

## **Saffron Walden Neighbourhood Plan Examination**

### **Note of Interim Findings from the Examiner to the Town Council and Uttlesford District Council**

Having completed my initial assessment of the Neighbourhood Plan (the Plan), I am writing to the Town Council (TC) and Uttlesford District Council (UD) to set out my interim findings.

Unfortunately I have identified a number of matters which I consider will significantly change the Plan as produced by the TC of behalf of the local community. I understand this will be disappointing news to those involved in the production of the Plan. I therefore want to ensure that I present a rounded picture of these matters to help the TC and LPA make an informed judgement as to how best to progress the Plan.

#### ***Main Matters***

1. Policy SW1 (SWNP Site Allocations) makes a number of site allocations. However, it relies wholly on work carried out on the now withdrawn emerging Local Plan. There is no standalone work or at the very least a review to check the validity of this untested evidence. It is not clear to me why some sites in the emerging Local Plan have come forward whilst others appear not to. Furthermore there is no evidence, given the assumptions made, that the sites selected are still available, suitable and are likely to be economically viable.

Secondly, there is no clarity over the housing figure requirement the Plan is to meet. It does not appear that UDC have been asked to provide a housing figure and so there is no way of knowing whether the Plan meets its housing requirement.

Thirdly, and this is related to the second point above, the Plan does not satisfactorily deal with its Plan period which runs from 2021 – 2036 in relation to housing supply.

Fourthly, even if the approach of the Plan and the proposed site allocations were to be found to meet the basic conditions, there is insufficient evidence to support some of the key requirements in the site allocation policies. An example of this is the 5% older persons 1 and 2 bedroom dwellings required for SAF 1.

Taking all these points singly and together, means that it is likely I would have little option but to delete the relevant policies and section of the Plan resulting in a Plan that would not deal with housing supply or contain any site allocations.

2. Policy SW2 (Protection of Views). A number of views have been identified through work on the Heritage and Character Assessment (HCA) as being of importance. These views should be identified, numbered, described and mapped. A series of maps and photographs on page 35 onwards of the Plan show some views, but it is not clear to me whether these are the same general views as identified in the HCA, where these viewpoints are and how they relate to the photographs or the work carried out on the HCA. Much more work would need to be carried out for the policy to meet the basic conditions. This work may mean that consultation would have to be redone. However, if the work is not carried out, this policy is likely to be recommended for deletion.
3. There are likely to be a significant number of recommended modifications. The two examples above give a flavour of the reasons why. At the present time, eight policies are

likely to be recommended for deletion (these include what I regard to be key policies in the Plan, for example in relation to the identification of Local Green Spaces), 11 policies are recommended for modification and you will see a list of queries on a number of other policies in the next heading on this note “other issues” which may result in modification or even deletion to these policies.

In the main the deletions of, and modifications to, policies are either due to a lack of sufficient and/or appropriate evidence to support them and/or to ensure they have regard to national policy and guidance, particularly in relation to the necessary clarity and precision needed to provide a practical framework for decision-making.

Given this, and the number of queries below on other policies, I would like to give the TC and UDC an opportunity to consider the best way forward.

### ***Other issues – questions of clarification***

During the course of an examination, it is not unusual for me to have a number of questions of clarification. These are usually queries which can be readily dealt with by an exchange of correspondence.

4. Policy SW4 (Housing Mix on New Developments). There is a lot of supporting text for this policy, but the policy requirements do not seem to reflect the supporting evidence. I invite comments on this from both the TC and UDC.
5. Policy SW5 (Affordable Housing). Does UDC have any comments about the requirements set out in this policy; are they appropriate?
6. Policy SW8 (Parking on New Developments). Please could the rationale/evidence for the electric vehicle charging points requirements be explained?
7. Policy SW14 (Shopfront Design) refers to a Shopfront Design Guide being produced by UDC. Please could UDC confirm whether this has now been adopted and if so, please provide a copy?
8. Policy SW19 (Ecological Requirements for All New Domestic and Commercial Developments). (a) the policy refers to TCPA guidelines, but I think these relate to new communities; is this correct? Please could you provide a copy of the guidelines referred to; (b) please explain what is meant by not-for-profit housing which is redevelopment of land and the rationale for the footprint proviso in the exception; (c) please check the date of the latest CIRIA SuDs Manual; (d) are the requirements in the CIRIA SuDs Manual and the Essex SuDs Design Guide referred to in criterion 3. the same?; if not, how should this requirement in the policy be reconciled?
9. Section 10 (Transport Infrastructure) refers to a number of documents in relation to highway impact and the air quality management area. (a) please provide the source documents so I can readily find the source of the evidence quoted; (b) the Air Quality Action Plan seems to contain more than the seven measures referred to in the supporting text; why have only seven been referred to?

10. Policy SW20 (Promoting Walking and Cycling) refers to Secured by Design New Homes 2014; is this the latest version? The supporting text refers to 2019.
11. Paragraph 10.3.5 refers to a review report carried out by Dr. Corke; the link is not working for me so please can a copy of this report be provided?
12. Policy SW23 (Vehicular Transport). The policy refers to the Uttlesford Local Plan Highway Impact Assessment October 2013; is this document the most recent and the most appropriate assessment to use?

### **Conclusion**

It will be apparent that there are a number of issues in the Plan which, in my view, will require modifications that will come as a disappointment to those involved in its production and result in a Plan very different to that submitted to UDC. These may in themselves be regarded as significant changes. This may mean that further public consultation would need to be carried out.

In making this statement, I have kept in mind the guidance in the NPIERS Guidance to service users and examiners which indicates that "Examiners will not generally refer back to parties on these detailed revisions. But where the modification may necessitate a change which in the opinion of an examiner would be significant, there is a reasonable expectation that a description of the intended modification will be publicised on the local planning authority's website, seeking comments, prior to recommending the change. Significant changes may typically require further work to be undertaken, particularly in relation to Strategic Environmental Assessment." (paragraph 2.12.6 of the Guidance).

I am conscious that the NPIERS Guidance indicates that what might constitute a significant change will be for me to determine in the context of the Plan examined, but that such changes can lead to concerns over community ownership of the Plan.

Whilst this Plan is not examined through NPIERS, I consider it helpful to refer to that Guidance.

It is also important to recognise that I must ensure I am not rewriting the Plan (and indeed would not wish to do so) in making modifications.

### **Possible courses of action to consider**

There are therefore two **possible courses of action** to consider:

- A. I carry on with the examination once you have responded to the queries of clarification set out above. This is likely to result in a report that recommends the Plan proceeds to referendum, but with many modifications. It is possible that the number and type of modifications may be regarded as significantly changing the intent and nature of the Plan's contents requiring a short further period of consultation. A timescale for receipt of the answers to the queries would need to be agreed between us all; the usual period is two weeks with other milestone dates being set out for all parties to minimise any further delays to the examination.
- B. The Plan is withdrawn from examination and no further work is carried out by me on the examination. This would allow the TC and UDC to work together on remedying the

deficiencies of the Plan. Once and if the Plan was to be (re)submitted to UDC in a revised form with revised supporting documentation at some point in the future, I could be appointed again to undertake the new examination (with the agreement of all parties including me) or another examiner could be appointed as preferred. No timescales would be needed.

I have considered whether to hold an exploratory meeting or hearing to consider these issues. I see no immediate benefit to any party in holding a meeting or hearing at the present time as I have set out the issues and options as I see them in detail above.

In the light of the above, I would like to give the TC the opportunity to consider my comments above and the best way forward.

At this point in time I am not asking the TC or UDC to address the queries posed above. They are simply there to illustrate the concerns about some aspects of the Plan to help the TC to make an informed choice.

I am also not seeking, and will not accept, any representations from other parties regarding this matter at this stage.

I have not yet made a site visit to the area. I will not spend any further time on the examination until the TC and UDC have had an opportunity to come back to me with their preferred course of action.

I realise this will be an important consideration for the local community. Once the TC has had a chance to consider the options moving forward, including holding any discussions with UDC, please let me know how you wish to proceed. Please respond by **Wednesday 20 October**. If a little further time is required, for example to coincide with a TC meeting, please let me know.

Should you decide you would like me to proceed, please then let me know a reasonable timescale for receipt of the responses to the queries set out above. This would usually be a period of about two weeks.

This note will be a matter of public record and should be placed on the relevant websites.

With many thanks,

Ann Skippers MRTPI  
Independent Examiner  
5 October 2021