

By email only to: planningpolicy@uttlesford.gov.uk

Dear Sir/Madam,

Re: Newport Quendon & Rickling Neighbourhood Plan – Proposed Modifications

This letter provides Gladman Developments Ltd (Gladman) representations in response to the current consultation held by Uttlesford District Council on the proposed modifications to the Newport Quendon & Rickling Neighbourhood Plan (NQRNP) under paragraph 13 of Schedule 4b of the Town and Country Planning Act 1990 (as amended).

Gladman are deeply concerned that a referendum date has already been set despite the consultation still being underway as this pre-empts the outcomes of this consultation. There is still the possibility that the plan may need to be referred back to examination. The Council should only be seeking to set a referendum date once it has satisfied itself that from the consultation responses further examination is not necessary. Gladman suggest that this is not the case and due to the nature of the change and how this alters the thrust of the policy, making it restrictive in nature as opposed to a permissive policy that satisfied basic condition (d), that the issue **should** be referred back to examination.

We agree with the Examiner that it was necessary to remove the word 'significant' from the policy due to the vagueness and ambiguous nature of the term, but in doing so contend that the Examiner should also have removed the term 'infill'. As the Council have identified, infilling is development that is located within clusters of existing development or between small gaps in existing built up frontage. By definition, the term infilling does not lend itself to development that is adjoining existing clusters, significant or otherwise. Therefore, we do not accept the Steering Group's concern that this will 'support development ad infinitum' as it is anticipated that the practical application of this policy would be nearly impossible.

Instead, to achieve the flexibility that is necessary to meet the basic conditions the word infilling should also be removed from the policy so that it reads, 'Small scale development within or immediately adjoining settlement boundaries or existing clusters of development'.

What the Council have chosen to do removes the element of flexibility that was offered and that the Examiner considered was necessary to meet the basic conditions. Based on our reading of the Examiner's report, without this element of flexibility, there is a risk that the plan as a whole does not meet basic condition (d) as 'the plan is essentially not countenancing any significant new development within the settlements for the next 13 years'. As the Examiner may have reached a different conclusion, had the wording that is now proposed been used when the plan was submitted, Gladman consider it to be essential that the issue is referred back to examination for the Examiner to consider further.

Conclusions

Gladman consider that the changes proposed by the Council are not in accordance with the basic conditions. We consider that this matter should be referred back to the Independent Examiner, otherwise it will likely be an area of contention

for those promoting land interests within the neighbourhood area. Gladman hopes you have found this representation helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team.

Yours faithfully,

Richard Agnew
Planner
Gladman Developments Ltd.

NEWPORT QUENDON & RICKLING NEIGHBOURHOOD PLAN – POLICY NQRHA1 CRITERION (b)

Please use this form to make comments on the proposed alternative modification to **Policy NQRHA1 Coherence of Villages on the Newport Quendon & Rickling Neighbourhood Plan**, as set out in the Decision Statement proposal that can be found on the Uttlesford District Council website at

<https://www.uttlesford.gov.uk/nqrnp>

Please submit your response before **5.00pm on Monday 25 January 2021** by sending it to planningpolicy@uttlesford.gov.uk or by post to: Planning Policy, Uttlesford District Council, Council Offices, London Road, Saffron Walden, CB11 4ER

Please use the space below to make your comments on Uttlesford District Council’s proposed alternative modification to Policy NQRHA1 (criterion (b) of the Newport Quendon & Rickling Neighbourhood Plan.

We object to the proposed alternative modification to Policy NQRHA1 Coherence of Villages of the Newport Quendon & Rickling Neighbourhood Plan. The change proposed is fundamental to the operation of the policy. Our strong view is that the matter should be referred back to the Examiner and the Examination should be re-opened in relation to this issue.

The additional amendment proposed is of considerable magnitude being significantly more restrictive and less flexible than both the original wording as drafted by the Qualifying Body and the change recommended by the Examiner.

We do not consider that the Town and Country Planning Act 1990 allows for this type of modification to be made via this process. The specific wording now proposed for deletion has already been fully considered by this Examiner and is considered to meet the Basic Conditions, as such, the authority would be acting outside of their powers in making this change.

Furthermore, the concerns with the Examiner’s recommended change to Policy NQRHA1 have already been fully considered by the Examiner who did not consider it appropriate to make a further modification.

It would be inappropriate for the authority to make this change without referring the matter back to the Examiner.

The implications of the amendment now proposed cannot be over-stated and would result in a wholly different policy position than that recommended by the Examiner. It cannot be the intention of Sections 12 and 13 of the Act to allow the recommendations made by the Examiner to be amended to such a degree.

In assessing the implications of the amendment now proposed, it is important to look not solely at the Examiner’s proposed wording and the alternative modification, but also at the policy as originally drafted by the Qualifying Body.

As originally drafted:

“Small scale infill development within or immediately adjoining significant existing clusters of development”

As modified by the Examiner:

NEWPORT QUENDON & RICKLING NEIGHBOURHOOD PLAN – POLICY NQRHA1 CRITERION (b)

“Small scale infill development within or immediately adjoining existing clusters of development”

Proposed alternative modification:

“Small scale infill development within existing clusters of development”.

The Examiner has recommended the deletion of the word *“significant”* due to the term being undefined and vague, resulting in ambiguity as to whether proposals would be supportable under this policy, leaving the rest of the original wording intact. The original drafting and change proposed by the Examiner are very similar in the context of decision making; both would allow modest development within and adjoining existing development, it is only the word *“significant”* which is removed.

The change now proposed by the authority is to further delete the words *“or immediately adjoining”*, which were originally drafted by the Qualifying Body. This would make a significant difference to the operation of this policy and be considerably more restrictive than that originally drafted. It would result in a very different situation in the context of decision making as it would prevent any development, no matter how modest and small-scale, immediately adjoining existing development.

The original wording and Examiner’s amended wording allowed flexibility. This is consistent with the NPPF which requires plans to *“positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change”* (paragraph 11a). The change now proposed will result in significantly less flexibility which is inconsistent with the NPPF and therefore doesn’t meet the Basic Conditions. It cannot have been the intention of legislation and policy writers to allow Council’s to make post Examination amendments to Neighbourhood Plans which result in their policies being less flexible than as originally drafted.

Section 12[6] of Schedule 4B of the Town and Country Planning Act 1990 sets out the only modifications that the authority may make. This allows for modifications that the authority consider need to be made *“to secure that the draft order meets the Basic Conditions”*.

In this case, the draft plan meets the Basic Conditions, subject to the amendments proposed by the Examiner. The wording now proposed for deletion from policy NQRHA1 was included in the original Neighbourhood Plan which was prepared by the Qualifying Body then submitted and subject to Independent Examination. The policy wording was fully considered through the Examination process. The Examiner considered that, with one small amendment, the policy would meet the Basic Conditions. The Examiner did not recommend the change now proposed was necessary to meet the Basic Conditions. However, the authority wishes to make further amendments beyond those recommended by the Examiner. These will not *“secure that the draft order meets the Basic Conditions”*; the plan meets the Basic Conditions with the Examiner’s proposed change but will not meet the Basic Conditions with this further change as it will not have regard to the NPPF as a whole and specifically paragraph 11a. Section 12[6] does not allow for additional modifications to be made where a plan already meets the Basic Conditions, it only allows for changes to ensure that it does.

Annex 1 of the Consultation Notification states that the authority consider that the recommendation made by the Examiner would somehow change the operation of the policy. Specifically, this alleges that the Examiner’s amendment would lead to ambiguity within the policy wording between the words *“infill”* and *“immediately adjoining”*. For this reason, the authority consider the Neighbourhood Plan would not meet the Basic Conditions and would be contrary to paragraph 41-041-20140306 of the PPG.

NEWPORT QUENDON & RICKLING NEIGHBOURHOOD PLAN – POLICY NQRHA1 CRITERION (b)

The words “infill” and “immediately adjoining” were drafted by the Qualifying Body. The Examiner has already considered whether conflict or confusion arise as a result of this combination of words via the Examination and recommended only to delete the word “significant”.

In the context of policy NQRHA1 as a whole, the combination of “infill” and “immediately adjoining” in this bullet point are not conflicting or ambiguous. The bullet points in policy NQRHA1 specifically list the circumstances under which development “outside of the development limits” will be supported. The bullet point sets out these circumstances, i.e. small scale development either within or immediately adjoining development limits. We agree with the Examiner that there is no conflict or confusion here.

The deletion of the word “significant” has not changed the meaning of the bullet point as originally drafted so no conflict can have arisen as a result. The policy as originally drafted and as modified by the Examiner allowed development both within and immediately adjoining development limits. It is only with the alternative modification now proposed that the policy has a different effect.

Our view is that there is no ambiguity resulting from this change and agree with the Examiner that policy NQRHA1, subject to the Examiner’s proposed amendment, does have regard to national policies and guidance and does meet the Basic Conditions.

The Examiner’s recommendation would not be contrary to adopted Local Plan policy S7. Policy S7 relates to development beyond settlement development limits and includes infilling, in accordance with the supporting text in the Housing chapter. This supporting text specifies that there is no specific policy on infilling outside development limits, directing infill proposals to be considered in the context of Policy S7 which allows “sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements”. Policy NQRHA1 as amended by the Examiner is entirely consistent with this. The amendment now proposed is not, as it would only allow for development within, but not close to, settlements.

Annex 1 states that concern with Policy NQRHA1 was voiced by the Newport Quendon & Rickling Steering Group, who considered that “immediately adjoining” any cluster could be interpreted to support development ad infinitum, outside of development limits. We do not consider this to be the case as such development is clearly defined as “small scale” and the meaning of the bullet point in this context is unchanged regardless of whether the word “significant” is included or not. The words “immediately adjoining” were included in the original policy wording; it is clear that the Examiner has already considered the effect of these words and considered them to meet the Basic Conditions.

The change now proposed has also already been fully considered by the Examiner. Annex 1 is clear that the Newport Quendon & Rickling Steering Group’s concern with the Examiner’s amendment to Policy NQRHA1 was raised directly with the Examiner at the Fact Checking stage. Whilst the response from the Examiner on this particular issue is not published, paragraph 25 of the Examiner’s Report does refer to comments and commentary by the Qualifying Body and states that their comments have been reflected upon very carefully. The fact that this concern was raised, and that the Examiner chose not to amend the original wording beyond the recommendation already made demonstrates that the Examiner has considered the views of the Qualifying Body but concluded that the Neighbourhood Plan meets the Basic Conditions as per the Examiner’s recommendation, without the further amendment now being proposed.

NEWPORT QUENDON & RICKLING NEIGHBOURHOOD PLAN – POLICY NQRHA1 CRITERION (b)

Our view is that the Act does not allow for the Neighbourhood Plan to proceed to referendum with wording contrary to that recommended by the Examiner if this change is not to secure that the plan meets the Basic Conditions. As stated above, the Council's proposed change does not meet the Basic Conditions as it would not have regard to national policy and guidance or the adopted development plan.

In conclusion, we consider it inappropriate to make the alternative modification proposed. As stated in the 24th November 2020 Cabinet report, alternative modifications to those recommended by the Examiner are very rare and "*not a decision to be taken lightly*". In this case, the alternative modification proposed would result in a significantly different policy position which would be contrary to the conclusions reached, and recommendations made, by the Examiner.

As such, this matter should be referred back to the Examiner and the Examination should be re-opened in relation to this issue.

Personal Details

Uttlesford Council takes your privacy very seriously and processes your personal data with your consent in compliance with data protection legislation. Any personal details you supply will solely be used for the purposes of correspondence relating to the Newport Quendon & Rickling Neighbourhood Plan. Personal details will be retained for one year following the date of adoption of the Neighbourhood Plan.

The information you provide as part of this consultation (including your name, and organisation if you represent one) will be made publicly available.

Your Rights: Under Data Protection Legislation you may have the right to access, rectification, restriction, portability or erasure of the processing of your personal data, as detailed in our Privacy Policy. You can contact the Uttlesford District Council Data

**NEWPORT QUENDON & RICKLING NEIGHBOURHOOD PLAN – POLICY
NQRHA1 CRITERION (b)**

Protection Officer at dpo@uttlesford.gov.uk. You also have the right to lodge a complaint with the regulator, the Information Commissioner's Office.

Name (Title, First name, Surname)

Organisation (if applicable)

Address

Postcode

Telephone Number

Email address

From: **Patience Stewart** [redacted] 
Subject: [External].Newport Quendon & Rickling Neighbourhood Development Plan Examiner's Report Regulation 18 Decision - Modification Consultation
Date: 7 December 2020 at 11:46
To: Planning Policy planningpolicy@uttlesford.gov.uk

PS

Dear Sir/Madam,

Thank you for the opportunity to comment on the proposed modifications to the Newport Quendon and Rickling Neighbourhood Plan. The following response is submitted on behalf of Anglian Water as sewerage undertaker for Newport and Quendon Parish and Rickling Parish.

The views of Affinity Water who provide water services in the parishes should also be sought on the neighbourhood plan.

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

It is noted that alternative wording is proposed for inclusion in neighbourhood plan policy NQRHA1 - Coherence of the villages which differ from the Examiner's recommendations.

The proposed modification does not appear to raise any issues of relevance to Anglian Water. Therefore, we have no comments to make in relation to the current consultation.

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

Regards,
Stewart Patience, MRTPI
Spatial Planning Manager
Telephone: [redacted]
Web: www.anglianwater.co.uk/SGI

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



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Our Ref: MV/ 15B901605

14 January 2021

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

Dear Sir / Madam

**Newport Quendon & Rickling Neighbourhood Development Plan Examiner's Report
Regulation 18 Decision - Modification Consultation
Representations on behalf of National Grid
December – January 2021**

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 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.

National Grid has identified that it has no record of proposed development sites crossed or in close proximity to National Grid assets within the Neighbourhood Plan area.

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/



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:

Avison Young (UK) Limited registered in England and Wales number 6382509.
Registered office, 3 Brindleyplace, Birmingham B1 2JB. Regulated by RICS



- 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>

Date: 15 January 2021
Our ref: 336563
Your ref: Newport Quendon & Rickling Neighbourhood Plan



Demetria Macdonald
Uttlesford District Council
planningpolicy@uttlesford.gov.uk

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY

Dear Demetria Macdonald

Notification of Newport Quendon & Rickling Neighbourhood Development Plan Examiner's Report Regulation 18 Decision - Modification Consultation

Thank you for your consultation on the above dated 07 December 2020

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

Natural England does not have any specific comments on this modification consultation.

For any further consultations on your plan, please contact: consultations@naturalengland.org.uk.

Yours sincerely

Dominic Rogers
Consultations Team

From: James, Edward <[REDACTED]>
Sent: 14 January 2021 17:44
To: Demetria Macdonald <[REDACTED]>
Subject: [External] RE: Notification of Newport Quendon & Rickling Neighbourhood Development Plan Examiner's Report Regulation 18 Decision - Modification Consultation

Dear Demetria,

Thank you for consulting Historic England about this Regulation 18 – Modification Consultation.

Having reviewed the documentation and the reasons for the proposed alteration to the Examiner's own modification, I have concluded that there is no need for Historic England to make any further comment.

Kind regards,

Edward

Edward James
Historic Places Adviser - East of England
Historic England

Direct Line: [REDACTED]
Mobile: [REDACTED]



Historic England
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www.historicengland.org.uk

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Historic England

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From: Demetria Macdonald <[REDACTED]>
Sent: 07 December 2020 04:23
To: EastPlanningPolicy <[REDACTED]>
Subject: Notification of Newport Quendon & Rickling Neighbourhood Development Plan Examiner's Report Regulation 18 Decision - Modification Consultation

Dear Sir/Madam,

Notification of Newport Quendon & Rickling Neighbourhood Development Plan Examiner's Report Regulation 18 Decision - Modification Consultation

Following an independent examination, Uttlesford District Council 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 as set out in the attached Consultation Notification links.

Having considered each of the recommendations in the examiner's report and the reasons for them, 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**. The Council is proposing an alternative modification 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.

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), there will now follow a seven week period 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 this particular proposal (in accordance with section 13[1] of Schedule 4B of the Town and Country Planning Act 1990).

This seven week period will take place from Monday **9am 7 December 2020 to 5 pm Monday 25 January 2021**.

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 consideration of representations, 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.

Comments must be made in writing, the response form can be used to make representations or you can email comments to planningpolicy@uttlesford.gov.uk or by post to:- Planning Policy, Uttlesford District Council, London Road, Saffron Walden, Essex, CB11 4ER

The closing date for representations is 5:00 pm on Monday 25 January 2021.

Yours Sincerely

Demetria Macdonald
Planning Policy Officer

Demetria Macdonald
Planning Policy Officer
Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex
CB11 4ER Tel: [REDACTED]
Email: [REDACTED]

PLEASE NOTE THAT FRIDAY IS MY NON-WORKING DAY

In line with government advice relating to the COVID-19 pandemic, from 27th March 2020 the Uttlesford District Council Planning Service is working remotely, away from the office for the foreseeable future. This is a challenging time, and as a service we are adapting where possible. This means staff are working flexibly throughout the day, some of them also having to work around caring responsibilities and/or have been redeployed to support critical council services. While we will aim to deliver our services as best we can, there may inevitably be some delays in some areas due to the ongoing coronavirus situation. Thank you for your patience and understanding.