage planning applications in the High Street which use high quality materials and preserve local character<br/><b>Proposals for public realm improvements in High Street will be supported where the works concerned:</b></p> <ul style="list-style-type: none"> <li>• <b>Respect the character and appearance of the Burnham Conservation Area:</b></li> <li>• <b>Use high quality materials; and</b></li> <li>• <b>Use designs that respect the local vernacular and the Town's maritime heritage</b></li> </ul>                                                                                                                       | <p>throughout the Plan period. The second clarifies the importance of the conservation area in this part of the town centre and the obligations that this designation places on land owners and investors.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>the Examiner.</p>                                                                                  |
| EC6<br>EC6.1 | <p>Insert the following supporting text at the end of paragraph 6.5 of the Plan:</p> <p><b>The promotion of tourism in the Plan area will do much to secure the economic dimension of sustainable development. It will also make the most effective use of the existing tourism related infrastructure in the town such as car parking. Policy EC.6 sets out a positive context in which new tourism will be encouraged. It acknowledges that in certain circumstances planning permission will not be required for the implementation of such proposals.</b></p> <p><b>As a key part of this approach the policy sets out a context to safeguard the existing petrol filling station (in Maldon Road) and the tourist information centre (in High Street). The former provides a key element of the sustainability and self-sufficiency of the town. The latter provides a well-located facility for both visitors and local residents.</b></p> | <p>The policy offers support for a range of facilities including bed and breakfast accommodation, restaurants, cafes and other such outlets. The associated policy EC 6.1 addresses the retention of the petrol station (off Maldon Road) and the establishment of a tourist information and booking office in the town.</p> <p>I recommend that these two policies are combined into a single policy. This will bring clarity to land owners, investors and decision-makers alike. I also recommend the inclusion of additional supporting text at the end of paragraph 6.5 of the Plan to provide context and explanation for the modified policy.</p> | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> |

## APPENDIX A

| Policy | Examiner's recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Examiner's reason | Officers' recommendation and reason |
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|        | <p>Replace policies EC6 and EC6.1</p> <p><del>Policy EC.6</del><br/> <del>Encourage Planning applications which improve the tourism offer of the Town, such as;</del></p> <ul style="list-style-type: none"> <li><del>• Bed and Breakfast accommodation,</del></li> <li><del>• Sailing schools including other water sports,</del></li> <li><del>• Walking and cycling,</del></li> <li><del>• Restaurants, cafes and associated tourist outlets,</del></li> <li><del>• Tourist Information Centre.</del></li> </ul> <p><del>Policy EC.6.1</del><br/> <del>To support tourism and the local population Burnham Town Council would vigorously support the retention of a fuel station within the Town, and also the establishment and protection of a tourist information/accommodation booking office in a prime location near The Quay.</del></p> <p><b>Policy EC6 – Tourism</b><br/> <b>Proposals that would improve and extend the tourism offer in the Town will be supported.</b></p> <p><b>Particular support will be given to the following activities insofar as planning permission would be required:</b></p> <ul style="list-style-type: none"> <li><b>• The development of bed and breakfast accommodation or the change of use of existing properties to this use;</b></li> <li><b>• The development of sailing schools and other water-related sports;</b></li> <li><b>• The development of walking and cycling facilities; and</b></li> <li><b>• The change of use of buildings to create restaurants and cafes</b></li> </ul> <p><b>The petrol filling station in Maldon Road and the Tourist Information Centre in High Street will be safeguarded to reflect their importance to the tourism economy of the Town. Their use or redevelopment for other purposes will only be</b></p> |                   |                                     |

## APPENDIX A

| Policy | Examiner's recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Examiner's reason                                                                                                                                                                                                                                                                                                                                  | Officers' recommendation and reason                                                                                                                                                                                                                                                                                                                                         |
|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|        | <b>supported where it can be demonstrated that their continued uses are no longer economically viable or where satisfactory alternative provision has been provided.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                             |
| EN2    | <p>Insert the following supporting text at the end of paragraph 7.1:<br/> <b>Policy EN.2 sets out a policy approach towards the location and design of new development in the town. It takes account of the NPPF in general, and the precautionary principles in particular. In particular, new development will not be supported in areas at risk from surface water flooding</b></p> <p>Policy EN2 – <b>New development and flood risk</b><br/> <del>In accordance with National Planning Policy, inappropriate development should be avoided in areas at risk of flooding including areas at risk of surface water flooding.</del><br/> <b>New development will not be supported in areas at risk from surface water flooding.</b> All development proposals should be built using sustainable drainage principles to ensure that flood risk will not be increased either on or off site. <del>Where</del> <b>All new</b> development does occur it must be safe and flood resilient for its lifetime. Surface water run off from new developments should <del>pass through the relevant number of treatment stages to ensure that international water quality targets are being met and must not be allowed to affect water levels in other areas</del> <b>be discharged in a self-contained fashion and to appropriate standards in place at the time of the determination of the planning application concerned'</b></p> | I recommend a series of modifications to the policy and its supporting text. The first repositions elements of the submitted policy that are more supporting text than planning policy. The second element makes an appropriate distinction between where development will and will not be supported.                                              | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> <p>Propose amendment to correct error – delete 'does occur it' (amendment in italics)<br/> ... <b>Where All new</b> development <del>does occur it</del> must be safe and flood resilient for its lifetime. Surface water run off from new developments should...</p> |
| EN4    | <p>Replace policy</p> <p>Policy EN4 – <b>Renewable Energy</b><br/> <del>Burnham Town Council will support appropriate renewable energy projects in the Dengie Peninsula.</del></p> <p><b>Proposals for the development of renewable energy proposals will be supported in the Plan area subject to the following criteria:</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | I recommend a modification to the policy so that it makes absolutely clear that the Plan (as well as the Town Council) supports the development of renewable energy projects. The recommended modification is arranged in criteria based fashion to address the very helpful and important factors set out in the supporting text in section 7.3.2 | Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.                                                                                                                                                                                                                                                                              |

## APPENDIX A

| Policy | Examiner's recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Examiner's reason                                                                                                                                                                                                                                                                                                                                                                                                                                         | Officers' recommendation and reason                                                            |
|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
|        | <ul style="list-style-type: none"> <li>• They preserve or enhance the character and appearance of the conservation area;</li> <li>• They take account of the setting of the Town within the Dengie Peninsular</li> <li>• They do not have an unacceptable detrimental effect on the integrity of a listed building or its setting; and</li> <li>• They do not have an unacceptable detrimental effect on the amenities of residential or other properties in the site's locality</li> </ul>                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                |
| EN5    | <p>Policy EN5 – <b>Access to renewable energy sites from the River Crouch</b></p> <p>Encourage any future construction and maintenance of wind turbines to be accessed from the river to reduce the impact on the road network where possible.<br/>(non-land use policy formatting)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Whilst the maintenance regime of existing and future wind turbines is not directly a planning and land use matter a degree of control is traditionally exercised over their construction. Otherwise the policy is not land use based and I recommend accordingly.                                                                                                                                                                                         | Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner. |
| EN6    | <p>Policy EN6 – <b>Domestic Recycling and Amenity Site</b> Burnham Town Council to champion with Essex County Council and Maldon District Council the maximisation of recycling at dwellings and to protect the recycling amenity centre in Burnham-on-Crouch.<br/>(non-land use policy formatting)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | This is a non-land use project. In accordance with other such policies it should be highlighted by a different colour in the Plan                                                                                                                                                                                                                                                                                                                         | Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner. |
| RI 1   | <p>Insert new supporting text at the end of section 8.1 of the Plan:<br/><b>Some of the projects identified in Policy RI.1 may not need planning permission. At the same time, some or all of the works may need a Flood Risk Activity Permit under the provisions of the Environmental Permitting Regulations 2010. In addition, there would be benefit in the agencies promoting these works in having early discussions with the Environment Agency on the implementation of any emerging projects. This will particularly apply to the more remote sections of the seawall at Holliwell Point and also to the area to the west of the town to avoid impacts on the unique flora in the SSSI.</b></p> <p>Policy RI 1- <b>Protection and Improvement of the Riverside</b></p> | <p>The Environment Agency has made two very helpful representations on this policy. I reflect these important matters of national policy in my recommended modifications.</p> <p>I also recommend a modification so that the policy is more directed towards its delivery through the planning system. This will bring the clarity as required by the NPPF. It also reflects that some elements of these proposals will not need planning permission.</p> | Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner. |

## APPENDIX A

| Policy | Examiner's recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Examiner's reason                                                                                                                                                                                                                                                                                    | Officers' recommendation and reason                                                                   |
|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
|        | <p><del>Burnham Town Council will work with the public and a range of partners to better maintain a more attractive riverside for Burnham-on-Crouch.</del> <b>The riverside will be protected and improved throughout the Plan period. Proposals that deliver any or all of the following measures will be supported:</b></p> <ul style="list-style-type: none"> <li>• Formalise the walking routes further along the River Crouch and linking with other established walking routes around the town centre. Burnham Town Council will support and work with Natural England to implement the England Coast Path;</li> <li>• Improve the quality of the public realm along the sea wall. Any works will employ a limited, high quality material palette. There will be a high standard of design for all new seating, lighting, raised walkways and viewing platforms to protect the character and appearance of the conservation area; and</li> <li>• Maintain the Town Steps to become a leisure facility to reinforce the sense that the Quay and Town Pound area as the hub of the Town.</li> </ul> |                                                                                                                                                                                                                                                                                                      |                                                                                                       |
| RI2    | <p><del>Due to the relatively flat and long riverside, new development must be designed in a particularly sensitive way to take account of the prominence and visibility of any proposed sites. Key factors to consider along the riverside include the following:</del></p> <p><b>New development adjacent to the riverside should be designed to reflect its relationship to the river and to respect its prominence and visibility from the river. Proposals will be supported that bring forward good design appropriate to its location and which satisfactorily address the following matters:</b></p> <ul style="list-style-type: none"> <li>• The roofscape of the building, contributing <b>contributes</b> to the attractive, varied roofscape that currently exists. Flat roofs are generally inappropriate. A range of slate and tile will be encouraged.</li> <li>• New buildings should be sensitive to the height and character of existing buildings along the riverside which are generally no</li> </ul>                                                                              | <p>The various criteria in the policy are entirely appropriate to this very special part of the town. I recommend a modification to the introduction to the policy so that its applicability through the planning process is clear. I also recommend some consequential changes to the criteria.</p> | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> |

## APPENDIX A

| Policy | Examiner's recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Examiner's reason                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Officers' recommendation and reason                                                                                                                                                                                                                                                                                     |
|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|        | <p>taller than 2.5 storeys and fine in grain.</p> <ul style="list-style-type: none"> <li>New window openings should contribute to the attractive mix of styles that characterise the riverside.</li> <li><del>Sites should be considered on a site by site basis in terms of access arrangements to the Quay, and also its impact/appearance when viewed from the River.</del> <b>Any access arrangements to the Quay are sensitive both to the development concerned and the wider Quay side. The appearance of any access arrangements should be sensitive when viewed from the River.</b></li> <li>Any development must retain and improve the set back distance from the water's edge to improve the promenade and walkway adjacent to the riverside.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                         |
| RI3    | <p>Insert additional text at the end of Section 8.2:<br/> <b>Policy RI.3 establishes key criteria to safeguard the variety of uses in the town that are directly related to the river. It takes account of the flexibility that exists in relation to permitted development rights to convert offices and storage and distribution facilities to residential use. It also offers flexibility in the event that river related uses cease to trade for retail, leisure or tourism uses to take their places. These will help to safeguard and consolidate the economic base and vibrancy of these parts of the town</b></p> <p>Replace policy</p> <p><b>Policy RI 3 – Retention of Primary River related employment uses</b><br/> Safeguard land which is used for primary/direct river related employment uses from development for housing. This includes the boatyards and sailing clubs. If these uses cease then other employment uses could replace them which could also include space for retail, leisure and tourism. Residential development will only be considered for support if all other options have been exhausted, based on proven independent viability evidence.</p> | <p>Whilst the land uses as shown in figure 8 were readily apparent when I visited the town neither the policy nor the map provides the degree of clarity needed by landowners, developers and decision-makers throughout the Plan period. I recommend that an appendix is produced identifying the buildings to which the policy would apply.</p> <p>I also propose a modification to the policy itself so that it has the necessary clarity on what proposals will and will not be supported. The policy will need to have regard to national planning policy. The General Permitted Development Order 2015 has introduced significantly different permitted development rights than those that were in place at the time was being developed. In particular Classes O and P respectively of that Order provide a degree of flexibility (subject to conditions) for changes of use from offices (B1a) and storage/distribution (B8) to residential use without the need for planning permission.</p> | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> <p>An Appendix will be added to the Plan detailing the land and buildings this policy applies to. The site will also be shown on an amended Figure 8. Both of these can be found at the end of this schedule.</p> |

## APPENDIX A

| Policy | Examiner's recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Examiner's reason                                                                                                                                                                                                                                                                                                                                                                                           | Officers' recommendation and reason                                                                   |
|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
|        | <p><b>Land and buildings in primary or directly related river employment uses (and as shown in figure 8 and Appendix X) will be safeguarded.</b></p> <p><b>Insofar as planning permission is required their conversion to residential use will not be supported.</b></p> <p><b>Proposals for the retail, leisure or tourism uses of the buildings concerned will be supported where they would comply with other policies in the development plan and where they would not change the overall character of the riverside.</b></p> <p>Appendix listing the land and buildings identified in figure 8 to be produced (can be found at the end of this schedule)</p>                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                       |
| RI4    | <p>Include additional supporting text at the end of Section 8.2 of the Plan:<br/> <b>Within the context set by both policies RI.3 and RI.4 there is the potential for additional public slipways to give access to the River for the launching of smaller craft. Such proposals should be considered on their merits taking account of these and other policies in the Plan.</b></p> <p>Replace policy</p> <p>Policy RI 4 – <b>Secondary River related employment uses</b><br/> <del>Encourage/support a variety of secondary /indirect maritime related uses along the River Crouch in the town centre such as chandlery, cafes, restaurants and sailing schools. There may be the potential for additional public slipways giving access to the River for the launching of smaller craft.</del></p> <p><b>Proposals for the development of maritime related employment uses alongside the River Crouch in the town centre will be supported.</b><br/> <b>Particular support will be offered to proposals for the development of chandleries, cafes restaurants and sailing schools.</b></p> | <p>I recommend a modification to the format of the policy so that it has the clarity required by both the decision-maker and the developer.</p> <p>I also recommend that the second sentence of the policy is captured in supporting text rather than the policy itself. As drafted it highlights the potential for additional slipways rather than providing a policy commitment to their development.</p> | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> |

## APPENDIX A

| Policy | Examiner's recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Examiner's reason                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Officers' recommendation and reason                                                                   |
|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| RI5    | <p>Policy RI 5 – <b>Gateway to RSPB Wallasea</b><br/> Display the policy in a different colour to that used for the land use policies<br/> (non-land use policy formatting)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>This policy proposes joint work between the Town Council/MDC and the RSPB for Burnham to be identified as a gateway to the RSPB Wallasea facility. I can see that this is an entirely appropriate proposal in its own right and one that will assist tourism in the Plan area. Nevertheless, it is a non-land use proposal.</p>                                                                                                                                                                                                                    | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> |
| RI6    | <p>Policy RI 6 – <b>East Coast Sailing Activities</b><br/> Display the policy in a different colour to that used for the land use policies<br/> (non-land use policy formatting)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>This policy proposes that the Town Council and MDC support the relaunch of the Town as the premier centre for East coast sailing and associated activities. I can see that this is an entirely appropriate proposal in its own right and one that will assist tourism in the Plan area. Nevertheless, it is a non-land use proposal.</p>                                                                                                                                                                                                           | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> |
| RI 7   | <p>Replace part of policy</p> <p>Policy RI 7a – <b>Swimming facility</b><br/> <del>Burnham Town Council will support financially viable projects to promote swimming facilities in the Town subject to a full risk assessment and environmental impact assessment.</del><br/> <b>Proposals for a new swimming pool or other swimming facilities will be supported where they safeguard the amenities of any adjacent residential properties and take account of the local environment in which they are located.</b></p> <p>Policy RI7b<br/> In addition the Burnham Town Council will support and promote other uses on the River itself for purposes such as rowing, windsurfing, canoeing and crabbing</p> <p>Display RI7b in a different colour to that used for the land use policies (non-land use policy formatting)</p> | <p>This policy has two separate parts. The first offers support for new swimming facilities in the town. This is a land use policy. I recommend a modification to ensure that the purpose of the policy is clear.</p> <p>The second part of the policy offers support to recreational uses of the river. The uses identified are beyond planning control and are, in effect, of a promotional nature. In this regard, they fall into the same category of other non-land use proposals identified elsewhere in the Plan. I recommend accordingly.</p> | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> |

## APPENDIX A

| Policy | Examiner's recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Examiner's reason                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Officers' recommendation and reason                                                                   |
|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| HC1    | <p>Insert the deleted text above immediately after the second paragraph of section 9.2 of the Plan</p> <p><b>Burnham Town Council/Maldon District Council to develop a detailed policy and most importantly an effective implementation and enforcement process for current and future generations on all retail and commercial frontages.</b></p> <p>Policy HC 1 – <b>Shop Front Design</b><br/>New and existing shop fronts should be designed to be sensitive to the historic character of the town centre. They should generally follow a traditional format of sign board, stall-riser and pilasters and use appropriate colours. The use of internally illuminated signs and external shutters should be avoided. <del>Burnham Town Council/Maldon District Council to develop a detailed policy and most importantly an effective implementation and enforcement process for current and future generations on all retail and commercial frontages.</del></p> | <p>The first part of the policy is very well-designed and meets the basic conditions. In particular, it provides clear guidance on how developers should propose any new shop fronts to respect the traditional character of the town centre.</p> <p>The second part of the policy is more aspirational. It indicates that the Town Council and MDC will develop a more detailed implementation policy to assist in this process. I have no doubt that this will be both a useful and a helpful process. Nevertheless, it will be subject to its own consultation and adoption process at that time. It does not meet the basic conditions given that there is no clarity at this stage on the more detailed approach. On this basis, I recommend that the second part of the policy is deleted and incorporated into the supporting text at section 9.2 of the Plan.</p> | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> |
| HC2    | <p>Replace policy</p> <p>Policy HC2 – <b>New Development features</b><br/><del>New development should have the following features where appropriate;</del></p> <ul style="list-style-type: none"> <li><del>• Local materials such as weatherboarding and brick.</del></li> <li><del>• Features such as vertically proportioned windows should feature in new homes</del></li> </ul> <p><b>Proposals for new housing development should produce high quality schemes that reflect the character and appearance of their immediate surroundings.</b></p> <p><b>Where appropriate new residential developments should incorporate the following features:</b></p> <ul style="list-style-type: none"> <li><b>• The use of traditional local materials such as brick and weatherboarding; and</b></li> <li><b>• The use of vertically-proportioned windows.</b></li> </ul>                                                                                                | <p>Nevertheless, in order to ensure that developers have the necessary clarity I recommend that the policy is modified so that the two features concerned sit within the wider context of good design. Otherwise the two features could be seen outside a wider context. This recommended modification would also overlap with my recommended modifications to Policy HO.10. That is the principal policy that establishes the design expectations of the Plan and provides a context for the introduction of the design principles in Appendix 1</p>                                                                                                                                                                                                                                                                                                                     | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> |

## APPENDIX A

| Policy | Examiner's recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Examiner's reason                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Officers' recommendation and reason                                                                   |
|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| HC3    | <p>In the third paragraph of section 9.3 replace the third sentence with the following:<br/> Areas of development should connect with one another. Simple permeable street patterns with a block structure and perimeter block layout are recommended. Cul-de-sacs are to be avoided where this does not reflect the character of the surrounding area. Opportunities should be sought to improve linkages between existing areas with any new development <b>Within this context cul-de-sacs should only be proposed where they reflect the character of the surrounding area and would produce good design and a high-quality living environment.</b></p> <p>Policy HC3 <b>Street Layout Principles</b><br/> <del>The street layout of new development is also important and should incorporate the following principles:</del> <b>Proposals for new residential development will be supported where they incorporate the following principles:</b></p> <ul style="list-style-type: none"> <li><del>• A well connected network of streets rather than cul-de-sacs.</del></li> <li>• A street pattern that connects well with existing streets and allows for connections with future development.</li> <li>• Street widths that allow for a variety of car parking e.g. within the curtilage of plots but also within the street, without impeding access for emergency vehicles and local authority services e.g. refuse collection, <b>and</b></li> <li>• Perimeter block layouts with clear front and back accesses</li> </ul> | <p>The restrictive approach on this point as set out in the Plan does not have regards to national policy as set out in paragraphs 59 and 60 of the NPPF. It is too prescriptive. I recommend modifications to the policy and the supporting text accordingly.</p>                                                                                                                                                                                                                                                                    | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> |
| HO1    | <p>Add the following supporting text to the end of Section 10.1:<br/> <b>Policies HO.1 and HO.2 set out key policy approaches towards new residential development in the Plan area. Policy HO.1 supports new residential development where it complies with other policies in this Plan and the wider development plan. Once the Maldon Local Development Plan is adopted it and the neighbourhood plan will constitute the development plan for Burnham. Planning applications should set out how they comply with development plan policies. This could be done either generally or through the preparation of a Planning</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>I recommend two modifications to this policy. The first would replace reference to the emerging local plan with the concept of the development plan. This will ensure that the Plan sits within its wider planning context and is future-proof. The second deletes reference to the role of a design and access statement in the policy. Such statements have a very specific role in the planning process and which are not best suited to the requirements of the policy. I recommend that the process for compliance is set</p> | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> |

## APPENDIX A

| Policy | Examiner's recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Examiner's reason                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Officers' recommendation and reason                                                                                                                                                                                                                                              |
|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|        | <p><b>Statement</b></p> <p>Policy HO.1 – <b>New Residential Development</b><br/>Proposals will be supported for residential development provided that it complies with the requirements set out in other policies of this Plan and the Maldon District Council Emerging Local Development Plan (2014-2029). Such compliance should be demonstrated by a design and access statement to be submitted with each application.</p>                                                                                                                                                                                              | out in modified supporting text.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                  |
| HO2    | <p>Policy HO.2 – <b>Range and Type of new residential development</b><br/>New housing development should demonstrate that the homes developed properly meet the needs of local families. This should include homes for first time buyers, single people, affordable homes, family homes at a range of sizes and styles including bungalows, semi-detached, detached and terraced houses.</p>                                                                                                                                                                                                                                | The need for new housing to meet the 'needs of local families' is far less closely aligned to meeting the basic conditions. Plainly in many instances the second component of the policy will be informed to a greater or lesser extent by the needs of these families. Nevertheless, the definition of local families is not made clear in the Plan, nor is there any direct evidence on this matter. The Plan will be contributing to meeting the wider objectively-assessed housing needs of the wider Maldon area. This need takes account of a variety of factors including the demographic needs of the local population and in migration. On this basis, I recommended that the first component of the policy is deleted so that the policy has the clarity required by the NPPF. | Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.                                                                                                                                                                                   |
| HO3    | <p><i>Insert as additional supporting text at 10.1:</i><br/><b>The Maldon District Council Emerging Local Development Plan (2014-2029) states (S6) a significant proportion of the proposed dwellings for Burnham-on-Crouch are of a form, tenure and dwelling mix that is appropriate for meeting the housing needs of an older population including the provision of bungalows, sheltered housing, extra care housing, private retirement homes and "Lifetime Homes" standard in accordance with national guidance/current building legislation, unless the developer can prove that it is economically unviable.</b></p> | The second component of the policy is both unclear in its definition and purpose. In the first instance, there is no definition of 'close' in the policy. This will therefore present practical issues for its consistent application through the development management process. In the second instance the policy takes no account of the strategic policies in the Plan that would result in the majority of new dwellings being located on the three strategic sites to the west and north of the town. A strict interpretation of the submitted policy may prevent housing for the                                                                                                                                                                                                  | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> <p>Additional text at 10.1:<br/>To correct an error, quote marks and italics will be added to show which part of the sentence is quoted from policy S6. A new sentence</p> |

## APPENDIX A

| Policy | Examiner's recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Examiner's reason                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Officers' recommendation and reason                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|        | <p><b>Policy HO.3 requires the development of houses to meet the need of retired and elderly persons as part of new housing developments. Proposals that position either general housing or bespoke housing for the elderly close to shops and services will be particularly supported subject to such proposals conforming with other policies in the Plan.</b></p> <p>Replace policy</p> <p>Policy HO.3 – <b>Housing for retired and elderly persons</b><br/> <del>Housing for retired and local elderly people, and people with mobility and sensory impairment, should be provided close to shops and services. The Maldon District Council Emerging Local Development Plan (2014-2029) states (S6) a significant proportion of the proposed dwellings for Burnham-on-Crouch are of a form, tenure and dwelling mix that is appropriate for meeting the housing needs of an older population including the provision of bungalows, sheltered housing, extra care housing, private retirement homes and "Lifetime Homes" standard in accordance with national guidance/current building legislation, unless the developer can prove that it is economically unviable. Housing developments of five or more dwellings should achieve 12 "greens" against the requirements of 'Built for Life' and be eligible for "Built for Life Outstanding" status.</del></p> <p><b>Housing for retired and elderly persons and people with mobility and sensory impairment will be supported. They should be provided on the strategic housing sites and elsewhere as appropriate.</b></p> | <p>elderly being developed on this sites.</p> <p>I recommend that this component of the policy is deleted so that there is clarity on the content and application of the policy. Nevertheless, I also recommend that the issues about the desirability of such housing being located close to shops and services is set out separately in the supporting text.</p> <p>I also recommend the deletion of the word 'local' to ensure consistency with my recommended modification to Policy HO.2</p> <p>I also recommend that other elements of the policy explaining the relationship between this policy and policy S6 in the emerging local plan are transferred into the supporting text. They are not in themselves of a policy nature.</p> <p>Finally I also recommend that the references in the policy to Lifetime Homes and Built for Life assessment homes are deleted. The Ministerial Statement of March 2015 identified that planning policies should not identify local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.</p> | <p>will be created for the wording that is not from policy S6:</p> <p>The Maldon District Council Emerging Local Development Plan (2014-2029) states (S6) <i>'a significant proportion of the proposed dwellings for Burnham-on-Crouch are of a form, tenure and dwelling mix that is appropriate for meeting the housing needs of an older population including the provision of bungalows, sheltered housing, extra care housing, private retirement homes and Lifetime Homes'. standard</i><br/> <b><i>This should be</i></b> in accordance with national guidance/current building legislation, unless the developer can prove that it is economically unviable.</p> |
| HO4    | <p>Insert the following additional supporting text at the end of section 10.2 of the Plan:</p> <p><b>Given the concerns set out in this section of the Plan the Town Council will work closely with the District Council to ensure that all the relevant cumulative effects of windfall and other developments in the Plan period are addressed and mitigated where appropriate.</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>As submitted the policy does not identify any specific policy requirements or expectations. On this basis, it would be impractical for MDC to apply consistently throughout the Plan period. In addition, it provides no clarity to developers. I recommend the deletion of the policy. In any event the issue will be overtaken by any future introduction of a</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

## APPENDIX A

| Policy | Examiner's recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Examiner's reason                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Officers' recommendation and reason                                                                                                                                                                                                                                                             |
|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|        | <p>Delete policy</p> <p>Policy HO.4 – New Residential Development and Infrastructure requirements</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>Community Infrastructure Levy regime in the District. The approach set out in the submitted policy does however represent a genuine concern within the town generally. As such I recommend that a revised form of words sits at the end of Section 10.2 that addresses the wider issue</p>                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                 |
| HO5    | <p>Policy HO.5 – <b>Affordable Market Housing Initiatives Proposals</b> which deliver affordable market housing will be supported. <del>The Malden District Council Emerging Local Development Plan (2014-2029) has set the affordable housing requirements for Burnham at 40% of market rate on strategically allocated developments and 30% on all others.</del></p>                                                                                                                                                                                                                                    | <p>Whilst the supporting text in section 10.3 clarifies that the policy takes this approach rather than the more traditional affordable housing route, this matter becomes far less clear in the policy itself. I recommend a modification to bring the clarity required by the NPPF</p>                                                                                                                                                                                                  | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>                                                                                                                                                                                           |
| HO6    | <p>Delete policy</p> <p>Policy HO.6 – Sustainable Building Standards</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>This policy sets out to ensure that new residential development meets national technical standards in terms of sustainability and efficiency.</p> <p>This process will be supported by all concerned. However, it is now controlled by the Building Regulations. I recommend that the policy is deleted for identical reasons to those set out in relation to that part of policy HO. 3 on this matter as set out in paragraph 7.122 of this report</p>                                | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p>                                                                                                                                                                                           |
| HO7    | <p>Include additional supporting text at the end of Section 10.5 of the Plan:</p> <p><b>In May 2016, the District Council resolved to grant planning permission for a planning application on the allocated site, on land to its south and on the allocated employment site (Policy E1p). This addresses many of the important components set out in Policy HO.7. The policy takes account of this development proposal. Plainly that proposal is now well-advanced in the planning process. The policy will apply to any revised or new planning applications that may be submitted on the site.</b></p> | <p>A neighbourhood plan needs to be both practical and to meet the basic conditions. Within this context, I recommend modifications to the policy and its supporting text to reflect this updated set of circumstances.</p> <p>Nevertheless, there is merit in retaining the policy to provide a policy framework against which any new or revised planning applications can be assessed. This approach will provide the clarity required by the NPPF at the same time as meeting the</p> | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner. Minor amendments are proposed to bullet point 3:</p> <p>The delivery of pedestrian and cycle routes throughout the site and which are well-integrated into <del>the</del> <b>both new</b></p> |

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| Policy | Examiner's recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Examiner's reason                                                                           | Officers' recommendation and reason                                                                                                                                                                                                                                                                                                                                                                                          |
|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|        | <p>Modify Figure 11 by adding <b>'that reflects the character of the immediate locality'</b> after 'Low-rise residential development'</p> <p>Replace part of policy</p> <p><b>Policy HO.7 – Land at Burnham West</b><br/>Development on the Maldon Road/Chandlers/Creeksea Lane frontages should respect the scale and character of the existing development.</p> <p><del>Connections should be made to the surrounding context, particularly to establish links with existing footpath routes and ensure these are wide enough with the appropriate surface to accommodate mobility scooters, pushchairs, wheelchairs and parents walking with children. Carefully planned cycle routes should be implemented, minimising crossing of roads, connecting all existing areas, new developments and the town centre and schools. Any green space provision should be to the south west side of the development to create open views to the estuary and the setting of Creeksea Place, a Grade II* Listed Building should also be protected. Housing should be orientated to face into open countryside supported by access roads, improving the appearance of the Town from the countryside.</del></p> <p><b>Development proposals should bring forward high quality designs that take account of the following factors:</b></p> <ul style="list-style-type: none"> <li>• <b>The delivery of low density development along the Maldon Road frontage;</b></li> <li>• <b>The delivery of higher density development within the middle part of the site;</b></li> <li>• <b>The delivery of pedestrian and cycle route throughout the site and which are well-integrated into the existing network;</b></li> <li>• <b>The preservation and enhancement of existing rights of way;</b></li> <li>• <b>The provision of facilities for persons of all ages;</b></li> </ul> | <p>requirements of paragraph 59 of the NPPF on design matters and their level of detail</p> | <p><b>and existing networks;</b></p> <p>Wording changes are made for the following reason:</p> <ul style="list-style-type: none"> <li>• 'through' the site is more practical and achievable than 'throughout' the site.</li> <li>• It is necessary to ensure that any proposed networks in / from new developments are planned to ensure that they integrate with each other, not just with the existing network.</li> </ul> |

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| Policy | Examiner's recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Examiner's reason                                                                                                                                                                                                                                                                                                                                                                                             | Officers' recommendation and reason                                                                                                  |
|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
|        | <ul style="list-style-type: none"> <li>• <b>The provision of green and open space to District Council standards; and</b></li> <li>• <b>The delivery of affordable housing to District Council standards at the time of the determination of the planning application concerned</b></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                      |
| HO8    | <p>Include additional supporting text at the end of Section 10.5 of the Plan:</p> <p><b>In May 2016, the District Council resolved to grant planning permission for a planning application on the allocated site. This addresses many of the important components set out in Policy HO.8. The policy takes account of this development proposal. Plainly that proposal is now well-advanced in the planning process. The policy will apply to any revised or new planning applications that may be submitted on the site.</b></p> <p>Modify Figure 12 to indicate the potential for an alternative 'new vehicular route' into the site from Southminster Road and for an alternative 'indicative vehicular access' at this same point</p> <p>Replace policy</p> <p>Policy HO.8 – Land at Burnham North (West)</p> <p>Development should be focussed to the south of the site to protect the character of Green Lane and maintain the green gap with Burnham-on-Crouch.</p> <p>Existing mature trees should be maintained and the setting of the locally listed Grade II "High House", an eighteenth century dwelling on Green Lane should be protected as appropriate.</p> <p><b>Development proposals should bring forward high quality designs that take account of the following factors:</b></p> <ul style="list-style-type: none"> <li>• <b>The delivery of a layout that respects and is set back from the Green Lane frontage to the site;</b></li> <li>• <b>The delivery of a layout that respects the existing green gap that exists between the two principal built-up elements</b></li> </ul> | <p>This policy addresses the strategic housing site at Burnham North (West) (S2j). In May 2016 MDC resolved to approve a full planning application on this site (MAL16/00093). The same principles apply to this site as I have set out in relation to Policy HO.7 (paragraphs 7. 129 to 7.132). I recommend a similar set of modifications in general, and which reflect the site details in particular.</p> | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> <p>Fig 12 will be amended.</p> |

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| Policy | Examiner's recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Examiner's reason                                                                                                                                                                                                                                                                             | Officers' recommendation and reason                                                                   |
|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
|        | <p>of the town along the section of Southminster Road in the eastern part of the site;</p> <ul style="list-style-type: none"> <li>• The delivery of satisfactory access into the site;</li> <li>• The protection of existing mature trees and their incorporation into the layout of the proposal; and</li> <li>• The delivery of affordable housing to District Council standards at the time of the determination of the planning application concerned.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                               |                                                                                                       |
| HO9    | <p>Replace policy</p> <p>Policy HO.9 – <b>Land at Burnham North (East)</b><br/>Development should:</p> <ul style="list-style-type: none"> <li>• respect the setting of the Grade II* Listed Church of St. Mary the Virgin</li> <li>• be orientated towards Marsh Road, reducing in scale and density to the north of the site and around the Church;</li> <li>• deliver an improved north-south cycle connection from Stoney Hills to Burnham-on-Crouch and public open space to meet the need of the local area, and</li> <li>• contribute to the improvement of Marsh Road.</li> </ul> <p>Further to Policy CS.4 proposals for amenity space and public facilities on site should be designed to protect the setting of the Grade II* Listed Church of St. Mary the Virgin and the adjacent Grade II listed Burnham Hall.</p> <p><b>Development proposals should bring forward high quality designs that take account of the following factors:</b></p> <ul style="list-style-type: none"> <li>• The delivery of a layout that respects and takes advantage of the topography of the site as it falls to Pannel's Brook to the north;</li> <li>• The delivery of a layout that respects the setting of St Mary the Virgin Church and which provides appropriate vistas towards its tower;</li> <li>• The delivery of a layout that respects the Marsh Road frontage and provides a strong design solution towards</li> </ul> | <p>Whilst this site is less advanced than the other two strategic sites I recommend similar modifications to the policy by way of setting out key development principles. Several of these principles are helpfully set out in the representation from agents acting for the site owners.</p> | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> |

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| Policy | Examiner's recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Examiner's reason                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Officers' recommendation and reason                                                                   |
|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
|        | <p>that frontage</p> <ul style="list-style-type: none"> <li>• The delivery of a layout that reduces in both scale and density from south to north</li> <li>• The delivery of affordable housing to District Council standards at the time of the determination of the planning application concerned; and</li> <li>• The delivery of a layout that takes account of Pannel's Brook both in terms of urban design and the protection of properties from potential flooding</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                       |
| HO10   | <p>Add the following to the end of the existing supporting text at 10.8:<br/> <b>Within this context all new housing development proposals should be designed, planned and delivered in a fashion to bring about high quality design in terms of layout, materials and vernacular finishes. Policy HO.10 sets out the policy basis that underpins this approach. Specific Housing Design Principles are set out in Appendix 1.</b></p> <p>Replace policy</p> <p>Policy HO.10 – <b>Housing Design Principles</b><br/> <del>Having regard to the above, Burnham Town Council, in reviewing planning applications, will only support applications that comply with the standards listed in Appendix 1 below.</del><br/> <b>Proposals for new housing development should produce high quality schemes that reflect the character and appearance of their immediate surroundings.</b></p> <p><b>Proposals should take account of the Housing Design Principles set out in Appendix 1 insofar as those principles apply to any particular site.</b></p> | <p>This policy sets out a series of design principles to which it requires housing developments to comply. The principles are set out separately in Appendix 1</p> <p>There is a disjoint between the supporting text and the policy itself. The Principles set out in Appendix 1 are primarily design-led. The supporting text refers primarily to viability and development costs. Plainly these two important factors both overlap and interplay one with the other. I recommend modifications so that these matters are addressed. This will provide the decision maker with longer term clarity on the purpose of the policy</p> <p>In addition I also recommend a modification to the structure of the policy itself. Whilst it refers the reader to the Principles in Appendix 1 it fails to set out its clear purpose of wanting to secure high quality design in accordance with the NPPF.</p> | <p>Agree – the modifications meet the basic conditions for the reasons expressed by the Examiner.</p> |
| App 1  | <p>NHD 3 Delete the final sentence in brackets (P)</p> <p>NHD 6 Delete the first element (P)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <ul style="list-style-type: none"> <li>• D - Too detailed matters - more properly addressed at planning application stage</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>Agree – the modifications meet the basic conditions for the reasons expressed by</p>               |

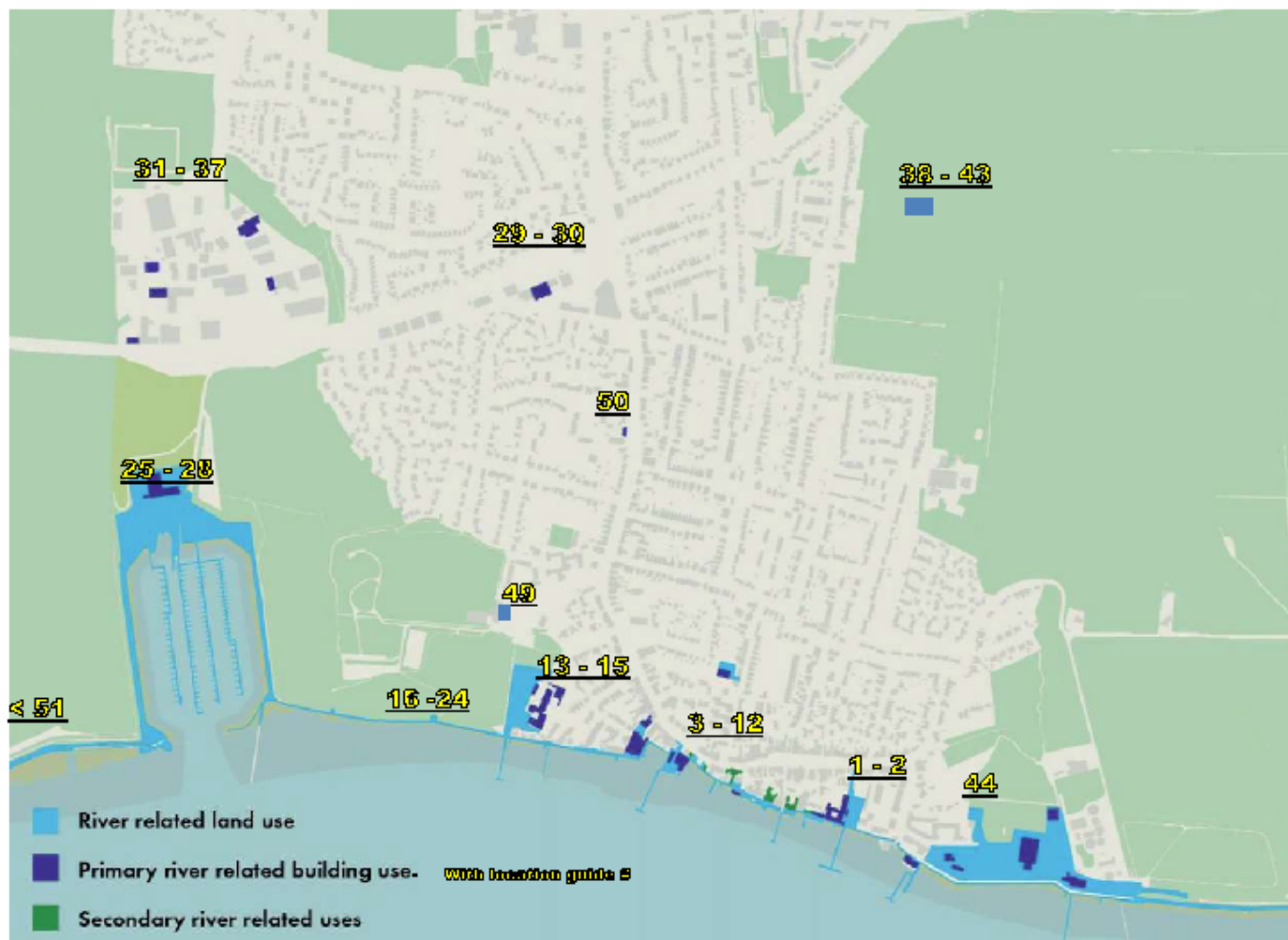
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| Policy | Examiner's recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Examiner's reason                                                                                                                   | Officers' recommendation and reason |
|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
|        | <p>NHD 7 Modify second component to read:<br/> <b>All dwellings should be provided with safe and convenient car parking spaces. Proposals for communal garage courts will be supported where they have a clear functional and visual relationship with the dwellings concerned.</b> (C)</p> <p>NHD 8 There is already sufficient detail in the site-specific housing policies Delete (P)</p> <p>NHD 9 The Principle is unclear on what is 'a sufficiently generous standard'. In any event the imposition of standards would be too prescriptive and may in itself prevent the delivery of good design. Delete (D/P/C)</p> <p>NHD 10 Insert '<b>wherever possible</b>' at the end of the first element (P)</p> <p>NHD 17 Replace 'village' with '<b>Town</b>' (C)</p> <p>NHD 19 This principle is very general and is repetitive of other principles Delete (C)</p> <p>NHD 20 Insert '<b>wherever possible</b>' after 'management' (P)</p> <p>NHD 21 This Principle is very prescriptive. It may hinder good design and may not result in the best use of development land Delete (D/P/C)</p> <p>NHD 22 This Principle is far too vague for inclusion in a development plan Delete (D/P/C)</p> <p>NHD 23 This Principle requires community involvement for all applications. The approach is both unreasonable and prescriptive. Delete (P)</p> <p>NHD 27 This is more of a process issue than a design principle</p> | <ul style="list-style-type: none"> <li>• P - Too prescriptive and contrary to the NPPF</li> <li>• C - To provide clarity</li> </ul> | <p>the Examiner</p>                 |

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| Policy | Examiner's recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Examiner's reason                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Officers' recommendation and reason                               |
|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
|        | <p>Delete (P)</p> <p>NHD 28/29 There is already sufficient detail in the site-specific housing policies. In any event the requirements lack clarity. Delete (C/P)</p> <p>NHD 30 Replace 'will require' with '<b>should be accompanied</b>' (C)</p> <p>NHD 32/33 These Principles do not add local value either to national or local standards on traffic generation and highways matters. In any event, they are both lacking in detail and clarity. Delete (C)</p> <p>NHD 34 The final sentence refers to traffic speed. This is not a land use matter. Delete final sentence (C).</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                   |
|        | Modification of general text (where necessary) to achieve consistency with the modified policies                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Where consequential changes to the text are required directly as a result of my recommended modifications to the policy concerned I have identified them in this report. However, there may be other required factual changes to the general text elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for the District Council and the Town Council to have the flexibility to make the necessary changes. I recommend accordingly. | Modifications to be agreed between the District and Town Councils |

Figure 8: Marine and River Related land Use. Figure 8



## Appendix 2 Marine and River Related land Use. Figure 8 Location Guide

| Location Guide # | Location                                    | Business - Company           | Activity                                                                                  |
|------------------|---------------------------------------------|------------------------------|-------------------------------------------------------------------------------------------|
| 1                | Sea End Boat House, The Quay.               | Rice & Coles                 | River Moorings, cranage, boat storage.                                                    |
| 2                | Sea End Boat House, The Quay.               | Yachting Solutions           | Chandlery, ropes, fittings, clothing etc.                                                 |
| 3                | The Quay                                    | Royal Corinthian Yacht Club  | Sailing club covering children through to off-shore sailing.                              |
| 4                | The Quay                                    | The Otter Hut                | Catering for young children starting sailing.                                             |
| 5                | The Quay                                    | Royal Burnham Yacht Club     | Sailing club covering children through to off-shore sailing.                              |
| 6                | The Quay                                    | Fairways Chandlery           | Rope, clothing, foot ware, fittings etc.                                                  |
| 8                | The Quay                                    | Quayside                     | Café/Restaurant                                                                           |
| 9                | The Quay                                    | The Anchor Hotel             | Accommodation, food and drink                                                             |
| 10               | The Quay                                    | Ferry                        | Dial-up ferry to Wallasea Island                                                          |
| 11               | The Quay.                                   | White Harte Hotel            | Accommodation, food, drink.                                                               |
| 12               | The Quay.                                   | The Crouch Harbour Authority | Controls river usage.                                                                     |
| 13               | The Sail Loft, Buckingham Square, The Quay. | Wet Works                    | Chandlery and Marine Lifestyle                                                            |
| 14               | Ground Floor, Buckingham Square, The Quay.  | Wet Works                    | Chandlery and Marine Lifestyle                                                            |
| 15               | First Floor, Buckingham Square, The Quay.   | Yachtline                    | Yacht Insurance                                                                           |
| 16               | The Quay.                                   | R.J Prior & Son              | River Moorings.                                                                           |
| 17               | The Quay                                    | R.J Prior & Son              | Work Shops for building & Repairing boats.                                                |
| 18               | The Quay                                    | R.J Prior & Son              | Sunken Store.                                                                             |
| 19               | The Quay                                    | R.J Prior & Son              | Boat Shed, storage of boats removed from moorings out of season.                          |
| 20               | The Quay                                    | R.J Prior & Son              | Dock for house boats etc.                                                                 |
| 21               | The Quay                                    | Maldon District Council      | Foreshore, House boats.                                                                   |
| 22               | The Quay                                    | Crouch Yacht Club            | Sailing club covering children through to off-shore sailing.                              |
| 23               | The Quay                                    | Burnham Museum               | Location of Burnham History Society depicting all aspects of the towns history & heritage |
| 24               | The Quay                                    | Burnham Sailing Club         | Sailing club more for dinghy sailing.                                                     |
| 25               | Foundry Lane                                | RNLI Lifeboat Station        | Saving lives at sea.                                                                      |

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| Location Guide # | Location                                | Business - Company                           | Activity                                                                                                                 |
|------------------|-----------------------------------------|----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| 26               | Foundry Lane                            | Burnham Yacht Harbour                        | Marina with permanent floating moorings, workshop, outfitting, hoist crane, dry boat storage.                            |
| 26               | Foundry Lane                            | Clarke & Carter Interyacht                   | Yacht Brokers                                                                                                            |
| 27               | Foundry Lane                            | Marinestore Ltd                              | Chandlers, rope, paint, clothing etc.                                                                                    |
| 28               | Foundry Lane                            | The Lighthouse Bar & Restaurant              | Food & Drink                                                                                                             |
| 29               | Mildmay Industrial Estate, Foundry Lane | APB Engineering                              | Manufactures of launching trolleys, boat cradles & trailers                                                              |
| 30               | Mildmay Industrial Estate, Foundry Lane | Hardy Engineering                            | Manufactures of marine hydraulic winches, electrical gear                                                                |
| 31               | Unit 2A Springfield Industrial Park     | Lonton & Gray                                | Sailmakers                                                                                                               |
| 32               | 1-2 Hobbs House Burnham Business Park   | Proboat                                      | Wholesale marine hardware suppliers                                                                                      |
| 33               | 10 Burnham Business Park                | Holt Marine                                  | Manufacturer/supplier marine hardware                                                                                    |
| 34               | The Sail Loft Burnham Business Park     | Tri-Ark Ltd                                  | Suppliers of diaphragm pumps                                                                                             |
| 35               | Liferaft House Burnham Business Park    | Premium Liferafts                            | Lifeboat & safety equipment hire                                                                                         |
| 36               | Unit 8 Springfield Business Park        | Flag Paints                                  | Manufacturer marine paints and finishes                                                                                  |
| 37               | Unit 9 Springfield Industrial Park      | Marine Windows                               | Manufacturer of windows for boats and yachts.                                                                            |
| 38               | Unit 13 Dammerwick Farm                 | Petticrows                                   | Builders of International Dragon and Finn Class yachts                                                                   |
| 39               | Unit 9 Dammerwick Farm                  | Rannoch Adventure                            | Design and build of trans-ocean rowing boats                                                                             |
| 40               | Unit 4 Dammerwick Farm                  | The Old Salt Loft                            | Manufacturer clothing, bags, merchandising for marine industry, upcycling old sails into products in sustainable manner. |
| 41               | Unit 3 Dammerwick Farm                  | Essex Embroidery-Black Jack Design           | Embroidery and print for marine use.                                                                                     |
| 42               | Unit 8 Dammerwick Farm                  | Mike Wood Marine                             | Builds and prepares dinghies for international competition.                                                              |
| 43               | Unit 2 Dammerwick Farm                  | Demi Foils                                   | Specialist manufacturer of fibre glass foils for dinghies.                                                               |
| 44               | Unit 18 Wick Road Industrial Site       | Robert Underhill Multi Hulls Ltd             | Brokerage, surveys etc. for supply of multi hull yachts                                                                  |
| 45               | Belvedere Road                          | The Victoria Inn                             | Public house for food and drink                                                                                          |
| 46               | 52 High Street                          | The Ship Inn                                 | Accommodation, food and drink                                                                                            |
| 47               | 29 High Street                          | The Star Hotel                               | Accommodation, food and drink                                                                                            |
| 48               | Rear of 4 Chapel Road                   | R J Prior & Son                              | Dry Boat Store                                                                                                           |
| 49               | Station Road, Nr. Millfields car park   | 1 <sup>st</sup> Burnham-on-Crouch Sea Scouts | Scout Hut                                                                                                                |

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| Location Guide # | Location           | Business - Company    | Activity    |
|------------------|--------------------|-----------------------|-------------|
| 50               | 49/51 Station Road | Essex Police          | Marine Unit |
| 51               | Ferry Road         | Creeksea Sailing Club | Dinghy Park |