



**Intelligent Plans**  
and examinations

# **Report on the Sandon Neighbourhood Plan 2023 – 2036**

**An Examination undertaken for Chelmsford City Council with the support  
of Sandon Parish Council on the 2023 submission version of the Plan.**

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Date of Report: 27 September 2023

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## Main Findings - Executive Summary

From my examination of the Sandon Neighbourhood Plan (the Plan) and its supporting documentation, including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- the Plan has been prepared and submitted for examination by a qualifying body – Sandon Parish Council;
- the Plan has been prepared for an area properly designated – the Sandon Neighbourhood Plan Area (Map 1 on Page 5 of the Plan);
- the Plan specifies the period to which it is to take effect – 2023 to 2036; and
- the policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

## 1. Introduction and Background

### Sandon Neighbourhood Plan 2023 - 2036

- 1.1 Sandon is a village and civil parish within the administrative area of Chelmsford City Council in Essex. The urban village of Great Baddow is located to the west of Sandon, fringing Chelmsford. To the east, along the A414, is the village of Danbury whilst East Hanningfield is beyond the parish boundary to the south. The area is bisected by the A12 dual carriageway. Junction 17 is just outside the parish boundary to the southwest. Junction 18 is in the centre of the northern part of the parish.
- 1.2 The draft Neighbourhood Plan builds on the 2011 Village Design Statement. It has been prepared over the period 2016 to 2023 with formal designation of the Neighbourhood Plan area taking place in October 2017. Publicity and participation have included articles in "Sandon Voice" and "Sandon Topics", presentations at the Parish Council's Annual Assemblies and the collection of local views through a residents' survey and a business survey. The resultant Plan has a vision to 2036, 10 objectives and eight policies.

## The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Sandon Neighbourhood Plan by Chelmsford City Council, with the agreement of Sandon Parish Council.
- 1.4 I am a chartered town planner and former government Planning Inspector with over forty years' experience. I have worked in both the public and the private sectors. I am an independent examiner and do not have an interest in any of the land that may be affected by the draft Plan.

## The Scope of the Examination

- 1.5 As the independent examiner, I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
  - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
  - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ("the 1990 Act"). The examiner must consider:
- Whether the plan meets the Basic Conditions.
  - Whether the plan complies with provisions under Section 38A and Section 38B of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act"). These are:
    - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
    - it sets out policies in relation to the development and use of land;
    - it specifies the period during which it has effect;
    - it does not include provisions and policies for 'excluded development'; and
    - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.
  - Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.

- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) (“the 2012 Regulations”).
- 1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

### The Basic Conditions

- 1.8 The “Basic Conditions” are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
  - contribute to the achievement of sustainable development;
  - be in general conformity with the strategic policies of the development plan for the area;
  - be compatible with and not breach European Union (EU) obligations (under retained EU law)<sup>1</sup>; and
  - meet prescribed conditions and comply with prescribed matters.
- 1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Neighbourhood Development Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.<sup>2</sup>

## 2. Approach to the Examination

### Planning Policy Context

- 2.1 The Development Plan for this part of Chelmsford City Council, not including documents relating to excluded minerals and waste development, is the Chelmsford Local Plan, adopted on 27 May 2020. There is an emerging Local Plan in the form of the Local Plan Review 2022 but this is at the early stages of preparation.
- 2.2 Planning policy for England is set out principally in the National Planning Policy Framework (NPPF) and is accompanied by the Planning Practice

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<sup>1</sup> The existing body of environmental regulation is retained in UK law.

<sup>2</sup> This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

Guidance (PPG) which offers guidance on how this policy should be implemented. All references in this report are to the latest iteration of the NPPF<sup>3</sup> and the accompanying PPG.

## Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Sandon Neighbourhood Plan 2023-2036, 2023;
  - Map 1 in the Plan which identifies the area to which the proposed Neighbourhood Development Plan relates;
  - the Consultation Statement, April 2023;
  - the Basic Conditions Statement, March 2023;
  - the Equalities Impact Assessment, March 2023;
  - the three evidence base supporting documents (Sandon – Character and Context; Environment, Green Spaces and Views; and Road Safety, Traffic, Footpaths and Cycle Tracks);
  - the Strategic Environmental Assessment/Habitats Regulations Assessment Screening Report, 7 September 2022, prepared by Chelmsford City Council;
  - all the representations that have been made in accordance with the Regulation 16 consultation; and
  - the request for additional clarification sought in my letter dated 24 August 2023 and the response dated 11 September 2023 on behalf of Sandon Parish Council and Chelmsford City Council.<sup>4</sup>

## Site Visit

- 2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 5 September 2023 to familiarise myself with it and visit relevant sites and areas referenced in the Plan and evidential documents.

## Written Representations with or without Public Hearing

- 2.5 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum.

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

<sup>4</sup> View at: <https://www.chelmsford.gov.uk/planning-and-building-control/planning-policy-and-local-plan/consultations-on-planning-policy/sandon-neighbourhood-plan-consultation/>

## Modifications

- 2.6 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

## 3. Procedural Compliance and Human Rights

### Qualifying Body and Neighbourhood Plan Area

- 3.1 The Sandon Neighbourhood Plan has been prepared and submitted for examination by Sandon Parish Council, which is a qualifying body for an area that was designated by Chelmsford City Council on 31 October 2017.
- 3.2 It is the only Neighbourhood Plan for the Parish of Sandon and does not relate to land outside the designated Neighbourhood Plan Area.

### Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2023 - 2036.

### Neighbourhood Plan Preparation and Consultation

- 3.4 Details of plan preparation and consultation are set out in Sandon Parish Council's Consultation Statement, April 2023. Designation of the neighbourhood area by Chelmsford City Council was made on 31 October 2017. Plan preparation was then progressed by a steering group comprising a wide cross section of residents, two parish councillors and representatives from different areas of the village.
- 3.5 The steering group endeavoured to ensure that the Neighbourhood Plan reflects the desires of the local community and key stakeholders by engaging with the local community from the outset. Early engagement included the residents' and business questionnaires. Later, an initial draft vision and objectives were publicised, and feedback recorded. Further consultation followed including the publication of draft policies and a call for comments.
- 3.6 Formal consultation under Regulation 14 took place between 16 January 2023 and 27 February 2023. The Consultation Statement records the responses that were made. These include comments from Chelmsford City Council and Essex County Council; also from agents, developers and other organisations. Forty-two representations were received from residents. The Consultation Statement summarises the main issues raised and the responses of the Parish Council.

- 3.7 At the Regulation 16 stage (8 June 2023 to 20 July 2023), 40 discrete representations were received from 17 different bodies including various organisation, developers, individuals and public bodies.
- 3.8 I am satisfied that, at both the Regulation 14 and the Regulation 16 stages, the consultation process met the legal requirements and there has been procedural compliance. Regard has been paid to the advice on plan preparation and engagement in the PPG.

#### Development and Use of Land

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

#### Excluded Development

- 3.10 The Plan does not include provisions and policies for “excluded development”.<sup>5</sup>

#### Human Rights

- 3.11 Sandon Parish Council is satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998). From my independent assessment, I see no reason to disagree.

## 4. Compliance with the Basic Conditions

#### EU Obligations

- 4.1 The Neighbourhood Plan was screened for Strategic Environmental Assessment (SEA) by Chelmsford City Council, which found that it was unnecessary to undertake SEA. Having read the Strategic Environmental Assessment Screening Report, I support this conclusion.
- 4.2 The Sandon Neighbourhood Plan was further screened for Habitats Regulations Assessment (HRA), which also was not triggered. There are various European sites along the Essex coast, the spheres of influence of which either extend towards or include the area of Sandon Parish. However, all are covered by the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) which is given effect through Neighbourhood Plan Policy SAN G1.
- 4.3 The Screening Report concludes that the proposed policies in the Neighbourhood Plan would not create any significant effects on European sites. This conclusion is supported by Natural England (email dated 19

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<sup>5</sup> See section 61K of the 1990 Act.

July 2022 (Appendix 2 of the Screening Report)). From my independent assessment of this matter, I have no reason to disagree.

## Main Issues

- 4.4 Having regard for the Sandon Neighbourhood Plan, the consultation responses and other evidence, and the site visit, I consider that there are four main issues relating to the Basic Conditions for this examination. These concern:
- Housing;
  - Design;
  - Rural Environment; and
  - Transport.
- 4.5 Before I deal with the main issues, I have a few observations to make with regard to the representations. First, the Sandon Neighbourhood Plan should be seen in the context of the wider planning system. This includes the Chelmsford Local Plan as well as the NPPF and PPG. It is not necessary to repeat in the Neighbourhood Plan matters that are quite adequately dealt with elsewhere.<sup>6</sup> Having said that, there may be scope to give emphasis to matters particularly relevant in the context of Sandon Parish.
- 4.6 Secondly, the Neighbourhood Plan does not have to deal with each and every topic raised through the consultation. In this regard, the content of the Neighbourhood Plan and the scope of the policies is largely at the discretion of the qualifying body, albeit informed by the consultation process and the requirements set by the Basic Conditions.
- 4.7 Thirdly, my central task is to judge whether the Neighbourhood Plan satisfies the Basic Conditions. Many of the representations do not demonstrate or indicate a failure to meet those conditions or other legal requirements. Similarly, many of the suggested additions and improvements are not necessary when judged against the Basic Conditions.
- 4.8 The following section of my report sets out modifications that are necessary in order to meet the Basic Conditions. Some of the proposed modifications are factual corrections.<sup>7</sup> Others are necessary in order to have closer regard to national policies and advice. In particular, plans should be succinct and contain policies that are clearly written and unambiguous.<sup>8</sup> In addition, the policies should be supported by appropriate evidence.<sup>9</sup>

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<sup>6</sup> See NPPF Paragraph 16 f).

<sup>7</sup> Modifications for the purpose of correcting errors is provided for in Paragraph 10(3)(e) of Schedule 4B to the 1990 Act.

<sup>8</sup> NPPF, Paragraphs 15 and 16 d).

<sup>9</sup> PPG Reference ID: 41-041-20140306.

## Issue 1 – Housing

- 4.9 Under Policy SAN H1, and amongst other things, development proposals in Sandon Village will be supported where they demonstrate how they maintain a separate identity and do not, individually or cumulatively, result in coalescence with neighbouring settlements. This wording suggests that the proposal has to maintain a separate identity as well as the village. This was not the intention.
- 4.10 In the response to my request for additional clarification,<sup>10</sup> it is confirmed that the policy requires demonstration of how the village will still have a separate identity once an individual proposal has been built. For clarity, a revised form of wording is needed.
- 4.11 Part B of the policy states that proposals in the setting of Sandon Village will need to be accompanied by a visual impact assessment. In response to my request for clarification, I have been supplied with a plan which is indicative of the setting of Sandon. For clarity, this information should be included in the Neighbourhood Plan.
- 4.12 As to the need for a visual impact assessment in every case, I am concerned that such a provision would be unnecessary and disproportionate. I note that the City Council's validation requirements would apply such a requirement to "major development proposals". In the absence of evidence that supports the need for a visual impact assessment in each and every case, the use of the major development threshold should be used.
- 4.13 Appropriate changes to Policy SAN H1 are set out in proposed modification **PM1**.
- 4.14 Part A i of Policy SAN H2 is supportive of new development where the size and mix of dwellings are consistent with the adopted Local Plan. Specifically, it is Local Plan Policy DM1 with which consistency is being sought. For clarity, reference to Policy DM1 should be included in the Neighbourhood Plan.
- 4.15 The policy continues by stating:  
"The nationally prescribed 30% discount on First Homes applies to new residential developments which meet the threshold on affordable housing. Development proposals which propose to apply a discount of 30% or greater will be supported."
- 4.16 In this regard, I note that the first paragraph is essentially a restatement of national guidance (First Homes are, by definition, discounted by a minimum of 30%); and whilst it is helpful to know that the 30% discount

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<sup>10</sup> See the response on behalf of Sandon Parish Council and Chelmsford City Council to my request for additional clarification.

will apply in Sandon Parish, it is the provision of First Homes that is to be supported rather than the 30% discount.

- 4.17 Proposed modification **PM2** includes appropriate revisions to Policy SAN H2.

## Issue 2 – Design

- 4.18 Policy SAN D1 deals with design and character in Sandon Parish. The opening of the policy states that proposals for development in Sandon Parish must contribute to quality of place by taking a design-led approach “as per the Essex Design Guide”. As the Essex Design Guide does not form part of the Development Plan, the Neighbourhood Plan should seek “regard to” the guide.
- 4.19 Part B vi of the policy seeks to apply the City Council’s Livewell Accreditation Scheme, where applicable. To avoid confusion over the documentation, a link to the scheme should be provided.
- 4.20 Necessary amendments to Policy SAN D1 are set out in proposed modification **PM3**. These also include a correction to Policy SAN D1 A which should refer to Map 5, not Map 4.

## Issue 3 – Rural Environment

- 4.21 Part A of Policy SAN G1 (Protection and Enhancement of the Natural Environment) states that all new developments within the zones of influence of European Sites should make an appropriate financial contribution towards mitigation measures. However, this is confusing since the whole of Sandon Parish is subject to the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). To avoid developers searching for the zones of influence, a clearer form of wording should be used.
- 4.22 Part B of the policy refers to the need for project level Habitats Regulations Assessment. However, I am told<sup>11</sup> that the requirement has been overtaken by events. In the light of the evidence, Part B should be deleted.
- 4.23 Part C of the policy indicates that development proposals “should aim to secure a net biodiversity gain of 10% on site, where proportionate to the proposal”. However, this wording is lacking in clarity. The intention<sup>12</sup> is to secure a net gain of at least 10%; and that this net gain should be provided on site wherever possible. Clearer wording is needed.

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<sup>11</sup> See the response on behalf of Sandon Parish Council and Chelmsford City Council to my request for additional clarification.

<sup>12</sup> See the response on behalf of Sandon Parish Council and Chelmsford City Council to my request for additional clarification.

- 4.24 Part E of the policy states that development will be required, where appropriate, to contribute towards the delivery of green and blue infrastructure. However, in order to indicate the circumstances under which contributions may be necessary, reference to the City Council's Supplementary Planning Document (SPD) on Planning Obligations is needed.
- 4.25 Part F of the policy states that all development proposals will be required to conserve and enhance the network of habitats and species associated with the Wildlife Corridors. However, there is no indication as to where details of these matters are to be found. Links to supporting documents are needed.
- 4.26 As to whether both conservation and enhancement are necessary, I appreciate that both are desirable. However, there is no evidence to demonstrate that both are necessary. Reference to conserving "where appropriate" would be supportable. In addition, rather than applying the policy to *all* development proposals, the provisions should apply to all new building.
- 4.27 Relevant amendments to Policy SAN G1 are included in proposed modification **PM4**.

#### Issue 4 – Transport

- 4.28 Policy SAN T1 (Promoting active and healthy travel), in Part A, refers to "the multifunctional pedestrian and cycle networks". From the response to my request for clarification, I take these to be the routes shown on Map 7. For clarity, cross-reference should be included within the policy. The title of the map should also be changed to multifunctional pedestrian and cycle networks. Additionally, the response tells me that Map 7 is out of date. To accord with the evidence, a new version should be used.
- 4.29 This part of the policy also refers to Strategic Growth Sites; but these have long titles and, on the face of the policy, I am unable to distinguish how many sites are identified. Having referred to the Local Plan, I am recommending a clearer form of wording.
- 4.30 Part B iv of the policy refers to best practice principles for active travel and to the DfT Cycle Infrastructure Design LTN 1/20. The LTN guidance is just one of a number of guidance documents. Relevant sources are set out in the Sustrans infrastructure design guidance. As a comprehensive document, the Sustrans guidance should be the reference source. An amendment to this effect, and other necessary amendments to the policy, are incorporated in proposed modification **PM5**.

#### Other Policies

- 4.31 There remain a number of policies that have not been the subject of commentary in the above report. These are Policy SAN CF1: Community

Facilities, Policy SAN E1: Employment Development and Policy SAN C1: Communication Technology.

- 4.32 To a greater or lesser extent, these topics are covered in NPPF Sections 6 (Building a strong, competitive economy), 8 (Promoting healthy and safe communities) and 10 (Supporting high quality communications). I find that there has been regard for national policy and that the Basic Conditions have been met.

### Other Matters

- 4.33 All policy areas have been considered in the foregoing discussion. With the modifications that I have recommended, the Plan would meet the Basic Conditions. Other minor non material changes (that do not affect the Basic Conditions)<sup>13</sup>, including those suggested by Essex County Council, as well as consequential amendments, corrections and up-dates, could be made prior to the referendum at the Councils' discretion.

## 5. Conclusions

### Summary

- 5.1 The Sandon Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

### The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Sandon Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

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<sup>13</sup> PPG Reference ID:41-106-20190509.

## Overview

- 5.4 It is evident that a considerable amount of time and effort has been devoted to the development and production of this Plan and I congratulate those who have been involved. The Plan should prove to be a useful tool for future planning and change in Sandon Parish over the coming years.

*Andrew S Freeman*

Examiner

## Appendix: Modifications

<b>Proposed modification number (PM)</b>	<b>Page no/ other reference</b>	<b>Modification</b>
PM1	Page 39	<p>Replace Policy H1 A ii with the following:</p> <p>“Maintain the separate identity of Sandon Village and do not, individually or cumulatively, result in coalescence with neighbouring settlements; and”.</p> <p>In Part B of the policy, replace “Proposals for development” with “Proposals for major development (as defined in the Glossary of the NPPF)”.</p> <p>Insert “(see Figure 3)” after “setting of Sandon Village”.</p> <p>From the information supplied in response to my request for clarification, add the detail on Sandon Village Setting to Map 3.</p>
PM2	Page 41	<p>At the end of Policy SAN H2 A i, after “adopted Local Plan”, insert “(Policy DM1)”.</p> <p>Replace Policy SAN H2 B with the following:</p> <p>“First Homes provided as part of affordable housing shall be discounted by a minimum of 30% against market value. Such provision will be supported under this policy.”</p>
PM3	Page 47	<p>In Policy SAN D1 A, replace “as per the Essex Design Guide which have regard” with “that has regard to the Essex Design Guide and”.</p> <p>Change “Map 4” to “Map 5”.</p> <p>In Part B vi, after “Accreditation Scheme” add a link to the appropriate document.</p>
PM4	Page 52	<p>Replace Policy SAN G1 A with the following:</p>

		<p>“To avoid adverse in-combination recreational disturbance effects on European Sites, all new residential development shall make an appropriate financial contribution towards mitigation measures as detailed in the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document.”</p> <p>Delete Part B of the policy.</p> <p>Replace the first sentence of Part C of the policy with the following: “Development proposals should manage impacts on biodiversity and secure a net biodiversity gain of at least 10%, where proportionate to the scale of the proposal, to be provided on site wherever possible.”</p> <p>In Part E, after “where appropriate” include a footnote with links to the documents referenced in the response to my request for clarification.</p> <p>Replace the first line of Part F of the policy with the following: “All new building proposals will be required to conserve and, where appropriate, enhance the”.</p>
PM5	Page 58	<p>In Policy SAN T1 A, after “multifunctional pedestrian and cycle networks” add “(see Map 7)”.</p> <p>For Map 7, substitute a map based on the information supplied in response to my request for clarification. Give the map the title “Multifunctional Pedestrian and Cycle Networks”.</p> <p>Substitute the following for the second sentence of Part A of the policy: “These include land north and south of Maldon Road (Strategic Growth Site Policies 3c and 3d – see Map 2).”</p> <p>For Part B iv of Policy SAN T1, substitute the following: “In the design of new walking and cycling routes, have regard to best practice principles for active travel</p>

		design as set out in Sustrans infrastructure design guidance.” Provide a link to the Sustrans’ document.
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