

Uttlesford District Council

Newport Quendon and Rickling Neighbourhood Plan Examiner's Report - Decision Statement

1. Summary

Following an independent examination, Uttlesford District Council has received the examiner's report relating to the Newport Quendon & Rickling Neighbourhood Plan. The report makes a number of recommendations for making modifications to policies within the Neighbourhood Plan. Uttlesford District Council proposes to accept each of the examiner's recommendations, apart from that relating to Policy NQRHA1 – Coherence of Villages **bullet point (5)** (Submission NP) as set out below and explained in detail in Table 1.

2. Background

Following the submission of the Newport Quendon & Rickling Neighbourhood Plan to Uttlesford District on 12 September 2019, Neighbourhood Plan was published in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 and representations invited. The publication period took place in 17 September 2019 – 29 October 2019.

The local planning authority, with the approval of Newport Parish Council, subsequently appointed an independent examiner, Mr John Slater to conduct an examination of the submitted Neighbourhood Plan and conclude whether it meets the Basic Conditions (as defined by Schedule 4B of the Town and Country Planning Act 1990) and consequently whether the Plan should proceed to referendum.

The examiner's report concludes that, subject to making certain recommended modifications, the Neighbourhood Plan meets the Basic Conditions and should proceed to a Neighbourhood Planning referendum in the area of the Newport Quendon and Rickling Neighbourhood Plan as designated by Uttlesford District Council.

3. Decision

On 24 November 2020 Uttlesford District Council, having considered each of the recommendations made by the Examiner resolved to approve the changes proposed **Appendix 3** of the Cabinet Report, and that the submitted Newport Quendon & Rickling Neighbourhood Plan:

- a) be modified as set out in Appendix 3, subject to a seven-week consultation period in line with Regulation 17A of the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016;
- b) that the Plan is progressed to Referendum covering the area of Newport, Quendon and Rickling Parishes subject to no substantive objections being lodged to the modifications proposed; and
- c) that authority to be delegated to Director of Public Services, in consultation with the Planning Portfolio Holder, to consider responses to consultation on the proposed decision relating to the departures from the Examiner's recommendations, and to determine the final changes to be made to the neighbourhood plan before it proceeds to the referendum.

Uttlesford District Council has decided to approve all of the recommended modifications, apart from one. The Council proposes to take a different view to that of the examiner in relation to **Policy NQRHA1 Coherence of Villages (bullet point 5)**. Table 1 below outlines the alterations made to the draft Plan under paragraph 12(6) of Schedule 4B to the 1990 Act (as applied by Section 38A of 2004 Act) in response to each of the Examiner's recommendations and the justification for this. The Table below also includes some further modifications agreed by the Council with the consent of the Parish Council.

The Council is proposing an alternative modification, as set out and detailed in Table below and considers that this proposal will ensure the policy achieves greater clarity and therefore meets the basic conditions. This is in accordance with sections 12 and 13 of Schedule 4B to the Town and Country Planning Act 1990.

The following Table sets out each of the examiner's recommended modifications, the Council's consideration of those recommendations, and the Council's decision in relation to each recommendation.

Table 1

Document/Page/Policy	Examiners Recommendation	Council Consideration of Recommendation	Council Decision
<p>Executive Summary Page 16, Para 77</p>	<p>Recommendation that any matter which would be relevant to the determination of a planning application should be included in the document as the neighbourhood plan policy and that “Recommendations” should be restricted to matters that are irrelevant to the determination of planning application.</p>	<p>The Council agrees with the examiner’s rationale that the plan appears to be promoting a two- tier approach to planning polices in that there is no distinction between policies and Recommendations and would not meet Basic Conditions.</p> <p>Policies presented in coloured boxes and Recommendations presented in white boxes and renamed to include REC in recommendation numbering.</p>	<p>Accept Examiner’s recommendation modification to differentiate Policies and Recommendation.</p>
<p>Executive Summary Page 17, Para 84</p>	<p>That recommendations NRGSE4, NQRTR5, NQRTR8 and NQRSCL5 be deleted. The four recommendations and all other recommendations have not been examined.</p>	<p>The Council agrees with the examiner’s statement that the four recommendations include matters that relate to development and use of land. Whereas Recommendations should be restricted to matters that are irrelevant to the determination of planning applications.</p>	<p>Accept Examiner’s recommendation to delete these four Recommendations because they deal with matters that fall outside the remit of the Local Planning Authority and not material to the consideration of planning applications.</p>
<p>Page 19, Para 92: Policy NQRBL1 Support of new and existing businesses (Submission NP Pages 23-24)</p>	<p>Replace Policy with, “New shops, service and business uses will be supported where they are of an appropriate scale for their location, especially if they are within walking</p>	<p>The Council agrees with the examiner in that the policy lacks clarity by caveating support for existing facilities in meeting walking and cycling accessibility criteria and</p>	<p>Accept Examiner’s recommendation modification</p>

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	<p><i>or cycling distance of homes. They will be particularly encouraged to locate in the existing core areas of Newport as shown on Map 2.</i></p> <p><i>The loss of shops, service uses and employment sites will be resisted unless it is demonstrated that they are not financially viable and it has been shown that there no significant demand for the premises, which will have been demonstrated by appropriate marketing of the premises for at least 12 months, including, for example, being widely advertised on site, in estate agents and in relevant newspapers, property and trade magazines and/or websites, where prospective users would be expected to search and be advertised at a realistic price reflecting the existing use.”</i></p>	<p>lacks flexibility by application of criterion to existing uses only.</p>	
	<p>Replace Map 2 with the Map shown in paragraph 84.</p>		<p>Accept Examiner’s recommendation modification</p> <p>Map replaced.</p>
<p>Page 19, Para 94: Policy NQRBL2 Change of use of Upper Floors (Submission NP Page 24)</p>	<p><i>Delete “where the Local Plan viability test conditions for conversion of the whole building have not been met” and also delete the remainder of the sentence after “supported.”</i></p>	<p>The Council agrees with the examiner’s rationale in that permitted development rights might undermine the objectives of the policy by allowing changes of use of</p>	<p>Accept Examiner’s recommendation modification</p>

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		the building in A1 use to a mixed use comprising an A1 with up to 2 flats above.	
Page 19, Para 95- 96: Policy NQRBL3 Business Parking (Submission NP Page 24)	Recommendation is after <i>“Conservation Areas” insert “or residential amenities adjacent to properties.”</i>	The Council agrees with the examiner in that the modification extends support for additional parking subject to not harming the conservation area to include to have regard to amenities of any residential properties in the vicinity.	Accept Examiner’s recommendation modification
Page 20, Para 96 Policy NQRBL3 Business Parking (Submission NP Page 24)	Recommendation to delete the remainder of the policy which relates to the opposition of <i>“additional parking restrictions.”</i>	The Council agrees with the examiner’s modification in that the second part of the of the policy relating to “additional parking restrictions” covers matters under the remit of the Highway Authority that is not for the use and development of land to be used in planning application determination.	Accept Examiner’s recommendation modification
Page 20, Para 97: Policy NQRBL4 High Speed Internet Connections (Submission NP Page 24)	Replace the policy with <i>“The development of new residential or business premises will be expected to include the installation of the necessary infrastructure and ducting to enable the delivery of high-speed broadband to the property.”</i>	The Council agrees with the examiner’s modification in that the policy is unreasonable in requiring developers to provide to provide internet connections because telecommunications providers are responsible for provision of connection. Also, the policy should be extended to include both new residential and business premises.	Accept Examiner’s recommendation modification

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Pages 20 -23, Paras 98 – 114: Policy NQRAQ1 Air Quality Impact of Development Proposals (Submission NP Page 35)	That the policy be deleted.	The Council agrees with the examiners because the policy imposes an unnecessary and over onerous requirement on new development which is not justified on basis of evidence and does not meet basic conditions.	Accept Examiner's recommendation modification
Pages 23 – 24, Paras 115 – 119: Policy NQRAQ2 Cumulative Impact of Development on Clean Air and Traffic Congestion (Submission NP Page 35)	That the policy be deleted.	The Council agrees with the examiner because the policy does not meet the Basic Conditions and has no regard to Secretary of State policy and guidance and could lead to unsustainable development.	Accept Examiner's recommendation modification Additional Modification <i><u>The policy has been reworded and presented as Recommendation NQRRECQ – Air quality monitoring and remediation.</u></i>
Page 24, Paras 120 – 121: Policy NQRGSE1 Discharges into Watercourses (Submission NP Page 45)	Retitle Policy to read: Surface Water Discharges into Watercourses. Delete the first paragraph. Replace “new water discharges or run offs of water” with “increases in surface water run off”.	The Council agrees with the examiner in retitling the policy as it relates to surface water discharges as confirmed by the Parish Council. The modification also provides clarity on the fact that it is the increase in run-off from development that must be mitigated not to worsen risk of flooding.	Accept Examiner's recommendation modification
Pages 24 - 25, Paras 122 – 125: Policy NQRGSE2	That the policy be deleted.	The Council agrees with the examiner in that NQRGSE2 as	Accept Examiner's recommendation modification

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<p>Locally supplied evidence of flood risk (Submission NP Page 25)</p>		<p>written does not meet the definition of a policy because a policy is about determination of applications and not about stipulation of weight to be afforded to representations.</p>	<p>Additional Modification Supporting text has been included in supporting text to emphasise NPSG’s importance on the issue.</p> <p><i>“The Parish Councils consider that, in assessing applications for development, local knowledge and evidence including photographs, historical evidence and maps, is an important material consideration in the decision-making process”.</i></p>
<p>Pages 25 - 27, Paras 126 – 133: Policy NQRGSE3 Footpaths and access to the countryside (Submission NP Page 45)</p>	<p>Replace the first paragraph with, <i>“New development, which is located close to, or adjacent to the existing rights of way network will be expected, where practicable, to provide footpath links between the development and the right of way network. Improvements to the surfaces and signage of existing footpaths will be encouraged.”</i></p> <p>Delete the final paragraph of the policy.</p>	<p>The Council agrees with the examiner modification as the policy is not flexible and fails to take account of size, type or location of development and amended wording applies to appropriate new residential development adjacent to the public rights of way network.</p>	<p>Accept Examiner’s recommendation modification</p>

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	<p>Insert a new Policy Heading (with an appropriate policy number and renumber accordingly other policies if necessary) <i>“The Protection of Locally Important Views”</i></p>	<p>The Council agrees with the examiner creating two policies would results in easier to use policies in a development management context.</p>	<p>Accept Examiner’s recommendation modification</p> <p>Two policies created namely: NQRGSE2 Footpaths and access to the countryside</p> <p>and</p> <p>Policy NQRGSE3 Protection of Locally Important Views</p>
	<p>Replace the second paragraph with <i>“Development resulting in an adverse impact on the locally valued views, shown on Maps 16 and 17 will not be supported unless that impact is adequately mitigated.”</i></p> <p>Replace Map 17 with the map shown in paragraph 123 and integrate the text and pictures shown in Appendices 10 and 11 of the evidence base, into the neighbourhood plan document but refer to the views as <i>“Locally Important Views”</i> rather than <i>“Views with a Low Capacity to Change”</i>.</p>	<p>The modification ensures that sustainable development is not necessarily frustrated without the introduction of a caveat that recognises that adverse impacts can be satisfactorily mitigated.</p> <p>Also reference to Maps will be important in that a decision maker will know which are the specific views that are particularly valued locally and to be protected.</p>	<p>Accept Examiner’s recommendation modification but error in map references corrected to read Maps 15.15 a and 16</p> <p>Minor modification in line with Examiner’s Recommendation:</p> <p><i>Correction of an error - Maps 16 and 17 should be Maps 15,15a and Map 16.</i></p>
<p>Page 27 Para 134 Policy NQREH1 General Practice</p>	<p>I have no comments to make on this policy.</p>	<p>The Council notes the examiner’s endorsement.</p>	<p>Accept Examiner’s recommendation modification</p>

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(Submission NP Page 50)			No modification necessary
Pages 27 - 28, Paras 135 – 141: Policy NQREH2 Primary School Places (Submission NP Page 51)	That the policy be deleted	The Council notes the examiner's modification because the policy goes beyond the remit of being a policy for the development and use of land to a school admission policy, which is not a matter for the Parish Council, or indeed the local planning authority.	Accept Examiner's recommendation modification Additional modification <i>A version of the wording has been incorporated into a new recommendation NQRRECP page 49. An appropriate wording has been worked for the recommendation.</i> Reason This is in line with paragraph 79 of the examiner's report which states that where policies fall outside the remit of the LPA and are not material to the consideration of a planning application these are the type of matters that could be dealt with as non-planning recommendation matters.
Pages 28 - 29, Paras 142 – 148: Policy NQRHA1 Coherence of Villages (Submission NP 61-62)	Delete the first paragraph and the second paragraph Delete the second bullet point In the third bullet point replace "(see maps section)" with "(see maps 13 and 14)"	The Council notes that as per examiner's recommended modification the Plan does not have regard to Local Plan Policy S7 – The Countryside and advice contained in guidance issued by the Secretary of	Accept the majority of the Examiner's Recommendations on Policy NQRHA1 but do not accept the examiner's recommended modification on bullet point 5 (bullet 5 in the submitted plan).

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	<p><i>In bullet point 5, delete “significant”</i></p> <p><i>At the end of the sixth bullet insert “including some market housing necessary to secure the viable delivery of the affordable homes”</i></p> <p><i>Indent bullet points 4- 6 and insert the following bullet points</i></p> <ul style="list-style-type: none"> • <i>Residential conversion of redundant or disused rural buildings, which will enhance their setting</i> • <i>Subdivision of an existing dwelling</i> • <i>Construction of new houses of exceptional design meeting the criteria set in paragraph 79e) of the NPPF</i> <p><i>Conversion of existing buildings and the erection of well-designed new buildings for business uses.</i></p>	<p>State, as required by Section 8(2)(a) of the aforementioned Act; and</p> <p>This criterion as modified by the examiner would read “Small scale infill development within or immediately adjoining significant existing clusters of development.” would create confusion for applicants and would result in a policy that is not clear and introduces a level of ambiguity, this is would not meet the basic conditions and would be contrary to paragraph 41-041-20140306 of the PPG.</p>	<p><i>Alternative modifications</i> are proposed by deletion of some policy wording of the bullet point 5 in order to address issues of clarity and to ensure the policy meets the Basic Conditions.</p> <p>The proposal is that the criterion is amended by deletion of ‘<i>or immediately adjoining</i>’:</p> <p>Proposed bullet criterion to read: <i>“Small scale infill development within existing clusters of development”</i>.</p> <p><i>Proposed Additional Modification</i></p> <p>In order to provide clarity and avoid ambiguity about what constitutes a cluster, the proposed definition of ‘clusters’ proposed to be included in the Plan Glossary is as follows: <i>Cluster - A grouping of at least 5 dwellings at an individual site, or hamlet,</i></p>

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			<i>and separated from the villages.</i>
Pages 29 - 30, Paras 149 – 151: Policy NQRHA2 Building on Brownfield Sites (Submission NP Page 62)	The policy be deleted.	The Council agrees with the examiner this policy is not in line with national or local planning policy and would allow inappropriate development in unsustainable locations in the countryside.	Accept Examiner's recommendation modification
Page 30, Paras 152 – 157: Policy NQRHA3 Connection with the Countryside (Submission NP Page 62)	Replace the policy with <i>“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 and from the countryside and ensure that the visual connection to the countryside is not lost.”</i>	The Council agrees with the policy replacement because as worded, the policy would presume against the construction of buildings and structure necessary for the agricultural use of this land.	Accept Examiner's recommendation modification

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Page 31, Paras 158 – 160: Policy NQRHA4 Buildings in the Countryside (Submission NP Pages 62- 63)	<ul style="list-style-type: none"> • Delete the first two paragraphs including the three bullet points. • In the third bullet point replace “No material harm is caused to” with “The development protects and enhances” • In the fourth bullet point replace “No material harm is caused to” with “The development protects and enhances” • In the fifth bullet point replace “No material harm is caused to” with “The development protects and enhances “ • Delete the final paragraph and bullet point 	The Council agrees with the Examiner because the “no material harm “is too restrictive and the “additional element” duplicates existing policy contrary to the Secretary of State advice.	Accept Examiner’s recommendation modification
Policy NQRHA5	Revisit the numbering of this set of policies	The Council agrees with the Examiner in the need to renumber policies in the set because of an error in numbering as there was no Policy NQRAHA5.	Accept Examiner’s recommendation modification
Pages 31 - 32, Paras 161 – 165: Policy NQRHA6 Foxley House (Submission NP Page 63-64)	<p>Delete the first paragraph and the second sentence of the second paragraph.</p> <p>Replace the third bullet point with “Vehicular access should be from Bluebell Drive.”</p>	The Council agrees with the Examiner because the first paragraph was a policy justification, not a statement of planning policy.	Accept Examiner’s recommendation modification

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Page 32, Para 166: Policy NQRHD1 Parking Standards (Submission NP Page 75)	Replace all the text in the first paragraph with “up to date relevant parking standards currently in force in Uttlesford district”.	The Council agrees with the Examiner because the modification provides clarity and ease of reference to parking standards during the lifetime of the Plan.	Accept Examiner’s recommendation modification
Page 33, Paras 167 - 172: Policy NQRHD2 Housing Design (Submission NP Pages 75-76)	In the first paragraph, replace “must” with “will be expected to” and at the end of the sentence insert “, and where it is appropriate”.	The Council agrees with the Examiner In that as worded the planning policy imposes an obligation on every submitted application to meet 5 criteria and in some circumstances, it may not be possible for development to “to make a positive contribution to the distinctive character of the village(s) as a whole.” Proposed wording makes the policy more flexible and positive.	Accept Examiner’s recommendation modification
	Replace the final paragraph with “Design and Access Statements will be expected to show how the scheme has had regard to the Essex Design Guide. Other applications are also encouraged to show how they also have had regard to the principles set out in the Guide”	The Council agrees with the Examiner because the policy would not have been contrary to the requirement for Design Access Statements for development in Conservation Areas or for “major schemes” only.	Accept Examiner’s recommendation modification

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	<p>Under the heading “Densities” replace “particularly in village centres, housing densities may be to the top end of the UDC density range of 50 per hectare” with “and adjacent to the settlement boundaries, housing density should be in the range of 30 – 50 dwellings per hectare”</p> <p>At the end of the second sentence insert “unless a departure is justified on the basis of the particular characteristics of the scheme”</p>	<p>The Council agrees with the Examiner’s modification provides clarity and certainty of acceptable density ranges.</p>	<p>Accept Examiner’s recommendation modification</p> <p>Additional Modification A standalone policy NQRHD5 Densities created in line with Examiner’s Recommendation to provide clarity and avoid ambiguity.</p> <p>Reason: Following Examiners suggestion to improve clarity in policy.</p>
<p>Pages 33 – 34, Paras 173 - 174: Policy NQRHD3 Use of Specimen Trees (Submission NP Page 76)</p>	<p>After “<i>wherever possible</i>” add “<i>and appropriate having regard to the nature, form and layout of the development</i>” <i>Delete the final sentence.</i></p>	<p>The Council agrees with the Examiner The modification provides flexibility and suitability of species is not a statement of planning policy would be more appropriate in in the supporting text.</p>	<p>Accept Examiner’s recommendation modification</p>
<p>Page 34, Paras 175 - 177: Policy NQRHD4 House Sizes (Submission NP Page 76)</p>	<p>In the first paragraph delete the remainder of the sentence after “<i>whole</i>”.</p> <p>Delete the second paragraph.</p> <p>In the final paragraph replace “<i>in greatest demand</i>” with “<i>having regard to local housing need and indications of market demand. They will also be expected to demonstrate</i>”</p>	<p>The Council agrees with the Examiner in removing duplication as well as the removal of the specific requirements set out in the second paragraph that are too prescriptive.</p>	<p>Accept Examiner’s recommendation modifications but do not agree with the wording proposed.</p> <p>Alternative Modification <i>“In order to contribute towards the balancing of the housing stock, the mix of house sizes in</i></p>

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	<p><i>how the house sizes are meeting that need and demand”.</i></p> <p>Delete the final sentence.</p>		<p><i>applications for ten or more houses is expected to have regard to local housing need and indications of market demand...”.</i></p> <p>Reason</p> <p>Provides clarity and avoids ambiguity.</p>
<p>Page 34, Para 178: Policy NQRHD5 Social Homes and Local Connection (Submission NP Page 76)</p>	<p>The policy be deleted.</p>	<p>The Council agrees with the Examiner, allocation of social homes does not fall under the jurisdiction of the Local Authority but falls under the remit of the Housing Authority. As such it is not a policy for the development and use of land.</p>	<p>Accept Examiner’s recommendation modification</p> <p>Additional Modification The text has been reworded and made into Recommendation NORRECH Social homes and local connection.</p> <p>Recommendation NQRRECH Social homes and local connection has been created to read, <i>“The Parish Council will seek that where affordable housing is being provided, priority should be given to those who can prove a local connection to the Parish in which the homes are built or in surrounding areas”</i></p>

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			<p>Reason This is in line with paragraph 79 of the examiner's report which states that where policies fall outside the remit of the LPA and are not material to the consideration of a planning application these are the type of matters that could be dealt with as non-planning recommendation matters.</p>
<p>Pages 34-35, Para 179: Policy NQRHD6 Affordable Housing (Submission NP Page 76)</p>	<p>Insert the following paragraph at the end of the policy <i>“Developers may not circumvent this policy by artificially subdividing sites. Where sites are subdivided, the Council will normally expect a subdivision or smaller development to contribute proportionately towards achieving the amount of affordable housing which would have been appropriate on the whole or larger site.”</i></p>	<p>The Council agrees with the Examiner</p> <p>The caveat ensures that developers do not circumvent the policy by artificially subdividing sites to avoid contributing to the requisite affordable housing.</p>	<p>Accept Examiner's recommendation modification</p>
<p>Page 35, Paras 180 - 181: Policy NQRTR1 Extension of Speed Limits and Footways (Submission NP Page 86)</p>	<p>Retitle policy <i>“Extension of footways”</i></p> <p>Replace the policy with <i>“Where development outside development limits is considered acceptable, the development will be expected to provide or fund where it is justified, appropriate and deliverable safe</i></p>	<p>The Council agrees with the Examiner</p> <p>The policy as worded was restrictive and the caveat proposed by the examiner affords flexibility to the policy.</p>	<p>Accept Examiner's recommendation modification</p> <p>Additional modification: Text relating to speed limits has been made into a Recommendation NQRRECX Extensions of speed limits to</p>

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	<p><i>footways connecting to the nearest settlement. These may be alongside roads, or preferably on the inside of developments, connecting to existing footways.</i></p>	<p>Predicating the acceptability of development on securing a speed limit is subject to the Highways Authority's policies for introducing speed limits and separate from planning applications and falls outside the remit of the local planning authority.</p>	<p>read: <i>"It is recommended that where vehicle accesses to development sites are near to, or just outside of, a speed limit boundary, The Highways Authority should seek funding from the development for speed limit extensions they may require"</i>.</p> <p>Reason: The wording of the recommendation is worded so that it does not relate to the development and use of land, and therefore is considered an acceptable change. This is in line with paragraph 79 of the examiner's report which states that where policies fall outside the remit of the LPA and are not material to the consideration of a planning application these are the type of matters that could be dealt with as non-planning recommendation matters.</p>
<p>Pages 35 - 36, Paras 182 - 185: Policy NQRTR2 Mitigation of Traffic Impacts (Submission NP Page</p>	<p>That the policy be deleted.</p>	<p>The Council agrees with the Examiner</p> <p>The policy is expressed of addressing the impact of traffic,</p>	<p>Accept Examiner's recommendation modification</p> <p>Additional modification: Text relating to speed limits</p>

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86)		<p>congestion and air quality, but no information was submitted with the policy identifying any specific measures that the contributions would be directed towards.</p> <p>The examiner is not satisfied that such a general policy, which is directed at “<i>developers</i>”, irrespective of the scale and type of development or how it will impact upon the matters that contributions are to be sought has been properly justified. Whilst there may be traffic mitigation works required for a particular development that meets the 3 statutory tests, then these can continue to be sought, but he is not satisfied that there is justification for a policy that requires contributions from <i>all</i> developers to fund unspecified projects which may not be related to that actual development. Such payments would not meet the legal tests.</p>	<p>has been made into: Recommendation NQRRECT Mitigation of traffic impacts to read:” <i>It is recommended that to help address the impacts of traffic on the villages, including congestion, parking, and air quality, the parish councils will seek contributions through S106 funding to sustainable transport infrastructure and promote sustainable transport measures to help reduce reliance on the private car and identify appropriate local mitigation to manage residual traffic impacts.</i>”</p> <p>Reason: The wording of the recommendation will seek contributions through S106, and this would have to meet the 3 tests and therefore is considered an acceptable change. This is in line with paragraph 79 of the examiner’s report which states that where policies fall outside the remit of the LPA and are not material to the consideration of a planning application these are the type of matters that could be dealt</p>

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			with as non-planning recommendation matters.
Page 36, Para 186: Policy NQRTR3 Safe Access to Schools and Village Facilities (Submission NP Pages 86 - 87)	Delete all text prior to <i>“all new development” and insert “Where justified by the nature of the proposal,” and at the end insert “on land within the development site or under the control of the Highway Authority”.</i> <i>Some of the policy wording is not actual policy but the justification for the policy which can be moved to the supporting text.</i>	The Council agrees with the Examiner The policy is expressed in terms of <i>“all new development</i> should provide safe, convenient internal footways and cycle paths”. Such requirements will not be appropriate for most development. The examiner proposes a form of wording to ensure that these are only sought “where justified by the nature of the development” and also make it explicit that the routes are only to be provided within the land under the control of the applicant or public highway so as to enable connection of the internal routes with existing networks. Some of the policy wording is not actual policy but the justification for the policy which can be moved to the supporting text.	<i>UDC and NQRSG agree with Examiner.</i> Accept Examiner’s recommendation modification
Page 36 Para 187 -Policy NQRSL1 Retaining and Enhancing Community Facilities	I have no comments to make on this policy.	The Council notes the examiner’s endorsement.	No modification necessary.
Pages 36 -37, Paras 188 -	Replace the policy with <i>“Where it can</i>	The Council agrees with the	Accept Examiner’s

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189: Policy NQRSC2 Financial Contributions from Development (Submission NP Pages 94-95)	<i>be shown to meet the legal tests set out in Regulation 122 of the Community Infrastructure Regulations 2010, financial contributions will be sought from any net additional new housing units through a planning obligation to fund additional sport and leisure facilities with the parishes, unless any funding is provided by the introduction of a Community Infrastructure Levy Scheme.</i>	Examiner As written the policy was not implementable as there is no mechanism for collecting a levy other than through a Section 106 contribution which needs to pass the three tests.	recommendation modification
Page 37, Para 190: Policy NQRSC3 Provision of Amenity Space and Ballgames (Submission NP Page 95)	Add at the end of the policy <i>“in appropriate locations having regard to the residential amenities of nearby residents”</i> .	The Council agrees with the Examiner To provide flexibility the support should be caveated that the facilities are provided in appropriate locations, for example, having regard to protecting the amenities of local residents.	Accept Examiner’s recommendation modification
Page 37, Para 191: Policy NQRSC4 Retention of Sports Fields (Submission NP Page 95)	<i>After “sports fields” insert “as shown on Map X”</i> <i>Prepare and insert a map of all sports fields within the plan area</i>	The Council agrees with the Examiner Maps provide clarity and clearly show the extent of the sports fields which are to be covered by the policy. Refence to the maps will assist decision makers in determining exact location and extent of facility when required.	Accept Examiner’s recommendation modification

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Page 36, Para 192:	If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Newport Quendon and Rickling Neighbourhood Plan as designated by Uttlesford District Council on <u>4th February 2014</u> , is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.	N/A Examiner made an error on the NP area designation date.	Designation correctly amended to 16th February 2017 .

4. Next Steps

Given Uttlesford District Council's proposal to make a decision which differs from that recommended by the examiner (in relation to Policy NQRHA1 Coherence of Villages (bullet point 5) (Submission NP), there will now follow a seven-week period of consultation (this should be six weeks but is extended to seven week to take account of Christmas and New year holidays) during which Newport Parish Council, all those who submitted representations to Uttlesford District Council during the Regulation 16 publication stage, and any consultation body that has previously been consulted on the Neighbourhood Plan will be invited to make comments on Policy NQRHA1 Coherence of Villages Submission NP Version (bullet point 5) (in accordance with section 13[1] of Schedule 4B of the Town and Country Planning Act 1990). This 7-week period will take place between 9 am **Monday 7 December 2020 to 5 pm Monday 25 January 2021**.

This Decision Statement proposal will be published, during the aforementioned seven-week period, on the Uttlesford District Council website (www.uttlesford.gov.uk/nqrnp).

Following the aforementioned seven-week period, Uttlesford District Council may refer the issue to a further independent examination, if it considers it appropriate to do so.

Following the representation period, and receipt of the examiner's report (should a further examination be deemed necessary), Uttlesford District Council will publish a final Decision Statement which will include the Council's decision on whether or not the Plan should proceed to a referendum.