

**Saffron Walden Neighbourhood Plan: Extended Regulation 16
Consultation Representations**

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STATUTORY REPRESENTATIONS

Representation 1: NATURAL ENGLAND

Notification of Focused Consultation: Submission Saffron Walden NP Draft

Thank you for your consultation on the above dated 8 August 2021.

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 Draft submission of the Saffron Walden Neighbourhood Plan.

For any further consultations on your plan, please contact:

consultations@naturalengland.org.uk.

Representation 2: HIGHWAYS ENGLAND

Thank you for your correspondence, received on the 9 August 2021, notifying Highways England of the focused consultation. We have previously reviewed Saffron Walden Neighbourhood Plan (SWNP) 2021-2036 and sent our observations or comments on 30 April 2021 and we have nothing further to add as a response to this consultation.

I note the closing deadline was 5pm on the 23 August 2021 and I apologise that this response is after that deadline.

Please contact us PlanningEE@highwaysengland.co.uk if you require any clarification

Representation 3: ESSEX COUNTY COUNCIL – SPATIAL PLANNING

Thank you for consulting Essex County Council (ECC) on the Saffron Walden Neighbourhood Plan Focussed Consultation. ECC is a key infrastructure provider and delivers and commissions a wide range of strategic and local public infrastructure and services, covering but not limited to highways and transportation, education, early years and childcare, minerals, waste, surface water management, passenger transport, adult social care, and Public Health. The impacts of growth from the allocation of development sites in neighbourhood plans (over and above those identified in a Local Plan) will need to be assessed, including infrastructure requirements, any mitigation, and how they will be funded and delivered.

The aim of this response is to review the changes to the National Planning Policy Framework that was published in July 2021 and determine whether there are any matters that should be considered by the Neighbourhood Plan.

ECC recommends that consideration be given to whether their development proposed within the Saffron Walden Neighbourhood Plan may be defined as significant, and if so whether there is a need for a longer-term vision for the locality. If the plan will be developing a longer-term vision ECC would welcome working together to assist in developing a shaping vision and ensure that it is consistent with emerging policy in the revised Local Plan.

Climate Change

ECC notes that the revised NPPF places greater emphasis on climate change. It is important to note that the Essex Climate Action Commission was set up to assist ECC in achieving its goal of Essex becoming a net zero county by 2050. In its July 2021 report [Net Zero: Making Essex Carbon Neutral report](#), the Commission makes a series of recommendations that are considered necessary for Essex to be net zero by 2050. ECC is yet to provide a response to the recommendations. More detailed technical annexes and recommendations can also be viewed by the links below and may assist in developing the plan.

[Built environment technical annex](#)

[Land use and green infrastructure technical annex](#)

[Transport technical annex](#)

[Waste management technical annex](#)

Concluding Remarks

ECC welcomes being consulted, and if Saffron Walden Town Council wish to clarify any matters raised in this consultation response, we will be happy to do so. It is noted that this consultation was only for a two-week period, whilst it is accepted that this was a focussed consultation, given that this consultation was undertaken in the widely acknowledged summer holiday period, it is likely that many will not have the time or may have completely missed this consultation. If a short consultation is being undertaken, consideration should be given to when is an acceptable to undertake such a consultation.

Representation 4: THAXTED PARISH COUNCIL

In a recent meeting with the Planning Committee of Thaxted Parish Council this consultation was minuted. The resolution is as shown.

7.Focused Consultation: Submission Saffron Walden NP Draft

To consider the response to Saffron Walden's consultation which runs from **8:00am Monday 9 August 2021** and will close at **5:00pm Monday 23 August 2021**.

The draft Plan, other documents and more information on this Focussed Consultation can be viewed at: Saffron Walden Neighbourhood Plan - Uttlesford District Council

RESOLVED to make **NO COMMENT**

Representation 5: HISTORIC ENGLAND

Ref: Saffron Walden Neighbourhood Plan Regulation 16 Focussed Consultation

Thank you for inviting Historic England to comment on this Focussed Consultation of the Regulation 16 Submission Draft of the Saffron Walden Neighbourhood Plan, being undertaken after the recent update to the National Planning Policy Framework.

We have reviewed the latest version of the neighbourhood plan, and do not wish to make any further comments at this time.

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 plan, where we consider these would have an adverse effect on the historic environment.

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

Representation 6: NHS WEST ESSEX CLINICAL COMMISSIONING GROUP

Notification of Focused Consultation: Submission Saffron Walden NP Draft

Thank you for sharing this with us.

There is limited time to respond fully in the timelines described but we would like to offer to discuss further the text in the following document; Saffron Walden Neighbourhood Plan 2021-2036. The 'Healthcare' section particularly points 14.1 – 14.4 are outdated and we would appreciate the opportunity to ensure this submission reflects the current position.

Many thanks.


Assistant Director Estates & IT Development

<http://www.westessexccg.nhs.uk/>

NHS West Essex Clinical Commissioning Group

Building 4|Spencer Close| St Margaret's Hospital| The Plain|Epping|CM16 6TN

Representation 7: UTTLESFORD DISTRICT COUNCIL

The Council's response to Representation 3: ESSEX COUNTY COUNCIL – SPATIAL PLANNING on Concluding Remarks is as follows:

It is acknowledged that the focussed consultation was undertaken for a short period and during the summer holiday. However, it should be noted that the focussed consultation was undertaken after an eight-week Regulation 16 Consultation and whilst the Neighbourhood Plan is under Examination. The Focussed Consultation was undertaken in response to the NPPF publication on 20 July 2021 and it was considered prudent to pause the examination for a short period whilst providing an opportunity to interested parties to make representations.

The Council makes every effort to ensure that the length of consultations always take holidays into consideration.

Representation 8: SAFFRON WALDEN TOWN COUNCIL

Following our Planning and Transport meeting held last night SWTC agreed to make no comment on these responses.

Thank you for your help.

Kind regards

[REDACTED]

Office Administrator - Committee Clerk

Saffron Walden Town Council

DEVELOPER REPRESENTATION

Representation 9: CARTER JONAS

Saffron Walden Neighbourhood Development Plan Submission Consultation (Reg 16)



Internal Use Only

Representation Number:

Saffron Walden Neighbourhood Plan

(UPDATE) Focussed Consultation: NPPF 20 July 2021

Response Form

Consultation period: 8am Monday 9 August 2021 to 5pm Monday 23 August 2021

Uttlesford District Council is inviting representations on the submission version of the Saffron Walden Neighbourhood Plan.

Representations must have been received by Uttlesford District Council no later than **5pm on Monday 23 August 2021**. Representations after this date will not be considered.

Representations can be submitted by email to: planningpolicy@uttlesford.gov.uk

or by post to

Planning Policy (Saffron Walden NP)
c/o Demetria Macdonald
Uttlesford District Council
London Road
Saffron Walden
Essex
CB11 4ER

Respondents do not have to use this form to respond. All responses must be made in writing, either electronically or otherwise.

All responses will be made public. Anonymous responses cannot be accepted.

UTTLESFORD DISTRICT COUNCIL – PLANNING POLICY

In accordance with the General Data Protection Regulation please complete:

Section 1 if you are making comments (a representation) on the Neighbourhood Plan

Section 2 to provide your details

1. USE OF PRIVATE DATA WHEN MAKING COMMENTS

If you do not provide consent, we cannot process your comments and you may not be able to participate in the Neighbourhood Plan examination.

Please tick this box to provide your consent to allow Uttlesford District Council to process your data, in accordance with the General Data Protection Regulation and Data Protection Act, so your comments on the Neighbourhood Plan can be processed.

***Your name and comments will be made public, but any address, telephone and email address will remain confidential.**

2. YOUR DETAILS

Please confirm below your name and email **or** postal address. You are not obliged to provide your details; however, we will be unable to process any comments you make.

<u>Contact Name</u>	[REDACTED]
<u>Email</u>	[REDACTED]
<u>Or Postal Address</u>	<u>Carter Jonas, One Station Square, Cambridge, CB1 2GA</u>

We will keep a record of your consent for 7 years, after which it will be destroyed. For more information on how we collect, use and protect personal information generally, please visit <https://www.uttlesford.gov.uk/privacy-notice>

PRIVACY NOTICE

The Council will use the information you submit, or have submitted, in all correspondence to the Council to enable the council's planning policy section to consider any information, representation or evidence submitted to assist with the Saffron Walden Neighbourhood planning examination.

Further information about Data Protection rights in line with the provisions of the General Data Protection Regulations and Data Protection Act 2018, for example how to contact the Data Protection Officer, how long information is held or how we process your personal information can be found at:

<https://www.uttlesford.gov.uk/privacy-notice> Printed copies of the Council's Privacy Notices can be provided on request.

The Council will:

- Use the information you provide for the purpose of performing of its statutory duties.
- Make any disclosures required by law and may also share this information, both across council departments and with other local authorities and government organisations.
- Check information you have provided, or information about you that someone else has provided, with other information it holds.

The Council will not give information about you to anyone else, or use information about you for other purposes, unless the law allows this.

1) Your details

Name	[REDACTED]
Organisation (if applicable)	Carter Jonas, on behalf of Tumstone St Neots Ltd
Address	One Station Square Cambridge CB1 2GA
Email	[REDACTED]
Telephone	[REDACTED]

2) Your representations

Please specify which paragraph or policy your representations relates to and if you are suggesting any amendments. Please use a separate sheet if you need more space.

The Plan as Whole	Comments
	<p>Please see attached Representation 1.</p> <p>The plan as a whole is found to be in conflict with NPPF21 as the Spatial Strategy does not accord with amended paragraph 11a</p>
Chapter of the Plan	Comments
<p>Chapter 1 What is a Neighbourhood Plan?</p>	

Chapter 2: Saffron Walden Today	
History and Character of Saffron Walden	
Chapter 3: Saffron Walden's Future	
Chapter 4: Future Housing Need in Saffron Walden	
<u>Policy SW1 SWNP Site Allocations</u> SAF1 – as defined in the now withdrawn draft of the Local Plan and planning consents (see map in paragraph 4.1.7) SAF3 – as defined in the now withdrawn draft of the Local Plan (see map in paragraph 4.1.7 AND Appendix 9) SAF4 – as defined in the now withdrawn draft of the Local	Please see: <ul style="list-style-type: none"> • Representations 2 and 3 within the attached that relate to paragraph 4.1.1 • Representation 4 that relates to Policy SW1 • Representation 5 that relates to SW4 • Representation 6 that relates to Policy SW5 The submitted Plan is found to be in conflict with NPPF21 for the reasons set out.

<p>Plan (see map in paragraph 4.1.7)</p> <p>Land at Shire Hill</p> <p><u>Policy SW2 Protection of Views</u></p> <p>Policy SW3 Site Allocation Land at Viceroy Coaches, to rear of 10-12 Bridge Street</p> <p>POLICY SW4 Housing Mix on new developments</p> <p>POLICY SW5 Affordable Housing</p> <p>POLICY SW6 Housing Density</p>	
Chapter 5: Town Layout and Design	
<p><u>Policy SW7 Design</u></p> <p>Policy SW7 Building Design</p> <p>Policy SW8 Parking on New Developments</p> <p>Policy SW9 Energy Efficient and Sustainable Design</p> <p>Policy SW10 Accessible and Adaptable Homes</p>	
Chapter 6: Commercial Premises	
<p><u>Overview of Provision</u></p> <p>Policy SW11 Town Centre Uses</p> <p>Policy SW12 Convenience Stores in Residential Neighbourhoods</p> <p>Policy SW13 17 Market Hill & 29-31 Church Street</p>	

<p>Policy SW14 Shopfront Design</p> <p>Policy SW15 Development of 56 High St</p> <p>Policy SW16 Regeneration of George St</p> <p>Policy SW17 Development of New and Existing Commercial Spaces</p>	
Chapter 7: Digital Connectivity	
<p>Policy SW18 High Quality Communications Infrastructure</p>	
Chapter 8: Ecology	
<p>Policy SW19 Ecological Requirements for all new domestic and commercial developments</p>	<p>Please see representation 7 in the attached. The policy is not found to accord with the updated paragraph 11a of NPPF21.</p>
Chapter 9: Infrastructure Delivery	
Chapter 10: Transport Infrastructure	
<p>Policy SW20 Promoting walking and cycling</p> <p>Policy SW21 Travel planning</p>	<p>Please see representation 11 that relates to Policy SW22</p>

<p>Policy SW22 Improving provision of public transport</p> <p>Policy SW23 Vehicular transport</p>	
Chapter 11: Open Space, Sports and Recreation	
<p>Policy SW24 Allotments</p> <p>Policy SW25 Playing Fields and Sports Halls</p> <p>Policy SW26 Community Halls and Centres</p> <p>Policy SW27 Open Space for Informal Recreation</p> <p>Policy SW28 Public Rights of Way</p> <p>Policy SW29 Land of Value to the Natural Environment</p>	<p>Please see representation 8 in response to Policy SW27. The policy is not found to accord with updated paragraph 11a of NPPF21.</p> <p>Please also see representation 9 in response to Policy SW29. The policy is found to be in conflict with updated paragraph 11a of NPPF21.</p> <p>Please also see Representation 10 that relates to Appendix 6.</p>
Chapter 12: Arts and Cultural Facilities	
<p>Policy SW30 Arts and Cultural facilities</p>	
Chapter 13: Education	
<p>Policy SW31 Education</p> <p>Policy SW32 Healthcare</p>	

Would you like to be notified of Uttlesford District Council's decision under Regulation 19 of the Neighbourhood Planning (General) (Amendments) Regulations 2015 to adopt the Saffron Walden Neighbourhood Plan?

Yes

No

Thank you for completing this response form.

The Saffron Walden Neighbourhood Plan 2020-2035 – Focused Consultation: NPPF

Representations submitted on behalf of Turnstone St Neots Ltd

19th August 2021

Introduction

This Statement sets out the further representations to the Saffron Walden Neighbourhood Plan (SWNP), lodged on behalf of Turnstone St Neots Ltd in respect of its land interests at land north of Ashdon Road, Saffron Walden (the former Ridgeons site) and land north of De Vigier Avenue Saffron Walden (draft allocation SAF5 from the now withdrawn Uttlesford Local Plan). These comments update our earlier representations lodged in respect of the Regulation 14 consultation in the context of the recent changes made to the NPPF.

As noted within the attached comments form, this submission only comments on certain sections of the Plan (as was the case previously). While a brief summary of our comments is provided in the accompanying form, this representation provides our full submission.

Representation 1 – The Plan as a Whole

While Turnstone makes no objection to a number of the specific detailed policies that are included within the SWNP, for the reasons set out below it is considered that the Spatial Strategy that forms the basis of the SWNP is flawed given it is based on the now withdrawn Uttlesford Local Plan.

The Uttlesford Local Plan was withdrawn after the Examining Inspectors concluded that its Spatial Strategy which sought to focus 76% of the new planned growth for the District at three new Garden Communities (and thereby limit growth in its main settlements such as Saffron Walden) was fundamentally flawed.

The Local Plan Inspectors concluded that at least one Garden Community needs to be deleted and in order to arrive at a sound spatial strategy, Uttlesford District Council would need to allocate more small and medium sized sites that can deliver housing in the short and medium term. It is clear therefore that when the new Local Plan does emerge (it is still at a very initial plan making stage) existing sustainable locations for growth, such as Saffron Walden, are very likely to be required to accommodate additional growth over and above that identified in the now withdrawn plan. The submitted SWNP makes no allowance for this and instead remains focused upon the policies of restraint that could only work if three new Garden Communities had been able to be delivered within the District.

As confirmed within Policy SAF1, the submitted SWNP simply seeks to repeat most (but not all) of the allocations in and around Saffron Walden that were set out within the now withdrawn Uttlesford Local Plan. This policy approach is both flawed and is inconsistent with the now updated NPPF.

Saffron Walden has a comprehensive range of facilities and services and is one of the most sustainable locations for growth within the District. The now updated paragraph 11a of the NPPF places a very clear and strengthened emphasis on the need for all plans to promote a sustainable pattern of development that seeks to meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects.

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As we set out within our earlier Regulation 14 representations, continuing with a Spatial Strategy that is based on a specific distribution for growth that has already been found to be unsound and which has now been abandoned by the District Council as it fails to promote a sustainable pattern of development. Adopting such an approach will fail to meet the development needs of Saffron Walden. The fundamental basis of the SWNP's strategy for growth (and therefore the plan as a whole) is therefore found to be in conflict with the NPPF 2021.

Turnstone therefore remain of the very clear view that the SWNP, as submitted, fails to contribute to the achievement of sustainable development and, (as discussed in representation 4) is not in accordance with the strategic policies contained within the development plan of the area (the 2005 Local Plan). As well as being in conflict with the NPPF21, the submitted SWNP also fails to meet the basic conditions of paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

Representation 2 – Paragraph 4.1.1

Turnstone continues to object to the strategic approach to identifying the development needs of Saffron Walden and the allocation of sites.

One of the basic conditions of the SWNP is that it must be in accordance with national policies and the strategic policies contained within the development plan for the area. As well as being a basic condition of the Neighbourhood Plan making process, paragraph 11a of the now updated NPPF 2021 emphasis and strengthens the need for all plans to promote a sustainable pattern of development that seeks to meet the development needs of their area and make effective use of land in urban areas. The SWNP fails in this regard.

Paragraph 4.1.1 of the SWNP confirms that given the 2005 Adopted Uttlesford District Local Plan is now out of date, the SWNP has simply sought to role forward allocations identified in the now withdrawn Uttlesford Local Plan. Paragraph 4.1.1 confirms that as the Inspectors examining the now withdrawn Local Plan did not raise any concerns about the suitability of the draft allocated sites in and around Saffron Walden, the SWNP has worked on the assumption that the sites previously identified in the now withdrawn Uttlesford Local Plan are “no less suitable for development that before”.

Given the SWNP was being drafted concurrently with the emerging Uttlesford Local Plan, there was a certain logic to this approach. Even now that the emerging Uttlesford Local Plan has been withdrawn, it is still agreed that there is logic to the starting position of the SWNP being to role forward those sites previously found to be available and suitable for development. This should however have been the starting or base position of the SWNP. The spatial strategy should have been developed and expanded in light of the very clear findings of the Uttlesford Local Plan Examination that 76% of the future planned growth for the district is not able to be accommodated in three Garden Community sites and as a consequence more medium and small sized sites to found and allocated in order to meet the development needs of the area. The Spatial Strategy of the SWNP has not however been developed and expanded. The SWNP has instead remained focused upon the policies of restraint of the now withdrawn and abandoned Local Plan

The failure to respond to the Local Plan Inspectors findings and the decision to continue with a development strategy that intentionally sought to limit growth at Saffron Walden when that spatial strategy has been found to be unsound and has been abandoned by the District Council is in conflict with the updated paragraph 11a of the NPPF 2021. It also fails to meet the basic conditions of paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

Representation 3 - Paragraph 4.1.1

As set out in representations 1 and 2, the justification in support of the Spatial Strategy of the SWNP is considered to be flawed. It is our opinion that additional small and medium sized in and around Saffron Walden needs to be identified if the strategic development needs of the area are to be met, as required by NPPF21.

However, it is important to note here that Turnstone support the approach of the SWNP to roll forward the allocations in and around Saffron Walden that were identified within the now withdrawn Uttlesford Local Plan. Adopting those sites which, as is correctly noted in paragraph 4.1.1, received no criticism or objection from the Local Plan Examination Inspectors is a logical starting position.

The SWNP has not however rolled forward all draft allocations identified in the now withdrawn Uttlesford Local Plan as is suggested in paragraph 4.1.1. As identified on the Map extract for the north of the town, provided on page 27 of the SWNP, the withdrawn Local Plan also identified an additional site, site SAF5 located to the rear of De Vigier Avenue. This site which was identified as being suitable to accommodate 14 dwellings has not been carried forward. That is despite draft allocation SAF5 also receiving no objection or criticism from the Local Plan Inspectors.

Given there is a clear need to identify a greater number of small and medium sized sites both across Uttlesford and in sustainable locations such as Saffron Walden, it is Turnstone's clear opinion that as a starting position, all draft allocations identified in the now withdrawn Local Plan should be rolled forward.

As we note in more detailed in later representations, the deletion of allocation SAF5 is unjustified. By not continuing with all draft allocation from the withdrawn Uttlesford Local Plan, the submitted SWNP is in actual fact seeking to adopt a more restricted and constrained spatial strategy than that which has already been found to be unsound in the now abandoned Uttlesford Local Plan. The SWNP's strategic approach to growth is in conflict with paragraph 11a of the now updated NPPF 2021 which places a very clear and strengthened emphasis on the need for all plans to promote a sustainable pattern of development that seeks to meet the development needs of the area. It also fails to meet the basic conditions of paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended) as the SWNP fails to contribute to the achievement of sustainable development and is not in accordance with the strategic policies contained within the development plans of the area.

Draft site allocation SAF5 should be positively allocated in the plan for housing plus additional small and medium sites that can also deliver housing should also be identified.

Representation 4 – Policy SAF1

As noted in representations 1-3, policy SW1 is found to be in conflict with NPPF21 given the stated approach to meet the housing requirements for Saffron Walden cannot simply be met through a combination of the emerging allocation that were contained within the now withdrawn draft Local Plan and by sites which have planning consent.

As noted in our regulation 14 representations, the letter of the Inspectors examining the now withdrawn Uttlesford Local Plan, dated 10th January 2020, confirmed that they had:

“significant concerns in relation to the soundness of the plan. In particular we are not persuaded that there is evidence to demonstrate that the Garden Communities, and thus the overall spatial strategy,

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have been justified. We therefore cannot conclude that these fundamental aspects of the plan are sound.” (paragraph 2)

The Inspectors also raised fundamental concerns that went to the heart of the Spatial Strategy of the now withdrawn Uttlesford Local Plan. It is stated that the Sustainability Appraisal failed to adequately consider all reasonable alternatives. Alternative options for growth did not for example consider the possibility of fewer than 3 Garden Communities being delivered together with increased growth in and around existing settlements (such as Saffron Walden) (paragraph 9).

In their conclusions, the Inspectors stated that the Garden Communities are insufficiently justified and have not been shown to have a reasonable prospect of being delivered. The spatial strategy set out within the now withdrawn Uttlesford Local Plan was therefore found to be unsound (paragraph 112).

In paragraphs 114 and 115 the Inspectors set out potential remedies. Here it is stated 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 and medium term..... Hand in hand with this approach, our view is that the Council should delete one of the Garden Communities from the plan”

As a result of the above, the Spatial Strategy upon which the SWNP is based is now known to be fundamentally flawed. With a best a significant reduction in the number of new homes able to be delivered within new Garden Communities in the period up to 2033 expected, additional growth is going to have to be located within and next to existing towns and villages.

The rationale for the approach taken with the SWNP towards future housing need is not therefore supported by credible evidence and it has not been demonstrated how the SWNP will contribute towards the delivery of sustainable development and meet the needs of area, as is clearly required by the now updated paragraph 11a of NPPF21.

If adopted, the SWNP would have the effect of constraining growth at Saffron Walden to the suppressed levels that could only be justified if 76% of the future planned growth for the District was being delivered by three new garden communities. This is no longer possible.

As the now withdrawn Uttlesford Local Plan has been abandoned, in order to comply with NPPF21 paragraph 11a, and the basic conditions of the Regulations, regard must be given to the general conformity of the SWNP with the strategic policies of the development plan that is in force. This is the Uttlesford Local Plan 2005. While the 2005 Local Plan is now time expired, its Spatial Strategy for new housing development is set out in Policy H1. This confirms that the key focus for growth will be the re-use of existing buildings and previously developed land and unused land within development limits of the main urban areas, and urban extensions to the main urban areas.

The SWNP notes that between the period 2011-2033 it is envisaged that a total of 1,460 dwellings will be provided within and around Saffron Walden. When considering that the now withdrawn Uttlesford Local Plan confirmed that the district as a whole would require a minimum of 14,000 new dwellings to be delivered (a figure that is now likely to rise given the need to adopt the standard methodology), the SWNP is seeking to deliver a very modest/restricted scale of growth at what is one of the key settlements in the district. This restricted plan for growth for Saffron Walden does not comply with the spatial strategy of the adopted Development Plan that seeks to ensure the main urban areas are to be the focus for growth. Furthermore, focusing on the time period of the SWNP

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itself (2020-2035), the proposed allocation of just 122 additional dwellings in and around Saffron Walden is very unlikely to meet the development needs of the area, as required by NPPF21.

As set out within our regulation 14 representations, a revised strategy to deliver additional housing growth in and around Saffron Walden needs to be brought forward if the SWNP is to accord with NPPF21 and meet the basic conditions of the NPPF examination.

Representation 5 – Policy SW4

NPPF21 paragraph 11a emphasis and strengthens the need for all plans to promote a sustainable pattern of development that seeks to meet the development needs of the area. Policy SW4 of the SWNP seeks to require new developments to deliver a prescribed mix of housing with 40% of all homes being 1 or 2 bed properties and 70% of all homes being 1, 2 or 3 bed properties. Turnstone would note that the evidence collated through Rightmove is not reliable for the purpose for predicting future housing need. The Strategic Housing Market Assessment 2015 (SHMA) is a reliable source of evidence. Figure 76 of the SHMA 2015 confirms that in Uttlesford the overriding need is for 3, 4 and 4+ bed sized homes.

Policy SW4 of the SWNP is therefore seeking to establish a housing mix policy that is in conflict with the SHMA. In order to be consistent with NPPF21, the policy should therefore be redrafted to reflect the conclusions of the SHMA 2015.

Representation 6: Policy SW5

Turnstone would observe that the proposed affordable housing thresholds are neither consistent with those set out within NPPF21, nor those defined in the Adopted Uttlesford Local Plan 2005. It is noted that the supporting text of policy SW5 makes reference to the SHMA 2017 and the justification that the evidence base of the now withdrawn Uttlesford Local Plan provides for the suggested affordable housing triggers.

The detailed affordable housing policy contained within the now withdrawn Local Plan, and its evidence base, were not however debated during the Local Plan examination. The examination was paused, and the Plan withdrawn before a detailed review could be undertaken. With this being the case, the SWNP is seeking to adopt revised and more stringent thresholds to those which are set out within the Adopted Local Plan.

The approach of the SWNP also does not align with the advice provided within NPPF21. The SWNP is seeking to also introduce a floor space limit of 1000m².

The justification for and impact of revising the affordable housing threshold on the deliverability of development has not been submitted in support of draft policy SW5. In the absence of which, and until such a time that the Local Plan is updated, it is considered that the SWNP should adopt the same affordable housing threshold of the Adopted Local Plan, a policy which is still being enforced through the determination of planning applications, i.e thresholds of either 15 dwellings or a site area of 0.5 hectares.

Representation 7: Policy SW19

As drafted Policy SW19 requires 50% of all developments to be laid out as green surface space. Reference is made to the TCPA guidelines. The TCPA guidelines have been drafted to help guide the development of new Garden Cities. When planning a new Garden City which has a significant land area, the principle of delivering substantial areas of green space can be developed and worked through. Our earlier representations set out why applying these same principles to development

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sites of all types and sizes in an urban setting is unrealistic and is not achievable. Such an approach would fail to contribute to the achievement of sustainable development.

As noted in earlier representations, the now updated paragraph 11a of NPPF21 places a very clear and strengthened emphasis on the need for all plans to promote a sustainable pattern of development that seeks to meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change and adapt to its effects. Paragraph 11a now also clearly states that in order to apply the presumption in favour of sustainable development, plan making should make effective use of land in urban areas. Turnstone remain of the view that this fundamental component to delivering sustainable growth will not be achieved if the very rigid and inflexible wording of Policy SW19 is adopted.

By way of an illustration, if every residential site were required to provide half of the land as green surface space, development densities of 40 dwellings per hectare, as required by Policy SW6, will only be able to be achieved if high rise developments are brought forward. If high rise developments are not deemed to be appropriate (which is likely to be the case across much of the town), either more land will be needed to accommodate the development needs of the town or the development needs will simply be unable to be satisfied (the likely outcome given other restrictions set out within the SWNP). Efficient use of land will not be able to be made and development is more likely to sprawl out away from the services, facilities and transport hubs provided within existing settlements. This would then also conflict with NPPF paragraph 11a's requirement to align growth and infrastructure.

In the context of commercial development, particularly on a brownfield sites such as at the Ridgeons site, Ashdon Road, the principle of delivering 50% of the site as green surface space would simply be impossible and also undesirable.

While the aspiration to deliver green infrastructure alongside development is supported, the TCPA guidelines for Garden Cities are simply not transferable to all forms and scales of domestic and commercial development. Delivering wildlife and biodiversity enhancements, areas of landscape planting, open space and SuDs are all welcomed. As drafted, the policy is however too inflexible and is not consistent with the strategic policies of the Development Plan and are not capable of contributing to the achievement of sustainable development. Policy SW19 is therefore in conflict with the now updated NPPF.

Representation 8: Policy SW27

In our previous Regulation 14 representations we stated that the requirement for all residential developments to deliver 7.61ha of informal open space per 1000 people is not justified or supported by sufficient and proportionate evidence. Fields in Trust recommend that 2.4ha of accessible green space be provided per 1000 people. While the comments provided with the SWNP regarding the under provision of open space on some recent developments is noted, the policy requirement to deliver 76m² of open space for every new resident is not justified or deliverable.

Turnstone remain of the view that such an approach would not be consistent with other policies contained within the SWNP, namely Policy SW6 that requires efficient use of land to be made. It would also be in conflict with paragraph 11a of NPPF21 which requires effective use of land in urban areas to be made and for the development needs of the area to be met.

While the aspirations of the policy are noted, they have to be realistic, justified and deliverable. As drafted, they are not. It is suggested that the amount of open space required to be delivered by new

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development be reduced. A requirement more in keeping with the Fields in Trust standard is regarded as being more appropriate and more likely to contribute towards the delivery of sustainable development.

Representation 9: Policy SW29

Policy SW29 states that sites that are of value to the natural environment, which are close to the town of Saffron Walden and which are of benefit to the community are listed in Appendix 8 and are designated as Local Green Space.

There is no list provided within Appendix 8. Appendix 8 does however include a map which identifies areas of open space. Land north of De Vigier Avenue, Saffron Walden, also known as site SAF5 in the now withdrawn Uttlesford Local Plan, is identified on the plan.

Turnstone St Neots Limited continues to object to the identification of land north of De Vigier Avenue (previous allocation SAF5) as a site of value to the natural environment which is also of benefit to the community.

The land in question has been the subject of extensive ecological surveys. A Summary Ecology note was previously prepared and submitted in support of our Regulation 14 representations. That Ecology Note is hereby reattached for ease of reference (**Attachment 1**).

This summary concludes that the majority of the habitats which exist on the site are of little or local ecological value only. The one exception is an area of calcareous grassland which covers only a small part of the site. As explained with the attached note, that grassland is to be translocated to provide an enhanced area of grassland on the adjacent Ridgeons site. The land is not the subject of any other ecological designations. These conclusions were endorsed in the appeal decision made in July 2020, a copy of which is attached (**Attachment 2**). Paragraph 11 of that decision confirms that the technical evidence collated for the site provides sufficient comfort over the scale of any impact and confirms that appropriate mitigation measures had been identified. While that appeal was dismissed because of concerns regarding the Unilateral Undertaking, a follow up planning application has since been submitted and is pending consideration.

We also submitted, in support of our Regulation 14 representations, an extract from the Sustainability Appraisal December 2018 which supported the now withdrawn Uttlesford Local Plan. The table provided within the attached extract (**Attachment 3**) provides the assessment for site SAF5 (referred to in the table as site 03SAF15). As will be noted, site 03SAF15 is tested against 30 separate criteria. Only one negative "red" score is given which relates to the agricultural land classification of the site (which is irrelevant as the site is not agricultural land and could not be farmed given its size, shape, form and topography).

The table considers the proposal against several ecological matters but confirms that the site has a positive "green" impact against all assessed criteria. It is also confirmed that the site is not protected open space.

As well as its limited ecological value, land at De Vigier Avenue is a land locked parcel of land. It is not accessible and does not provide useable open space. This is confirmed in Appendix 5 of the SWNP (p138). The land is therefore of both limited ecological value and is not accessible to the local community.

Paragraph 102 of the NPPF states that the Local Green Space designation should only be used where the green space is:

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1. In reasonably close proximity to the community it serves;
2. Demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value, tranquillity or richness of its wildlife; and
3. Local in character and is not an extensive tract of land.

While site SAF5 is close to the nearby community, the land does not serve that community. It is inaccessible. The site also does not pass the test of being special because it is not of particular local significance having regard to the criteria set out above. The identification of the land as designated Local Green Space is therefore not consistent with national policy and is not justified.

As noted in Representation 4, land north of De Vigier Avenue was identified for housing in the now withdrawn Uttlesford Local Plan Site SAF5. Paragraph 4.1.1 and Policy SW1 of the SWNP states that as the draft allocations that were included in the Uttlesford Local Plan were not fundamentally flawed, all draft allocations have been retained in the SWNP. Draft Allocation SAF5 has not however been rolled forward. The SWNP is in fact therefore seeking to allocated fewer sites than were identified in the now withdrawn Uttlesford Local Plan

The Local Plan inspectors raised no objection to draft allocation SAF5 within their January 2020 letter. Given the clear conclusion of the Local Plan examination was that more small and medium sized sites need to be identified in sustainable locations, the deletion of draft allocation SAF5 is in clear conflict with the advice of the Local Plan Inspectors.

The proposed identification of land at De Vigier Avenue as protected open space is not supported by any evidence base. It also removes a future housing site that has been found to be sustainable, available and deliverable. This policy approach is not justified, is not supported by evidence and is now also in conflict with the updated paragraph 11a of the NPPF21 which places a very clear and strengthened emphasis on the need for all plans to promote a sustainable pattern of development which includes meeting the development needs of their area; aligning growth and infrastructure and making effective use of land in urban areas. Turnstone therefore requests that Appendix 5 and 8 both be updated with the open space allocation of land at De Vigier Avenue removed.

Representation 10 – Appendix 6

Turnstone also requests that the plan provided on page 147 of the SWNP which identifies additional land of value adjacent to Bloor Homes/Ridgeons development be updated. As drawn, the red hatched area extends partly over the Ridgeons building, across part of the yard and into land that has outline planning approval for housing. For ease of reference, I attach a copy of the approved masterplan for the former Ridgeons site (**Attachment 4**). The red hatched area included within the SWNP should be excluded from all land included within the red edged area of the attached masterplan and should be excluded from the Ridgeons building and yard that is shown white on the attached plan.

Representation 11 – Other matters raised within Regulation 14 and which remain relevant following the update to NPPF21

Policy SW22 - In order to accord with the Community Infrastructure Levy Regulations, all financial contributions required in relation to any planning permission granted need to be necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

As drafted, Policy SW22 implies that all developments will be required to provide a “*meaningful contributions towards the provision of public transport*”. For the policy to be consistent with the CIL

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regulations and justified, the policy needs to make clear that developers will be required to provide a meaningful contribution towards the provision of public transport only where such a contribution would accord with the statutory tests set out within the CIL regulations.

Attachment 1 – Ecology Summary.PDF



MKA
ECOLOGY

MKA Ecology Ltd

New Cambridge House
Bassingboam Road
Littlington
Cambridgeshire
SG8 0SS
01763 262 211
info@mkaecology.co.uk
www.mkaecology.co.uk

██████████

Carter Jonas
One Station Square
Cambridge
CB1 2GA

Our ref: 22710
31 January 2020

Dear Paul,

Land north of De Vigier Avenue, Saffron Walden (UTT/18/2297/OP): Ecology Summary

This summary note has been produced to provide an overview of the ecological evidence that has been submitted in support of this development proposal. The original application (submitted August 2018) was supported by a Preliminary Ecological Appraisal (MKA Ecology Ltd, 2018), a botanical assessment (MKA Ecology Ltd, 2017a) and a reptile survey (MKA Ecology Ltd, 2017b). During the consideration of the application, and in response to the County Council's Ecology consultation responses, additional submissions were made. On the 30th November a follow up letter was prepared and submitted which responded to the County Council's questions in respect of the development's ability to demonstrate a measurable net gain in the context of calcareous grassland as well as the suitability of the reptile receptor site on the adjacent parcel of land to accommodate the reptiles found on the application site. On the 11th February 2019 and the 17th May 2019 separate submissions were lodged providing the results of a DEFRA metric calculation in respect of the calcareous grassland. Each of these submissions are referred to below, as is necessary.

Ecological constraints

The Preliminary Ecological Appraisal report (MKA Ecology Ltd, 2018) describes the proposed development site as consisting of dense scrub with patches of bare ground, and an area of grassland. The site is not covered by any ecological designations. The reptile survey found a medium population of common lizard to be present. Other constraints include nesting bird habitat and badger sett habitat. The botanical survey identified that the grassland was calcareous in nature. As the focus was on the calcareous grassland, the county ecologist (Place Services, 2018) asked to consider how the

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Land north of De Vigier Avenue, Saffron Walden
January 2020

development could deliver a measurable net gain in the context of unimproved calcareous grassland. As it is not feasible to retain the grassland on site, it was agreed that a scheme of translocation would be implemented, with approximately 500m² of turves moved to the adjacent site. The translocation of calcareous grassland from Land north of De Vigier Avenue forms part of a wider strategy for this habitat type across the appeal site and Ridgeons development area, outlined in the Biodiversity Mitigation and Enhancement Plan (MKA Ecology Ltd, 2017c). The aim of this strategy is to create better quality calcareous grassland covering a larger area than that currently present. This will be achieved through a combination of retention of existing grassland, translocation of turves and seeding new areas.

Development would result in the loss of the dense scrub and bare ground. According to criteria outlined in the Defra Biodiversity Metric 2.0 (Crosher *et al.*, 2019a, 2019b), dense scrub is classed as a habitat of medium distinctiveness. The scrub onsite is considered to be in moderate condition. Although not lacking in ecological value, scrub of this condition is common and widespread in the local landscape, and the relatively small area onsite does not form a significant part of local representation of this habitat.

Biodiversity net gain assessment for calcareous grassland

A biodiversity net gain assessment was produced to calculate the change in calcareous grassland habitats as a result of development (MKA Ecology Ltd, 2019). This assessment incorporated calcareous grassland in the wider Ridgeons development as well as within the appeal site. Whilst there will be a loss within the appeal site, when considered in conjunction with the wider mitigation plan, the amount of chalky grassland over the wider area will increase. This assessment demonstrates that proposed actions would result in a net gain for calcareous grassland across the whole appeal site and adjacent Ridgeons development, resulting from an increase in area and habitat condition (refer to Figure 1 at the end of this document)

Wider ecological enhancements

Aside from calcareous grassland, a number of other ecological constraints exist across the wider Ridgeons site. These have all been managed and mitigated for at appropriate stages in the planning process, with opportunities identified for delivering enhancements and creating higher value habitats and spaces for nature across the Site post-development than are present currently. Enhancements across the wider Ridgeons site are outlined in the Biodiversity Mitigation and Enhancement Plan (MKA Ecology Ltd, 2017c), and include:

- A designated onsite receptor area for the extant common lizard population, with habitats improved and managed in the long-term to benefit this species and encourage re-colonisation of the wider site;
- Site-wide provisions for roosting bats in addition to required compensation measures relating to a Natural England bat licence;

-
- A site-wide bird box scheme targeting two national priority bird species (house sparrow and swift);
 - Landscape planting schemes comprising at least 60% native species, to bolster native invertebrate assemblages at the site;
 - Calcareous grassland establishment in addition to that on the receptor site

It is assumed that these enhancements have or will be carried out in accordance with the Biodiversity Mitigation and Enhancement Plan.

Conclusion

With the above proposed mitigation strategies in place, ecological factors do not preclude development of Land north of De Vigier Avenue. The majority of habitats onsite are of little or local ecological value only. The one exception is the area of calcareous grassland, for which a mitigation strategy is proposed that contributes to a wider delivery of high-quality calcareous grassland in the local area. The impacts anticipated on this area of grassland (as a result of translocation) are expected to be a temporary minor loss of condition only, and in the long-term the condition of the grassland is expected to improve, together with the benefits of forming part of a wider area of grassland.

With reference to paragraph 175 of the National Planning Policy Framework (NPPF, 2019), it is considered that:

- a) Significant harm to biodiversity as a result of development of Land north of De Vigier Avenue has been avoided through appropriate and proportionate mitigation measures;
- b) Development of Land north of De Vigier Avenue will not impact on any Sites of Special Scientific Interest;
- c) There are no habitats defined as irreplaceable present onsite. Habitats identified as being of higher value are being retained and enhanced through a translocation procedure;
- d) Opportunities have been sought to incorporate biodiversity improvements in and around the developments, and in the case of calcareous grassland have demonstrated to achieve a measurable net gain for biodiversity.

If you have any questions about this summary, please don't hesitate to contact me.

Yours sincerely,

[Redacted Signature]

[Redacted Name]

Consultant Ecologist

gabrielle@mkaecology.co.uk

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Land north of De Vigier Avenue, Saffron Walden
January 2020

References

Crosher, I., Gold, S., Heaver, M., Heydon, M., Moore, L., Panks, S., Scott, S., Stone, D., and White., N. (2019a) *The Biodiversity Metric 2.0: auditing and accounting for biodiversity value. User guide (Beta Version, July 2019)*. Natural England.

Crosher, I., Gold, S., Heaver, M., Heydon, M., Moore, L., Panks, S., Scott, S., Stone, D., and White., N. (2019b) *The Biodiversity Metric 2.0: Auditing and accounting for biodiversity value: technical supplement (Beta version, July 2019)*. Natural England.

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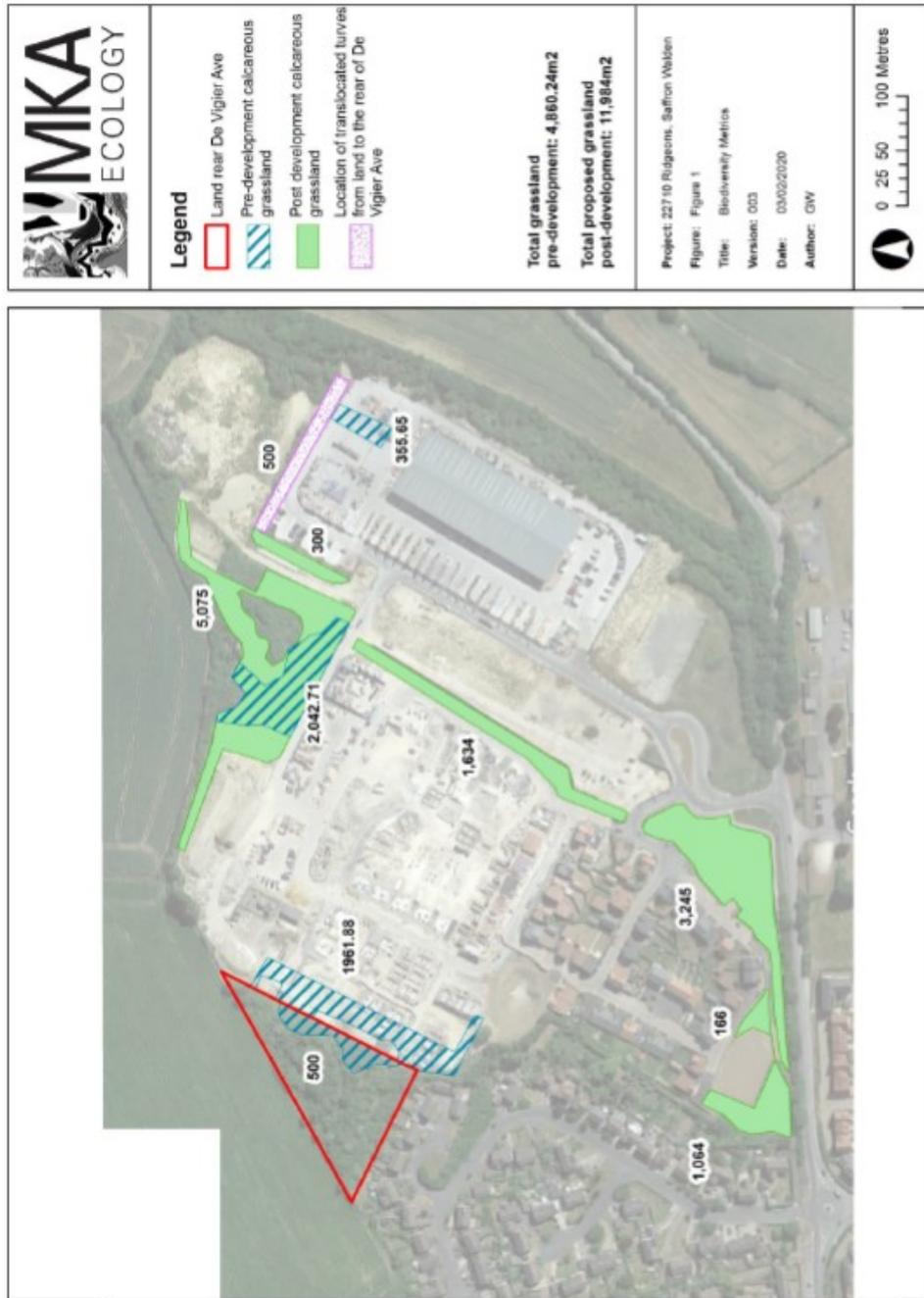
MKA Ecology Ltd (2017a) *Phase 6, Ridgeons, Ashdon Road, Saffron Walden: Botanical assessment*. MKA Ecology Ltd: Cambridge.

MKA Ecology Ltd (2017b) *Phase 6, Ridgeons, Ashdon Road, Saffron Walden: Reptile survey*. MKA Ecology Ltd: Cambridge.

MKA Ecology Ltd (2017c) *Biodiversity Mitigation and Enhancement Plan 006 - Land at Ashdon Road, Saffron Walden*. MKA Ecology Ltd: Cambridge

Place Services (2018) Holding objection due to insufficient ecological information.

Figure 1: location of post-development calcareous grassland



Attachment 2 – Appeal Decision



The Planning Inspectorate

Appeal Decision

Site visit made on 16 June 2020

by **S Tudhope LLB (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 July 2020

Appeal Ref: APP/C1570/W/20/3246546

Land to the North of De Vigier Avenue, Saffron Walden CB10 2BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Turnstone St Neots Ltd against the decision of Uttlesford District Council.
 - The application Ref UTT/18/2297/OP, dated 13 August 2018, was refused by notice dated 3 October 2019.
 - The development proposed is described in the application form as Outline planning permission with all matters reserved except for access for the erection of up to 12 dwellings with associated landscaping, parking and supporting infrastructure.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The address of the appeal site differs slightly on the application form to that used on the appeal form and on the Council's decision notice. I have used the address sited on the appeal form and decision notice as this effectively identifies the site.
3. Outline planning permission is sought with the matter of access to be considered in detail at this stage and matters of appearance, landscaping, layout and scale reserved for future consideration. I have had regard to the access details provided and have determined the appeal on that basis. I have treated all other submitted information as illustrative.
4. The appellant has submitted a signed Planning Obligation, dated 21 May 2020, pursuant to Section 106 (S106) of the Town and Country Planning Act 1990 (as amended), which would take effect should planning permission be granted. I shall return to this later in my decision.
5. I note the references to the draft Uttlesford Local Plan (eULP) and the recommendation of the Local Plan Inspectors (January 2020) that it should be withdrawn. It, therefore, appears likely that this will be the case. However, whilst some reference is made in the appeal documents to the emerging policies, none are cited in the reason for refusal. Consequently, I attach it limited weight in the determination of this appeal.

<https://www.gov.uk/planning-inspectorate>

Main Issue

6. The main issue is the effect of the proposed development on biodiversity, with particular regard to calcareous grassland and Common Lizard.

Reasons

7. The appeal site is triangular in shape with agricultural land bordering the north western boundary. A large, new residential and commercial development site (hereafter 'the Ridgeons site'), abuts the eastern boundary. Access to the appeal site would be through the Ridgeons site. The site comprises a mounded area of dense scrub and grassland.
8. The Council refused the proposed development solely on the grounds of harmful impact to protected species, priority species, wildlife, habitat and biodiversity. It is clear from the evidence submitted that the site has biodiversity value and that its development, in the form proposed, would result in loss of habitats and, therefore, potential harm to the aforementioned biodiversity features. This is because the majority of the vegetation on the site would be removed to allow for the appeal scheme.
9. The planning application was accompanied by a number of professional technical supporting documents in respect of ecological matters, including a Preliminary Ecological Appraisal (PEA), a reptile survey and a botanical assessment.
10. The PEA identified potential impacts relating to protected species and other biodiversity assets, in particular calcareous grassland, Common Lizards, bats, nesting birds and hedgehogs. The PEA, along with the other assessments provided, concluded that the potential impacts can be adequately mitigated and/or compensated for and could result in biodiversity net gain. The County Ecologist reviewed all the information and considered that the proposed measures would make the appeal scheme acceptable in ecological terms, subject to the imposition of conditions to secure delivery of the proposed measures.
11. Although the Council disagree and consider the proposed development would be harmful to biodiversity features, irrespective of the intended mitigation and compensatory measures, it has not provided any substantive evidence to challenge the findings and recommendations of the appellant's technical surveys or the advice of the County Ecologist. In the absence of such evidence, I consider that the appellant's technical reports provide sufficient comfort over the scale of any impacts, and that these could be adequately addressed by the measures proposed, subject to suitable mechanisms being secured to ensure their delivery.
12. However, of particular importance is the presence of calcareous grassland and a medium population of Common Lizard on the appeal site. The appeal scheme would require the translocation of around 500m² of calcareous grassland and the capture and translocation of the population of Common Lizard to 'adjacent receptor sites'. These sites are proposed to be within the neighbouring 'Ridgeons' site. Whilst the evidence indicates that the proposed translocation to these receptor sites could be acceptable, I am not satisfied that agreement with the owner of the Ridgeons' site has been, or would necessarily be, secured.

13. The County Ecologist has recommended a number of planning conditions to overcome the effects of the development. However, they further advised that, for those measures that are off-site, amendments to an existing S106 agreement for the Ridgeons' site would need to be incorporated and secured prior to commencement of development. I have not had sight of the existing S106 agreement for the Ridgeons site, nor details of what the amendments that would be required to that agreement would be. Additionally, whilst I have before me a S106 agreement, the obligations within do not relate to these matters.
14. The appellant makes clear in their letter to the Council dated 1 May 2019, that the Ridgeons site is not within their ownership. Therefore, as the receptor sites are not in the control of either the appellant or the current owner of the appeal site (the Council), in the absence of a S106 agreement with the third party landowner, I cannot be certain that the measures proposed for the translocations and the future long-term management of the receptor sites, would or could be delivered as intended.
15. A planning condition has been suggested that appears to seek a legal agreement by which the long-term implementation of the plan would be secured. However, the national Planning Practice Guidance (PPG)¹ advises against using negatively worded conditions limiting development that can take place until a planning obligation or other agreement has been entered into. I acknowledge that the PPG also states that in exceptional circumstances a negatively worded condition of this sort may be appropriate. However, I do not consider that the appeal scheme, by virtue of the scale of development proposed, amounts to exceptional circumstances.
16. Alternatively, a positively worded condition which requires the developer to enter into a planning obligation under S106 or an agreement under other powers is unlikely to pass the test of enforceability. The PPG further advises that the best way to deliver certainty for all parties is to ensure that any planning obligation or other agreement is entered into prior to granting planning permission.
17. Paragraph 175 of the National Planning Policy Framework (the Framework) states that permission should be refused if significant harm to biodiversity caused by development cannot be avoided, adequately mitigated, or, as a last resort, compensated for. Although the evidence persuades me that the harm that would result from the proposed development could be compensated for by the measures set out, in this instance, I consider that there is no appropriate mechanism before me by which I can be certain that the compensatory measures would be secured.
18. Consequently, I conclude that the proposal fails to demonstrate that its effects on biodiversity, with particular regard to calcareous grassland and Common Lizard would be acceptable. Thus, the proposal is contrary to Policy GEN7 of the Uttlesford Local Plan 2005 (ULP) and the Framework, which seek to conserve and enhance biodiversity.

¹ Paragraph: 010 Reference ID: 21a-010-20190723

Other Matters

19. The site lies outside of any settlement boundary as defined within the ULP. The Council has not raised the location of the site as a cause for concern. I acknowledge that the site appears as a draft allocation for residential development in the eULP and that the status of the eULP is unclear. Nevertheless, it has not been suggested by the main parties that the draft allocation has been identified as an issue by the Local Plan Inspectors. As such, I have no substantive evidence to conclude that there would be harm arising from the proposed development's location.
20. On the basis of my conclusions on the main issue, it has not been necessary for me to reach a conclusion on the effectiveness or otherwise of the obligations set out in the submitted S106 agreement. This is with the exception of the obligation relating to the provision of affordable housing. This is because the provision of affordable housing would be a benefit of the proposed development to be weighed in the planning balance against any identified harms.
21. However, notwithstanding the provisions of the S106 agreement, the appellant disputes the Council's assertion that the proposed development triggers a requirement for the provision of affordable housing. ULP Policy H9 sets out that the Council will seek an affordable housing requirement of 40% of the total provision of housing on appropriate allocated or windfall sites, having regard to the up to date Housing Needs Survey, market and site considerations.
22. The supporting text provides some clarification of what 'an appropriate' site might be, by specifying that within Saffron Walden, on sites of 0.5 hectares or of 15 dwellings or more 40% affordable housing will be negotiated. The Council does not dispute that the site is 0.49 hectares, nor do they argue that the number of dwellings proposed triggers the requirement. The Council considers that the site has been artificially sub-divided from the adjacent 'Ridgeons' site and, therefore, should provide affordable housing by virtue of having met the triggers by being part of a larger residential development.
23. However, on the evidence before me relating to historic and current ownership of the two sites, and in the absence of any specific policy requirement for determining instances whereby artificial sub-division of a site is alleged, I am satisfied that the proposal is not 'an appropriate' site for the purposes of ULP Policy H9 and does not therefore trigger an affordable housing contribution. Consequently, this matter attracts no further weight in my conclusions.
24. Reference has been made to a covenant on the site that requires it to be kept as public open space for the benefit of the town. However, covenants are civil matters outside of the control of the planning system. As such, this matter cannot be taken into account in the determination of this appeal.
25. I note the frustrations expressed by the appellant in relation to the level of communication from the Council leading up to this appeal. However, this is not a matter for this appeal which I have determined on its planning merits and based on the evidence before me.
26. An interested party has raised concerns regarding the Council's committee decision making process. However, this is a matter that would need to be taken up with the Council in the first instance and in determining the appeal I have only had regard to the planning merits of the case.

Planning Balance

27. It is not disputed that the Council is unable to demonstrate a 5 year supply of deliverable housing sites, although the main parties disagree on the level of the shortfall. The worst-case supply position, as suggested by the appellant, is that only 2.68 years supply can be demonstrated. The Council considers the supply to be 3.29 years. In either case, the shortfall is significant and the provisions of paragraph 11 d) of the Framework are triggered and the presumption in favour of sustainable development applies.
28. I note the contribution that would be made to the supply of housing by this site. The delivery of up to 12 dwellings would make a meaningful contribution to the overall supply and mix of housing in the area. I afford this benefit moderate weight.
29. I am also mindful that the Framework acknowledges at Paragraph 68 that small sites can make an important contribution to meeting the housing requirements of an area.
30. There would be economic investment, and therefore benefits, resulting from both the construction and subsequent occupation of the proposed development. These are benefits which weigh in favour of the proposal. Other issues, where no material harm has been identified, would be neutral in the overall planning balance.
31. However, I have found that the proposal has failed to demonstrate that its effects on biodiversity would be acceptable. This is a matter to which I give significant weight against the granting of planning permission.
32. Overall, I find that the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. This is the case even when taking into consideration the significant housing land supply shortfall. The proposal would be contrary to the development plan and this conflict is not outweighed by other material considerations including the Framework.

Conclusion

33. For the above reasons the appeal is dismissed.

S Tudhope
Inspector

Attachment 3 – UDC Sustainability Appraisal 2018 Extract

AECOM Imagine it.
Delivered.

Sustainability Appraisal (SA) for the
Uttlesford District Council Local Plan

SA Report

December 2018

Year submitted to the SLAA	SLAA reference number	Allocation reference	Status	Settlement	Suitability in SLAA	Submitted proposed use in SLAA	Conclusion of yield in SLAA	Conclusion
								sustainable patterns of development.
2015	03LWai15			Saffron Walden	E	C3	10	The site is available and development is achievable. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of development.
2015	01Saf15			Saffron Walden	A	C3	1	The site is available and development is achievable and suitable. Permission has been granted for one dwelling which is below the threshold to be included in the assessment. There is little potential for further development on the site.
2015	02Saf15			Saffron Walden	A	C3	5	The site is deliverable and has planning permission for 5 dwellings.
2015	03Saf15	SAF5		Saffron Walden	B	C3	14	The site is available and development is achievable subject in both cases to being able to access the site from the redevelopment site to the east. The site is considered suitable for development.
2015	04Saf15	SAF6		Saffron Walden	B	C3	13	The site is available and considered suitable and development is achievable. The deliverable capacity has been amended to 13.
2015	05Saf15	SAF14	Development Opportunity	Saffron Walden	B	C3	10	The site is available and considered suitable and development is achievable.
2015	06Saf15			Saffron Walden	E	C3	5	The site is available and development is achievable. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of development.
2015	07Saf15	SAF1		Saffron Walden	B	C3	150	The site is available and development is achievable and suitable subject to satisfactory highway mitigation measures. The deliverable capacity has been amended to reflect a lower capacity as

Site Ref	Parish/ Settlement	Green Belt	Settlement Development Limit	Development Opportunity Area	AQMA	Poor Air Quality Zone	SSSI	SSSI Impact Risk Zone	National Nature Reserve	Ancient Woodland	Local Nature Reserve	Local Wildlife Site	Priority Habitat	Special Verge	Important Woodland	Geological Site	Surface Water Flood Risk	Groundwater Flood Risk	Fluvial Flood Risk	Conservation Area	Registered Park and Garden	Scheduled Monument	Listed Building	Protected Lane	Greenfield/Brownfield	Agricultural Land Classification	Mineral Safeguarding Area	Countryside Protection Zone	Tree Preservation Order	Protected Open Space	Groundwater Source Protection Zone	
01Saf15	Saffron Walden																															
02Saf15	Saffron Walden																															
03Saf15	Saffron Walden																															
04Saf15	Saffron Walden																															
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16Saf16	Saffron Walden																															
17Saf16 (E)	Saffron Walden																															
18Saf16	Saffron Walden																															
19Saf16	Saffron Walden																															
20Saf17 (E)	Saffron Walden																															
01Sew15	Sewards End																															

Attachment 4 – Approved Illustrative Masterplan – Former Ridgeon’s Ste



NON - STATUTORY REPRESENTATIONS

Representation 10: JANE GRAY



Internal Use Only

Representation Number:

Saffron Walden Neighbourhood Plan

(UPDATE) Focussed Consultation: NPPF 20 July 2021

Response Form

Consultation period: 8am Monday 9 August 2021 to 5pm Monday 23 August 2021

Uttlesford District Council is inviting representations on the submission version of the Saffron Walden Neighbourhood Plan.

Representations must have been received by Uttlesford District Council no later than 5pm on Monday 23 August 2021. Representations after this date will not be considered.

Representations can be submitted by email to: planningpolicy@uttlesford.gov.uk

or by post to

Planning Policy (Saffron Walden NP)
c/o Demetria Macdonald
Uttlesford District Council
London Road
Saffron Walden
Essex
CB11 4ER

Respondents do not have to use this form to respond. All responses must be made in writing, either electronically or otherwise.

All responses will be made public. Anonymous responses cannot be accepted.

UTTLESFORD DISTRICT COUNCIL – PLANNING POLICY

In accordance with the General Data Protection Regulation please complete:

Section 1 if you are making comments (a representation) on the Neighbourhood Plan

Section 2 to provide your details

1. USE OF PRIVATE DATA WHEN MAKING COMMENTS

If you do not provide consent, we cannot process your comments and you may not be able to participate in the Neighbourhood Plan examination.

<input checked="" type="checkbox"/>	Please tick this box to provide your consent to allow Uttlesford District Council to process your data, in accordance with the General Data Protection Regulation and Data Protection Act, so your comments on the Neighbourhood Plan can be processed.
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**Your name and comments will be made public, but any address, telephone and email address will remain confidential.*

2. YOUR DETAILS

Please confirm below your name and email or postal address. You are not obliged to provide your details; however, we will be unable to process any comments you make.

<u>Contact Name</u>	Jane Gray
<u>Email</u>	[REDACTED]
<u>Or Postal Address</u>	

We will keep a record of your consent for 7 years, after which it will be destroyed. For more information on how we collect, use and protect personal information generally, please visit <https://www.uttlesford.gov.uk/privacy-notice>

PRIVACY NOTICE

The Council will use the information you submit, or have submitted, in all correspondence to the Council to enable the council's planning policy section to consider any information, representation or evidence submitted to assist with the Saffron Walden Neighbourhood planning examination.

Further information about Data Protection rights in line with the provisions of the General Data Protection Regulations and Data Protection Act 2018, for example how to contact the Data Protection Officer, how long information is held or how we process your personal information can be found at:

<https://www.uttlesford.gov.uk/privacy-notice> Printed copies of the Council's Privacy Notices can be provided on request.

The Council will:

- Use the information you provide for the purpose of performing of its statutory duties.
- Make any disclosures required by law and may also share this information, both across council departments and with other local authorities and government organisations.
- Check information you have provided, or information about you that someone else has provided, with other information it holds.

The Council will not give information about you to anyone else, or use information about you for other purposes, unless the law allows this.

1) Your details

Name	Jane Gray
Organisation (if applicable)	
Address	[REDACTED]
Email	[REDACTED]
Telephone	[REDACTED]

2)

2) Your representations

Please specify which paragraph or policy your representations relates to and if you are suggesting any amendments. Please use a separate sheet if you need more space.

The Plan as Whole	Comments
Chapter of the Plan	Comments

<p>Chapter 1 What is a Neighbourhood Plan?</p>	
<p>Chapter 2: Saffron Walden Today</p>	
<p>History and Character of Saffron Walden</p>	
<p>Chapter 3: Saffron Walden's Future</p>	
<p>Chapter 4: Future Housing Need in Saffron Walden</p>	

<p><u>Policy SW1 SWNP Site Allocations</u></p> <p>SAF1 – as defined in the now withdrawn draft of the Local Plan and planning consents (see map in paragraph 4.1.7)</p> <p>SAF3 – as defined in the now withdrawn draft of the Local Plan (see map in paragraph 4.1.7 AND Appendix 9)</p> <p>SAF4 – as defined in the now withdrawn draft of the Local Plan (see map in paragraph 4.1.7)</p> <p>Land at Shire Hill</p> <p><u>Policy SW2 Protection of Views</u></p> <p>Policy SW3 Site Allocation Land at Viceroy Coaches, to rear of 10-12 Bridge Street</p> <p>POLICY SW4 Housing Mix on new developments</p> <p>POLICY SW5 Affordable Housing</p> <p>POLICY SW6 Housing Density</p>	
<p>Chapter 5: Town Layout and Design</p>	

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<p><u>Policy SW7 Design</u></p> <p>Policy SW7 Building Design</p> <p>Policy SW8 Parking on New Developments</p> <p>Policy SW9 Energy Efficient and Sustainable Design</p> <p>Policy SW10 Accessible and Adaptable Homes</p>	
<p>Chapter 6: Commercial Premises</p>	
<p><u>Overview of Provision</u></p> <p>Policy SW11 Town Centre Uses</p> <p>Policy SW12 Convenience Stores in Residential Neighbourhoods</p> <p>Policy SW13 17 Market Hill & 29-31 Church Street</p> <p>Policy SW14 Shopfront Design</p> <p>Policy SW15 Development of 56 High St</p> <p>Policy SW16 Regeneration of George St</p> <p>Policy SW17 Development of New and Existing Commercial Spaces</p>	
<p>Chapter 7: Digital Connectivity</p>	

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Policy SW18 High Quality Communications Infrastructure	
Chapter 8: Ecology	
Policy SW19_Ecological Requirements for all new domestic and commercial developments	
Chapter 9: Infrastructure Delivery	
Chapter 10: Transport Infrastructure	
Policy SW20 Promoting walking and cycling Policy SW21 Travel planning Policy SW22 Improving provision of public transport Policy SW23 Vehicular transport	
Chapter 11: Open Space, Sports and Recreation	

<p>Policy SW24 Allotments</p> <p>Policy SW25 Playing Fields and Sports Halls</p> <p>Policy SW26 Community Halls and Centres</p> <p>Policy SW27 Open Space for Informal Recreation</p> <p>Policy SW28 Public Rights of Way</p> <p>Policy SW29 Land of Value to the Natural Environment</p>	<p>"Open spaces for informal recreation. The new NPPF states that: a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being." Page 8. b). Two Olympic sports, skateboarding and BMX have been completely excluded from the NP. The policy above states that open spaces "should reflect current and future needs". Future needs should include a BMX track and more facilities for the skatepark. The consultation document responder made the mistake of not understanding the difference between "dirt jumps" and a "BMX track". This NP just concentrates on existing organised team sport and is not looking to future needs.</p>
Chapter 12: Arts and Cultural Facilities	
<p>Policy SW30 Arts and Cultural facilities</p>	
Chapter 13: Education	
<p>Policy SW31 Education</p> <p>Policy SW32 Healthcare</p>	

Would you like to be notified of Uttlesford District Council's decision under Regulation 19 of the Neighbourhood Planning (General) (Amendments) Regulations 2015 to adopt the Saffron Walden Neighbourhood Plan?

Yes	
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Thank you for completing this response form.