

UTTLESFORD DISTRICT COUNCIL

ASHDON NEIGHBOURHOOD PLAN - DECISION STATEMENT PROCEEDING TO REFERENDUM

Summary

- 1.1 Following an Independent Examination, Uttlesford District Council has recommended that the Ashdon Neighbourhood Plan proceeds to Neighbourhood Planning Referendum subject to the modifications set out in Appendix 2 below. The outcome of the Examination was reported to Cabinet on 01 September 2022 where it was confirmed (see Appendix 1) that the Ashdon Neighbourhood Plan, as revised according to the modifications set out below, complies with the legal requirements and Basic Conditions set out in the Localism Act 2011 and with the provision made by or under section 38A and 38B of the Planning and Compulsory Purchase Act 2004. The Plan (Appendix 3) can therefore proceed to referendum.
- 1.2 This decision statement can be viewed online at:
[Ashdon Neighbourhood Plan - Uttlesford District Council](#)
OR
[Ashdon Neighbourhood Plan \(ashdonplan.co.uk\)](#)

2. Background

- 2.1 On 29 April 2019 Ashdon Parish Council, as the qualifying body, applied to Uttlesford District Council for a designation of a Neighbourhood Plan Area for the purpose of preparing a neighbourhood plan for the whole Ashdon Parish Council area. The Neighbourhood Area application was approved by Uttlesford District Council on 29 April 2019 in accordance with the Neighbourhood Planning (General) Regulations (2012).
- 2.2 Following the submission of the Ashdon Neighbourhood Plan to the Council, the Plan was publicised, and representations were invited. The six -week consultation period closed on 30 May 2022.
- 2.3 The Council, with the agreement of Ashdon Parish Council, appointed an independent examiner, Mr Andrew Ashcroft, to review whether the Plan met the Basic Conditions required by legislation and should proceed to referendum.
- 2.4 The Examiner's Report concludes that, subject to making the modifications proposed by the Examiner, the Neighbourhood Plan meets the Basic Conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.

3. Decision and Reasons

3.1 The District Council received the Examiner's Report on 13 July 2022. Having considered the Examiner's report and recommendations the District Council decided on 01 September 2022 that for the reasons set out in Appendix 1 of the Decision Statement, that the Examiner's recommendations should be accepted and that the Ashdon Neighbourhood Plan (as modified) should proceed to referendum.

3.2 Therefore to meet the requirements of the Localism Act 2011 a referendum which poses the following question:

“Do you want Uttlesford District Council to use the Neighbourhood Plan for Ashdon to help it decide planning applications in the neighbourhood area?”

will be held in the Parish of Ashdon.

3.3 The Referendum is scheduled for **Thursday, 20 October 2022.**

APPENDIX 1: Cabinet Resolution in respect of Ashdon Neighbourhood Plan

Published on 2 September 2022

RECORD OF DECISIONS - CABINET THURSDAY, 1 SEPTEMBER 2022

<p>Non-Key</p>	<p>8 - Ashdon Neighbourhood Plan</p> <p>RESOLVED:</p> <p>I. That Cabinet accepts the Independent Examiner's recommended modifications to the Ashdon Neighbourhood Plan in full as set out in the Schedule at Appendix 2 and note the recommendation that the amended Ashdon Neighbourhood Plan should proceed to a Referendum of voters within the Parish of Ashdon to establish whether the plan should form part of the Development Plan for Uttlesford District Council.</p> <p>II. That Cabinet approves the holding of a referendum relating to the Ashdon Neighbourhood Plan and, that it will include all the registered electors in Ashdon Parish.</p>	<p>Reasons: The Ashdon Neighbourhood Plan has been successful at examination. The Examiner's Report received on 13 July 2022 recommends that the Ashdon Neighbourhood Plan proceed to referendum subject to the recommended modifications being made to the Plan.</p> <p>Other Options considered: None.</p> <p>Any interest declared by any member of Cabinet: N/A.</p> <p>In respect of any conflict of interest declared, whether dispensation is in existence for that interest: N/A.</p>
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RECORD OF DECISIONS - CABINET THURSDAY, 1 SEPTEMBER 2022

A decision will come into force and may be implemented on the expiry of five working days after the date of publication unless either the Chairman or any three members of the Scrutiny Committee objects and calls it in. To check the call in status of any of the above decisions, please refer to the Decisions page of the website, where you can use search options to find information regarding decisions taken.

* Date set for the Ashdon Referendum is Thursday, 20 October 2020

APPENDIX 2: Ashdon Neighbourhood Plan – Schedule of Examiner’s Recommendations

DOCUMENT PAGE/POLICY	EXAMINER’S RECOMMENDATION	EXAMINER’S REASON/S	OFFICER RECOMMENDATION AND REASON
Ashdon NP Page 6: Para 1.6	<ul style="list-style-type: none"> • <i>At the end of paragraph 1.6 add: ‘The Plan period is 2020 to 2036’</i> 	<ul style="list-style-type: none"> • Whilst the front cover of the Plan provides details about the Plan period, it would be appropriate if it was also captured in the text of the Plan 	<p style="text-align: center;">Agree</p> <p>Insertion of plan period in text reinforces requirement to provide a clear plan period as required in the Regulations.</p>
Ashdon NP: page 25: Policy ASH1 Spatial Strategy	<ul style="list-style-type: none"> • No comment because policy meets Basic Conditions, and no modifications are rerecommended. 	<ul style="list-style-type: none"> • The policy meets the basic conditions. 	<p style="text-align: center;">Agree</p> <p>No modifications required because policy as worded meets Basic Conditions</p>
Ashdon NP: page 28: Policy ASH2 Policy Housing Mix	<ul style="list-style-type: none"> • It meets the basic conditions. 	<ul style="list-style-type: none"> • The policy is underpinned by data and is non-prescriptive in its nature. It will contribute towards delivering the social dimension of sustainable development. 	<p style="text-align: center;">Agree</p> <p>Policy is underpinned by appropriate evidence and contributes the social element of sustainability thereby meeting Basic Conditions.</p>
Ashdon NP: page 31 Policy ASH3 Affordable Housing on rural exception sites	<ul style="list-style-type: none"> • In the penultimate paragraph of the policy replace ‘permitted’ with ‘supported’ 	<ul style="list-style-type: none"> • I recommend a detailed modification to the wording in the penultimate paragraph of the policy. so that the wording used is consistent throughout the policy. Otherwise, the 	<p style="text-align: center;">Agree</p> <p>Modification ensures that the Policy is provides sufficient clarity in accordance with NPPG Paragraph 41-041-20140306.</p>

		policy meets the basic conditions.	
Ashdon NP: page 37 POLICY ASH4 - PROTECTING ASHDON'S LANDSCAPE CHARACTER	<ul style="list-style-type: none"> • <i>Replace the title of the policy with: 'Protecting Ashdon's Landscape Setting and Important Views'</i> 	<ul style="list-style-type: none"> • I recommend a modification to the title of the policy so that it more fully captures the detailed approach taken. Otherwise, it meets the basic conditions. 	<p style="text-align: center;">Agree</p> <p>The recommended modification is a more accurate reflection of the aim of the policy which is to protect functional and physical relationship between the wider landscape and built environment.</p>
Ashdon NP: page 38 POLICY ASH5 - SETTLEMENT GAPS	<ul style="list-style-type: none"> • Replace the policy with: ‘The Plan identifies settlement gaps which separate the distinct settlements (the Ends). They are shown on the Policies Map. Development proposals shall, where appropriate, demonstrate how they would safeguard the settlement gaps and not cause their erosion.’ 	<ul style="list-style-type: none"> • I recommend that the policy is reconfigured so that it more clearly defines the settlement gaps and then sets out a policy to ensure that development proposals have regard to their scale and nature. 	<p style="text-align: center;">Agree</p> <p>Recommended modification ensures sufficient clarity as per the requirements of NPPG Paragraph 41-041-20140306.</p>
Ashdon NP: page 41 POLICY ASH6 – CONSERVATION AREAS	<ul style="list-style-type: none"> • In the penultimate paragraph of the policy replace ‘will be expected to’ with ‘should’ 	<ul style="list-style-type: none"> • I recommend a detailed modification to the wording used in the penultimate paragraph of the policy to bring the clarity required by the NPPF. 	<p style="text-align: center;">Agree</p> <p>Recommended modification ensures sufficient clarity as required by NPPG Paragraph 41-041-20140306.</p>

<p>Ashdon NP: page 45 POLICY ASH7 – DESIGN CONSIDERATIONS</p>	<ul style="list-style-type: none"> • Replace ‘In addition, proposals will be supported where’ with ‘In addition, and as appropriate to their scale, nature and location, proposals will be supported where’ <p>In b delete ‘and where appropriate enhancement’</p> <p>In f delete ‘as appropriate’</p>	<p>I recommend a modification to the wording of the part of the policy which addresses this matter so that it can be applied in a proportionate way. Plainly not all of the criteria will be relevant to every development proposal.</p> <p>I also recommend detailed modifications to some of the criteria to bring the clarity required by the NPPF.</p>	<p>Agree</p> <p>Recommended modification ensures sufficient clarity as per the requirements by NPPG Paragraph 41-041-20140306.</p>
<p>Ashdon NP: page 46 POLICY ASH8 - LIGHT POLLUTION</p>	<ul style="list-style-type: none"> • Delete the first sentence of the policy <p><i>Reposition the deleted first sentence of the policy to the end of penultimate sentence of paragraph 8.32</i></p>	<p>I recommend that the first sentence of the policy is deleted and repositioned into the supporting text. This will make a better distinction between the wider policy and its supporting text.</p>	<p>Agree</p> <p>Recommended insertion into supporting text ensures that the policy is clearly expressed and evidenced as required by NPPG Paragraph 41-041-20140306.</p>
<p>Ashdon NP: page 48 POLICY ASH9 – FLOOD RISK</p>	<ul style="list-style-type: none"> • In the first paragraph delete ‘These include.... sewer flooding’ • Delete the second paragraph 	<p>I recommend that some elements of the policy are relocated to the supporting text. This will ensure a better relationship between the policy itself and the explanation about the details required for planning applications and how the policy would be used on a day-to-day basis.</p>	<p>Agree</p> <p>Recommended modification ensures that the policy has sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications.</p>

	<p><i>At the end of paragraph 9.5 add: ‘Policy ASH9 addresses these important matters. It comments that development proposals will not be permitted, unless the applicant has satisfied the safety requirements in the Flood Risk National Planning Policy Guidance (and any successor). These include the ‘sequential test’; where needed the ‘exception test’ and also a site-specific flood risk assessment that addresses the characteristics of flooding and has tested an appropriate range of flood event scenarios (taking climate change into consideration). This should address as a minimum: finished floor levels; safe access and egress; an emergency flood plan; identification and provision of surface water exceedance routes; flood resilience/resistance measures; any increase in built or surfaced area; and any impact on flooding elsewhere, including sewer flooding. In a more general sense development proposals should exhibit the three main principles of flood risk, in that, they should be safe, resilient and should not increase flood risk elsewhere.’</i></p>		
<p>Ashdon NP: page 52 POLICY ASH10 – BIODIVERSITY and HABITATS</p>	<p>In the third paragraph of the policy replace ‘It is expected that the mitigation proposals will form’ with ‘Mitigation proposals should form’</p>	<p>I recommend a detailed modification to the third paragraph of the policy to bring the clarity needed by the NPPF.</p>	<p>Agree Modification to policy provides sufficient clarity to ensure that a decision maker can apply it consistently and with</p>

			confidence when determining planning applications.
Ashdon NP: page 53 POLICY ASH11 – CHALK STREAMS PROTECTION	<ul style="list-style-type: none"> • Replace ‘which will avoid and mitigate contamination of the watercourse’ with ‘which will avoid and/or mitigate contamination of the watercourse’ 	I recommend a detailed modification to ensure that there is a difference between the approach towards the avoidance of any contamination to the watercourse and any mitigation which may be required as an outcome of the drainage appraisal. Otherwise, it meets the basic conditions.	<p style="text-align: center;">Agree</p> <p>Modification provides clarity and flexibility to the policy to ensure that a decision maker can apply it consistently and with confidence when determining planning applications.</p>
Ashdon NP: page 56 POLICY ASH12 – VILLAGE SERVICES and FACILITIES	<ul style="list-style-type: none"> • In the first part of the policy replace ‘permitted’ with ‘supported’ • In the second part of the policy delete ‘generally’ 	<p>I recommend two modifications to the policy to bring the clarity required by the NPPF.</p> <p>The first ensures that the two elements of the policy use the same language.</p> <p>The second deletes the unnecessary use of ‘generally’ in the second part of the policy.</p>	<p style="text-align: center;">Agree</p> <p>Modification provides clarity and flexibility to the policy to ensure that a decision maker can apply it consistently and with confidence when determining planning applications..</p>
Ashdon NP: page 57 POLICY ASH 13 – LOCAL GREEN SPACES	Insert an additional paragraph at the end of the policy to read: ‘Development proposals within the designated local green spaces will only be supported in very special circumstances’	I recommend a modification so that the policy directly explains the policy implications of LGS designation and in doing so	<p style="text-align: center;">Agree</p> <p>Modification to provides clarity and flexibility to the policy as required by NPPG Paragraph 41-041-20140306.</p>

	<p><i>At the end of paragraph 10.11 add: ‘Policy ASH13 follows the matter-of-fact approach in the NPPF. In the event that development proposals come forward on the local green spaces within the Plan period, they can be assessed on a case-by-case basis by Uttlesford District Council. In particular, it will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the ‘very special circumstances’ required by the policy’</i></p>	<p>takes the matter-of-fact approach in the NPPF.</p> <p>I also recommend that the supporting text is expanded so that it sets out the way in which development proposals affecting the designated LGSs would be assessed on a case-by-case basis by UDC. In particular UDC will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the ‘very special circumstances’ required by the policy.</p>	<p>Addition to supporting text provides sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications.</p>
<p>Ashdon NP: page 60 POLICY ASH 14 – PUBLIC RIGHTS OF WAY</p>	<p>In the first part of the policy replace ‘and incorporate green landscaping to reduce any visual impacts’ with ‘and, as appropriate to the relationship between the development and the Public Right of Way, incorporate green landscaping to reduce any visual impacts’</p>	<p>I recommend that the first part of the policy is modified so that it requires that any landscaping responds to the specific relationship between the development itself and the right of way concerned.</p>	<p style="text-align: center;">Agree</p> <p>Modification to provides clarity to the policy renders the policy wording clear and unambiguous as required by NPPG Paragraph 41-041-20140306.</p>

<p>Ashdon NP: page 61 POLICY ASH 15 – PROTECTED LANES</p>	<p>In the final sentence replace ‘permitted’ with ‘supported’</p>	<p>I recommend a detailed modification to the policy so that the wording used is internally consistent.</p>	<p>Agree Modification provides clarity to the policy ensuring that, “a decision maker can apply it consistently and with confidence when determining planning applications”. (NPPG Paragraph: 041 Reference ID: 41-041-20140306).</p>
<p>Ashdon NP: page 63 POLICY ASH 16 – FARM DIVERSIFICATION</p>	<ul style="list-style-type: none"> The policy has regards to national planning policy (Section 6 of the NPPF). 	<p>It meets the basic conditions.</p>	<p>Agree Policy meets basic conditions and no modification required.</p>

APPENDIX 3: Ashdon Neighbourhood Plan 2020 – 2036 (Referendum Plan Version)

[Ashdon Neighbourhood Plan 2020-2036 Referendum Plan \(PDF\) \[4MB\]](#)