

Felsted Neighbourhood Plan Decision Statement

Decision Statement Regarding Felsted Neighbourhood Plan Proceeding to Referendum

Summary

- 1.1 Following an independent Examination, Uttlesford District Council has recommended that the Felsted Neighbourhood Plan proceeds to referendum subject to modifications set out in Table 1 below. The outcome of the Examination was reported to Cabinet on 26/11/2019 where it was confirmed that the Felsted Neighbourhood Plan (Appendix 1), as revised according to the modifications set out below, complies with the legal requirements and basic conditions set out in the Localism Act 2011, and with the provision made by or under section 38A and 38B of the Planning and Compulsory Purchase Act 2004. The Plan can therefore proceed to referendum on 30 January 2020.
- 1.2 This Decision Statement can be viewed at:

Uttlesford District Council Offices

London Road
Saffron Walden
Essex
CB11 4ER

Office Hours

Monday to Thursday: 8.30am – 5pm
Friday: 8.30am – 4.30pm

Felsted Parish Council

URC Hall
Stebbing Road
Felsted
Essex
CM6 3JD

Office Hours

Monday: 10.00am – 12.30pm
Wednesday: 4.00pm – 6.30 pm

Documents can also be viewed online at: <https://www.uttlesford.gov.uk/felstednp>

Background

- 2.1 Felsted Parish Council, as the Qualifying Body, successfully applied for Felsted Parish to be designated as a Neighbourhood Area under The Neighbourhood Planning (General) Regulations 2012. The Neighbourhood Area was designated by Uttlesford District Council on 4 December 2014.
- 2.2 The Felsted Neighbourhood Plan was published by Felsted Parish Council for pre-submission consultation (Regulation 14) between 23 July 2018 and 21 September 2018.
- 2.3 Following the submission of the Felsted Neighbourhood Plan (submission version) to Uttlesford District Council the Plan was publicised and comments invited over a six week period from 12 June 2019 to 24 July 2019.
- 2.4 Uttlesford District Council, with the agreement of Felsted Parish, appointed an independent examiner, Christopher Edward Collison BA (Hons) MBA MRTPI MIED MCMI IHBC to review the Plan and to consider whether it met the Basic Conditions required by legislation and whether it should proceed to Referendum.
- 2.5 The Examiner's Report received on 29 September 2019 concluded that subject to modifications identified in the Report, the Felsted Neighbourhood Plan meets the basic conditions. The Examiner's conclusion on Page 119 of the report states that:

"I am satisfied that the Neighbourhood Plan:

- is compatible with the Convention Rights, and would remain compatible if modified in accordance with my recommendations; and
- subject to the modifications I have recommended, meets all the Statutory Requirements set out in paragraph 8(1) of schedule 4B of the Parish and Country Planning Act 1990 and meets the Basic Conditions:
- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- does not breach, and is otherwise compatible with, EU obligations; and would continue to not breach and be otherwise compatible with EU obligations if modified in accordance with my recommendations; and
- 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.

I recommend to Uttlesford District Council that the Felsted Neighbourhood Development Plan for the plan period up to 2033 should, subject to the modifications I have put forward, be submitted to referendum."

- 2.6 The Examiner recommends that subject to the modifications listed in the Report, the Felsted Neighbourhood Plan should proceed to referendum. He further recommends that the referendum area should be the same as the designated neighbourhood area, there being no substantive evidence to demonstrate that this is not the case. The referendum area is contiguous with the administrative boundary for Felsted Parish.
- 2.7 Following receipt of the Examiners Report, legislation requires that Uttlesford District Council consider each of the modifications recommended, the reasons for them, and decide what action to take. This is set out in Table 1 in Section 3 below. Ahead of this consideration, the Report and its findings have been subject to discussion and agreement between the Council and Felsted Parish Council.

Decision and Reasons

- 3.1 Uttlesford District Council, has considered each of the modifications recommended and concurs with the reasoning provided by the Examiner in his Report dated 29 September 2019. With the Examiner's recommended modifications, Uttlesford District Council has decided that the Felsted Neighbourhood Plan meets the Basic Conditions mentioned in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, is compatible with the Convention rights and complies with provision made by or under Section 38A and 38B of the Planning and Compulsory Purchase Act 2004. As a consequence, the submission version of the Felsted Neighbourhood Plan will be modified as recommended for it then to proceed to referendum.
- 3.2 The Council has considered the referendum area as recommended by the Examiner and has decided there is no reason to extend the neighbourhood area for the purposes of referendum. The Referendum area will be the same as the designated Neighbourhood Area for the Felsted Neighbourhood Plan.
- 3.3 The list of modifications and actions required are set out in the following Table. As a consequence of these changes the Felsted Neighbourhood Plan will be re-published and titled the Felsted Neighbourhood Plan **(Referendum Version)**.

APPENDIX 1: Cabinet Resolution in Respect of Felsted Neighbourhood Plan

RECORD OF DECISIONS - CABINET TUESDAY, 26 NOVEMBER 2019		
Key	<p>11 - Felsted Neighbourhood Plan</p> <p>RESOLVED to</p> <p>i) accept the Independent Examiner's recommended changes to the Felsted Neighbourhood Plan in full as set out in the Schedule at Appendix 2 and notes the recommendation that the amended Felsted Neighbourhood Plan should proceed to a Referendum of voters within the Parish of Felsted to establish whether the plan should form part of the Development Plan for Uttlesford District Council.</p> <p>ii) approve the holding of a referendum relating to the Felsted Neighbourhood Plan on 30 January 2020 that will include all the registered electors in Felsted Parish.</p>	<p>Reasons: To allow the Felsted Neighbourhood Plan to move to referendum stage.</p> <p>Other Options considered: n/a</p> <p>Any interest declared by any member of Cabinet:</p> <p>In respect of any conflict of interest declared, whether dispensation is in existence for that interest:</p>
<p><i>A decision will come into force and may be implemented on the expiry of five working days after the date of publication unless either the Chairman or any three members of the Scrutiny Committee objects and calls it in. To check the call in status of any of the above decisions, please refer to the Decisions page of the website, where you can use search options to find information regarding decisions taken.</i></p>		

Table 1

Felsted Neighbourhood Plan – Examiner’s Recommendations

The modifications to be made in response to the examiner’s recommendations, Uttlesford District Council’s response with the reasons for them.

DOCUMENT PAGE/POLICY	EXAMINERS RECOMMENDATION	EXAMINER’S REASON	UTTLESFORD DISTRICT COUNCIL’S DECISION and REASON
Policy FEL/INFI – Flood Risk	<p>Modification 1: Page 36 Insert additional policy FEL/INF1 “New development will only be supported where proposals demonstrate sufficient water reclamation capacity exists, and that fluvial flooding will not result.”</p>	The Felsted Neighbourhood Plans needs to address matters of water recycling capacity and fluvial flood risk from unmodelled watercourses so that Neighbourhood Plan has regard to national policy.	<p>Agreed</p> <p>To ensure that the Neighbourhood Plan has regard to national policy and therefore ensure it meets the basic conditions.</p>
Protecting the Historic Village Centre			
Policy FEL/HVC1 - Historic Village Centre NP – Page 31	<p>Modification 2: In Policy FEL/HVC1 Pages 37/38</p> <ul style="list-style-type: none"> • in the second paragraph before “Development proposals” insert “To be supported”; replace “should” with “must”; and delete “a good” and “sensitive and” • commence the third paragraph with “To be supported”; after “within the” insert “Historic Village Centre”; and delete “that” • replace (i) with “safe access, and that off-street parking provision will be sufficient to avoid additional on-street parking;” • replace (ii) with “the proposal will not result in severe traffic congestion; and” • replace (iii) with “the proposal will not 	<p>The terms “<i>should</i>” and “<i>can be</i>” do not provide a basis for the determination of planning applications. The criteria in the second and third paragraphs of the policy are presented without purpose. The terms “<i>good</i>”, “<i>sensitive</i>”, “<i>impinging on</i>”, “<i>help alleviate</i>”, and “<i>unacceptable</i>” are imprecise.</p> <p>The requirement “<i>will help alleviate existing traffic</i>”</p>	<p>Agreed</p> <p>Ensures clarity and regard for national policy and therefore ensure it meets the basic conditions.</p>

	adversely affect residential amenity through noise, fumes, smells, or disturbance.”	<i>congestion</i> ” does not meet the tests set out in paragraph 56 of the Framework.	
Policy FEL/HVC2 – Existing Village Shop and Post Office NP – Page 32	Modification 3: In Policy FEL/HVC2 Pages 39/40 <ul style="list-style-type: none"> • replace “sustainable, accessible location which includes adequate car parking” with “to a location no less accessible to users and which will not necessitate on-street car parking” • replace the third paragraph with “Proposals must be subject to a Transport Statement/Assessment in accordance with ECC Development Management Policies (2011) to demonstrate that they will not exacerbate existing traffic congestion and parking issues at this location.” 	Essex County Council recommends reference to cycle parking and requirement for Transport Statement/Assessment. Paragraph 104 of the Framework states planning policies should provide for cycle parking. Paragraph 109 of the Framework states “Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”. Paragraph 111 of the Framework refers to transport statements and transport assessments	Agreed Ensures clarity and regard for national policy and therefore ensure it meets the basic conditions.
Policy FEL/HVC3 – Royal British Legion Site NP – Page 33	Modification 4: In Policy FEL/HVC3 Page 41 In Policy FEL/HVC3 <ul style="list-style-type: none"> • replace “Proposals are sought which” with “To be supported proposals relating to the existing RBL site must” • commence point iv) with “Subject to viability 	Policy has to have regard for national policy with regard to provision of cycle parking. Policy should not undermine deliverability due to development contributions.	Agreed To ensure policy has regard to national policy in respect of provision of cycle parking; provides clarity to decision maker; and to

	<p>considerations”</p> <ul style="list-style-type: none"> • add point “v) include public cycle parking facilities 	The term “for the village centre” regarded as unnecessary and not sufficiently justified.	ensure that the policy terminology is justified.
Policy FEL/HVC4 – Additional Car Parking in the Village Centre NP – Page 34	<p>Modification 5: In Policy FEL/HVC4 Page 43 In Policy FEL/HVC4 replace “welcomed” with “supported” add a further bullet point “include cycle parking in accordance with the most up to date parking standards of the highway authority.” transfer the final sentence to become a free-standing sentence after the paragraph relating to energy hierarchy in Policy FEL/ICH1</p>	Terms used in policy i.e. “appropriate” is imprecise and another term “welcomed” not a basis for determining planning applications.	Agreed Provides clarity to policy and unambiguity to decision maker.
Policy FEL/HVC5 – Managing Congestion at the T Junction in Felsted Village NP – Page 34	<p>Modification 6: In Policy FEL/HVC5 Page 44</p> <ul style="list-style-type: none"> • In Policy FEL/HVC5 after “must be” replace the text before the numbered points with “subject to a Transport Statement/Assessment in accordance with ECC Development Management Policies (2011) to demonstrate how walking, cycling and passenger transport will be promoted and adverse impact on the existing conditions on the local highway network will be avoided:” 	In commenting on the Regulation 16 representations the Parish Council has proposed the Policy wording is revised in accordance with the recommendation of Essex County Council but use of terms such as “maximised” and “minimised” have been avoided from the Essex County Council wording as they do not provide a basis for determination of planning proposals.	Agreed Provides clarity for decision maker and has regard for national policy and therefore ensure it meets the basic conditions.
Village Amenities			
Policy FEL/HVA1 – Doctors’ Surgery	Modification 7: In Policy FEL/HVA1 Page 45	Use of imprecise term and inclusion of a sentence	Agreed

<p>NP – Page 36</p>	<ul style="list-style-type: none"> • In Policy FEL/VA1 commence the final sentence with “To be supported” and replace “include adequate off” with “will not necessitate on” 	<p>without consequence making the policy not clear and ambiguous.</p>	<p>Provides clarity and renders the policy clearly written and unambiguous.</p>
<p>Policy FEL/HVA2 – Memorial Hall NP – Page 37</p>	<p>Modification 8: In Policy FEL/HVA2 Page 45</p> <ul style="list-style-type: none"> • In Policy FEL/VA2 replace the final sentence with “To be supported development or redevelopment proposals must not prevent future achievement of vehicular access to the recreational area to the rear of the site where additional car and cycle parking facilities may be provided.” 	<p>NPPF requires planning policies to provide cycle parking facilities. The last sentence in the policy did not meet NPPF test paragraph 56 regarding planning obligations.</p>	<p>Agreed</p> <p>To ensure Policy has regard for national policy and is clear and unambiguous and therefore ensure it meets the basic conditions.</p>
<p>Policy FEL/HVA3 – Infrastructure Priorities NP – Page 38</p>	<p>Modification 9: In Policy FEL/HVA3 Page 48</p> <ul style="list-style-type: none"> • In Policy FEL/VA3 replace the second sentence before the bullet points with “Use of developer contributions able to be locally determined will be directed to any of the following priorities:” 	<p>Clarification on that most developer contributions are subject to strict limitations on use and are tied to specific purposes, for example through Section 106 agreements, some funds may become available during the plan period the use of which can be locally determined, for example the neighbourhood portion of Community Infrastructure Levy.</p>	<p>Agreed</p> <p>Modification ensures policy has regard for national policy and therefore ensure it meets the basic conditions.</p>
<p>Policy FEL/HVA4 – Burial Ground NP – Page 38</p>	<p>Modification 10: In Policy FEL/HVA4 Page 50</p> <ul style="list-style-type: none"> • In Policy FEL/VA4 replace “adequate and sympathetically designed” with “off- 	<p>Policy is imprecise and is not clearly written as required by the NPPF paragraph 16d.</p>	<p>Agreed</p> <p>Ensures Policy is clear and unambiguous and has</p>

	<p>street”</p> <ul style="list-style-type: none"> • after “visitors” insert “so that on-street parking is not necessary” 		<p>regard for national policy and NPPF para 16d and therefore ensure it meets the basic conditions.</p>
<p>Policy FEL/HVA5 – Recreational and Play Facilities NP – Page 38</p>	<p>Modification 11: In Policy FEL/HVA5 Page 50/51</p> <p>In Policy FEL/VA5</p> <ul style="list-style-type: none"> • after “equivalent” insert “or better” • delete “in an acceptable location” • after “Area” insert “in no less convenient location for users” 	<p>Policy is imprecise and is not clearly written as required by NPPF paragraph 16d.</p>	<p>Agreed</p> <p>Ensures Policy is clear and unambiguous and has regard for national policy and NPPF para 16d and therefore ensure it meets the basic conditions.</p>
Developing Our Schools			
<p>Policy FEL/SCI – Supporting our Schools NP – Page 40</p>	<p>Modification 12: In Policy FEL/SC1 Page 52</p> <p>In Policy FEL/SC1</p> <ul style="list-style-type: none"> • after “following” insert “school related” and delete “by the schools” • in the first bullet point delete “and, other than those specifically supported in SC5” and replace the colon and points 1 and 2 with “not result in severe congestion or additional on-street parking.” • in the second bullet point replace “sympathetically designed,” with “designed to” • in the third bullet point delete “sympathetically designed” and delete “and include effective and deliverable traffic management schemes” 	<p>The Policy as written is confusing, does not meet the test for obligations set out in NPPF par 56 and some terms are imprecise, other terms are not sufficiently justified and other terms do not provide a basis for the determination of planning applications.</p>	<p>Agreed</p> <p>Ensures the policy has regard for national policy and is clear and unambiguous.</p>

	<ul style="list-style-type: none"> replace the final sentence with “Development proposals that will result in additional on-street parking will not be supported.” 		
Policy FEL/SC2 – Felsted School NP – Page 40	Modification 13: In Policy FEL/SC2 Page 53 <ul style="list-style-type: none"> In Policy FEL/SC2 delete “Subject to SC1,” 	Unnecessary and confusing for the policy to state “Subject to SC1) as the Neighbourhood Plan should be read as a whole.	Agreed To provide clarity and unambiguity as required by NPPF para 16d and therefore ensure it meets the basic conditions.
Policy FEL/SC3 – Felsted School Follyfield Site NP – Page 41	Modification 14: In Policy FEL/SC3 Page 54 <ul style="list-style-type: none"> Replace Policy FEL/SC3 with “To be supported any scheme to redevelop Felsted School’s Follyfield site (as shown on Map 4) must be subject to a Transport Statement/Assessment and provide a safe and suitable access and conform with the latest parking standards of the highway authority.” 	The policy is without consequence and overly prescriptive without adequate justification.	Agreed Provides clarity and unambiguous for a decision maker in reacting to a development proposal.
Policy FEL/SC5 – Felsted School - Modernisation NP – Page 42	Modification 15: In Policy FEL/SC5 Page 56 In Policy FEL/SC5 <ul style="list-style-type: none"> delete “Notwithstanding the general conditionality of SC1” replace “are of sympathetic design and of an appropriate scale” with “reflect the character and appearance of the setting” 	Unnecessary and confusing for the policy to state “ <i>Notwithstanding the general conditionality of SC1</i> ” as the policies of the Neighbourhood Plan should be read together. The term “sympathetic design and an appropriate scale” is imprecise.	Agreed To ensure the policy is clearly written and unambiguous to a decision maker as required by NPPF para 16d and therefore ensure it meets the basic conditions.

<p>Policy FEL/SC6 – Felsted Primary School Expansion NP – Page 43</p>	<p>Modification 16: In Policy FEL/SC6 Page 56 In Policy FEL/SC6</p> <ul style="list-style-type: none"> • replace text before the numbered points with “To be supported the development and expansion of Felsted Primary School on the existing site, as shown in Map 5, must be subject to a Transport Statement/Assessment which considers local traffic management including:” • replace “new “with “safe and effective” • replace part iii) with “Sufficient off-street parking for staff to avoid the necessity for staff to park on-street;” • delete parts v), vi), and ix) 	<p>The terms “adequate” and “modal shift through travel planning” are imprecise. The requirement for a new access has not been sufficiently justified. The term “potentially including” does not provide a basis for the determination of planning applications. Implementation of enhanced parking restrictions, and measures to achieve speed reduction, are dependent on a third party for realisation.</p>	<p>Agreed</p> <p>Ensure the policy is clearly written and unambiguous to a decision maker as required by NPPF para 16d and therefore ensure it meets the basic conditions.</p>
<p>Policy FEL/SC7 – Felsted Primary School Expansion NP – Page 43</p>	<p>Modification 17: In Policy FEL/SC7 Page 59 In Policy FEL/SC7 replace all text after “mix of” with “dwelling types that reflects the latest assessment of local housing need applicable to Felsted parish.”</p>	<p>The terms “downsizing opportunities” and “homes suitable for elderly people” are imprecise.</p> <p>The requirement for active consultation by applicants with the community and the Parish Council and provision of a development brief prior to any application being submitted does not have sufficient regard for national policy.</p>	<p>Agreed</p> <p>Ensure the policy is clearly written and unambiguous to a decision maker as required by NPPF para 16d and therefore ensure it meets the basic conditions.</p>

Meeting Housing Needs			
<p>In Policy FEL/HN1 – Meeting Housing Needs NP – Page 47</p>	<p>Modification 18: In Policy FEL/HN1 Page 69/70</p> <p>In Policy FEL/HN1</p> <ul style="list-style-type: none"> • replace “up to” with “approximately” • insert “approximately” before “24” and “39” • delete the final sentence, which should be transferred to section 	<p>The specification of “<i>up to 63 units</i>”, “<i>(24 units)</i>” and “<i>(39 units)</i>” is overly prescriptive and has not been sufficiently justified. The specification “<i>up to</i>” with respect to total provision and of precise figures for each allocation site may prevent an otherwise sustainable development proposal. There is internal inconsistency within the policy. Two precise figures cannot sum to an “<i>up to</i>” total. There is also inconsistency with terminology used in Policies FEL/HN2 and FEL/HN3.</p>	<p>Agreed</p> <p>To provide consistency in terminology for Policies FEL/HN1, FEL/HN2 and HN3 and allow necessary flexibility in the determination of sustainable development proposals.</p>
<p>In Policy FEL/HN2 – The Sunnybrook Farm Site in Braintree Road. SHLAA Site 20FEL15 NP Page 50</p>	<p>Modification 19: In Policy FEL/HN2 Page 75/76</p> <p>In Policy FEL/HN2</p> <ul style="list-style-type: none"> • before “24” insert “approximately” • replace the second sentence before the colon with “To be supported development proposals must:” • in part i replace “secure” with “lockable” and delete “and maximise land use” • in part ii delete “well-” • commence part iii and part iv with “Include” • in part v replace the text after “housing” 	<p>The specification of 24 units is overly prescriptive and has not been sufficiently justified. A precise requirement may prevent an otherwise sustainable development proposal.</p> <p>The terms “<i>maximise land use</i>”, “<i>well-screened</i>”, and “<i>existing and future needs of our community</i>” are imprecise. In</p>	<p>Agreed</p> <p>To allow necessary flexibility in the determination of sustainable development proposals and to ensure the policy is clearly written and unambiguous to a decision maker as required by NPPF para 16d and therefore ensure it meets the basic conditions.</p>

	<p>with “to meet the latest assessment of local housing need including a significant proportion of two- or three-bedroom accommodation suitable for young families, and homes that are suitable for older people (which can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs), having regard to the supply of such units at the time of application.”</p> <ul style="list-style-type: none"> • delete part vi • insert new criterion i) – iii) and re-order accordingly to read: “i) be subject to a Transport Statement/Assessment in accordance with ECC Development Management Policies (2011) and Car Parking Standards; ii) identify and pursue opportunities to promote walking, cycling and public transport to improve accessibility and integration into the wider community and wider networks; iii) protect the public’s rights and ease of passage over the adjacent Public Footpath 12 (Felsted), ensuring it is maintained free and unobstructed at all times to ensure the continued safe passage of public on the definitive right of way;” 		
<p>In Policy FEL/HN3 – Land in Station Road to the west of Bury Farm. SHLAA Site 01FEL15</p>	<p>Modification 20: Page 79 In Policy FEL/HN3</p> <ul style="list-style-type: none"> • replace “up to” with “approximately” • replace the second sentence before the 	<p>The specification of “<i>up to 39 units</i>” is overly prescriptive and has not been sufficiently justified. The specification “<i>up to</i>”</p>	<p>Agreed</p> <p>To ensure the policy is clearly written and unambiguous to a decision</p>

<p>NP – Page 53</p>	<p>colon with “To be supported development proposals must:”</p> <ul style="list-style-type: none"> • delete part I c • replace “to a high standard” with “so as to enhance the character and appearance of the area” • in part II replace the text after “housing” with “to meet the latest assessment of local housing need including a significant proportion of two- or three-bedroom accommodation suitable for young families and older people, having regard to the supply of such units at the time of application” • in part V delete “gifted to the Parish” • in part VI after “hedgerows” delete “and” • in part VII delete the final “and” • delete the final sentence of the policy • Insert new parts: IX) be subject to a Transport Statement/Assessment in accordance with ECC Development Management Policies (2011) and Car Parking Standards; and X) identify and pursue opportunities to promote walking, cycling and public transport to improve accessibility and integration into the wider community and wider networks.” 	<p>may prevent an otherwise sustainable development proposal.</p> <p>The second sentence of the policy is without consequence.</p> <p>It is necessary for the policy to avoid being overtaken by changed circumstances regarding housing need and supply during the plan period. The scale of obligations must not undermine the deliverability of the plan, as required by paragraph 34 of the Framework, and must meet the tests set out in paragraph 56 of the Framework. The terms “adequate”, “high standard”, “suit the needs of the community”, and “high-quality” are imprecise. The term “provision of a development brief” does not provide a basis for the determination of planning applications. Realisation of the “active consultation” component of the policy is reliant on third parties. The term “gifted to the Parish”</p>	<p>maker as required by NPPF para 16d and therefore ensure it meets the basic conditions.</p>
----------------------------	--	---	---

		does not provide a basis for the determination of planning applications and has not been justified.	
In Policy FEL/HN4 – Residential Development within the Development Limits NP – Page 54	Modification 21: In Policy FEL/HN4 Pages 85/86 In Policy FEL/HN4 <ul style="list-style-type: none"> • after “Limits” insert “shown on Maps 12 and 13” • add an additional criterion “v) Demonstrating safe and suitable access, and being accompanied by a Transport Statement/Assessment, as appropriate, in accordance with the ECC Development Management Policies (2011).” 	The term “ <i>Village Development Limits</i> ” is imprecise and the policy should make reference to maps where the Village Development Limits are defined but Map 12 is not at sufficient scale to identify other village development limits accurately.	Agreed Provides clarity by presenting Village Development Limits of Causeway End, Bannister Green, and Watch House Green on a map at a scale sufficient to identify individual property boundaries so that the Neighbourhood Plan has regard for national policy and therefore ensure it meets the basic conditions.
In Policy FEL/HN5 – Residential Development Proposals outside the Village Development Limits	Modification 22: In Policy FEL/HN5 Pages 92 In Policy FEL/HN5 <ul style="list-style-type: none"> • after “proposals” insert “demonstrating safe and suitable access, and being accompanied by a Transport Statement/Assessment, as 	Map 13 provides an inset for Felsted Village but Map 12 is not at sufficient scale to identify other village development limits accurately. Each of the	Agreed Provides clarity by presenting Village Development Limits of

<p>NP – Page 54</p>	<p>appropriate, in accordance with the ECC Development Management Policies (2011),”</p> <ul style="list-style-type: none"> • after “Limits” insert “shown on Maps 12 and 13” • after “supported” insert “where one or more of the circumstances set out in paragraph 79 of the National Planning Policy Framework apply or” 	<p>Village Development Limits relating to Causeway End, Watch House Green, and Bannister Green is presented on a map at a scale sufficient to identify individual property boundaries so that the Neighbourhood Plan “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”</p>	<p>Causeway End, Bannister Green, and Watch House Green on a map at a scale sufficient to identify individual property boundaries so that the Neighbourhood Plan has regard for national policy and therefore ensure it meets the basic conditions.</p>
<p>In Policy FEL/HN6 – Supplemental Dwellings NP – Page 55</p>	<p>Modification 23: In Policy FEL/HN6 Pages 94</p> <p>In Policy FEL/HN6</p> <ul style="list-style-type: none"> • replace “VDLs” with “Village Development Limits shown on Maps 12 and 13” • add additional criterion “v) Is able to demonstrate safe and suitable access to the local highway network in accordance with the ECC Development Management Policies (2011);” • add additional criterion “vi) Restrictions are in place that prevent the supplemental dwelling being severed from the primary dwelling.” 	<p>The term “Village Development Limits” is imprecise and the policy should make reference to maps where the Village Development Limits are defined.</p> <p>Include an additional criterion relating to access.</p> <p>The placing of a 15-year restriction on the separation for sale of the primary and supplemental dwellings has not been sufficiently justified. For the policy to have sufficient regard for national policy there must be a restriction, without time</p>	<p>Agreed</p> <p>Provides clarity by reference to Village Development Limits as shown on Maps 12 & 13.</p> <p>An additional criterion relating to access and the restriction without a time limit on separation of primary and supplemental dwellings ensures that the policy has regard for national policy and therefore ensure it meets the basic conditions.</p>

		limit, on separation of the primary and supplemental dwellings.	
In Policy FEL/HN7 – Housing Mix NP – Page 57	<p>Modification 24: In Policy FEL/HN7 Pages 97 In Policy FEL/HN7</p> <ul style="list-style-type: none"> • replace the first two paragraphs with “New housing development will be supported where it provides: <ul style="list-style-type: none"> - two-bedroom or three-bedroom accommodation suitable for young families; or - homes suitable for older people that can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs; or - other types of accommodation identified in the latest assessment of local housing needs; and/or - affordable housing.” • in the final paragraph replace “meeting” with “meet” 	Any requirement for the amount and type of affordable housing must not undermine the deliverability of the plan, as required by paragraph 34 of the Framework.	<p>Agreed</p> <p>Provides clarity and the policy has regard for national policy and therefore ensure it meets the basic conditions.</p>
In Policy FEL/HN8 – Habitats Regulations Assessment Screening (HRA) NP – Page 58	<p>Modification 25: In Policy FEL/HN8 Pages 99 Recommended modification 25: Replace Policy FEL/HN8 with “All residential development within the zones of influence of European Sites will be required to make a financial contribution towards mitigation measures, as detailed in the Essex Coast</p>	Replacement of Policy FEL/HN8 with policy wording provided by Natural England.	<p>Agreed</p> <p>Revised wording ensures policy has regard for national policy and therefore ensure it meets the basic conditions.</p>

	<p>RAMS, to avoid adverse in-combination recreational disturbance effects on European sites. In the interim period, before the Essex Coast RAMS is completed, all residential development within the zones of influence will need to deliver all measures identified (including strategic) measures through project level HRAs, or, otherwise, to mitigation and recreational disturbance impacts in compliance with the Habitats Regulations and Habitats Directive.”</p>		
Integrity, Character and Heritage			
<p>Policy FEL/ICH1 – High Quality Design and Energy Efficiency NP – Page 60</p>	<p>Modification 26: In Policy FEL/ICH1 Pages 101 In Policy FEL/ICH1</p> <ul style="list-style-type: none"> • commence the policy with “To be supported” and replace “should” with “must” • delete “, where appropriate,” • at the end of the 3rd. bullet point insert “and” • replace “; and” at the end of the 4th bullet point with a full stop • convert the 5th bullet point to a free-standing paragraph, and replace “Following” with “Development proposals that follow”, and conclude the paragraph with “will be supported” • insert as a free-standing paragraph before “For countryside locations” • delete “shall be accompanied by a landscape and visual impact assessment 	<p>The policy is seeking to establish information requirements in support of planning applications. This is a function that must be achieved through inclusion in the District Council Local Area Planning Applications Requirements List that is subject to modification during the Plan period.</p> <p>Local planning authorities may use nationally recognised optional technical standards where there is evidence to show these are required. However, Neighbourhood Plans may not be used to apply these.⁶³</p>	<p>Agreed</p> <p>Policy has regard to national policy and therefore ensure it meets the basic conditions.</p>

	and appropriate landscape mitigation” and insert “must not harm their landscape setting”		
Policy FEL/ICH2 – Heritage Assets NP – Page 61	Modification 27: In Policy FEL/ICH2 Pages 102 Recommended modification 27: Delete Policy FEL/ICH2 and supporting text	Policy FEL/ICH2 does not serve a clear purpose by providing an additional level of detail or distinct local approach to that set out in national policy. I	Agreed Policy is a duplication of national policy and does not serve any purpose.
Policy FEL/ICH3 – Signage and Light Pollution NP – Page 61 Examiner Rep Policy FEL/ICH3– Signage and Light Pollution	Modification 28: In Policy FEL/ICH3 Pages 103 Recommended modification 28: In Policy FEL/ICH3 delete “Sensitively designed”	The term “sensitively designed” is imprecise and does not provide a basis for the determination of proposals.	Agreed The modification renders the policy clearly written and unambiguous and has regard for national policy and therefore ensure it meets the basic conditions.
Policy FEL/ICH4 - Signage and Light Pollution NP – Page 61 Examiner Rep Policy FEL/ICH3– Signage and Light Pollution	Modification 29: In Policy FEL/ICH4 Page 104 Replace Policy FEL/ICH4 with “To be supported planning proposals: • must not introduce overhead cables that will have an adverse effect on visual amenity; and • only include external lighting that is essential, and include measures to avoid light spillage beyond the application site.”	The term “artificial externally visible light sources” is imprecise. The term “limit the impact” is ambiguous and does not provide a basis for the determination of planning applications.	Agreed Policy is now clearly written and unambiguous and has regard for national policy and therefore ensure it meets the basic conditions.

<p>Policy FEL/ICH5 – Avoiding Coalescence NP – Page 62</p>	<p>Recommended modification 30: Page 108 Replace Policy FEL/ICH5 with “Development proposals that, as viewed from publically accessible locations, will visually significantly diminish the openness of the gap:</p> <ul style="list-style-type: none"> • between Felsted village and the hamlets of the Neighbourhood Area (Bannister Green; Bartholomew Green; Causeway End; Cobblers Green; Cock Green; Crix Green; Frenches Green; Gransmore Green; Hartford End; Molehill Green; Prior’s Green; Pye’s Green; Thistley Green; Watch House Green; Willows Green); or • between the hamlets of the Neighbourhood Area; or • between the hamlets of the Neighbourhood Area and settlements in adjoining parishes will not be supported.” 	<p>The Guidance states a policy in a Neighbourhood Plan should be supported by appropriate evidence. The cross hatched areas identified on Map 9 have not been sufficiently justified.</p> <p>A policy defining an area where no development is to be permitted would be seeking to establish a regime that is more restrictive than even that applying in designated Green Belt. Such an approach would not have sufficient regard for national policy for it to be appropriate. Whilst the resistance of all forms of development in a defined area of open countryside would not have sufficient regard for national policy the resistance of coalescence of settlements can be a legitimate objective of land use policy. Preventing two settlements from coalescing is not the same as preventing any development between them.</p>	<p>Agreed</p> <p>The recommended modification will have regard to those elements of the NPPF that establish a presumption in favour of sustainable development ; and those elements that specifically recognise the importance of economic growth in rural areas; and that state that there are special circumstances where isolated homes in the countryside will be acceptable and therefore ensure it meets the basic conditions.</p>
--	---	--	---

Supporting the Rural Economy			
<p>Policy FEL/RE1– Start-up and Small Businesses NP – Page 63</p>	<p>Recommended modification 31: Page 109 In Policy FEL/RE1 replace “the road and communications infrastructure can support the size and additional volume of business traffic and there being no” with “it is demonstrated safe access can be achieved, and severe congestion will not be caused, and there will be no significant”</p>	<p>The Guidance states a policy in a Neighbourhood Plan should be supported by appropriate evidence. No justification is provided in respect of communications infrastructure.</p> <p>The term “where the road and communications infrastructure can support the size and additional volume of the business traffic” is imprecise and does not provide a basis for the determination of planning applications.</p>	<p>Agreed</p> <p>The modification renders the policy is clearly written and unambiguous and has regard for national policy and therefore ensure it meets the basic conditions.</p>
<p>Policy FEL/RE2– Loss of Employment Uses NP – Page 64</p>	<p>Recommended modification 32: Page 110 In Policy FEL/RE2 delete “from estate agents”</p>	<p>The term “from estate agents” has not been sufficiently justified.</p>	<p>Agreed</p> <p>The modification renders the policy is clearly written and unambiguous and has regard for national policy and therefore ensure it meets the basic conditions.</p>
<p>Policy FEL/RE3 – Re-use of Rural Buildings NP – Page 64</p>	<p>Recommended modification 33: Page 112 In Policy FEL/RE3 replace “the road and communications infrastructure can support the size and additional volume of business traffic and there being no” with “it is</p>	<p>The term “No adverse impacts on residential amenity” is imprecise.</p> <p>The term “where the road and communications infrastructure can support</p>	<p>Agreed</p> <p>The modification renders the policy is clearly written and unambiguous and has regard for national policy</p>

	demonstrated safe access can be achieved, and severe congestion will not be caused, and there will be no significant”	the size and additional volume of the business traffic” is imprecise and does not provide a basis for the determination of planning applications.	and therefore ensure it meets the basic conditions.
Protecting the Countryside and Wildlife			
Policy FEL/CW1– Landscape and Countryside Character NP – Page 66	Recommended modification 34: Page 113 Replace Policy FEL/CW1 with “To be supported development proposals must protect and enhance the landscape of the character area in which they are situated, and must not significantly harm the important long distance, short range and glimpsed views, identified in the Felsted Heritage and Character Assessment Report 2017.”	The terms “important views and vistas”; “traditional open spaces”; “minimise”; and “appropriate” are imprecise. The reference to coalescence and to open spaces introduces unnecessary and confusing duplication of Policies FEL/ICH5 and FEL/CW4 respectively.	Agreed The modification renders the policy is clearly written and unambiguous and has regard for national policy and therefore ensure it meets the basic conditions.
Policy FEL/CW3 – Footpaths, Bridleways and Cycleways NP – Page 67	Recommended modification 35: Page 115 In Policy FEL/CW3 delete the final sentence	The stopping up or diversion of highways is achieved through Orders using Sections 247 and 248 of the Town and Country Planning Act 1990 and applications made under Section 253 as amended by the Growth and Infrastructure Act 2013. A Neighbourhood Plan policy is not able to vary the legal process in this respect, and any duplication is	Agreed The deletion of the final sentence avoids duplication and ensures the policy is in general conformity with strategic policies in Uttlesford Local Plan 2005 and therefore ensure it meets the basic conditions.

		unnecessary.	
<p>Policy FEL/CW4– Green Infrastructure NP – Page 68</p>	<p>Recommended modification 36: Page 117/118</p> <p>Replace Policy FEL/CW4 with “Development proposals should protect, and where possible enhance the natural environment. All proposals should seek to deliver measurable net biodiversity gain, in addition to protecting existing habitats and species. Proposals should seek to avoid any significant impacts on the natural environment. If avoidance isn’t possible proposals which significantly affect, or have the potential to significantly affect, the natural environment should demonstrate that impacts on biodiversity, including flora and fauna, and local wildlife (including wildlife habitats), will be adequately mitigated and where this is not possible compensated. Development proposals will be supported where they:</p> <ul style="list-style-type: none"> • Protect and enhance existing green spaces and/or create new green/open spaces; • Improve the connectivity between wildlife areas and green spaces through green corridors and/or improvements to the active travel networks; • Enhance the visual characteristics and biodiversity of green spaces in close proximity to the development; 	<p>It is unnecessary and confusing to include the term “that meet other NP policies” as the policies of the Neighbourhood Plan should be read as a whole.</p> <p>It is confusing and unnecessary for one policy to include the term “within the Neighbourhood Area” as all the policies of the Neighbourhood Plan apply throughout the Neighbourhood Area unless a lesser area is specified.</p> <p>The term “Public, Rights of Way, and cycle and footpath networks” is ambiguous.</p> <p>The terms “wherever possible”, “what they can do”, “consider” and “take into consideration” do not provide a basis for the determination of planning applications.</p> <p>The term “local green spaces” has a particular meaning in terms of paragraphs 99 and 100 of</p>	<p>Agreed</p> <p>The revised wording addresses the points made by Natural England ensures the policy is in general conformity with strategic policies in Uttlesford Local Plan 2005 as well as having regard for national policy and therefore ensure it meets the basic conditions.</p>

	<ul style="list-style-type: none"> • Ensure their landscape schemes, layouts, access and public open space provision and other amenity requirements contribute to the connectivity, maintenance and improvement of the GI Network; • Meet the latest Accessible Natural Greenspace Standards of Natural England so far as they are applicable to a rural village location, and subject to viability; • Adopt the principles of Sustainable Urban Drainage (SUDs) and natural flood management, which will enhance biodiversity and ecosystems; or • Enhance the multi-functional use of open spaces as part of the Green Infrastructure (GI) network. <p>Development proposals that are likely to have a negative impact on biodiversity, flora and fauna and local wildlife (including wildlife habitats) will only be permitted where the benefits of the development clearly outweigh any negative impacts to the nature conservation value of the feature or to its contribution to wider biodiversity objectives. Developments that are likely to have an adverse impact, either alone or in-combination, on a Special Protection Area, Special Area of Conservation, and / or Ramsar site must satisfy the requirements of the Habitats Regulations, determining site</p>	<p>the Framework and should not be applied otherwise.</p> <p>The requirement “meet the Accessible Natural Greenspace Standards” must not undermine the deliverability of the plan, as required by paragraph 34 of the Framework, and must meet the tests set out in paragraph 56 of the Framework.</p> <p>The application of Accessible Natural Greenspace Standards for towns and cities to the rural context of the Neighbourhood Plan area has not been justified.</p>	
--	--	---	--

	specific impacts and avoiding or mitigating against impacts where identified.”		
Annex: Minor Corrections to the Neighbourhood Plan			
	Recommended modification 37: Page 120 Modify general text to achieve consistency with the modified policies, and to correct identified errors including those arising from updates. Renumber parts of policies arising from deletions.	Modify general text to achieve consistency with the modified policies, and to correct identified errors including those arising from updates. Renumber parts of policies arising from deletions.	Agreed To achieve legibility of the Neighbourhood Plan as a whole.