

Uttlesford District Council

Newport Quendon & Rickling Neighbourhood Plan Examiner's Report

Regulation 18 Decision Statement

24 November 2020

Background

Uttlesford District Council designated the Parishes Newport and Quendon & Rickling as a Neighbourhood Area on 16 February 2017.

The Newport and Quendon & Rickling draft Submission Neighbourhood Plan was submitted by Newport Parish Council to Uttlesford District Council on 12 September 2019. The Neighbourhood Plan and supporting documents were publicised as required and public consultation took place between 17 September 2019 and 29 October 2019.

Following the consultation, the Council, in agreement with the Parish Council, appointed an Independent Examiner Mr John Slater to undertake the independent examination. The Examiner's report is dated 27 May 2020.

The Examiner found that:

- The Newport Quendon & Rickling Neighbourhood Development Plan has been prepared in accordance with Sections 38A and 38B of the Town and Country Planning Act 1990 and the Neighbourhood Planning Regulations 2012 (as amended) and that;
- Having regard to national policies and advice contained in guidance issued by the Secretary of State it would be appropriate to make the Plan;
- The making of the Plan would be in general conformity with the strategic policies of the development plan for the area;
- The making of the Plan would contribute to the achievement of sustainable development;
- The Plan would not breach and will be otherwise compatible with European Union obligations, the Conservation of Habitats and Species Regulations 2017 and the European Convention on Human Rights;-and
- The Plan should proceed to a referendum subject to the modifications that he recommends.

Recommendations, Decisions and Reasons

Regulation 18 of The Neighbourhood Planning (General) Regulations 2012, requires Uttlesford District Council to outline what action it intends to take in response to each of the Examiner's recommendations.

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 & 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.

The Schedule of the Examiner's recommendation not accepted by the Council and its proposed changes, with reasons, are set out in [Annex 1 of this Statement](#).

Invitation to Make Representations

The Council is now required to invite comments on its proposed changes and the reasons for its decision. These are set out in Annex 1 to this Statement.

Please note the Council is not inviting comments on the Examiner's recommendations that have been accepted by the Council nor the draft Submission Newport Quendon & Rickling Neighbourhood Plan.

The consultation period commences on **7 December 2020** and the deadline for receiving representations is **5pm, 25 January 2021**.

The following documents:

- a) [Schedule of Examiner's recommendations not accepted by the Council and its proposed changes, with reasons](#)
- b) [Examiner's report dated 27 May 2020](#)
- c) [Draft Submission Newport Quendon & Rickling Neighbourhood Plan incorporating Examiner's recommendations](#)

AND All other documents relating to the Newport Quendon & Rickling Neighbourhood Plan are available to view on-line at:
<https://www.uttlesford.gov.uk/nqrnp>

Submitting Comments

Comments on the Council's proposed changes and the reasons for its decision should be sent by email to planningpolicy@uttlesford.gov.uk by post to: Planning Policy, Neighbourhood Planning, Uttlesford District Council, Council Offices, London Road, Saffron Walden, CB11 4ER.

All comments received will be made publicly available

The information you provide will be stored on an Uttlesford District Council database and used solely in connection with the Newport Quendon & Rickling Neighbourhood Plan.

Representations will be available to view on the Council's website, but address, signature and contact details will not be included. However, as copies of representations must be made available for public inspection, they cannot be treated as confidential.

Copies of all representations will be forwarded to the person appointed to carry out a focussed examination on the Council's modifications to the Examiner's recommendations.

Data will be processed and held in accordance with the General Data Protection Regulation and Data Protection Act 2018.

ANNEX 1

Newport Quendon & Rickling Neighbourhood Plan – Modification Consultation Annex 1

Columns 2 & 3 outlines the changes to the submission version of policy text that is being consulted on in this consultation.

Column 4 (Modification Consultation) contains the policy text that is being consulted on in this consultation - **comments can only be accepted on the Proposed Modification of NQRHA1 – Coherence of Villages.**

Policy / Paragraph No	Examiner's proposed Modifications - not accepted	Uttlesford District Council's response to the Examiner's unaccepted Modifications	Modification Consultation - Policy and text
<p>NQRHA1 Coherence of the Villages</p> <p><i>Modification part</i></p>	<p><i>In bullet point 5, delete "significant"</i></p> <p>b) Small scale infill development within or immediately adjoining significant clusters of development;</p>	<p>Amend criterion b to read as follows:</p> <p>b) Small scale infill development within or immediately adjoining significant existing clusters of development;</p>	<p>UDC DOES NOT accept Examiner's modification recommendation for the following reasons:</p> <p>Basic Conditions and the National Planning Policy Framework</p> <p>1.1 The Council proposes to make modifications which differ from that recommended by the examiner. It is considered that these modifications are required in order to secure that the draft Neighbourhood Plan meets the basic conditions of neighbourhood planning, as enabled by section 12(6)(a) of Schedule 4B of the Town and Country Planning Act 1990.</p> <p>1.2 In particular, the Council considers that the examiner's recommended modifications to Policy NQRHA1 (bullet point b or criterion b in modified policy) of the Newport Quendon &</p>

			<p>Rickling Neighbourhood Plan would mean that the Plan does not have regard to national policies and advice contained in guidance issued by the Secretary of State, as required by Section 8(2)(a) of the aforementioned Act.</p> <p>1.3 At the Fact Checking stage the Newport Quendon & Rickling Steering Group raised a major concern to the Examiner regarding the proposed modification to with particular reference to bullet b). The Steering Groups concern was that immediately adjoining any cluster could be interpreted to support development ad infinitum, outside of development limits. This would be unreasonable, and contrary to adopted Local Plan policy S7. Nor is this being not consistent with the definition of 'infill' and introduces ambiguity and a lack of clarity such that the policy would not be capable of being applied consistently and clearly when determining planning applications.</p> <p>Infill development</p> <p>1.4 This criterion as modified by the examiner would read "Small scale infill development within or immediately adjoining significant existing clusters of development." The problem with this criterion is that infill development is described as 'within or immediately adjoining existing clusters of development'. By also referencing 'adjoining land' the draft policy as worded is not clear and is unambiguous. This is would not meet the basic conditions and would be contrary to paragraph 41-041-20140306 of the PPG.</p>
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			<p>1.5 The alternative modifications proposed in Appendix 4 have been prepared in consultation with the Newport Quendon & Rickling Neighbourhood Development NDP Steering Group. It is considered that the amendments proposed would still enable the NDP to meet the Basic Conditions under which it was examined.</p> <p>1.6 Infilling is relatively clearly stated as being within clusters (defined in the Adopted Local Plan para 6.14) or between small gaps in existing buildings (definition on the Planning Portal). So, to continue to word 'infill' as '<i>Small scale infill development within or immediately adjoining existing clusters of development</i>' would be both imprecise and not in accordance with the development plan wording.</p> <p>1.7 It is agreed that the description 'significant' clusters is undefined, so justifying its deletion as recommended by the Examiner but by having no definition of a cluster leaves a vacuum which would not be capable of being applied consistently and clearly when determining planning applications thus not meeting the Basic Conditions as well as being constantly challenged by applicants/appellants.</p> <p>Proposal by Uttlesford District</p> <p>1.8 As a result of the concerns with the examiner's recommended modification to Policy NQRHA1 (criterion bullet point 5) of the Neighbourhood</p>
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			<p>Plan, as discussed above, Uttlesford District Council has proposed modification to Policy NQRHA1 (criterion bullet point 5). This is set out in Appendix 2 below.</p> <p>1.9 The proposed modification (and the reasoning as outlined above) will be subject to a seven-week period of consultation, whereby representations can be made.</p> <p>Conclusion</p> <p>The Basic Conditions are not met by the Examiner's proposed modification as it would not be in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).</p> <p>UDC Proposed Alternative Wording</p> <p><i>Replace Policy NQRHA1 Coherence to Villages criterion bullet point 5 with</i></p> <p>b) Small scale infill development within existing clusters of development;</p>
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