

Saffron Walden Neighbourhood Plan Examination

Note from the Examiner to the Town Council and Uttlesford District Council

Further to my Examination Note 2 of 7 February 2022, I am now writing to address a request from Saffron Walden Town Council (TC) to Uttlesford District Council (UDC) to clarify that Note.

Briefly, the history is that I wrote to the TC and UDC on 5 October 2021. This was called "Note of Interim Findings". This explained that I had found a number of matters requiring modification which would, in my view, significantly change the Saffron Walden Neighbourhood Plan (the Plan) as submitted. I outlined options in terms of a way forward. I explained that I considered I would be recommending a number of significant changes to the Plan and that, in line with NPIERS Guidance to service users and examiners, 2018 (the Guidance), a description of those significant changes would be publicised on the local planning authority's website seeking comments prior to recommending the changes.

My Note of 7 February 2022 sets out what those significant changes are and requests that the publicity period be started. A separate email set out a suggested timescale for progressing the Plan as the TC indicated it wished me to continue with the examination.

Most of the ten policies proposed for deletion are recommended for deletion due to a lack of satisfactory evidence. The TC has asked whether it can submit evidence at this stage.

Firstly, it is usual for additional evidence only to be submitted in exceptional circumstances; this is confirmed in the Guidance.

Secondly, if the evidence is not already in the public domain, the public has not had an opportunity to consider it.

In order to assist the TC to see whether the evidence is already available and within the public domain, I set out here further information about the proposed significant modifications. The full reasoning will be set out in my report should the policies still be proposed for deletion after the publicity period has been held.

- Policies SW1 and SW3 Site Allocations (lack of satisfactory evidence and clarity). The emerging local plan has now been withdrawn. In these circumstances, in line with national policy and advice, an indicative housing figure should be requested from UDC. The Plan then would work to that housing figure (which itself would be examined) with its proposed site allocations. There is no indication that such a housing figure has been sought. The Plan period does not tie up with the local plan period so the Plan cannot use those figures. There is then no evidence that a site selection and assessment process has been undertaken. There is no information on whether the sites subject to these policies are still suitable and available. There is little explanation of the key requirements sought for each site even if the sites were found to be appropriate.
- SW2 Protection of Views (lack of satisfactory evidence and clarity). Whilst a Heritage and Character Assessment has been undertaken, there is a lack of clarity

and precision around identifying, numbering, describing and mapping the views subject of the policy.

- SW6 Housing Density (lack of satisfactory evidence). There is insufficient evidence to support the densities sought.
- Policies SW9 Energy Efficient and Sustainable Design and SW10 Accessible and Adaptable Homes are presented as non-binding policies so there is a lack of clarity as to their status. Any acceptable parts of each policy which might have been able to be retained through modification cannot be retained as there has been no consultation on these as policies.
- SW11 Town Centre Uses (lack of clarity and satisfactory evidence). It is not clear on what basis or how the frontages have been defined.
- SW24 Allotments (lack of clarity and satisfactory evidence). There is no evidence to justify the requirement sought. The policy seeks designation of allotments as Local Green Spaces. There is no evidence to show how each of the proposed spaces meets the criteria set out in the NPPF.
- SW26 Community Halls and Centres (lack of satisfactory evidence on viability and deliverability). There is no evidence to support the standard sought or satisfactory consideration of viability and deliverability for the contributions sought.
- SW31 Education (lack of clarity/would not achieve sustainable development). All four elements of the policy are not considered to meet the basic conditions; the first and last elements offer blanket support which may lead to unacceptable development. The second does not reflect the current planning position of the site in question. The third does not offer guidance to developers on what alternative uses may be appropriate.

The Guidance explains it is the responsibility of the qualifying body to ensure all evidence relied on to justify the policies has been provided. I appreciate evidence can be time consuming and costly to produce and should always be proportionate to deal with the matter in hand. Deletion of policies is always a last resort.

As the Guidance recommends I have brought my concerns about various aspects of the draft Plan to the attention of the TC and UDC. I am inviting comments on the proposed significant modifications. Even if the TC considers the necessary evidence is available and already within the public domain, it can only be accepted at this late stage if there are exceptional circumstances to do that. I am not aware of any such circumstances at this time.

I trust this further information is helpful to all parties.

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15 February 2022