

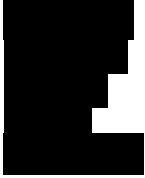


UTTLESFORD DISTRICT COUNCIL

Council Offices, London Road, Saffron Walden, Essex CB11 4ER
Telephone (01799) 510510, Fax (01799) 510550
Textphone Users 18001
Email uconnect@uttlesford.gov.uk Website www.uttlesford.gov.uk

Chief Executive: Dawn French

Mr John Slater
Independent Examiner
John Slater Planning Ltd.



4 March 2020

Please ask for Demetria Macdonald on 01799 510518
E-mail: dmacdonald@uttlesford.gov.uk

Dear Mr. Slater,

UDC Response to Implications of Local Plan Inspectors' Letter on NQR NP

Uttlesford District Council has the following comments to make regarding the implications of the Inspectors' letter for the Newport Quendon and Rickling Neighbourhood Plan:

- UDC has not made a decision on the appropriate way forward for the emerging Local Plan, and is unlikely to have done so before 31 March;
- The Inspectors' letter, while addressing issues in the emerging Local Plan, is relevant to all plan-making in the district;
- Of particular relevance to emerging Neighbourhood Plans is paragraph 114, which points towards allocating more small and medium-sized sites;
- The scale of the 'ask' for allocating more small and medium sized sites is not known at this stage, and will depend on UDC's response to the Inspectors' letter;
- The distribution of the additional small and medium sized sites is also not known at this stage and will not be known for some time as work will need to be undertaken to resolve this;
- However, we agree that it is likely that there is a need to allocate more small and medium-sized sites. Newport, as a key village with a secondary school and railway station, is a candidate to consider for new allocations; and.
- Unfortunately the timing of UDC's decision on the way forward with the LP, and subsequent work to determine the distribution of any new allocations, does not line up with the examination of the Newport NP.

However, it must be understood that should small and medium sized sites be required for the Local Plan, we would undertake an assessment at a strategic level context which may identify sites that are at variance or additional to the NP conclusions.

Yours Sincerely

Demetria Macdonald
Planning Policy Officer

Response to Neighbourhood Plan examiner concerning inspector's letter about the Uttlesford Local Plan

The council may withdraw the ELP or carry on with it.

The ELP has two main elements; the planning policies and the spatial strategy consisting largely of development limits and site allocations.

Planning policies

The inspectors have not commented on the planning policies. The NhP has adapted some ELP policies for local circumstances and included modified wordings in the NhP. The NhP texts stand, regardless of the status of the ELP.

Conformity with the ELP has been noted for each NhP policy. However, it is only required to conform with the adopted Plan. Should the ELP be withdrawn it is likely that identical or similar policies would be in any new version, and in any case it is reasonable to reference NhP policies to a draft new plan which has consistency with the NPPF, as well as the adopted plan. If it is not withdrawn then the conformities remain fully valid.

Spatial strategy

The NhP makes no specific reliance on the ELP spatial strategy. All sites allocated in the NhP area in the ELP have been built or permitted. Nothing in the inspectors' letter changes this.

If the Plan is withdrawn then the spatial strategy is also withdrawn. This includes the designation of Newport as a 'key' village and Quendon as an 'A' village. Developers typically seek to claim little weight to the adopted and emerging Plans, but at the same time selectively seek to take strong support from the key and A designations included in the ELP. The development limits were set to go with the designations, not to permit a free-for-all outside of limits relying on a 'key-ness' which was decided 10 years ago and is now very much out of date.

The ELP Inspector in December 2014 stopped the hearing on that version of the ELP at an early stage on grounds that continuing to build on existing settlements is not sustainable. He recommended that building of new settlements be done, which is what is in the current ELP.

That rejection, on the strategy of further building on settlements like Newport and Quendon, is currently the only definitive Inspector decision, and was accepted by the LPA. The new inspectors in their letter make no comment as to why they disagree with the previous decision and recommendation. Nor have they assessed what has changed in the five years since in term of the scale of building onto settlements which has taken place, with negligible infrastructure enhancements, and which clearly strengthens the previous decision. We believe that to seek to reverse the previous decision without considering evidence of sustainability and deliverability is unacceptable.

Every site in Newport and Quendon allocated in both the rejected and the current ELPs, plus significantly more, have been approved and (mostly) built. Newport PC is in negotiation with the developer for the only remaining large approved site yet to built, for 94 houses, to obtain some improvements. There will be a reapplication and the PC will likely be in support. Thus there is also no un-deliverability of ELP sites in the NhP area. Indeed Newport has over-delivered.

It is disputed that Newport was ever highly sustainable as a 'key' village. There have been no significant infrastructure improvements since the 1970's. There has been nothing of significance

from any of the over 500 houses given permission. There is no requirement in the ELP, or published plan by any statutory provider or authority to add to, or improve, any of the village facilities or infrastructure. Since the 'key' and 'A' designations were made our villages have seen further reductions in employment sites (five in Newport converted to housing, although one is partly a care home) and key facilities (Newport post office was 7 days a week all hours, and is now just a few hours on 2 days a week.) Other services have gone. There is no M11 junction and access to it is by driving a significant distance through other similar congested villages and road junctions. This does not represent sustainable development. Our villages' limited sustainability has been used up, and that was recognised by the previous ELP inspector.

Comments on the 'A' designation of Quendon are in the NhP.

(The last main road construction in Newport and Quendon was in the C18th, plus a small section around 1829, before the Hockerill (Essex and Hertfordshire) Turnpike Trust) was dissolved.)

Weight to be given to the adopted Plan

The protections afforded to some locations in the NhP are consistent with adopted policy S7. The appeal refusal for 150 houses south of Wicken Rd (Countryside) was on S7 (landscape) and that for the 74 houses north of Wicken Rd (Gladman) was on heritage and landscape. Similar appeals for large sites have been refused for decisions based on S7 recently at nearby Clavering, at Takeley and at Felsted. This is despite there being no five year supply.

For the Felsted site, Gladman took the decision to judicial review - Gladman Developments Ltd v SSHCLG & Corby BC & Uttlesford DC [2020] EWHC 518 (Admin). Their assertion was that too much weight was being given to an out of date Plan and in particular policy S7, in the absence of a five year supply. Justice Holgate rejected their assertion and awarded costs against Gladman.

Here is a summary of his decision, from the chair of the UDC Planning Policy Working Group:

'I am commenting on a Judgment handed down today by Mr Justice Holgate (an experienced judge in the planning field) sitting in the Planning Court regarding conjoined Court applications for the judicial review/quashing of two appeal decisions made by two different Planning Inspectors, one for 240 houses in Station Road, Felsted/Fritch Green - Cllr Criscione's ward - and the other in Crosby BC. Argument was heard over two days at the beginning of February. Crosby BC, like UDC, does not have a 5 year housing supply, but not to the same extent as UDC

Gladman were the applicants in both cases. The appeals were defended by the Secretary of State and supported by UDC which was expressly (and unusually) joined as a defendant (rather than more usually as intervener).

The appeals were unsuccessful and will (hopefully) set Gladman back in relation to many similar cases - they instructed a QC and the legal costs (awarded against them) will not be insignificant, although they sought to resist them until the last moment. I might add that Gladman are not strangers to litigation over planning appeal decisions, having been involved in at least 15 reported case/decisions since 2015. they frequently instruct the same solicitors and QC

They tried (unsuccessfully) in this case in their argument to introduce in evidence other examples of instances where Planning Inspectors misapplied (in their submission) (out of date) local development policies in the context of NPPF (both editions). the judge rejected such attempts robustly. this attempt demonstrates perhaps the strategy of Gladman to "test" boundaries and seek to establish a

precedent which would be useful for them in their business model generally

UDC instructed a barrister - an experienced Junior, Ms Estelle Dehon, who has conducted other planning appeals for UDC - I have been impressed by her on the planning appeal hearings attended by me

In short, the Judge held (contrary to Gladman's submission) that where the "tilted balance is engaged" (ie a presumption in favour of sustainable development where there is no five year housing supply), nonetheless policies included in a development plan, even if "out of date" must be accorded weight by way of a material consideration

So UDC policies (such as development in open countryside) are to be respected and not ignored outright as Gladman contended

In this instance at Station Road, Felsted, where heritage and landscape issues which had been given weight to varying degrees by the Inspector, the Judge declined to disturb his findings, with the Judge expressing his hope that reference to NPPF policies/principles would not be used to seek to override specific development plan policies even if they were out of date nor that the approach might lead to "excessive legalism" through such challenge attempts. The Courts are, he said, to discourage this type of litigation

In short, where there is good evidence and argument (eg based on heritage and landscape) and the Inspector is persuaded as to the applicable weight to be accorded to them in the decision, then that should be the end of matters

No doubt more detailed consideration will be given by our Officers as to the impact of the decision generally and provide applicable advice for consideration by the officers and members of the planning committee

This brief summary is not intended to be an exhaustive review of the issues and arguments deployed in the case, but will perhaps suffice as being a newsworthy and helpful report of a positive outcome for UDC and I thought it appropriate to bring to your attention being an important decision/legal precedent'

Regardless of the status of the ELP, this judgement strongly supports the NhP spatial policies which are consistent with the adopted Plan policy S7 which is to protect the countryside.

Other comments on the letter

Concerning the proposed new settlements we believe the inspectors have given far too much weight to archaeology for the North Uttlesford Garden Village. They devote 14 paragraphs to it, get the name of the nearby village wrong and make bizarre statements about the 'Roman Town', the view of the 'Roman Road' towards the 'Romano British Temple'. There is nothing visible at all, not even signage. The ELP makes no proposal to build on or near any of the Scheduled Monuments. The nearest would be the temple site which is a ploughed field which has been excavated three times and would be kept well clear of development. The rest of the site would no doubt have some archaeology, but this is exactly the same as every other location in the district. It is unhelpful to seek to criticize one location on grounds that would apply to all locations

The inspectors also criticize the visibility of the settlement. They do not however explain how it might be possible to build 6000 houses and keep them all discretely hidden, or that attaching very

large estates onto existing settlements would be a great deal more visible and intrusive. It is also disappointing that they should not consider that well-designed new settlements would be things to be proud of and not hidden

We consider that, with the severe geographical constraint of a largely rural District, and with large areas blocked out by Greenbelt and the airport to the south, building new settlements adjacent to, but not encompassing, the two transport corridors is the only sustainable way of delivering the large number of houses required.

We agree with the inspectors comment that the housing numbers should be reduced by the 500 care home rooms added into the ELP at a late stage and counted as houses. It is both double counting and numerically wrong, and the supply of care home places built since 2011 (40 in Newport) was also not in the calculation. This was repeatedly pointed out and ignored, so it is good to have inspector support on this.

Overall sustainability of Uttlesford

Here is a blunt summary of the sustainability of the district. All of this applies to or impacts the NhP area.

One overloaded all directions motorway junction, one unidirectional junction, M11 overloaded and regularly blocked (evidence in the Neighbourhood Plan), one dual carriageway, no A&E or full spec hospital, no full third tier education (some specialist at the airport), limited retail within the district, underwhelming public transport options, no capacity to add further trains (service is poorer now than 20 years ago as paths were given to extra airport trains from London, and the northbound airport trains go through non-stop), limited parking at stations and commuter parking blighting villages, limited employment outside of the airport (which takes 80% of staff from out of area and takes no interest in the district until it wants a planning permission – evidence in a meeting with MAG execs and councillors). No fully manned 24/7 police station. The current ELP has no assessment of infrastructure shortfall for existing settlements or plans for remediation. Even if we are not permitted to charge for remediation, at least we can assess current shortfall (done for sports)

Conclusion

The five recent appeal refusals, now very strongly reinforced by the judicial review, provide a sound basis for our Neighbourhood Plan spatial policies, regardless of the status of the ELP.

Developers may argue the balance of weight, but that is for individual planning applications, and will change as circumstances change.

Neil Hargreaves

Chair of the Newport Quendon & Rickling Neighbourhood Plan Steering Group

16th March 2020

Dear Sir/Madam,

Thank you for the opportunity to comment on the implications of the Inspector's letter relating to the Uttlesford Local Plan which is currently being examined for the Neighbourhood Plan. The following comments are submitted on behalf of Anglian Water.

I would be grateful if you could confirm that you have received this response.

Anglian Water has previously made comments relating to policies NRQSE6 (sewerage systems) and NQRHA6 (Foxley House, Quendon) of the Neighbourhood Plan. These comments were made in the context of the emerging Local Plan which is currently being examined.

Anglian Water is supportive of Policy EN13 (Surface Water flooding) of the submitted Local Plan which required the use of Sustainable Drainage Systems (SuDS) as the preferred method of surface water management. Currently there is no explicit reference to use of SuDS in the Neighbourhood Plan as submitted.

We had also agreed a Statement of Common Ground with Uttlesford District Council (copy attached) which included change to Policy EN11 to reference the risk of sewer flooding and how it should be considered as part of development proposals.

In the event that the Uttlesford Local Plan is withdrawn by the District Council we would ask that wording referred to above or similar is included in the Neighbourhood Plan to apply to development proposals in the neighbourhood plan area.

The above comments are in addition to those made as part of the earlier neighbourhood plan consultation.

Should you have any queries relating to this response please let me know.

Regards,

Stewart Patience, MRTPI

Spatial Planning Manager

Telephone:

Anglian Water Services Limited

Anglian Water, Thorpe Wood House, Thorpe Wood, Peterborough, Cambridgeshire. PE3 6WT



Statement of common ground

Statement of Common Ground

1. This Statement of Common Ground has been prepared to identify the areas of agreement between Anglian Water Services Limited (AWS) and Uttlesford District Council, as the Local Planning Authority (LPA) on matters relating to the Local Plan and the representations submitted by Anglian Water Services concerning that document.

This Statement includes a table, which sets out the LPA's agreed response with Anglian Water Services to the Local Plan and lists the areas of the Local Plan that Anglian Water Services supports.

This Statement addresses all of the issues raised by Anglian Water Services in the representations listed in the table. There are no unresolved issues.

2. General Matters

The LPA has worked with Anglian Water Services on the development of the UDC Local Plan, the high level Water Cycle Study of 2017 and the detailed WCS of April 2018. In accordance with the Town and Country Planning (Local Development) (England) Regulations, Anglian Water Services has been formally consulted at every stage of consultation. The LPA will continue to work with Anglian Water Services beyond the Local Plan adoption to ensure that new developments are supported by appropriate waste water and sewerage infrastructure and surface water drainage to ensure compliance with environmental legislation and that Anglian Water's customers are protected from the risk of flooding.

Anglian Water submitted representations to the Local Plan during the Publication Draft Local Plan and the Addendum of Focussed changes to Regulation 19 consultation periods via the Objective Consultation Portal.

Anglian Water support the Local Plan in the following areas:

Anglian Water is broadly supportive of the guiding Garden Community principles embedded in policy SP, particularly with regards to need for wastewater infrastructure provision.

UDC will continue to work with Anglian Water Services post adoption of the Local Plan and during the preparation of Development Plan Documents for the 3 proposed Garden Communities.

UDC/ANGLIAN WATER SERVICES AGREED AMENDMENTS TO THE LOCAL PLAN

policy	AW comment	Agreed response with Anglian Water Services/policy modification
SP5	<p>Reference is made to the proposed development plan documents for the garden communities including phasing, infrastructure and delivery plans. We support this requirement as it is important that proposed garden communities are phased to ensure that they are aligned with Anglian Waters water recycling infrastructure which is required to serve new development. (Anglian Water; PSLP878)</p>	Support Noted
SP6	<p>Anglian Water as sewerage undertaker is generally supportive of the requirements relating to foul and surface water drainage as outlined in Policy SP6 relating to Easton Park Garden Community. However the wording relating to the requirements for foul drainage and sewage treatment appears to be duplicated in first and second sentences of paragraph 18 of the policy and should be amended to ensure it is effective (PSLP2513, Anglian Water)</p> <p>To be effective it is suggested that the first and second sentences of paragraph 21 of the policy relating to foul drainage should be brought together to make it clear what is the requirement for the applicant and the decision maker at the planning application stage for both the foul sewerage network and receiving Water Recycling Centre. As current drafted the wording appears to overlap the requirement to demonstrate that there is sufficient capacity available in time to serve the development (PSLP2513, Anglian Water)</p>	<p>SP6 Utilities 21. Enhance the appropriate water recycling centre, provide new connections, network upgrades and reinforcements to the sewerage network in accordance with the Uttlesford Water Cycle Study. The delivery of smart, innovative and sustainable water efficiency/re-use solutions that fosters climate resilience and a 21st century approach towards water supply. Provision of improvements to waste water treatment including enhancement at water recycling centre and off-site drainage improvements aligned with the phasing of the development within the plan period and that proposed post 2033.'</p>
SP7	<p>Bring together first 2 sentences of paragraph 18 to make clear the requirement for the applicant and the decision maker at the planning application stage for both the foul sewerage network and receiving Water Recycling Centre (PSLP2514 Anglian Water Services Ltd)</p>	<p>SP7 Utilities 18. Enhance the recycling centre at Great Chesterrod, provide new connections, network upgrades and reinforcements to the sewerage network in accordance with the Uttlesford Water Cycle Study. The delivery of smart, innovative and sustainable water efficiency/re-use solutions that fosters climate resilience and a 21st century approach towards water supply. Provision of improvements to waste water treatment including enhancement at water recycling centre and off-site drainage improvements aligned with the phasing of the development</p>

policy	AW comment	Agreed response with Anglian Water Services/policy modification
<p>SP8</p>	<p>Anglian Water as sewerage undertaker generally supportive of the requirements relating to foul and surface water drainage. However the wording relating to the requirements for foul drainage and sewage treatment which appears in second paragraph under the heading utilities should be amended to ensure it is effective - wording relating to the requirements for foul drainage does not appear to refer to an upgrade for sewage treatment as identified in the Council's Water Cycle Study. (PSLP999 / PSLP2525 Anglian Water)</p> <p>The wording of second paragraph under the heading utilities should be amended to refer to an upgrade for sewage treatment at the receiving WRC. It should also be consistent with the wording of any changes made to Policies SP6 and SP7 as the wording of this policy differs somewhat from these policies. (PSLP999 Anglian Water)</p>	<p>within the plan period and that proposed post 2033.'</p> <p>SP8 Utilities 17.The delivery of smart, innovative and sustainable water efficiency/re-use solutions that fosters climate resilience and a 21st century approach towards water supply. Provision of improvements to waste water treatment including enhancement at water recycling centre and off-site drainage improvements aligned with the phasing of the development within the plan period and that proposed post 2033.'</p>
<p>EN10</p>	<p>As noted in the Council's Infrastructure Delivery Plan there is an expectation that improvements to the existing foul sewerage networks are expected to be required for the Statement of Consultation allocation sites identified in the Local Plan including the proposed Garden community sites. The information previously provided by Anglian Water also identified potential constraints at existing water recycling centres (formerly sewage treatment works) to accommodate specific allocation sites which would need to be aligned with further investment through Anglian Water's Business Planning process. Policies EN10 and EN11 refer to risk of flooding from fluvial and surface water flooding but not sewer flooding. Similarly the allocation policies for Anglian Water area do not include reference to this issue with the exception of the garden community policies. (Anglian Water; PSLP913)</p> <p>Anglian Water is largely supportive of policy EN10 which is intended to ensure that no increased risk of flooding to existing properties. However it is focused on fluvial sources of flooding and does not include reference to sewer flooding or sewage treatment consistent with Council's Water Cycle Study and Infrastructure Delivery Plan. (Anglian Water; PSLP2516)</p>	<p>Policy EN 10 Minimising Flood Risk Development proposals will comply with flood risk assessment and management requirements set out in the National Planning Policy Framework and Planning Practice Guidance and the Uttlesford Strategic Flood Risk Assessment to address current and future flood risks from all relevant sources with appropriate climate change allowances.</p> <p>Also add to end of Policy EN10;</p> <p>'All new development proposals will need to demonstrate that adequate foul water treatment and disposal exists or can be provided in time to serve the development.'</p>

policy	AW comment	Agreed response with Anglian Water Services/policy modification
EN11	We support the requirement to use SuDs and that alternative method of surface water disposal will only be considered where it is demonstrated that there are no reasonable alternatives. This is consistent with the surface water hierarchy and would help to ensure that new development does not increase the risk of surface water and sewer flooding. (Anglian Water Services; PSLP871)	Noted
Focused change 2 (Policy SP3)	<p>Anglian Water is the sewerage undertaker for the proposed West of Braintree Garden community.</p> <p>The proposed change amends the wording of Policy SP3 to state that in the event that the West of Braintree garden community does not come forward as currently proposed the Council would undertake a Local Plan review. Anglian Water understands that the North Essex Authorities are intending to undertake further technical work relating to the garden communities in the North Essex Local Plan including West of Braintree (letter 19th October 2018). With a further Local Plan consultation to be undertaken in 2019 (to close March 2019). The examination is proposed to be suspended by the North Essex Authorities until February 2019 to allow for this which would delay the adoption of the North Essex Part 1 Local Plan. As drafted the wording of Policy is not explicit about the circumstances in which a Local Plan Review would be triggered and what criteria would be used. (Anglian Water Services, x)</p>	Noted but issues dealt with in focused Change.
Focused change 5 (Policy SP5)	<p>Anglian Water is the sewerage undertaker for the West of Braintree Garden community. The proposed change amends the wording of Policy SP5 to state that in the event that the West of Braintree garden community does not come forward as currently proposed the Council would undertake a Local Plan review. Anglian Water understands that the North Essex Authorities are intending to undertake further technical work relating to the garden communities in the North Essex Local Plan including West of Braintree (letter dated 19th October 2018). With a further Local Plan consultation to be undertaken in 2019 (to close March 2019).</p>	As above

policy	AW comment	Agreed response with Anglian Water Services/policy modification
	<p>The examination is proposed to be suspended by the North Essex Authorities until February 2019 to allow for this which would delay the adoption of the North Essex Part 1 Local Plan. As drafted the wording of Policy is not explicit about the circumstances in which a Local Plan Review would be triggered and what criteria would be used. (Anglian Water Services, x)</p>	
<p>Focused change 9 (Policy M2)</p>	<p>Anglian Water is the sewerage undertaker for the North Uttlesford and West of Braintree Garden communities. We are also sewerage undertaker for the part of the area which forms part of the Great Easton Garden Community as identified in the Regulation 19 Local Plan. The proposed change amends the wording of Policy M2 to state that if one or more garden community is significantly delayed or is shown to be undeliverable a Local Plan Review will be undertaken. In addition the North Essex Authorities are to review the timing of the proposed garden communities including the land west of Braintree garden community (letter dated 19th October 2019). As drafted the wording of Policy is not explicit about the circumstances in which a Local Plan Review would be triggered and what criteria would be used. (Anglian Water Services, x)</p>	<p>As above</p>

Signed on behalf of Uttlesford District Council		
Name and position	Signature	Date
		x April 2019

Signed on behalf of Anglian Water		
Name and position	Signature	Date
Stewart Patience Spatial Planning Manager		X April 2019



Historic England

Ms Demetria Macdonald

Direct Dial:

Uttlesford District Council

Council Offices

Our ref: PL00410902

London Road

Saffron Walden

Essex

CB11 4ER

6 March 2019

Dear Ms Macdonald

Ref: Newport, Quendon and Rickling Neighbourhood Plan Pre-Examination Modifications Consultation

Thank you for inviting Historic England to comment on the Pre-Examination Modifications version of this Neighbourhood Plan.

We welcome the production of this neighbourhood plan, but do not wish to provide detailed comments at this time. We would refer you to any previous comments submitted and for any further information to our detailed advice on successfully incorporating historic environment considerations into your neighbourhood plan, which can be found here: <https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/>

I would be grateful if you would notify me if and when the Neighbourhood Plan is made by the district council. To avoid any doubt, this letter does not reflect our obligation to provide further advice on or, potentially, object to specific proposals which may subsequently arise as a result of the proposed NP, where we consider these would have an adverse effect on the historic environment.



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 582749
HistoricEngland.org.uk





Historic England

Please do contact me, either via email or the number above, if you have any queries.

Yours sincerely,

Edward James
Historic Places Advisor, East of England
Edward. [REDACTED]

cc:



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 582749
HistoricEngland.org.uk



Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any Information held by the organisation can be requested for release under this legislation.

By email only: planningpolicy@uttlesford.gov.uk

Dear Sir or Madam,

Re: Invitation to submit further representations on the implications of the Joint Local Plan Inspector's letter dated 10th January 2020

Context

This letter provides Gladman's response to the invitation provided by the Independent Examiner to comment upon the implications of the Joint Local Plan Inspector's letter dated 10th January 2020 for the Newport, Quendon and Rickling Neighbourhood Plan (NQRNP).

Gladman welcome the opportunity to provide additional comments in response to this important matter. Through Gladman's response to the Regulation 16 consultation, Gladman highlighted a number of concerns regarding the Plan's strategy and the wider implications of the emerging Local Plan strategy. On 10th January 2020, the Inspectors examining the emerging Uttlesford Local Plan (ULP) published their Interim Findings to the Stage 1 hearing sessions and raised significant concerns with the Local Plan as submitted. Paragraph 113 of the letter sets out the Inspectors' main concerns which relate to a number of factors, which include but are not limited to, the lack of clear mechanisms to ensure the proposed Garden Communities will be delivered, there is unlikely to be a five year housing land supply upon adoption, the stepped trajectory unreasonably delays addressing the affordability problem, viability and infrastructure concerns etc. The Inspectors conclude at paragraph 114 that:

"In order to arrive at a sound strategy, we consider that as a primary consideration, the Council would need to allocate more small and medium sized sites that could deliver homes in the short to medium term and help to bolster the 5 year HLS, until the Garden Communities begin to deliver housing. This would have the benefit of providing flexibility and choice in the market and the earlier provision of more affordable housing. It would also create a buffer, so the target of 14,000 homes is not only just being met by a narrow margin and would allow for a less steeply stepped housing trajectory.

Due to the significant work needed to address the issues identified, the Local Plan Inspectors' have recommended that the Plan be withdrawn from examination as it is unsound in its current form. This will clearly have significant implications for the progression of the neighbourhood plan in its current form which is heavily reliant on the proposed approach set out in the emerging Local Plan, including the allocation at Foxley House under Policy NQRHA6, which relies on the evidence informing the emerging Local Plan. Given that the Local Plan will soon be withdrawn from examination, the neighbourhood plan lacks the proportionate and robust evidence needed to inform the suite of policies contained in the draft Plan as Steering Group has not sought to undertake its own evidence in a number of instances instead relying on the evidence underpinning the emerging Local Plan.

It has now become clear that more small-medium sized sites are required to ensure the Council is able to demonstrate a flexible supply of housing land. Gladman recognise that at this stage the Examiner cannot allocate additional housing land by way of modification. Whilst this will be a matter for UDC to consider during the preparation of a future Local Plan Review it is important that sufficient flexibility is provided for now to ensure the plan supports the delivery of sustainable development. It is noted that the Neighbourhood Plan states:

“The Spatial Strategy 2011 – 2033 says – “For Newport, classified as a Key Village, no further houses are required additional to those already permitted”.

This is not a true reflection of the direction taken in the emerging Local Plan. Gladman note UDC's response to Regulation 16 consultation which states:

“The above statement is incorrect as SP2 states that, “Key Villages will be the major focus for development in the rural areas reflecting their role as provider of services to a wider rural area.” (Regulation 19 Local Plan page 26). Furthermore Policy SP3, The Scale and Distribution of Housing Development indicates that 1,120 dwellings are to be provided by on small unidentified sites. Windfall sites can be anywhere within the District and Newport will not be exempt from windfalls.

This sentence on Page 59, ELP should be deleted and replaced with a correct statement.” (emphasis added)

Despite the fact that the emerging ULP will likely be withdrawn imminently, the above statement provides a clear direction that Newport will not be exempt from further development owing to its role as a Key Village and the Plan must allow for suitable mechanisms whereby sustainable development proposals are able to come forward for development in the interim until such time that the Local Plan Review is adopted. Indeed, the recent appeal decision at land south of Wicken Road, Newport¹ clearly identifies that there is no substantive evidence which indicates that the available services and facilities do not have sufficient capacity to accommodate demand arising from the proposed development. This

¹ PINS Appeal Reference: APP/C1570/W/18/3209655

position was also supported in the Inspector's Report to land to the north of Wicken Road² which further supports the fact that further development in Newport will not lead to unacceptable air quality, nor would it be detrimental to the safe operation of the local highways network. The Inspector also found in this instance that the capacity and the operation of local services more generally has not been reached.

Modification to the Neighbourhood Plan

Given UDC's acknowledgment above and the fact that the Local Plan Inspector's consider additional housing land on small and medium sized sites are required it is necessary for modifications to be made to the Plan to allow for sustainable development opportunities to come forward consistent with the presumption in favour of sustainable development. Gladman consider the wording provided in response to the Regulation 16 consultation in response to NQRHA1 provides an appropriate mechanism to ensure housing delivery is achieved.

Withdrawal of the Plan

Notwithstanding the above, given the circumstances of both the local and wider area the level of modifications which are likely to be necessary to ensure the Plan's compliance with the basic conditions may result in a plan that is substantially different than the one as submitted. Indeed, Gladman note the Examiner's Report to the Aldingbourne Neighbourhood Plan³ which highlights the issues of progressing a neighbourhood plan at a time of considerable uncertainty surrounding the strategic housing needs of the wider area. The report stated at paragraph 9.3 that:

"I am aware that other examiners have gone to great lengths to make recommendations for modifications to other neighbourhood plans, which have enabled them to proceed to the next stage, the referendum. I therefore gave much thought as to whether or not I could adopt a similar approach in this case, particularly in view of the extensive work that the Parish has undertaken in progressing the Plan to the submission stage. However, in addition to the concerns I have about the site allocations, I have also recommended a significant number of other changes to policies and identified areas where significant re-drafting of the supporting text is necessary. If all my recommendations were accepted, I am concerned that the amended Plan would be a very different document from the one that was submitted for consultation. In these circumstances I am not persuaded that it would be in the interests of the Parish Council, or the people that it represents, to proceed to vote on this revised plan without undertaking additional engagement with the local community."

In this instance, the Plan was withdrawn from examination and modified following consultation with the local community and key stakeholders. It was then submitted to examination for consideration by an Independent Examiner who recommended, subject to modifications, the Plan met the basic conditions and thus proceeded to referendum.

² PINS Appeal Reference: APP/C1570/W/19/3223694

³ Report of Independent Examiner: September 2015

The Parish Council may wish to take the opportunity to withdraw the neighbourhood plan from examination. This would allow time to discuss matters with UDC and request a housing target figure to plan for in accordance with the NPPF and PPG. The current figure is assumed to be a minimum of 391 dwellings over the plan period⁴. However, it is likely that this figure will increase owing to the need for additional housing land to assist in meeting strategic housing needs. Once a figure is identified, the Parish Council should undertake the necessary evidence base work to consider sites through their own site assessment report using a consistent methodology.

Conclusion

Gladman hopes you have found these representations helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team. Should the Examiner consider it necessary to discuss the issues raised then we respectfully request that we are afforded the opportunity to participate at the hearing session(s).

Yours faithfully,

John Fleming

Gladman Developments Ltd.

⁴ UDC response to Q23 Examiner's further questions

Planning Policy
Uttlesford District Council
London Road
Saffron Walden
Essex
CB11 4ER

Date: 16 March 2020

Our ref: 15920/01/SSL/ZS/18304380v3

Uttlesford District Council: Newport, Quendon & Rickling Neighbourhood Plan 2018-2033

Additional Neighbourhood Plan Consultation - Representations on behalf of Taylor Wimpey

On behalf of our client, Taylor Wimpey, please find below representations on the Newport, Quendon & Rickling Neighbourhood Plan (NQRNP) 2018-2033.

Following the publication of the Inspector's letter on the Uttlesford District Council's Local Plan on 10 January 2020, the Inspector for the NQRNP has requested representations from the District Council, the Qualifying Body and those bodies/persons that responded to the Regulation 16 consultation on the implications of the Inspector's letter.

The Inspector for the emerging UDC (Uttlesford District Council) Local Plan noted significant concerns regarding the spatial strategy of the draft Local Plan and the accompanying Sustainability Appraisal, resulting in a recommendation for the Local Plan to be withdrawn from examination. As a consequence, Taylor Wimpey have significant concerns as to whether the NQRNP can demonstrate compliance with at least one of the basic conditions required of Neighbourhood Plans and, as such, suggest that it cannot proceed to the referendum stage.

As set out in Taylor Wimpey's Regulation 16 representation, included in Appendix 1 for ease of reference, Taylor Wimpey have an active interest in the Neighbourhood Plan, having control over the land to the east of Newport railway station, to the south of Debden Road. The site is situated in a sustainable location and which is capable of delivering a proportion of the housing required in the Neighbourhood Plan area. Representations were also previously made on the NQRNP Regulation 14 consultation in June 2018.

Comments on Local Plan Implications

Basic Conditions

The Planning Practice Guidance is a helpful tool in setting out the relevant processes that Neighbourhood Plans must comply with and the basic set of conditions it has to meet before it can be put to a referendum and be 'made'. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 and comprise seven conditions. One of these basic conditions requires that a Neighbourhood Plan should be in general conformity with strategic policies contained within the

development plan for the area. Following the recent outcome of the UDC Local Plan examination, there are significant concerns that the NQRNP is not able to meet this requirement.

General conformity with strategic policies

PPG sets out in paragraph 074 (ID ref. 41-074-20140306) what is meant by general conformity and strategic policy in paragraph 075 (ID ref. 41-075-20190509). In terms of the latter, these are noted as being consistent with paragraph 20 of the National Planning Policy Framework (NPPF) and should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for such things as the spatial distribution of land uses including housing, employment, retail; infrastructure; community facilities; and conservation and enhancement of the natural, historic and built environment.

The PPG helpfully provides guidance on how a Neighbourhood Plan can come forward before an up-to-date Local Plan or spatial development strategy as is the case with the NQRNP and the emerging UDC Local Plan. The guidance confirms that Neighbourhood Plans can be developed ahead of, or at the same time as, an emerging Local Plan. Crucially, it further notes that *“although a draft Neighbourhood Plan or Order is not tested against the policies in an emerging local plan, the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a Neighbourhood Plan is tested”* (Paragraph: 009 Reference ID: 41-009-20190509) [underlining is our emphasis].

In the case of the NQRNP, the strategic policies are set at the district level by UDC. The adopted policies are detailed in the Local Plan adopted in 2005. Given the date of this document and the significant changes to national policy including the adoption of the NPPF in 2012 (and subsequently updated in 2019), it is not considered a robust position to use these policies as a basis for the NQRNP.

In line with the PPG, the NQRNP has been prepared to take into account the most up to date evidence base provided at a strategic level by UDC. This is clearly detailed in the Neighbourhood Forum’s own Basic Conditions Statement which states in the final paragraph of page 12:

“Summarising, this Plan is consistent with the relevant policies of the ELP and the 2018 NPPF. The Steering Group believe, however, that it is not inconsistent with the adopted Local Plan, but that it would be ill advised to align it in detail with the out of date Plan which is about to be replaced. To do so would make this Plan weak and subject to challenge. Being in conformity with the most up to date national and most up to date local policies is considered the best option to create a robust, long lasting, Neighbourhood Plan.” [Underling is our emphasis].

It follows therefore that given the uncertain position on the emerging Local plan the NQRNP, if it was to be adopted as currently drafted, would not be consistent or reflect the strategic policies in either the adopted Local Plan, which is considered out of date, or the emerging Local Plan. Given the recommendations of the Inspector of the UDC Local Plan and the likelihood that it will be withdrawn, it cannot now conceivably be concluded that the NQRNP meets this basic condition set out by the Neighbourhood Forum’s Steering Group, as outlined above.

While it is agreed that the Neighbourhood Plan has been correct in its approach in using the most up to date evidence base prepared by UDC (such as up-to-date housing need etc), significant concerns have now been raised by the Inspector on the draft Local Plan in terms of the overall proposed spatial strategy and distribution of housing across the district, specifically citing the lack of evidence to justify the proposed Garden Communities and the need to identify small/medium sized sites that can deliver housing in the short/medium term.

Without updating the spatial strategy in the Local Plan, to align with the recommendations of the Inspector on the Local Plan, any Neighbourhood Plan adopted now would be inconsistent with any Local Plan and would be out of date on the day that any updated Local Plan is adopted.

As a direct consequence of the Inspector's recommendation that the UDC Local Plan be withdrawn to address the significant issues with its evidence base and spatial strategy, Taylor Wimpey agree that the NQRNP should not be redrafted to comply with the adopted policies in the adopted development plan as these are based on out of date evidence. Taylor Wimpey also agree that the Neighbourhood Plan should conform with the emerging UDC Local Plan. However, it cannot proceed until the spatial strategy in the Local Plan is amended to address the Inspector's comments.

It is Taylor Wimpey's view that as drafted, the neighbourhood plan cannot be considered by the Inspector to meet the required basic conditions and therefore cannot be recommended by the Inspector to proceed to a referendum. Taylor Wimpey would contend that as there is a period of uncertainty with the emerging Local Plan, it would be ill advised to align it in detail with the out of date adopted Plan. Therefore, the only way forward is to hold the NQRNP in abeyance until the position on the Local Plan is resolved.

Conclusion

This letter has focused specifically on the matter raised by the Inspector regarding the implications of the Local Plan and contend that the Neighbourhood Plan should be held in abeyance, until the spatial strategy in the Local plan is finalised. Should the Local Plan be updated to include small and medium sized sites, the NQRNP should be updated where relevant to reflect these.

We would also invite the Inspector to review Taylor Wimpey's response to the Regulation 16 consultation which sets out a number of other areas where it is considered the NQRNP does not meet some of the required basic conditions, including not having regard to national policy.

Taylor Wimpey welcomes the opportunity to comment again on the Newport, Quendon & Rickling Neighbourhood Plan and are keen to continue their engagement with the Steering Group, Parishes and wider community in relation to their interest in the land to the east of Newport.

The land in their control would help deliver some of the improvements to local facilities and the infrastructure requirements that have been sought in the Plan as well as continuing to support the local economy. If the Chalk Pit allocation were to be included as an allocation in the Plan again, it would also assist in reducing its isolation through providing linkages through to businesses on the High Street and the train station.

Should you wish to discuss the site or anything within these representations further please do not hesitate to contact me or my colleague Simon Slatford.

Yours sincerely

Zoe Simmonds

Senior Planner

Copy

Alastair Buchanan - TW Strategic Land

Annex 1: Taylor Wimpey Regulation 16 Representations

Planning Policy
Uttlesford District Council
London Road
Saffron Walden
Essex
CB11 4ER

Date: 28 October 2019
Our ref: 15920/01/SSL/SIN/18304380v3
Your ref:

Dear Sir/Madam

Uttlesford District Council: Newport, Quendon & Rickling Neighbourhood Plan 2018-2033 Regulation 16 Consultation

Representations on behalf of Taylor Wimpey

On behalf of our client, Taylor Wimpey, please find below representations on the Newport, Quendon & Rickling Neighbourhood Plan (NQRNP) 2018-2033, published for comment until 29 October 2019.

Taylor Wimpey controls land to the east of Newport railway station, to the south of Debden Road. It is considered that this site is a sustainable location which could deliver much needed housing in the neighbourhood plan area. Representations were previously made on the NQRNP Regulation 14 consultation in June 2018.

We have included the following as part of our submission:

- Location plan (ref. PS15920-01-003); and
- Land East of Newport Landscape Visual Impact Assessment prepared by Barton Willmore.

Land East of Newport

Development of the land to the east of Newport offers the opportunity to realise some of the objectives of the Plan, through delivering high-quality housing which is well-connected to the village centre and train station. This would be beneficial to the vitality of local businesses and services in Newport. Development could also assist, either through onsite provision or section 106 planning obligations, with some of the recreation and other infrastructure requirements identified in the draft plan (such as public open space and highway improvements in Newport).

The site lies to the south-east of the village of Newport and comprises two irregularly shaped parcels of land separated by Chalk Farm Lane. The two parcels comprise mixed pasture and scrub land and covers an area of approximately 13.65ha. The northern parcel comprises an area of open grassland bound by Debden Road to the north and Chalk Farm Lane to the west and south. The north-eastern part of the parcel includes a rectangular area enclosed by a post and rail fence.

The southern parcel is broadly triangular in shape, bound by Chalk Farm Lane to the north-east, an active chalk quarry to the south-east and the railway line to the west. The parcel is characterised by scrubland. Two residential properties are located to the north and north-west of this parcel, fronting onto Chalk Farm Lane.

A number of technical assessments have been prepared to assess the potential for residential development on the site and ensure that there would be no overriding constraints or significant impacts in relation to transport, flooding and drainage, noise and vibration and visual impacts on the landscape. The work undertaken in relation to this is summarised below.

Access

The northern part of the site is accessed from Chalk Farm Lane, via Debden Road to the north and the pedestrian railway bridge to the west, the latter linking to Station Road and the village core. The southern parcel is accessible from the south-east, opposite the chalk quarry and to the north-east from Chalk Farm Lane. The Debden Road Bridge provides the key vehicular and pedestrian access from the site to Newport village. The Debden Road Bridge provides the key vehicular and pedestrian access from the site to Newport village. At present it is constrained due to its lack of pedestrian provision, one-way shuttle working for vehicles and limited visibility.

It is identified that in terms of pedestrian access, Network Rail are seeking to re-route pedestrians along Debden Road as a result of the future closure of a nearby level crossing. This work will be supported by the introduction of a three-way traffic signal at the junction of Debden Road/Chalk Farm Road. The principle of traffic signals in this location have, therefore, been accepted and we consider this could be further developed to accommodate/facilitate the development of the site.

It is therefore proposed that the entrance to Chalk Farm Road (from Debden Road) would be moved east along Debden Road. This would have additional benefits of removing the need for this junction to be included in the signal operation, provide 'more time' for traffic signal phasing to allow for other transport movements and incorporate pedestrian access. Junction modelling software confirms that existing traffic and the development of up to 300 dwellings on the site can be accommodated, alongside the safe movement of pedestrians across the bridge through implementing these works. It is therefore considered that safe and appropriate access could be provided for the site which would also provide benefits for existing users of Debden Road Bridge.

Chalk Farm Road could also be widened in order to facilitate two-way traffic.

Noise

The West Anglia Mainline borders both parcels to the west and the chalk quarry borders the southern parcel to the south-east. The site is also in close proximity to the Newport Chalk Quarry and M11 motorway. An initial Noise Assessment has therefore been undertaken to establish what impact the railway would have on the amenity of future residential occupiers of the site.

Based on the preliminary assessment, it is considered any residential development delivered on the site would not hinder or jeopardise the current or future operations of the Quarry. Vibration levels were also found to be sufficiently low that additional mitigation above a recommended minor set-back, is not required.

On the potential impact from the railway it is concluded that, subject to the layout of the site and the internal configuration of the dwellings, the dwellings could meet the necessary noise criterion during the daytime and at night.

Overall, noise levels on the majority of both parcels, including when taking into account the Quarry, are sufficiently low such that mitigation should not be necessary.

Landscape Visual Impact

The concerns raised in relation to landscape visual impact of the site are unfounded. In considering whether the site could be suitable for residential development, Taylor Wimpey commissioned Barton Willmore to prepare a Landscape Visual Impact Assessment. This concludes that although there are some areas which are visually sensitive, the majority of the site is not and therefore this should not prevent development coming forward in this location.

The potential developable area of the site has been set below the 75m contour line and included the visually sensitive area of the northern parcel as strategic open space. This strategy would allow new built form to be accommodated within the Cam Valley landform with a strong relationship to the existing settlement pattern of Newport. As such, it is considered that landscape visual impact of residential development at the site could be appropriately mitigated.

Flooding

The Environment Agency Flood Map shows the site as being entirely within Flood Zone 1. This differs from UDC's Strategic Flood Risk Assessment which indicates that the lower land parcel is in flood zone 3a and may be at risk of flooding once the latest allowances for climate change have been applied.

Within the submitted initial Flood Risk and Drainage Review prepared by WSP, this disparity is noted, but it is concluded that the EA data is more up to date and therefore, based on the available information the risk of fluvial flooding is expected to be low. In relation to surface water flooding, there are areas of the southern parcel which are considered medium to high risk.

To mitigate the risk of flooding on the southern parcel from the above sources, it is proposed that the finished site levels could be engineered to provide positive drainage, prevent ponding and channel flows away from residential dwellings during exceedance events. The accumulation of standing water would therefore not occur and thus not pose a risk to the development.

In order to manage surface water run-off, sustainable urban drainage systems will be implemented within the proposed site alongside infiltration. Each parcel will have its own independent drainage strategy and an independent drainage network comprising of a traditional gravity piped network draining to an infiltration basin that will be supplemented throughout by permeable paving.

Further testing will be required in due course to test and refine the suggested mitigation strategy; however, the early indications suggest the potential for flood risk could be appropriately mitigated.

Summary

The site presents an excellent opportunity to deliver residential development in a sustainable location and it is considered the site is suitable for residential development for around 200-250 dwellings which could assist in meeting Uttlesford's housing needs.

We note that the Chalk Pit allocation has now been removed as a housing allocation from the Neighbourhood Plan since the Regulation 14 consultation following a holding objection from Essex County Council (ECC). However, it is noted that this was just on the basis that further evidence was required and as such we consider that residential development could be brought forward on the site once the lifetime of the quarry is complete (particularly if the application for the site which involves its infilling is implemented, ref. ESS/42/18/UTT). The site in Taylor Wimpey's control could then support its delivery through providing linkages to the businesses on the High Street and the train station.

Comments on the Draft Policies

Policy NQRGSE3 – Footpaths and access to the countryside

Taylor Wimpey supports the maintenance and enhancement of existing footpaths and rights of way and would seek to retain these in any development proposals

It is not, however, considered necessary for this this policy to incorporate consideration for the degradation of rural views and views towards the villages and landmarks as part of this. This makes the policy overly restrictive and does not support the objectives of sustainable development as set out in paragraph 8 of the National Planning Policy Framework (NPPF, 2019). The policy does not make an allowance for the mitigation of views through appropriate design, landscaping and planting. It also identifies sensitive views (Map 16) across the whole site. This should be a consideration for detailed design and not for planning policy.

The Landscape Visual Impact Assessment (LVIA) prepared by Barton Willmore identifies that, with the exception of the elevated slopes of the northern parcel (immediately south of Debden Road), the remainder of the site is visually enclosed and strongly influenced by the existing built form of Newport. This policy therefore needs to reduce the weight applied to any change of rural views and views of villages and landmarks through providing more flexibility to mitigate the visual impact of development in order for support sustainable housing development.

It is suggested the policy is amended as follows:

“In order to maintain and enhance access to the countryside, links to existing footpaths and rights of way, as well as improvements to footpath surfaces and signage, will be sought in connection with new development.

*Development resulting in an adverse impact on the amenity of existing footpaths and rights of way, including degradation of rural views and views towards the villages and landmarks such as churches, ~~will not be supported~~ **should demonstrate that this impact has been suitably mitigated.** This includes views identified as sensitive to change, as shown in the appendices published on <https://nqrplan.org/evidence-documents> and on maps 16 and 17 in this document.*

Footpath diversions will need to be of at least equivalent quality to the path being replaced.”

Policy NQREH2 – Primary school places

We previously commented on this policy as part of representations made on the NQRNP Regulation 14 consultation (previously Policy EH2). However, although the wording of the policy has been amended, we consider that our previous concerns have not been properly addressed.

As set out previously, Taylor Wimpey recognise the importance of ensuring available primary school capacity in the area. The required contributions to education infrastructure are currently determined at the planning application stage in accordance with ECC (the authority responsible for education) formulas and then secured via Section 106 planning obligations. This approach ensures that financial obligations are secured, and dates of payment specified. Changing this up-front approach to require confirmation of school places prior to first occupation, which is much later in the development process, could result in much needed homes being left empty due to circumstances outside of a developers’ control as the provision of school places is the responsibility of ECC. Paragraph 94 of the NPPF makes clear that widening the choice of education is the responsibility of the Local Authority.

The requirement for such pre-occupation conditions would place an unacceptable burden on developers, threatening the viability of new housing and preventing the sale of new homes until a situation outside of their control had been addressed by ECC. Given that the S106 contributions paid towards the creation of new school places are paid for by the sale of homes, the effect of this policy could be to delay the availability of new homes and improvements to local schools. Policy NQREH2 is not consistent with national policy as it would be an unacceptable burden on development, threatening viability. The policy, as currently worded, does not meet the basic conditions set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as it does not have regard to national policy on viability (NPPF paragraph 73) and education provision (paragraph 94). Furthermore, it would place in jeopardy the ability of the district to meet its urgent housing need.

Policy NQRHA1 – Coherence of the villages

Taylor Wimpey supports this policy insofar as it recognises the importance of development being located in sustainable locations and in particular preventing the linear development of Newport further to the north and south.

However, it is considered that the development limits around Newport are too restrictive and the policy should recognise that sustainable locations do exist for residential development in Newport which could deliver much needed housing in the neighbourhood plan area and could contribute to the vitality of local businesses and contribute to infrastructure improvements. Uttlesford District Council (UDC) recognises that greenfield sites will need to accommodate some of the District's identified housing requirement and this should therefore be reflected in this policy. This policy is not considered to be in accordance with paragraph 127 of the NPPF, which seeks that policies ensure developments are sympathetic to landscape setting without preventing or discouraging appropriate innovation or change.

Policy NQRHA3 – Connection with the countryside

Representations were previously made to this policy at the Regulation 14 stage and it is noted that although the wording has been amended, the overall intention of the policy has not changed. As previously stated, Taylor Wimpey supports the aim to maintain visual connection with the countryside. However, it is reiterated that this should not rule out all new development as the landscape impact will depend upon the location and design of any development. Consideration of this is a matter for detailed design. There is no clear evidence which justifies specifying the land to the east of Newport should not be developed on, as Policy NDRHA3 does.

Neighbourhood Plans must not constrain the delivery of important national policy objectives (Planning Practice Guidance, Reference ID: 41-069). Delivering a step change in housing delivery is a key element of the NPPF and supports making optimal use of sites well served by public transport (paragraph 123). Given that Uttlesford has very limited brownfield land suitable for residential development the prevention of development on greenfield sites that are close to the railway station and local businesses should be reconsidered. The aim of the policy – ensuring a connection with the countryside – could be met by amending the policy so that it does not preclude housing development and remains compatible with the requirements of national policy.

The LVIA prepared for the land east of Newport demonstrates that through developing below the 75m contour line and retaining the visually sensitive part of the site as strategic open space, new built form could be accommodated within the Cam Valley landform and have a strong relationship to the existing settlement pattern of Newport. As such, the policy wording should be amended to support this approach.

It is suggested the policy is *amended* as follows:

“To retain the close connection with, and views of, open countryside:

- Proposed development must be sensitive to the setting of Newport within the surrounding countryside. The design and layout of any new development must take into account existing views into the countryside and ensure that the visual connection to the countryside is not lost.*

development will not be supported in these locations:

- Up the valley side on the east of the railway at Newport*
- On the fields separating the developed area to the south of Wicken Rd from the newly developed area to the north of Bury Water Lane.”*

The amended wording sets out the aim of the policy clearly but would not preclude the possibility that detailed design and carefully considered landscaping could ensure that development retains the connection with the countryside.

NQRHA4 – Building in the countryside

Similar to the above policies NQRGSE3 and NQRHA3, consideration should be had for the location and design of development which could have an impact on landscape. As noted, the LVIA for the land east of Newport demonstrates that this approach mitigates any impact on the landscape. As a result, it would be possible to deliver housing in a sustainable location which could support the delivery of infrastructure and recreational facilities.

In defining an area of land outside of the Cam Valley where development will not be supported (except in accordance with Policy NQRHA1) this policy is overly restrictive of development. This does not support the aims of NPPF paragraph 127 that planning policies ensure developments are sympathetic to the surrounding landscape setting, but do not discourage appropriate innovation or change.

As such, the policy wording should clarify that although the surrounding landscape setting of Newport does have value, development which can appropriately mitigate against its impact on the landscape should be supported. This will therefore support the delivery of much needed housing against Uttlesford’s housing requirement.

NQRHD2 – Housing Design

Taylor Wimpey has previously commented on this policy as part of the Regulation 14 consultation. We note that the policy still includes that a maximum of 20 dwellings per hectare (dpha) outside of development limits is supported.

We would reiterate that this restriction is unnecessary and may prevent the most efficient use of land. Policy NQRHD4 now sets out support for 15% one-bedroom affordable homes. The densities included may not be compatible with this requirement. It is considered that although density is an important consideration it is also interrelated to other aspects of design. As such, the 20dpha threshold is overly prescriptive and would preclude the type of detailed design review which criteria (a)-(e) require. We consider that if these criteria were met, the density of development would be appropriate.

As previously set out, this policy is contrary to draft Policy H1 (Housing Density) of the emerging Uttlesford Local Plan which proposes a range of 30-50dpha for any development adjacent to a settlement. The NPPG (Reference ID: 41-009) advises that consistency between Local Plans and Neighbourhood Plans which are being prepared at the same time is important, particularly in relation to housing need. Placing a cap, which is significantly lower than that contained in the Local Plan, on development would lead to inefficiently utilised

land which would be contrary to the Government's ambition to make optimal use of sites well served by public transport (NPPF paragraph 123).

The part of the policy on density should be deleted, as it is unnecessary in addition to the other requirements of the policy and is inconsistent with the emerging Local Plan and national policy.

Policy NQRHD4 – House sizes

As set out in our previous representations, Taylor Wimpey supports the requirement for a range of housing sizes. The requirement that 15% of affordable houses be 1-bedroom dwellings is overly prescriptive and does not allow for future change in demand and is not consistent with the emerging Local Plan. As such a high proportion of 1-bed dwellings would be provided as flats, it would also be incompatible with NQRNP draft policy NQRHD2's proposed 20dpha density threshold.

Draft Policy H2 of the emerging Uttlesford Local Plan prioritises the delivery of 3 and 4+ bedroom market housing and 2 and 3-bedroom affordable housing as evidenced in the 2015 SHMA. Appendix 2 of the Local Plan sets out the following monitoring targets for the delivery of housing:

- 1-bed flats – 4%
- 2-bed flats – 3%
- 2-bed houses – 12%
- 3-bed houses – 43%
- 4+bed houses – 38%

The requirement for 15% 1-bedroom affordable housing is therefore considered inconsistent with the emerging Local Plan and its evidence base and does not meet the basic conditions set out in paragraph 8(2) of Schedule 4B of the Town and County Planning Act 1990.

Conclusion

Taylor Wimpey welcome the opportunity to comment on the Newport, Quendon & Rickling Neighbourhood Plan and are keen to continue to engage with the Steering Group, Parishes and wider community in relation to their interest in the land to the east of Newport.

The land in their control would help deliver some of the improvements to local facilities and infrastructure sought in the Plan and boost the local economy. If the Chalk Pit allocation were to be included as an allocation in the Plan again, it would also assist in reducing its isolation through providing linkages through to businesses on the High Street and the train station.

Should you wish to discuss the site or anything within these representations further please do not hesitate to contact me or my colleague Simon Slatford.

Yours sincerely

Zoe Simmonds
Senior Planner

Copy Anna Davies - TW Strategic Land

Our Ref: MV/15B901605

T: +44 (0)191 261 2361
F: +44 (0)191 269 0076

16 March 2020

avisonyoung.co.uk

Uttlesford District Council
planningpolicy@uttlesford.gov.uk
Via email only

Dear Sir / Madam
**Newport, Quendon & Rickling Neighbourhood Plan Consultation
January - February 2020
Representations on behalf of National Grid**

National Grid has appointed Avison Young to review and respond to Neighbourhood Plan consultations on its behalf. We are instructed by our client to submit the following representation with regard to the current consultation on the above document.

About National Grid

National Grid Electricity Transmission plc (NGET) owns and maintains the electricity transmission system in England and Wales. The energy is then distributed to the electricity distribution network operators across England, Wales and Scotland.

National Grid Gas plc (NGG) owns and operates the high-pressure gas transmission system across the UK. In the UK, gas leaves the transmission system and enters the UK's four gas distribution networks where pressure is reduced for public use.

National Grid Ventures (NGV) is separate from National Grid's core regulated businesses. NGV develop, operate and invest in energy projects, technologies, and partnerships to help accelerate the development of a clean energy future for consumers across the UK, Europe and the United States.

Proposed development sites crossed by or in close proximity to National Grid assets

An assessment has been carried out with respect to National Grid's electricity and gas transmission assets which include high voltage electricity assets and high-pressure gas pipelines and can confirm that there are assets within the Neighbourhood Plan area.

Details of National Grid assets are provided below:

Electricity Transmission

Asset Description
4YL ROUTE TWR (073 - 191): 400Kv Overhead Transmission Line route: BRAMFORD - PELHAM

Gas Transmission

Asset Description
Gas Transmission Pipeline, route: CAMBRIDGE TO MATCHING GREEN

A plan showing details of National Grid's assets is attached to this letter. Please note that this plan is illustrative only.

National Grid provides information in relation to its assets at the website below.

- www2.nationalgrid.com/uk/services/land-and-development/planning-authority/shape-files/

As a general rule, development easements around National Grid assets should be:

- 15 metres either side of any electricity assets; and
- 12 metres either side of gas assets.

These are minimums only and will depend on site and the type of proposed development. These easements are necessary for maintenance, access and safety. We would refer you to the guidance at the end of this letter regarding development within close proximity to National Grid assets. If you are in any doubt about any proposed allocations, you should contact National Grid to discuss.

Please also see attached information outlining guidance on development close to National Grid infrastructure.

Distribution Networks

Information regarding the electricity distribution network is available at the website below:

www.energynetworks.org.uk

Information regarding the gas distribution network is available by contacting:

plantprotection@cadentgas.com

Further Advice

Please remember to consult National Grid on any Neighbourhood Plan Documents or site-specific proposals that could affect our assets. We would be grateful if you could add our details shown below to your consultation database, if not already included:

Matt Verlander, Director

nationalgrid.uk@avisonyoung.com

Avison Young
Central Square South
Orchard Street
Newcastle upon Tyne
NE1 3AZ

Spencer Jefferies, Town Planner

box.landandacquisitions@nationalgrid.com

National Grid
National Grid House
Warwick Technology Park
Gallows Hill
Warwick, CV34 6DA

If you require any further information in respect of this letter, then please contact us.

Yours faithfully,

**Matt Verlander MRTPI
Director**


For and on behalf of Avison Young

Guidance on development near National Grid assets

National Grid is able to provide advice and guidance to the Council concerning their networks and encourages high quality and well-planned development in the vicinity of its assets.

Electricity assets

Developers of sites crossed or in close proximity to National Grid assets should be aware that it is National Grid policy to retain existing overhead lines in-situ, though it recognises that there may be exceptional circumstances that would justify the request where, for example, the proposal is of regional or national importance.

National Grid's '*Guidelines for Development near pylons and high voltage overhead power lines*' promote the successful development of sites crossed by existing overhead lines and the creation of well-designed places. The guidelines demonstrate that a creative design approach can minimise the impact of overhead lines whilst promoting a quality environment. The guidelines can be downloaded here: <https://www.nationalgridet.com/document/130626/download>

The statutory safety clearances between overhead lines, the ground, and built structures must not be infringed. Where changes are proposed to ground levels beneath an existing line then it is important that changes in ground levels do not result in safety clearances being infringed. National Grid can, on request, provide to developers detailed line profile drawings that detail the height of conductors, above ordnance datum, at a specific site.

National Grid's statutory safety clearances are detailed in their '*Guidelines when working near National Grid Electricity Transmission assets*', which can be downloaded here: www.nationalgridet.com/network-and-assets/working-near-our-assets

Gas assets

High-Pressure Gas Pipelines form an essential part of the national gas transmission system and National Grid's approach is always to seek to leave their existing transmission pipelines in situ. Contact should be made with the Health and Safety Executive (HSE) in respect of sites affected by High-Pressure Gas Pipelines.

National Grid have land rights for each asset which prevents the erection of permanent/ temporary buildings, or structures, changes to existing ground levels, storage of materials etc. Additionally, written permission will be required before any works commence within the National Grid's 12.2m building proximity distance, and a deed of consent is required for any crossing of the easement.

National Grid's '*Guidelines when working near National Grid Gas assets*' can be downloaded here: www.nationalgridgas.com/land-and-assets/working-near-our-assets

How to contact National Grid

If you require any further information in relation to the above and/or if you would like to check if National Grid's transmission networks may be affected by a proposed development, please contact:

- National Grid's Plant Protection team: plantprotection@nationalgrid.com

Cadent Plant Protection Team
Block 1
Brick Kiln Street
Hinckley
LE10 0NA
0800 688 588

or visit the website: <https://www.beforeyoudig.cadentgas.com/login.aspx>