

Further Comments of the Independent Examiner

Prepared by

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15th November 2019

Introductory Remarks

1. As you will be aware, I have been appointed to carry out the examination of the Newport Quendon and Rickling Neighbourhood Plan. I have now carried out my initial review of the Plan and the accompanying documents that I have been sent. I am grateful for both Parish Councils for responding to my Initial Comments document and confirming that Newport Parish Council is the Qualifying Body.
2. I visited the plan area on the afternoon of Monday 11th November, when I experienced the traffic conditions at the end of school at Joyce Frankland Academy. I returned early the next morning and I was in position to observe for myself from about 7.15am, the pattern of queueing and traffic volumes, at the junction of Wicken Road and Newport High Street. I was there for close to an hour and I was then able to experience conditions at both school entrances at the start of the day, as well as seeing the traffic congestion at peak conditions on the B1038. I spent the rest of the morning, driving and walking around all three settlements before having a late morning coffee at the Cricketers Arms in Rickling Green.
3. My preliminary view is that I should be able to deal with the examination of this Plan by the consideration of the written material only. However, I do still have to reserve the right to call for a public hearing, if I consider that it will assist my examination, and that decision may to a large extent, depend upon the responses I receive from the questions I raise in this note.
4. Set down below are a number of matters that I wish to receive either clarification, responses to my questions or further comments from the Steering Group or in some cases from Uttlesford District Council (UDC). Such requests are quite normal during the examination process and will help me prepare my report and come to my conclusions.

Regulation 16 Comments

5. Firstly, I would like to offer the Steering Group the opportunity to respond to the comments made in the representations submitted at the Regulation 16 stage. I would be particularly interested in the response to Essex CC's comments on the workability of the Primary School Places policy but many other representations including those from parties promoting other sites, deserve a response.

Emerging Local Plan

6. Can UDC give me an update on the Local Plan Examination – has a time frame been set for the next stage, clearly dependent upon the Local Plan Inspectors being satisfied that the plan can move beyond Stage 1? Is there a likely date for adoption, depending on examination outcome? I am working on the basis that the matters dealt with at stage 1 are not directly relevant to my

examination particularly with regard to housing numbers in the Key Villages and the Class A and B Villages.

Outstanding Planning Applications

7. Can UDC inform me whether the public inquiry into the Gladman appeal has been held yet, and is there any indication as to when a decision is anticipated.

Status of Neighbourhood Plan Recommendations

8. The Secretary of State requirement is that a neighbourhood plan should contain planning policies for the use and development of land. This plan includes not just policies but what it terms *Recommendations*; some of which appear to relate to land use matters. The PPG states that:

“Wider community aspirations than those relating to the development and use of land, if set out as part of the plan, would need to be clearly identifiable (for example, set out in a companion document or annex), and it should be made clear in the document that they will not form part of the statutory development plan.”

9. There is a lack of clarity how a decision maker or an applicant would view what is described as a “Recommendation”. One particular planning policy, which are patently intended to be development plan policy, include reference to matters that are set out in what is a recommendation. See NQRAQ1 which cross references to NQRAQ3. Policy NQRSL2 refers to a levy that is not part of the policy.
10. Furthermore, a number of the recommendations cover matters that are actually related to the “use and development of land” and which may, or may not, be considered material to the determination of a planning application. For example, NQRTR8 recommends “that no further expansion of JFA be permitted unless solutions are implemented to the problems caused by the school transport”. Where matters are relevant to the determination of a planning application, then is it not appropriate that these should be set out as a planning policy, and where the issue is not relevant to the determination of a planning application, they are identified as Non-Planning Recommendation or Community Aspirations. It is clear from the Regulation 16 representations that some consultees do not appreciate the status of the recommendations.

Air Quality

11. The following matters are principally directed to Uttlesford’s Environmental Health Officers as the PPG places importance to having their input into the neighbourhood plan process, in the area of air quality.
12. I note that Newport, nor the rest of the neighbourhood plan area is not an AQMA. Would the results of air quality monitoring, indicate that conditions currently warrant AQMA designation or would the level of development currently anticipated likely to lead to conditions, where designation is justified. How close are the levels of pollution to be breaching EU limits? What is the

process for designating AQMA and what are the types of measures that are likely to be included in an Air Quality Action Plan for an area such as Newport?

13. I have noted that the District Council's threshold for requesting an Air Quality Impact Assessment, as set out in the District Council's Local Validation Checklist, is development within the Saffron Walden AQMA or development elsewhere of 200 or more residential units. Is having a threshold at 10 units deliverable, in terms of what documents can be required to be submitted with a planning application and is a lower threshold justified on the basis of air quality in the plan area?
14. Do the EHOs consider that the air quality is reaching the levels envisaged by emerging Policy EN15 which references "significant adverse effects on health"?
15. I would be interested in both the LPA and the Steering Group's views on what conclusions I should draw on air quality issue, bearing in mind the Inspector's comments made when he determined the very recent appeal proposal for up to 150 dwellings on the land south of Wicken Road, where he states:

"However, on the basis of the evidence before me, I have no reason to conclude that the proposal would give rise to unacceptable levels of air quality to the extent that there would be demonstrable harm to human health".
16. I would invite the Steering Group to consider the apparent discrepancy between on the one hand, Policy NQRAQ2 which refers to "developments of *any scale* will not be supported without consideration of the cumulative impact of related vehicle movements" when applicants are only required to undertake an Air Quality Impact Assessment on schemes of ten or more dwellings.

Travel Plans

17. One of the tests, under the basic conditions, is the extent that the plan's policies have regard to Secretary of State policy and advice. Relevant advice is found in the section of the Planning Policy Guidance (PPG) dealing with the question "What are Travel Plans" - Para 003 Ref ID 42-003-20140306. Is the thrust of the plan's approach to Travel Plans consistent with that advice? In particular, I am anxious to understand what is meant by the sentence in Policy NQRAQ2 "Travel Plans may be given weight in considering development applications ifthey provide information not obvious to residents". Is the statement that Travel Plans will not be given material weight, inconsistent with national policy?

Business Zones

18. Can the Steering Group provide me with a plan showing the actual properties which are covered by the policy in Map 2, as the trapezium shaped annotations seem to cross through buildings, rather than covering the whole

site. A clearer plan would aid the implementation of the policy at development management stage.

19. Can the Steering Committee clarify, how a decision maker would be satisfied that a change of use of a shop or community facility was justified, on the basis that “the need for the proposed use is clearly greater than the need for continued use as an employment site”. Perhaps it could give an example of how this criterion may be used.

Views Sensitive to Change

20. I note that the way that views are displayed, are different between the Newport and Quendon Maps. Can I ask that the Quendon map, Map 17 be changed to use an arrow which points away from the viewpoint, in the direction that it is seeking to protect. I found the way the view is identified on the Quendon Map somewhat confusing.

Policy on Development Limits

21. If Policy NQRHA1 includes a presumption against development outside of the development limits, why is it necessary to have a separate policy presuming against development in two specific locations, as set out in Policy NQRHA3 and would such locations be acceptable for development deemed suitable for areas outside of the development limits, that need a countryside location for example an agricultural building?
22. Policy NQRHA4 is titled “Buildings in the Countryside” but it applies to “planning applications in the Plan Area” - should the policy only be focussed on buildings outside the development limits?

Housing Policy

23. Can UDC give me an update on the current housing supply for Newport. I see from the figures in the emerging Local Plan, a figure of 94 unit are required for the period, since April 2017. In view of subsequent consents granted, what is the current residual requirement? Also, can I be advised as to what the current residual number is for Type A and Type B villages, which the allocations at Quendon will relate to. Is the LPA able to give an indicative housing figure or is it able to confirm the statement in the Neighbourhood plan that “the policies and site allocation in the Plan meets the housing requirement figure given by the LPA in the ELP”? Do all the housing allocations in this Plan area identified in the emerging local plan now have planning permission and how many have actually been implemented.
24. I am trying to assess the weight to be given to these housing figures for the reasons as set out in paragraph 65 and 66 of the NPPF (2019). Based on the debates that have so far taken place at the Local Plan Inquiry, including outstanding objections, is it likely that these numbers are likely to be changing. I am aware that the overall housing figure is expressed as a minimum figure.

25. Could the Steering Group assist me by pointing me to where an applicant would be likely to gather the information required by Policy NQRHD4, as to what the local demand for the respective sizes of affordable and market housing, as the policy refers to “evidenced local demand” or refers to “greatest demand”? What type of body would be likely to be judged to providing “independent evidence”?
26. Could the Steering Group comment on how the density policy for development outside of the development limits, which is expressed as a maximum density, sits against the Secretary of State’s policy as set out in paras 122 and 123 of the NPPF, regarding the need to be “making efficient use of land”?
27. Does UDC consider that Policy HQRHD5 dealing with the allocation of social housing to be a housing allocation policy, administered by the Housing Authority, rather than a land use policy?

Planning Obligations

28. Can UDC clarify whether residential schemes of under 11 units, are required to make contributions to local services and infrastructure via Section 106 agreements, beyond the need not to be delivering affordable housing?
29. Could UDC and the Steering Group comment as to how the neighbourhood plan policy, as set out in Policy NQRSL2 differs from what would be sought under a district wide policy and has there been any viability testing of the impact of the NQRSSL2 Levy, alongside other contributions. In view of the need for the obligation, being required as a result of the development, why is it justified that affordable housing development should not be contributing to additional sports and leisure services as surely, their residents would be expected to be able to access the facilities?
30. In Policy NQRTR2, can the Steering Group say whether there is a threshold of size of schemes, where developers will be required to address the impact of traffic including on air quality, and how does that relate to the threshold set out in Policy NQRAQ2 dealing with the cumulative impact of traffic on air quality and traffic congestion?
31. What is the timescale of the District Council’s consideration as to whether to introduce a Community Infrastructure Levy Scheme?

Flooding

32. I assume that Policy NQRGSE 1 only relates to surface water drainage rather than foul drainage, which will be via the sewage system although it will eventually discharge into a watercourse itself. Can UDC confirm whether Sustainable Urban Drainage Systems (SUDS) area are appropriate in areas such as the plan area, as I am aware that some area’s geology prevent their use?

Concluding Remarks

33. I am sending this note direct to Newport Parish Council, as well as Uttlesford District Council. I would request that both parties' responses should be sent to me by 5 pm on **Friday 6th December 2019**.
34. I will be grateful, if a copy of this note and any subsequent responses are placed on the appropriate neighbourhood plan websites.

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Independent Examiner to the Newport Quendon and Rickling Neighbourhood Plan.

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