

Great Dunmow Neighbourhood Plan

The Report by the Independent Examiner

Richard High BA MA MRTPI

16 June 2016

Contents

Summary	5	
Introduction	7	
Appointment of Independent Examiner	7	
The Scope of the Examination	8	
The Preparation of the Plan	10	
Public Consultation	10	
The Development Plan	13	
The Basic Conditions Test	14	
Compatibility with European Union Obligations	15	
Vision and Principles	16	
Objectives and Policies	16	
Sustainability and Deliverability	17	
Development Standards	17	
Landscape Setting and Character	39	
The Natural Environment	44	
Sports and Open Space	46	
Getting Around	49	
The Economy	53	
Healthcare, Education and Infrastructure	54	
Summary and Referendum	56	
Appendices		
1	e mails relating to clarification of distribution of consultation material	58
2	e mails relating to clarification of Footpath and Bridleway mapping	61
3	List of errors	63

Summary

The Great Dunmow Neighbourhood Plan has been a very large undertaking for the Town Council and the volunteers who have served on the Steering Group. It is evident that the town is set to grow rapidly over the plan period as a result of planning permissions that have already been granted and the allocations made in the Neighbourhood Plan. The Plan has been positively prepared recognising the need for this new development and focussing on ensuring that it is delivered in a way that will be sustainable and will contribute to rather than harm the quality of life in the town.

The Plan recognises that in some respects decisions have already been taken and that in others it will have limited influence. However, it has taken a comprehensive view of the issues that are important to the community and developed thoughtfully worded policies that take account of the legislative context. The very substantial SEA that has accompanied the Plan has been helpful in demonstrating the effect of the policies in the Plan and the alternatives that have been considered. It is also evident that there has been a very strong commitment to public consultation and that a substantial level of engagement has been achieved.

I have found it necessary to recommend some modifications to the policies of the Plan in order to meet the basic conditions. Many of these are to make the policies sufficiently clear to enable them to be used effectively in decision making. I have also recommended a small extension of the Town Development Area in response to representations received at the s16 as its exclusion appears to me unjustified in terms of the presumption in favour of sustainable development.

I have also found it necessary to recommend several modifications because parts of the policies have not been supported by adequate justification. These relate mainly to some of the specific requirements under the proposed sites for residential development where there are elements of precision or detail which appear somewhat arbitrary and may well preclude other options which would comply with the presumption in favour of sustainable development. In preparing the Plan GDNPSG has assembled a large evidence base, notably a series of detailed briefing papers prepared by Easton Planning. However, the Plan does not draw on this evidence base as much as it could have to provide a reasoned justification for some aspects of the policies.

Some of the modifications relate to the specification of a precise number of dwellings. Others to requirements for the layout of sites or contributions to the provision of open space and other community infrastructure. This does not mean that these elements of the policy cannot be justified, but without appropriate supporting evidence I cannot confirm that these

requirements of the policy meet the basic conditions. I have also found that many of the maps in the Plan are not clearly enough presented to be unambiguous and the varying scales make them difficult to interpret.

Several of the policies seek to place a requirement on developers to consult the Town Council and other local organisations prior to the submission of planning applications. This is undoubtedly good practice but the NPPF makes it quite clear that it cannot be required.

I have concluded that, if the modifications that I have recommended are made:

The Great Dunmow Neighbourhood Plan has been prepared in accordance with Sections 38A and 38B of the Town and Country Planning Act 1990 and the Neighbourhood Planning Regulations 2012;

having regard to national policies and advice contained in guidance issued by the Secretary of State it would be appropriate to make the Plan;

The making of the Plan would contribute to the achievement of sustainable development;

The making of the Plan would be in general conformity with the strategic policies of the development plan for the area;

The making of the Plan would not breach and would be otherwise compatible with European Union obligations and the European Convention on Human Rights.

I am therefore pleased to recommend that the Great Dunmow Neighbourhood Development Plan should proceed to a referendum subject to the modifications that I have recommended.

I am also required to consider whether or not the referendum area should extend beyond the Neighbourhood Plan Area. The Plan covers the whole of the Parish of Great Dunmow and I have seen nothing to suggest that the policies of the Plan will have “a substantial, direct and demonstrable impact beyond the neighbourhood area”.¹ **I therefore conclude that there is no need to extend the referendum area.**

¹ PPG Reference ID: 41-059-20140306

Introduction

1. The Localism Act 2011 has provided local communities with the opportunity to have a stronger say in their future by preparing neighbourhood plans which contain policies relating to the development and use of land.
2. Great Dunmow Town Council is the qualifying body for the Great Dunmow Neighbourhood Development Plan 2015-2032 (which I shall refer to as the GDNP or the Plan). The Plan area covers the whole of the parish of Great Dunmow. It has been prepared by a Steering Group (the GDNPSG) consisting of town councillors, local residents, interest groups and businessmen.
3. Great Dunmow is an historic market town which lies about six miles east of Stansted Airport and adjacent to the A120 trunk road. In 2011 it had a population of 8,800 having increased by around 20% since 2001². Its location within the rapidly growing M11 corridor means that it is faced with significant development pressure and there is already a large commitment to further development as a result of existing planning permissions. Much of the older part of the town lies within a conservation area and the rural setting of the town alongside the valley of the River Chelmer is important to its distinctive character.
4. If, following a recommendation from this examination, the Plan proceeds to a local referendum and receives the support of over 50% of those voting, it can be made and will then form part of the statutory development plan. As such it will be an important consideration in the determination of planning applications, as these must be determined in accordance with development plan policies unless material considerations indicate otherwise.

Appointment of the Independent Examiner

5. I have been appointed by Uttlesford District Council (UDC) with the agreement of Great Dunmow Town Council (GDTC) to carry out the independent examination of the GDNP. I have been appointed through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS).

² The second paragraph of p 13 suggests an increase of 26% but this appears to be an error as both in terms of population and houses from the figures given it is close to 20%

6. I confirm that I am independent of both Uttlesford District and Great Dunmow Town Council and have no interest in any land which is affected by the GDNP.
7. I am a Chartered Town Planner with over 30 years' experience in local government, working in a wide range of planning related roles, including 15 years as a chief officer. Since 2006 I have been an independent planning and regeneration consultant. I have completed 12 neighbourhood plan examinations and three health checks. I therefore have the appropriate qualifications and experience to carry out this examination.

The Scope of the Examination

8. The nature of the independent examination is set out in Sections 8-10 of Schedule 4B of the Town and Country Planning Act 1990.
9. I must:
 - a) decide whether the Plan complies with the provisions of Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. These requirements relate primarily, but not exclusively, to the process of preparing the Plan and I shall deal with these first.
 - b) decide whether the Neighbourhood Development Plan meets the basic conditions contained in Schedule 4B paragraph 8(2) of the Town and Country Planning Act 1990. This element of the examination relates mainly to the contents of the Plan.
 - c) make a recommendation as to whether the Plan should be submitted to a referendum, with or without modifications, and whether the area for the referendum should extend beyond the Plan area.
10. The Plan meets the basic conditions if:
 - a) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Plan;
 - b) the making of the Plan contributes to sustainable development;
 - c) the making of the Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);

d) the making of the Plan does not breach, and is otherwise compatible with, EU obligations.

11. Paragraph 9 of Schedule 4B indicates that as a general rule the examination should be carried out on the basis of written representations unless a hearing is necessary to allow adequate consideration of an issue or to allow a person a fair chance to put a case. In carrying out the examination I came to the conclusion that the examination could be completed without a hearing.

12. The documents which I have referred to in the examination are listed below.

- Great Dunmow Neighbourhood Plan 2015-2032 Submission Version January 2016
- Great Dunmow Neighbourhood Plan Footpath/ Cycleways and Bridleways map, replacement for Fig.40 in submission document
- Report to the cabinet of Uttlesford District Council 25 October 2012 relating to the designation of the Great Dunmow Neighbourhood Plan Area and plan showing the Neighbourhood Plan Area.
- Great Dunmow Neighbourhood Plan 2015-2032 Basic Conditions Statement
- Great Dunmow Neighbourhood Plan 2015-2032 Consultation Statement
- Great Dunmow Neighbourhood Plan Strategic Environmental Assessment September 2015 including:
 - i) Environmental Report: Non-Technical Summary
 - ii) Environmental Report
 - iii) Environmental Report: Annex A – Plans and Programmes
 - iv) Environmental Report: Annex B – Baseline Information
 - v) Strategic Environmental Assessment: Major Modifications Addendum February 2016
- Great Dunmow Neighbourhood Plan 2015-2032 Evidence Base Summary. The summary lists reports and Documents under 5 headings:
 - 1 Reports and Documents
 - 2 Town Council, Steering Group and Other
 - 3 Briefing Papers by Easton Planning 2012
 - 4 Consultations and Responses
 - 5 MiscellaneousI have looked at all of the documents listed in the evidence base and where they have contributed to my report I have referred to them directly.
- Great Dunmow Neighbourhood Plan responses to regulation 16 publicity of submission documents
- Uttlesford Local Plan Adopted 2005
- The Neighbourhood Planning (General) Regulations 2012 as amended in 2015 which are referred to as the NPR

- The Environmental Assessment of Plans and Programmes Regulations 2004 (EAPPR).
- The National Planning Policy Framework which is referred to as the NPPF
- National Planning Practice Guidance referred to as PPG

13. I made an unaccompanied visit to Great Dunmow on 25 April 2016 to familiarise myself with the town and help me to understand the implications of the Plan policies. I spent a day walking round the town and its surroundings to view all the key locations referred to in the Plan.

The Preparation of the Plan

14. An application for the designation of the whole of the parish of Great Dunmow as a Neighbourhood Area was submitted by GDTC to UDC on 21 June 2012. The District Council undertook consultation as required by regulation 6 of the NPR for a period in excess of 6 weeks ending on 17 August 2012 and the UDC Cabinet approved the designation at its meeting on 8 October 2012. The designation was subsequently published on the Council's website in accordance with regulation 7(1) of the NPR.
15. As required under Section 38B (1) (a) of the Planning and Compulsory Purchase Act 2004 the Plan clearly states the period to which it relates, which is 2015-2032.
16. The Plan must not include any provision about development that is excluded development as defined in Section 61K, which is inserted into the 1990 Town and Country Planning Act. Excluded development includes "county matters" such as mineral extraction and waste disposal and major infrastructure projects. I am satisfied that the submitted plan contains no such provision.
17. I am also satisfied that the GDNP does not relate to more than one neighbourhood area.

Public Consultation

18. The process of public consultation on the preparation of the GDNP is set out in the Consultation Statement. Immediately following the designation of the Neighbourhood Area there were several initiatives between August 2012 and mid-2013 to engage with the local community so as to create awareness of the Neighbourhood Plan process,

identify the key issues to be addressed by the Plan and begin to establish the approach that the Plan could take. These included:

- The distribution of a questionnaire to households in Great Dunmow to which there were responses representing 821 people about 10% of the adult population;
 - A public photography competition about what's good and bad in Great Dunmow;
 - The establishment of expert subgroups within the steering group to engage with relevant stakeholders to identify issues and needs associated with the growing population of the town;
 - Workshops and meetings for various groups including: young people, healthcare professionals, Chamber of Trade;
 - A community workshop facilitated by Rural Communities' Council of Essex which explained the potential of neighbourhood planning and gave participants a chance to have an input of four different themes;
 - A survey of businesses;
 - A Community Exhibition attended by over 300 people in June 2013. This was an important stage as it drew together in some detail the issues identified in the first phase of consultation, presented a vision for Great Dunmow and began to set out how the issues could be addressed in the Plan;
19. This represented a very substantial commitment to ensuring awareness of the process of preparing the GDNP and ensuring that the issues of concern to the community were addressed by the Plan where appropriate. The Consultation Statement helpfully summarises the issues raised and briefly describes how they are addressed by the Plan.
20. From mid-2013 to mid-2014 the scale of consultation activity was less as the draft plan was prepared leading up to Pre-Submission Consultation from 31st July to 25 September 2014. At this stage there was a major attempt to engage the community. A leaflet outlining how to view the plan and comment on it was distributed to all households. Similar information was distributed through sports centres, schools, the church magazine, the carnival programme and through other community based organisations. The Consultation Statement sets out clearly who was consulted at this stage and comments received in response to this publicity are recorded in the

Consultation Statement together with the response of the GDNP to the comments raised.

21. During the preparation of the Plan the Uttlesford Local Plan (ULP) was emerging and submitted for examination. However, following this first round of Pre-Submission Consultation, the Uttlesford Local Plan was withdrawn on the basis of concerns expressed by the Inspector about its ability to meet objectively assessed housing need and the proposed new development at Elsenham. As a result of this withdrawal it was not possible for the GDNP to be based on the Strategic Environmental Assessment (SEA) of the emerging ULP and UDC advised GDPC that the Plan would require its own SEA. This is dealt with later in my report but it meant that there was a need for a further round of Pre-Submission Consultation when the SEA had been completed. This took place from 19 September to 31 October 2015.
22. The consultation was launched at the Dunmow Carnival on 19th September and there was an event at the Great Dunmow Library to answer questions on 24 October 2015. Leaflets were distributed at the Carnival saying where the Plan could be viewed and how to make comments. There was also an item in the Dunmow Broadcast containing this information.
23. The Consultation Statement sets out clearly the list of statutory consultees, landowners/agents, community organisations and local businesses who were consulted at both stages of pre-submission consultation. However, in conducting my examination it was not clear from the documentation exactly how the draft Plan had been publicised in a manner likely to bring it to the attention of those who live and work in Great Dunmow but are not formal consultees. I therefore sought clarification of this with regard to both stages of pre-submission consultation and in particular with regard to the distribution of the leaflet at Appendix Y of the Consultation Statement relating to the second stage of Pre-Submission Consultation and the contents of the article in the Dunmow Broadcast which is distributed to all households. I now understand that the leaflet at Appendix Y was distributed with the Dunmow Broadcast edition of 26 September 2015. Both the article in the Dunmow Broadcast and the leaflet made clear where the draft Plan could be inspected and how comments could be made. The e mails clarifying this for me are attached as Appendix 1. On the basis of this clarification I am satisfied that the Draft Plan was publicised adequately and in accordance with the regulations.

The Development Plan

24. The statutory development plan is made up of:
- The Uttlesford Local Plan adopted in 2005
 - The Essex Minerals Plan adopted in July 2014
 - The saved policies of the Essex and Southend Waste Local Plan adopted in September 2001. The pre-submission draft of the Replacement Waste Local Plan for Essex and Southend is subject to examination at the time of writing.
25. Although only adopted in 2005 the planning horizon for the Uttlesford Local Plan was 2011. It therefore does not provide an up to date strategic context for the GDNP. However, many of its policies are saved. The replacement Local Plan was submitted for examination quite early in the preparation of the GDNP and was at that time expected to provide this strategic context, but, as already referred to, it was withdrawn on the basis of the concerns of the Inspector that it could not be found sound.
26. This absence of a clear strategic context has made preparation of the GDNP more difficult. This is particularly the case because Uttlesford District Council has been unable to demonstrate the availability of a 5 year supply of housing land. Thus in accordance with paragraph 49 of the NPPF there are no up to date policies for the supply of housing land. Therefore, in accordance with paragraph 14 of the NPPF planning permission should be granted for housing development proposals unless “the adverse effects of doing so would clearly and demonstrably outweigh the benefits.”. Several planning permissions for new residential development have been granted in recent years in Great Dunmow on the basis of this absence of up to date policies for the supply of housing. Even if the GDNP is made any policies it contains cannot be regarded as up to date until UDC can demonstrate that there is a 5 year supply of housing land in the District as a whole.
27. The basic conditions simply require that neighbourhood plans are in “general conformity with the strategic policies of the development plan”. However, in relation to emerging local plans, PPG suggests that “the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.”³ Following the withdrawal of the Local

³ PPG Reference ID: 41-009-20140306

Plan, the evidence base for the replacement local plan is still being assembled and it has therefore been of limited value as an input into the GDNP.

28. In the absence of a strategic context for the GDNP the statement of national policy in the National Planning Policy Framework (NPPF) supported by the national Planning Practice Guidance (PPG) is a very important consideration in my examination.

The Basic Conditions Test

29. The Basic Conditions Statement (the BCS) submitted with the Plan correctly sets out the basic conditions which must be satisfied. It then sets out the relationship of the Plan to national policy as expressed in the NPPF. It firstly relates the Plan to the key paragraphs of the NPPF which specifically provide guidance on neighbourhood planning. It then relates each of the policies in the GDNP to the relevant paragraphs of the NPPF.
30. Also relevant to the basic conditions test is “guidance issued by the Secretary of State” as set out in PPG. The Basic Conditions Statement does not consider the relationship of the Plan to PPG but I have had frequent need to relate aspects of the Plan to it.
31. The BCS then goes on to consider the contribution of the Plan to sustainable development by summarising the positive and negative effects of each of the policies with regard to the social, economic and environmental dimensions of sustainable development. In doing this it draws on the detailed SEA which accompanies the submitted Plan.
32. The BCS then sets out the relationship of the policies of the GDNP in relation to the policies of the ULP 2005. In some cases, the ULP policies cannot be regarded as up to date and some of the policies referred to may not be strategic and to this extent the BCS goes beyond what is required.
33. I have found the presentation of the BCS to be a helpful and concise approach. I shall consider the Neighbourhood Plan with regard to basic conditions a), b) and c) in relation to each of its policies but will first consider whether it meets European Union obligations.

European Union Obligations

34. The Environmental Assessment of Plans Regulations (EAPPR) sets out: the circumstances in which a Strategic Environmental Assessment (SEA) is likely to be necessary, the procedures for determining this and those for carrying out a SEA. Uttlesford District Council has determined that a SEA is necessary for the GDNP because the Plan allocates sites for development and is considered likely to have significant effects on the environment. The Council do not appear to have consulted the consultation bodies in accordance with regulation 9 (2) of the EAPPR in reaching this determination, but the determination is included in the scoping document for the SEA on which the consultation bodies were consulted. I am quite satisfied that a SEA is necessary because of the scale of the allocations proposed in the Plan.
35. The SEA has been prepared by Essex County Council Place Services. It consists of a Non-Technical Summary, an Environmental Report with two appendices, one dealing with other Plans and Programmes that may impinge on the Plan and the other with Environmental Baseline information. There is also a Major Modifications Addendum which assesses the amendments to the Plan which were made as a result of the pre-submission consultation.
36. The first part of the Environmental Report defines the scope of the SEA. 9 SEA objectives are identified against which the policies of the Plan are to be evaluated. A detailed SEA Framework is then built up based on key questions and indicators identified from the baseline information and the sustainability issues related to each objective. The consultation bodies were consulted on the scope of the SEA and their comments are taken into account.
37. The non-site allocation policies of the Plan are appraised first and in each case the potential for realistic alternatives is considered. Some recommendations for changes to the policies are made. The site allocation policies are then evaluated in greater detail and finally there is an evaluation of possible alternative sites presenting the reasons for excluding those not included in the assessment and a detailed appraisal of the realistic alternative sites identified. The assessment looks at both positive and negative environmental effects and cumulative of synergistic effects as well as any variations over time.
38. I have taken into account the implications of the assessment for the policies of the Plan, particularly in relation to their contribution to sustainable development when

considering the individual policies, but I am satisfied that the SEA has been conducted in accordance with the EAPPR.

39. The Basic Conditions Statement asserts that the Neighbourhood Plan Area is not close to any European designated nature sites so does not require an Appropriate Assessment under the EU Habitats Regulations. I have seen no comments from English Nature or any other reason to dispute this finding.
40. I am also satisfied that nothing in the GDNP is in conflict with the requirements of the European Convention on Human Rights.
41. I therefore conclude that the GDNP would not breach and would be otherwise compatible with EU obligations.

Vision and Principles

42. The first part of the GDNP usefully assesses “The State of the Parish Today”. It identifies demographic, economic and environmental characteristics of the town which enable the reader to understand the town and the issues which the Plan needs to address. It concludes with a Vision Statement for the town: “Let Great Dunmow be a 21st century market town, vibrant in a rural setting, sustainable, historic, with local opportunities and prosperity, and a destination in its own right.” 17 principles for delivering the vision are then identified. These could also be regarded as aspirations; they are expressed as general statements of what the Plan seeks to achieve. However, they are not expressed as policies and will therefore not form part of the development plan. That said, I find them to be consistent with the requirement to contribute to sustainable development and they do not present any conflict with the basic conditions.

Objectives and Policies

43. The Policies are grouped under 9 topic headings and within these headings there are one or more objectives to which the policies are more specifically related. I have considered each of the policies having regard to the basic conditions. I have also had regard to the views expressed in response to public consultation both in the early stages of the preparation of the Plan and, in particular, in the responses to the regulation 16 consultation. Although I have not referred specifically to all the

representations and suggestions that have been made I have taken them all into account.

44. I am only empowered to recommend modifications where they are necessary to enable the Plan to meet the basic conditions or to correct errors. PPG⁴ requires that policies should be “clear and unambiguous” and “drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications” and some modifications have been recommended with this in mind.
45. I have a general comment at this stage relating to the quality of the mapping associated with the policies. None of the maps includes a scale and the scale used varies greatly from one map to another. Also none of the maps has a key indicating what the notation on the map signifies. In some cases this is relatively self-explanatory but in others it is less so. The combination of these two issues makes it less than straightforward to interpret the maps. For instance, it is relatively clear that the red line in Fig.15 shows the proposed TDA and that the brown shading in Figs.16,17,19, 20, 22 and 23 relates to the location of proposed residential development. However, there is no explanation of what the green areas on Fig.16 or the purple area on Fig.20 is. Similarly, in Fig.18, while it is my interpretation that the hatched area is the area identified as a potential secondary school site, it is not explicit. Moreover, the different scales present a misleading impression of the relative size of the proposals and a reader unfamiliar with Great Dunmow has to determine the location of the map within the plan area. These maps are an essential element of the policy and cumulatively I find that these deficiencies in the mapping fall short of the PPG requirement for clarity and a lack of ambiguity.

Recommendations

To improve the clarity of the maps and enable the policies to meet the basic conditions each of the Figures in the Plan that relate to its policies should be amended to show its scale and a key to identify the significance of any shading or other notation.

Insert a new map to show the location of all the major locations for residential development including the sites north and south of Ongar Road, distinguishing between those which have planning permission for development and those which do not.

⁴ PPG Reference ID: 41-041-20140306

Topic: Sustainability and Deliverability

46. The only objective within this topic is also entitled Sustainability and Deliverability. It simply sets out the intention of the Plan to deliver sustainable development and to be aligned with both higher level planning policy and the intentions of the local community. There are no policies within this section but there are three position statements. These outline the approach that the Plan would like to see in relation to
- The Community Infrastructure Levy
 - Funding Priorities – for the improvement of local infrastructure
 - Viability Assessments
47. The first statement (SD-A) expresses support for the introduction of the Community Infrastructure Levy (CIL) because of the potential for the allocation of 25% of the Levy to the Town Council if the GDNP is made. The second position (SD-B) sets out in very general terms the priority for local improvements in the event of funding becoming available through CIL or planning obligations. The final statement (SD-C) sets out the factors which the Town Council would like to be taken into account when viability assessments are carried out to determine whether S106 or CIL contributions are affordable.
48. It is important to emphasise that these statements do not have the status of policies. Thus for instance the factors for viability statements in the third statement are factors which UDC is asked to take into account rather than requirements that have the force of development plan policy. The Plan makes the distinction clear by presenting the statements in a different way from policies.

Topic: Development and Standards

Objective: Town Development Area

Policy DS1: TDA: Development Limits

49. This policy defines the Town Development Area (TDA) for the purpose of seeking to contain the development of the town to the existing built up area and the areas which are subject to existing planning permissions or are the subject of allocations in the GDNP. Land outside the Town Development Area will be treated as countryside although the development of sporting facilities outside the TDA will be supported subject to other development plan policies. The heading for this section is not consistent with the term Town Development Area and is misleading because the

application of countryside policies does not mean no development. An amendment to the heading is therefore appropriate for consistency and accuracy.

Recommendation

In the heading for Policy DS1 delete “Development Limits” and insert “Town Development Area”.

50. A policy to direct and limit development in this way is regarded as a policy for the supply of housing under paragraph 49 of the NPPF and there is therefore a risk that it would be considered out of date if UDC is unable to demonstrate that there is a 5 year supply of housing land. For much of the time during which the GDNP was being prepared there was not a 5 year supply and the permissions for residential development on land West of Woodside Way, at Brick Kiln Farm and both north and south of Ongar Road, outside the development boundary defined in the ULP 2005, were granted in this context. However there is now a 5 year supply.
51. A neighbourhood plan cannot be expected to ensure that there is a 5 year supply of housing land in the district as a whole and is not tested against the policies of an emerging Local Plan. However recent changes to PPG make it clear that “up to date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development”.⁵ In this respect the context for the GDNP is not straightforward as the emerging Local Plan was withdrawn from examination because the objective assessment of housing need was not considered up to date. The GDNP was following PPG in having regard to the strategic context of the emerging ULP but the withdrawal of the emerging Local Plan has at the same time taken some of the evidence base away from the GDNP.
52. The planning permissions already granted for 2400 dwellings and the allocations in the GDNP for a further 500 dwellings mean that the GDNP provides for 2900 new dwellings in the GDNP area. This represents almost a 75% increase in the number of dwellings in Great Dunmow over the plan period. By any standards this is a very substantial increase. Policy DS1 also provides for infilling within the Town Development Area and thus this number could be increased.
53. One of the key requirements for neighbourhood plans is that they “should not promote less development than set out in the Local Plan or undermine its strategic policies”. The strategic context for the GDNP provides no clear guidance on the scale of

⁵ PPG Reference ID 41-009-21060211

development that should be accommodated. There is therefore no basis for suggesting that the provision that is made in the Plan is insufficient.

54. In considering later policies for the development of land for housing I have had reason to question some of the suggested requirements because of the absence of any clear evidence. However, I do not question the need for the amount of housing that is provided for in the Plan. It is evident from the withdrawal of the emerging Local Plan that there is a shortage of housing land in Uttlesford and a need for a substantial level of new housing. In this context, I find that Policy DS1, subject to paragraph 55 below, is consistent with the requirement to “plan positively for local development”⁶. This does not remove the risk that the policy will be found to be out of date if, there is not a 5 year supply of housing land. However, the most up to date assessment⁷ of the 5-year supply suggests that as at April 2015 there was between a 5.1 and 5.3 year supply of housing land based on different assumptions of household forecasts⁸ and a buffer of 5% which has been supported in recent appeal decisions.
55. I need to specifically consider the objection to Policy DS1 from Strutt and Parker on behalf of Mr D Thompson relating to the exclusion of land at Oaklands south of Ongar Road from the Town Development Area. This is a small roughly rectangular area of land which lies to the west of land south of Ongar Road which has recently been granted planning permission. Another site to the north of Ongar Road has also recently been granted planning permission. In the pre-submission consultation, the Oaklands site, and the neighbouring sites north and south of Ongar Road were excluded from the Town Development Area. The submission version includes the two sites where permission has been granted but not the Oaklands site.
56. The SEA Environmental Report includes a consideration of the alternatives to the sites allocated in the Plan. Its consideration of the Oaklands site (GDUN 33) states in its summary of environmental effects “that the site is not overly constrained regarding the physical environment, with the exception of landscape, which will be a negative effect, and the loss of grade 2 agricultural land. The site would compound issues regarding primary school capacity”. The reason for rejection is: “The site was rejected as it was considered only suitable in conjunction with adjoining sites, impacts relating to noise and its availability during the plan period”. Now that planning permission has been granted for the adjoining site a major plank of this reasoning has been removed. The

⁶ NPPF paragraph 13

⁷ Uttlesford District Council Housing Trajectory and 5 year Land Supply April 2015 (republished November 2015)

⁸ Local Plan Inspector’s conclusion of 580 dwellings pa and SHMA (2015) of 568 dwellings pa.

effects on agricultural land, landscape and primary education are not quoted in the reasons for exclusion and, given the modest scale of the site in relation to the adjoining sites where planning permission has been granted, carry little weight. While the southern part of the site is very close to the A120 this also applies to the adjoining site south of Ongar Road. The exclusion of this small site from the TDA appears anomalous and arbitrary and I have seen no convincing reason for it in terms of the presumption in favour of sustainable development.

Recommendation

In Policy DS1 amend the boundary of the Town Development Area as shown on Fig.15 to include the Oaklands Site referred to as site GtDUN33 in the SEA Environmental Report.

Residential Allocations and Planning Obligations

57. Before considering the policies relating to the development of specific sites for residential development there are some general points that I need to make regarding the requirements that are listed for the provision of community infrastructure and facilities through planning obligations. The sites which are allocated in the Plan fall into two broad categories, those where planning permission has already been granted, at least in outline, and those where it has not. Where planning permission has been granted, there has been detailed investigation through the consideration of the planning applications of the matters to be addressed in a planning obligation. For the other sites this process has yet to take place.
58. It is clearly a main aim of the Plan to ensure that the very substantial new developments that are envisaged contribute to community infrastructure in a way that meets the objectives of the Plan. This is an understandable and laudable aim. However, it is important to emphasise the very strict legislative framework within which planning obligations are to be considered. These are set out in paragraphs 203-206 of the NPPF. "Planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development"

And, "...local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled."

59. These requirements place great limitations on the extent to which a neighbourhood plan policy can define the contents of planning obligations. Unless detailed evidence is available to support the way in which an obligation is to be calculated and to demonstrate its effect on the viability of the proposal it is not possible to say whether the legal requirements above can be met. Where planning permissions have been granted there is more information, but it relates to a particular proposal at a particular point in time. The detailed information on the planning obligations which are proposed in relation to some of the substantial outline permissions is not before me and it is possible that the requirements listed may change if subsequent applications are for a different scale of development or in different market conditions. Because of these limitations, while it is possible to set out in neighbourhood plan policies the general areas in which planning obligations are sought, the policies need to be phrased with sufficient flexibility to recognise that the detailed nature of these obligations can only be determined in the context of a planning application. These general considerations underpin many of the comments that I have made in relation to the individual policies and my recommended modifications.

Policy DS2: TDA: The Existing Helena Romanes School Site

60. The inclusion of the Helana Romanes School site within the Town Development Area is a major change from the Town Development Area in the 2005 Uttlesford Local Plan. Policy DS2 proposes the release of the site for the development of 100 residential units if the Helena Romanes School relocates to another site. The policy also sets out criteria for the development of the site.
61. This is a constructive approach to facilitate increased provision for secondary education for the growing population of Great Dunmow and it is supported by the school. However, there is no clear justification for some of the specific elements of the policy and representations on behalf of the school draw attention to this. This is a recurring theme in my consideration of the policies of the Plan. PPG makes it clear that "Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention of the policies in the draft neighbourhood plan."⁹ In many cases there is no

⁹ PPG Reference ID 41-040-20140306

specific rationale presented for detailed requirements that have been identified and I have found it necessary to recommend the deletion or modification of these elements of the policy in order to meet the basic conditions. Because of the similarity of the format for several of the policies relating to the location of residential development the same reasoning applies to the modifications I have suggested for several policies and I have therefore not repeated it in full.

62. As in all the residential sites the provision is for a precise number of dwellings, 100 in this case. The agents for The Helena Romanes School have suggested the site could accommodate at least 150 dwelling and that evidence submitted for the Call for Sites for the Local Plan demonstrates this. No justification is provided for the figure of 100 dwellings. There is no indication of the area of the site or the proposed density of development. Reference is made to the need to take the relationship with Parsonage Downs into account and to maintain a wildlife corridor to the north of Great Dunmow but it is not explained how this translates into a requirement for 100 dwellings. I cannot determine what the appropriate provision should be with any precision and it is clear that it should be determined through the development of detailed proposals having regard to the other requirements of the policy and the characteristics of the site and its surroundings. The identification of a specific figure would be arbitrary and may not contribute to sustainable development. A modification is therefore necessary to refer to a minimum of 100 dwellings to reflect the enabling nature of the development and meet the basic conditions.
63. The provision that all financial planning gain from this site is reserved for the new secondary school is somewhat ambiguously worded as planning gain is normally a term used to describe benefits in the form of infrastructure provided through a planning obligation. I have recommended a modification to clarify the relationship between the release of the site and the provision of a new school. The reference to the development as “an enabling development” in the first bullet point also addresses this.
64. It would be good practice in accordance with paragraph 189 of the NPPF for development to be carried out in consultation with GDTC and the Parsonage Downs Conservation Group. However, the same paragraph makes it clear that this cannot be enforced and this requirement is therefore not compliant with the basic conditions. The encouragement for community involvement in the supporting text is entirely appropriate.
65. Comments are also made regarding the justification for a footpath running from north to south through the site from the bypass at Woodland’s Park sector 4 to rights of way

through the Woodlands Park sectors 1-3 sites. I accept that neither Fig.11, showing the existing Rights of Way network, or Fig.40 showing the Core Footpath and Bridleway Network for upgrade show the need for such a path. However, it is evident that it clearly makes sense for there to be adequate footpath and cycleway routes to connect the Woodlands Park sector 4 development (which lies outside the parish boundary directly to the north of this site) to the Woodlands Park Sectors 1-3 sites. There is clearly some scope for flexibility in the specific alignment within the phrasing of this element of the policy and I am therefore satisfied that it meets the basic conditions.

66. The second bullet point requires the development to provide footpath and cycleway links from the development to the primary and secondary schools and the Town Centre. Any requirement to contribute to off site infrastructure will need to be the subject of a legal obligation which will satisfy the legal requirements in paragraph 204 of the NPPF. I have no doubt that there is a justification for the development to make some contribution to the provision of footpath and cycleway links. However, I cannot be sure that the requirement to provide these links in their entirety is compatible with the legal requirement for the contribution to be “fairly and reasonably related in scale and kind to the proposed development”. A modification to reflect this is necessary to meet the basic conditions.
67. The agents for The Helena Romanes School also question the justification for the identification of a landscaped buffer of 1.8 hectares to the north and west of the site. The supporting text for the policy does not contain any reference to the need for this buffer, though the policy itself cross refers to Policy NE4: Screening. It may very well be that a buffer of this sort is needed, but the Plan contains no justification for it in principle, still less for its specific size and location. It would clearly influence the scale and distribution of development on the site and I cannot conclude, on the basis of the evidence presented that it is necessary. A modification to delete this requirement but requiring the design of the development to take account of the relationship of the site to the countryside beyond would meet the basic conditions.
68. Representations on behalf of the Helena Romanes School also question the justification for requiring “a substantial landscaped buffer incorporating native trees and hedgerows, and a shrubland area for wild flowers designed so that it can also be used as an informal walkway adjoining the existing properties of Parsonage Downs.” The justification for this is stated to be to add value to the wildlife corridor and to shield the existing properties in Parsonage Downs. This justification is included in the policy.

However, it is justification rather than policy and thus should be within the supporting text.

69. Parsonage Downs is a very distinct area of Great Dunmow with a unique character. It lies within the town's Conservation Area and includes several listed buildings. It is clearly appropriate to protect this character and I accept that the close juxtaposition of new development in the secondary school site and the existing properties in Parsonage Downs is likely to threaten it. However, the need to have regard to this is covered by the 7th bullet point relating to the Conservation Area and Listed Buildings. The integration of new and existing development is an important theme of the Plan and, while some separation may be appropriate, the creation of a barrier between new and existing development is not compatible with sustainable development. The provision of an informal walkway running between the new and the existing development would be an integrating feature, but no clear justification is given for the detailed requirements listed. They are more prescriptive than is necessary as there are almost certainly other treatments which would be consistent with sustainable development. Moreover, protection of the living conditions of the residents of Parsonage Downs and the protection of the character of the conservation area may not require a visual shield or a substantial buffer. Some modification to this bullet point is therefore necessary to meet the basic conditions.
70. The 5th bullet point suggests that the houses should be arranged so that "they centre on open green spaces which also connect to a green-strip pathway around the perimeter." The supporting text suggests this, which is entirely reasonable, but the policy prescribes it. There is no particular justification for this design concept and others may be entirely consistent with sustainable development. Paragraph 59 of the NPPF states that "design policies should avoid unnecessary prescription", and while layout is one of the factors on which some guidance may be appropriate, that does not obviate the need for proportionate justification.
71. The final bullet point is very vaguely worded and its intention is not clear. The wording appears to relate to the possible effect of the proposed development on neighbouring residents and this is a design matter rather than a matter for a planning obligation. An amendment to clarify the intention of the policy is necessary to meet the basic conditions.
72. In the final paragraph there is a reference to implementation of the Master Plan being regulated by a legal obligation. There has been no previous reference to the need for a Master Plan as distinct from the details normally required with a planning application

and for a development of this scale I am not satisfied that one is needed. There is no clear reference to what the legal obligation will relate to. The meaning of this part of the policy is therefore not clear and other elements of the policy relate more specifically to issues which may be addressed by a planning obligation.

Recommendations

In Policy DS2:

Reword the first line to read: “This site shown on Fig.16 is released for the development of a minimum of 100 dwellings if Helena Romanes School relocates...”

delete “All financial gain for this site is reserved to assist Helana Romanes’ School’s chosen relocation site.” And insert in its place: “Permission for the development will not be granted until there is a clear and binding commitment, subject only to funding from the release of this site for development, to the provision of a replacement secondary school.”

delete “Development of this site for residential must be carried out in consultation with Great Dunmow Town Council and the Parsonage Downs Conservation Group.”

Reword the second bullet point to read: “make an appropriate contribution, through a planning obligation to the provision of cycleways / footpaths from the development to the primary and secondary schools and the Town Centre (in accordance with NP policy GA2.”

In the third bullet point delete “and a 1.8hectare landscape buffer to the north and west to form a link with the existing woodland habitats (landscaped in accordance with NP policy NE4: Screening) and insert “and the design of the site will take account of the need to ensure a satisfactory relationship with Fredericks Spring and the open countryside.”

Modify the fourth bullet point to read: “Include a landscaped strip, which may incorporate native trees and hedgerows and a shrubland area for wildflowers, designed so that it can be used as an informal walkway adjoining the new development and the existing properties of Parsonage Downs.” Delete the last sentence of this bullet point.

Delete the fifth bullet point.

Reword the last bullet point to read “be designed to avoid unacceptable harm to the living conditions of neighbouring residents”.

Delete “Implementation of the Master Plan with be regulated by legal obligation in association with the grant of planning permission.

In Fig. 16 delete the green hatched areas and include them in the developable

area.

Policy DS3: TDA: Land South of Stortford Road and Land adjacent to Buttleys Lane

73. The policy proposes the allocation of land for the development of 400 dwellings and the provision of a new secondary school and health centre. It is illustrated by Fig.17 and Fig.18. As explained earlier I have found these maps somewhat unclear, and I have assumed from the text that Fig.18 is intended to show the potential secondary school site. There is also no direct link between the text of the policy and Fig.17. The beginning of the policy refers to “The site” and at first sight it appears to relate to Fig.17. However, there are two maps each showing different sites and it is my understanding that “The site” referred to in the first line of the policy is actually the combined area covered by the brown area in Fig.17 and the hatched area in Fig.18. I have recommended modifications to clarify this in order to meet the basic conditions with regard to the PPG requirement for the policy to be clear and unambiguous.
74. This is a substantial new allocation. It was included in the emerging Uttlesford Local Plan that was submitted for examination but, following the withdrawal of the Local Plan it has been brought forward through the GDNP. This is a good example of effective joint working between the local planning authority and the GDNPSG and demonstrates the Plan has regard to the strategic context and the substantial need for new housing development. There is no clear reasoning for the selection of this site in the supporting text relating to the Policy. However, the SEA Environmental Report presents an evaluation of this site and alternative sites in relation to the sustainability objectives of the Plan and I am satisfied that the allocation of this land will contribute to sustainable development.
75. The policy sets out a list of requirements for the new development, some of which are similar to those relating to Policy DS2 and also appear in subsequent policies. Where the amendments that I have recommended are similar to those in Policy DS2 I have not repeated the reasoning for them in full.
76. Representations on behalf of SBS Ltd and Kier Living, the owners of the site, support this allocation, but make a series of comments regarding the possible effect of the planning obligations on the viability of the proposed development. In particular, they suggest that the requirements to contribute substantially towards the provision of the

new secondary school and a medical centre may reduce the ability to contribute to affordable housing and to other community infrastructure. To address these concerns they suggest that there is a need for some additional flexibility within the policy.

77. The first concern relates to the amount of residential development. The representations also seek some flexibility that would enable the requirements for the provision of the new secondary school and health centre to be given priority within the list of potential planning obligation requirements, including the provision of affordable housing if there is a question over the viability of the development.
78. These concerns reflect the general points that I have made about both the scale of development and planning obligations. It will be essential to determine both the precise amount of development and the scope of the planning obligations that it will be subject to in the context of a planning application. There is no explicit justification for the number of 400 houses that is specified for the site in terms of density or particular site considerations. Some flexibility around the number of dwellings is therefore necessary, particularly as the provision of sufficient funding to facilitate the new secondary school and health centre is an essential element of the policy. As in the case of Policy DS2 I have recommended the use of 400 dwellings as a minimum because of the enabling nature of the development.
79. The neighbourhood plan does not address requirements for affordable housing and these will therefore be determined by the local planning authority. Policy H9 of the Uttlesford Local Plan 2005 indicates that UDC will “negotiate on a site by site basis an element of affordable housing of 40% of the total provision of housing on appropriate allocated and windfall sites, having regard to the up to date Housing Needs Survey, market and site considerations.” This policy is clearly drafted to allow some flexibility to enable it to respond to the consideration of the detailed circumstances of individual sites. Moreover, PPG makes it clear that planning obligations for the provision of affordable housing should be applied with some flexibility¹⁰ However, I accept that there is a need to clarify in the policy that some planning obligation requirements will need to take account of the need for the site to contribute to the provision of a new secondary school and medical centre.
80. The representations on behalf of SBS/Keir also suggest that it is overly prescriptive to specify that the accommodation for elderly people should be in the form of bungalows. I accept that suitable housing for the elderly can come in various forms and that the

¹⁰ PPG Reference ID: 23b-006-20140306

specific requirement for bungalows has not been clearly justified. I have therefore recommended a modification to this requirement that is necessary to meet the basic conditions and is also recommended in relation to several of the other policies relating to the sites proposed for residential development.

81. These representations also suggest that the scale of the landscape buffer with the Flitch Way Country Park needs to be determined in the context of a planning application and I accept the suggested modification of the policy to clarify this.
82. In relation to the 4th bullet point regarding the provision of cycleways and footpath links, it is appropriate to require the provision of footpath and cycleway links to the site of the new secondary school and the Flitch Way as an integral part of the development because both locations are immediately adjacent to the site of the proposed development. Moreover, the Primary School is immediately to the north of the site. However, with regard to the provision of cycle path and footpath links to the town centre the same considerations apply as in relation to Policy DS2. The modification of the 6th bullet point, relating to adverse effects on residential and community interests and the deletion of the last part of the penultimate paragraph relating to the implementation of a Master Plan are necessary for the same reasons as in Policy DS2.
83. The policy also identifies the site as having potential to contribute to the town's sporting infrastructure in accordance with Policy SOS2 and highlights several site specific features including the relationship with properties west of Buttley's Lane and Folly Farm, the impact on the Conservation Area and the need for an archaeological investigation. The final sentence relating to the safeguarding of the secondary school site simply repeats the first sentence of the policy as modified by my recommendation.
84. **Recommendations**
In Policy DS3:
Modify the first paragraph of Policy DS3 to read:
"The site shown in Fig.17 is allocated for the development of a minimum of 400 residential units and a health centre. A site of 14 hectares shown on Figure 18 is protected for the development of a new secondary school."
Delete the first bullet point as it repeats what will be in the first paragraph.
Reword the second bullet point to read: "The development provides for a mixed and balanced community and at least 5% of the residential units across tenure shall be 1 or 2 bedrooms suitable for accommodation for the elderly."
Reword the 4th bullet point to read: "It includes the provision of cycleways/footpath links from the development to the primary school, the site of

the proposed new secondary school and the Flitch Way and makes an appropriate contribution, through a planning obligation to the provision of cycleways / footpaths from the development to the Town Centre (in accordance with NP policy GA2)”.

modify the 6th bullet point to read: “be designed to avoid unacceptable harm to the living conditions of neighbouring residents”.

After the paragraph ending”...with a buffer running either side of the Flitch Way.” Insert a new paragraph:

“These and any other requirements for contributions through a planning obligation will need to take account of the effect on the viability of the development as a whole of the requirement to facilitate the development of the secondary school and medical centre.”

Delete the last sentence of the penultimate paragraph.

Delete the last sentence.

Policy DS4: TDA: Land West of Woodside Way

85. This policy sets out requirements for the development of this very substantial site for 850 units alongside various community facilities There is an inconsistency between the policy and the supporting text regarding the number of houses. The supporting text refers to 790 dwellings whereas the policy refers to 850 dwellings. As in other policies there is a need for some flexibility regarding the scale of development to be consistent with the presumption in favour of sustainable development, but where planning permission has been granted the term “approximately” rather than “a minimum of” is appropriate.
86. This site was granted outline permission for residential development¹¹ for 790 dwellings subject to the completion of a S106 agreement for the provision of affordable housing and the community facilities referred to in Policy DS4. The justification for the requirements in Policy DS4 is very cursory and makes no reference to the provision of a local centre, the site for a primary school, the provision of a community centre, open space and play space. This does not mean that there is no justification for these requirements; there may very well be. However, it is not within my brief to examine the detailed documentation submitted with the planning application and the response of UDC to it. I must focus on the GDNP and the evidence that has been submitted with it.

¹¹ Application ref UTT/13/2107/OP

87. Some of the requirements, where the precise scale of the contribution is not specified, are justified in general terms by other neighbourhood plan policies. It is evident from the scale of the development and from the justification for other neighbourhood plan policies that an appropriate contribution towards these facilities would be necessary but it is not possible to include the specific contributions in the neighbourhood plan without clear justification. Thus for example, while I have no doubt that it is appropriate to require some open space provision as part of a development of this scale I have no evidence to justify 21 hectares of open space, 2 hectares of allotments or a substantial landscape buffer of natural and semi-natural green space to the north and west edges of the allocation. The inclusion of these specific requirements as a condition in the planning permission for the scheme is not sufficient as that evidence has not been included in the justification of the Plan. I am therefore able to accept that a requirement for an appropriate contribution to open space is consistent with the basic conditions but I cannot confirm that there is a requirement for the detailed requirements quoted.
88. The difference between the scale of development in the planning permission and that referred to in Policy DS4 means that I cannot rely on the scale of the contributions specified in the permission. In any event these contributions may be subject to challenge or, if this permission is not implemented, variation as a result of market conditions. Modifications to remove the details of these requirements are therefore necessary to meet the basic conditions.

Recommendations

In Policy DS4:

Modify the first sentence to read:

“The land west of Woodside Way shown on Fig.19 is allocated for approximately 800 dwellings” and amend the supporting text for consistency.

Modify the first bullet point to read: “The development provides for a mixed and balanced community and at least 5% of the residential units across tenure shall be 1 or 2 bedrooms suitable for accommodation for the elderly.”

Modify the second bullet point to read: “It provides for or makes an appropriate contribution towards the provision of a local centre, pre-school and primary education facilities.”

Modify the 4th bullet point to read “It includes the provision of cycleways/footpath links from the development to the primary school and the site of the proposed new secondary school and makes an appropriate contribution, through a planning obligation to the provision of cycleways /

footpaths from the development to the Town Centre (in accordance with NP policy GA2)”.

Modify the 5th bullet point to read: “It provides for or makes an appropriate contribution through a planning obligation to the provision of formal and informal open space, associated facilities such as changing rooms and car parking”.

Modify the 7th bullet point to read: “be designed to avoid unacceptable harm to the living conditions of neighbouring residents”.

Delete the last bullet point.

Policy DS5: TDA: Land West of Chelmsford Road (Smiths Farm)

89. This policy allocates land west of Smiths Farm for the development of 300 housing units and a 70 bed Extra Care Home together with community facilities. It also allocates an area of 2.1 hectares as employment land and for a retail store. There is an inconsistency with the supporting text which refers to 1.7 hectares of employment land. Fig.20 which shows these allocations does not include a key or a scale, though it is evident that the scale is substantially larger than in relation to Policy DS4. Fig.20 also does not include a key to identify the notations on the map.
90. As in the case of Policy DS4 the list of the requirements to be met by this development is extensive and more specific than in relation to other sites. It reflects the requirements for a planning obligation identified in the decision on the outline planning permission, but the justification for the policy provides no detailed evidence to support these requirements. I am therefore unable to confirm that they comply with the basic conditions. Thus for example there is absolutely no evidence to confirm that it is necessary to make the provision of a 70 bed care home a requirement of the policy. It is not mentioned in the supporting text at all. The supporting text for policy DS3 does identify the needs across the district for specialist housing for older people, but that does not explain why the specific provision here has to be part of the development on this site. The fact that it is included in the planning application and the planning permission is evidence that it is acceptable but not that it is a requirement. The same applies to the provision of 1400m² of retail floorspace. As in the case of Policy DS4 that is not to say that a justification for these requirements does not exist, but the justification is not made by the Plan. It is not necessary for me to repeat my reasoning with regard to the requirements that are similar or identical to those I have considered in relation to other proposed allocations where similar amendments are necessary to comply with the basic conditions.

Recommendations

In Policy DS5

Modify the first paragraph to read: “The land west of Chelmsford Road (Smith’s Farm), identified on Fig.20 is allocated for approximately 300 dwellings and 2.1 hectares of employment land. Development may also include a 70 bed care home, as part of the affordable housing provision, and a retail store.

Modify the first bullet point to read: “The development provides for a mixed and balanced community and at least 5% of the residential units across tenure shall be 1 or 2 bedrooms suitable for accommodation for the elderly.”

Delete the second bullet point

Modify the 4th bullet point to read: “It makes an appropriate contribution, through a planning obligation to the provision of cycleways / footpaths from the development to the primary and secondary schools, the Town Centre and the Flich Way (in accordance with NP policy GA2).”

Modify the 6th bullet point to read: “It provides for or makes an appropriate contribution towards the provision of pre-school and primary education facilities.”

Delete the 8th bullet point

Modify the 11th bullet point to read: “be designed to avoid unacceptable harm to the living conditions of neighbouring residents”

Delete the last sentence of the final paragraph.

Policy DS6: Land West of Chelmsford Road (Smith’s Farm) (Waste Transfer Station)

91. It was evident from my site visit that the Waste Transfer Station proposed by this policy has been completed and is in operation. There is therefore no need for the policy.

Recommendation

Delete Policy DS6

Policy DS7: TDA: Woodlands Park

92. Woodlands Park is a large allocation for residential development where 769 houses had been completed by April 2013 and planning permission has been granted for a further 842 dwellings. Permission for a further 125 dwellings outside the parish boundary has also been granted. This is included in Fig.22 but the parish boundary is not clearly identified. Although planning permission has already been granted the Plan cannot make proposals outside its boundaries and thus Fig.22 should show the parish

boundary clearly and distinguish the permission outside the boundary from that within it.

93. In the first bullet point the meaning of “a mixed and balanced community” is not defined and thus this element of the policy cannot be clearly applied. With regard to the other criteria to be met by the development it is not clear to what extent planning obligations are in place for the development that has been permitted and similar considerations apply as to the sites that I have already considered.

Recommendations

Modify the first sentence of Policy DS7 to read:

“Land at Woodlands Park (sectors 1-3) shown on Fig.22 is allocated for approximately 850 residential dwellings”

Modify Fig.22 to clearly show the parish boundary and to show the development permitted outside the boundary in a different notation. Include a key and a scale.

Delete the first bullet point.

Amend the second bullet point to read: “It makes an appropriate contribution, through a planning obligation to the provision of cycleways / footpaths from the development to Tesco, the primary and secondary schools and the Town Centre and the B184 (in accordance with NP policy GA2).”

Modify the 4th bullet point to read: “The development is designed to avoid unacceptable harm to the living conditions of neighbouring residents”.

In the final paragraph delete the last sentence.

Policy DS8: TDA: Land at Brick Kiln Farm

94. The policy provides for the development of 65 dwellings and allocates 9.4 hectares of open space in accordance with a planning permission that has been granted. The area allocated for residential development is included within the Town Development Area and the open space.
95. Similar considerations apply to some of the requirements for the implementation of this development as to those for the other allocated sites. Similar modifications are therefore necessary to meet the basic conditions.

Recommendation

“Modify the first sentence of Policy DS8 to read: “Land at Brick Kiln Farm shown on Fig.23 is allocated for approximately 65 residential dwellings and 9.4 hectares

of public open space.”.

Modify Fig.23 to include a key which identifies the residential and open space areas and include a scale.

Modify the first bullet point to read: “The development provides for a mixed and balanced community and at least 5% of the residential units across tenure shall be 1 or 2 bedrooms suitable for accommodation for the elderly.”

Modify the second bullet point to read “It makes an appropriate contribution, through a planning obligation to the provision of cycleways/footpaths from the development to the Chelmer Valley and the Town Centre (in accordance with NP policy GA2).”

Modify the 4th bullet point to read: “The development is designed to avoid unacceptable harm to the living conditions of neighbouring residents”.

In the final paragraph delete the last sentence.

Objective: Designing Developments for Great Dunmow

Policy DS9: Building for Life

96. The policy supports the use of the Building for Life Standards which set out deliverable standards for 12 topics relating to the design of new developments. Building for Life is a well-respected set of standards and the NPPF places great emphasis on the importance of good design. However, if the standard is to be used in the determination of planning applications it needs to be clear how it will be applied. The wording of Policy DS12 includes modifications in response to comments from UDC on the Regulation 14 consultation which have reduced the clarity and effectiveness of the Policy.
97. The Council commented that it would not be possible to implement a policy that differs from the approach taken across the district. It is important to respond to this comment as there may well be occasions where local planning authorities have to apply different standards in areas where there are neighbourhood plans, where the relevant policies are clearly justified. This objection cannot be used as an effective veto on neighbourhood plan policies. Neighbourhood plans are only required to be in general conformity with the strategic policies of up to date local plans and paragraph 185 of the NPPF states clearly that “Once a neighbourhood plan has demonstrated its conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take precedence over existing non-strategic policies.”

98. However, I can only address the policy in the submitted plan. While the Policy provides strong encouragement for the preparation of a Building for Life 12 (BFL12) assessment it does not provide any clear guidance to a decision maker where no assessment is prepared or where a GREEN score is not achieved against the stated criteria. The wording of the Policy confuses the encouragement given to the preparation of a BFL 12 assessment and the encouragement to developments which achieve the desired outcome from the assessment. It is evident that the intention is first to encourage the preparation of an assessment and second to encourage developments which meet the desired outcomes and I have recommended modifications to clarify these different intentions.
99. The evidence base for the Plan as a whole provides a justification for a focus on the issues of: connections, meeting local housing requirements, character and working with the site and its context. BFL 12 provides a well-established and respected way of addressing these and other issues, but where a BFL 12 assessment is not submitted it would be appropriate for applicants to demonstrate in their own way that these important issues for sustainable development are positively addressed.
100. The encouragement for proposals to achieve “as many GREENS as possible” is insufficiently clear to be applied by a decision maker as it does not make it clear what a decision maker should do where these suggestions are not met.
101. I consider that it would be unduly onerous in terms of the presumption in favour of sustainable development for all residential developments to be required to meet these requirements but it would be reasonable to expect this in respect of major applications¹². The modifications that I have proposed are therefore necessary to meet the basic conditions.

Recommendations

Reword the Policy DS9 to read:

“Applicants for major residential development are encouraged to submit a Building for Life 12 (BFL12) assessment in support of the application. A self assessment by developers may be submitted with either a full planning application or reserved matters application in cases where outline permission has been granted.

Where a BFL12 assessment is submitted applicants are strongly encouraged to achieve GREEN scores against: criteria 1(Connections), 4(Meeting Local

¹² Based on the government definition as a development of 10 dwellings or more

Housing Requirements), 5 (Character), and 6(Working with the site and its context).

Where no BFL12 assessment is submitted the applicant will be required to demonstrate in their own way that the proposed development will contribute to sustainable development having regard to: Connections, Meeting Local Housing Requirements, Character, and Working with the Site and its Context.

Policy DS10: The Case for Space

102. The policy seeks to encourage new development to meet and preferably exceed the minimum space standards set out in the Nationally Described Space Standards published by DCLG in 2015. However, the purpose of the national standards was to avoid the need for a plethora of different local standards. When they were published the Ministerial Statement of March 2015 stated “Planning Update March 2015, Ministerial Statement, section headed Plan Making. “local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.” While this policy does not introduce new standards it does not provide helpful guidance to a decision maker in the determination of applications and therefore does not meet the basic conditions. The national standards set the minimum requirements, but a failure to exceed them would not be a legitimate reason for refusing an application.

Recommendation

Delete Policy DS10 and supporting text..

Policy DS11: Hedgerows

103. The policy aims to encourage the use of hedgerows to assist biodiversity and provide attractive living spaces in residential developments. While I accept that hedgerows can make a major contribution and it is appropriate to encourage them, I am not persuaded that they would be necessary or appropriate in all developments of 10 dwellings or more. Much will depend on the style and density of the development and its context. A minor modification to provide for an element of flexibility is recommended.

Recommendation

In Policy DS11 insert “where appropriate” after “...ensure that”.

Policy DS12: Eaves Height

104. Policy DS12 aims to preserve and enhance the positive aspects of the character of Great Dunmow and identifies one element of this to be the predominance of two-storey buildings in terms of eaves height. This type of policy can be too rigid to be consistent with the presumption in favour of sustainable development but here it is phrased with sufficient flexibility to allow exceptions to this general rule where this would be acceptable in relation to the existing character of the vicinity. However, the last sentence of the supporting text referring to the alignment of buildings parallel to the road is phrased as a policy. There is no evidence to support it and it would not carry weight as it is not part of the policy. It should therefore be deleted to avoid ambiguity.

Recommendation

Delete the last sentence of the supporting text for Policy DS12.

Policy DS13: Rendering, Pargetting and Roofing

105. The policy relates to the external materials to be used on new dwellings and offers support for the use of pargetting using traditional Essex and Great Dunmow themes. The policy is consistent with the support for the promotion of local distinctiveness in paragraph 60 of the NPPF and meets the basic conditions.

Policy DS14: Integration of Affordable Housing

106. This policy seeks the effective integration of affordable housing in new developments and to ensure that it has the same level of accessibility as market housing. This aim is consistent with sustainable development. I am uncertain as to the precise meaning of the last line of the policy. It does not seem to add anything to the earlier requirements and it is not clear to me how it would be applied. The deletion of this part of the Policy is therefore necessary to meet the basic conditions.

Recommendation

in Policy DS14 delete "...and must be catered for to the same level of accessibility as the private units."

Policy DS15: Local Housing Needs

107. The policy aims to ensure that major new housing developments provide a choice of housing needs. It identifies the specific needs for two or three bedroom houses and for 5% of developments of over 20 units to be bungalows. It is entirely appropriate to influence the type of housing in order to meet local needs. The needs related to

houses of two or three bedrooms are supported by the West Essex and East Hertfordshire Strategic Housing Market Assessment and the policy quite rightly recognises that these percentages may, at some point, need to be changed on the basis of a more up to date assessment. However, the requirement for bungalows is expressed very precisely and without clear justification. It is based on a recommendation from the Uttlesford Housing Strategy 2012-2015 that such a policy should be included in the emerging Uttlesford Local Plan. However, it is unclear what the justification was and it is expressed very precisely with no provision for either more or less than 5% of the dwellings to be bungalows. There is clear evidence of a need for housing for the elderly, but this may take various forms and need not necessarily consist of bungalows. I find no adequate justification for the proportion of new housing development that should be bungalows to be specified.

Recommendation

**In Policy DS15 delete “5% on all schemes above 20 units are to be bungalows.”
And replace with “At least 5% of dwellings on all schemes of over 20 units
should be 1 or two bedroom dwellings suitable for the elderly.”**

Topic: Landscape Setting and Character

Objective: Landscape Setting and Character

108. The objective sets out the general intention to protect and where possible enhance the landscape setting and character in order to maintain the identity of the town.

Policy LSC1: Landscape, setting and Character

109. This policy aims to ensure that all new developments take account of: their context, the character of Great Dunmow as a whole and the approaches to it in particular. It connects with Policy DS9 in seeking proposals that score “Green” against criteria 5 and 6 in the BFL12 assessment. Achieving this would certainly help to ensure compliance with the aims of the Policy, but Policy DS9 encourages rather than requires a BFL12 assessment and it would be inconsistent and unduly onerous to require one here. A modification to clarify this is necessary to meet the basic conditions. The policy also sets out the basic approach to be taken where a landscape character assessment is required. Subject to the modification I have suggested, I am satisfied that it meets the basic conditions.

Recommendation

In Policy LSC1: delete the third bullet point and replace with a new line below the

bullet points “A green score against criteria 5 and 6 in a Building for Life (BfL12) Assessment will help to demonstrate compliance with these aims.”

Policy LSC2: Important Views

110. Policy LSC2 identifies 8 important views around Great Dunmow and aims to prevent development that would adversely affect these views. Development falling within these views would be expected to be accompanied by a Visual Impact Assessment. The policy is a helpful way of defining and protecting the landscape and townscape features that help to define the distinctive character of the town. The policy is phrased so as not to preclude development that would affect these views and thus allows for the potential for development and buildings to have a positive effect. However, it does not allow for the benefits of any development to outweigh the harmful visual effect. Thus, as currently phrased, any harmful effect, however small, would require the proposal to be refused. To be consistent with the presumption in favour of sustainable development there needs to be provision for such a balancing exercise.
111. The supporting text to the policy refers to view cones being defined on the map. However, I found the map difficult to interpret as it does not show a view cone but an arrow pointing to a location without any indication of the direction of the view. It is not clear to me whether the photographs, which are not very clear in some instances, are intended to define the scope of the view or simply indicate the nature of it. Policies for development in the countryside already provide substantial protection from development and it is not appropriate in terms of the presumption in favour of sustainable development to use a policy to protect views to add a further layer of protection to wide swathes of countryside on the periphery of the town. Thus the scale and direction of the view must be clearly defined. In several cases the photographs do not reveal any distinctive features. In the case of view 4 it is not clear whether the view is to the west or the east. If it is to the west it appears that the recent planning permission may well have the effect of changing the view to the extent that the validity of the policy is seriously compromised. If it is to the east this is a view that is not readily available because of the high hedge to the east of St Edmunds Lane. The description of the view as “a rural landscape” is not sufficiently distinctive to merit special protection in this way. The latter point also applies to view 5 where the nature of the view and the description do not convey any clear reason for the view to be distinguished from other views of the countryside. It also appears to me that the recent planning permission south of Ongar Road will have the effect of profoundly changing the character of view 7. The modifications I have recommended below are to reflect

the points I have made and thus enable the policy to meet the basic conditions.

Recommendations

At the end of the first sentence of Policy LSC2 add “unless the harm can be effectively mitigated or is clearly outweighed by the benefits of the development proposed”

Delete views 3,5 and 7

Modify Fig.29 to clearly show the direction and scope of the view to be protected and delete views 3, 5 and 7.

Delete references to views 3, 5 and 7 in the supporting text.

Policy LSC3: The Chelmer Valley

112. The policy identifies the very distinct contribution that the Chelmer Valley makes to the setting and character of Great Dunmow and seeks to protect its distinctive features. The Briefing Paper referred to in the supporting text provides clear justification for the policy and highlights the sensitivity of the valley to potential change. The policy provides for the possibility of exceptions to the policy for essential utility works in terms similar to those I have recommended for Policy LSC2. However, there may be other potential developments compatible with the open space and recreational uses of the valley which would contribute to sustainable development and the scope for exceptions needs to be widened to include these, in order to meet the basic conditions relating to the presumption in favour of sustainable development. The policy refers to “The Proposals Map”, but I cannot identify this and I believe the reference should be to Fig.31.

Recommendation

In Policy LSC3 delete “Proposals Map” and insert “Fig.31”.

After “...essential utility works” insert “and other development related to or compatible with the open space and recreational uses of the valley.”

Policy LSC4: Local Green Space

113. The policy identifies 11 locations for designation as Local Green Spaces in accordance with paragraph 76 of the NPPF. While referring to this paragraph the reasoned justification does not explicitly address the relationship of these spaces to the very specific criteria in paragraph 77 of the NPPF. These require that the space should be:
- reasonably close to the community that it serves
 - demonstrably special and hold a particular significance

- local in character and not an extensive tract of land

I visited all of these spaces on my visit and I have considered them in this way.

114. 1) Parsonage Downs Parsonage Downs is a very distinctive open space on the northern approach to the town. It is clearly special to the community because of its visual significance, its recreational value and its relationship with the listed buildings that border it. It is quite appropriate for Local Green Space designation.
115. 2) St Mary's Church Riverside Walk This is a small garden close to the church which has been created by the community. It offers a peaceful and secluded area with a very distinct character and is appropriate for this designation.
116. 3) Recreation Ground The Recreation Ground is a relatively large area running along the Chelmer Valley to the east of Great Dunmow and as such will enjoy the protection offered by policy LSC3. At the northern end it has a relatively formal character with sports pitches and a pavilion while at the southern end it is of more significance as a riverside walk and for informal recreation. It offers a convenient pedestrian route between the town and the development off St Edmunds Lane. It could be argued that it is too extensive an area for designation as Local Green Space, but it is all closely related to the community it serves and plays a special part in defining local character. It could easily be identified as two or three adjoining spaces each with its own character, but in my judgement this would serve no useful purpose and I am satisfied that the area as a whole is appropriate for Local Green Space designation.
117. 4) Doctor's Pond and Talberds Ley These two adjoining spaces close to the centre of the town are a major asset to the town. The south facing grassland sloping down to Doctor's Pond forms an ideal recreational space and relates attractively to the town centre and the surrounding development on the Downs. It entirely meets the criteria for Local Green Space.
118. 5) Newton Green Newton Green is a relatively large area of amenity space which is surrounded by residential development in Newton Green. It is clearly integral to the design concept of the development and is evidently important as a play space. It is entirely appropriate as a Local Green Space.
119. 6) Area off Stortford Road This is an attractive area of grassland with mature trees adjacent to the junction of Stortford Road and the B1256. It is screened from the road by shrubs and trees and it is a surprising and attractive space of particular importance to the residents of the dwellings that border it to the north. I am satisfied that it meets

the criteria for a Local Green Space. However, there appears to be a conflict between this policy and Policy HSTC2 relating to a possible coach park on part of the site. As Local Green Spaces are intended to be capable of enduring beyond the plan period this is clearly a conflict that must be resolved, and my consideration of Policy HSTC2 suggests that this should be by the deletion of the proposal for a coach park.

120. 7) Allotments This is a substantial area of allotments that it is evidently very well used. It is clearly an important facility that is well related to the area it serves and is appropriate for Local Green Space designation.
121. 8) Scout Grounds This is a relatively small rectangular site adjacent to the recreation ground but also easily accessible on foot from the town centre. It effectively provides a facility within the town for outdoor activities, which are more normally pursued in a rural setting. It is clearly a very valuable asset for the community and appropriate for Local Green Space designation.
122. 9) Lime Tree Hill. This wide verge strip of verge with mature trees occupies a prominent position at the junction of the B1008 and the B1057, which connects the main built up area with Church End. It lies to the north of the recreation ground and contributes significantly to the green and spacious character of the northern approach to the town. I am satisfied that it meets the criteria for Local Green Space.
123. 10) Lower Mill Field This is a small but important green space adjacent to a children's play area in a part of the town where there is relatively little green space. It is appropriate for Local Green Space designation. The scale of the map in relation to this space means that it is not possible to define its extent from the map, and a larger inset map is necessary to enable decision makers to apply the policy consistently and thus meet the basic conditions.
124. The sites for Local Green Space designation have been very carefully selected and all meet the appropriate criteria. The policy in relation to development on these Local Green Spaces is also appropriately worded as it allows for development which is consistent with the function of the site where the benefit outweighs any harm.

Recommendation

In Fig.32 insert an inset at a larger scale to clearly identify the extent of the Lower Mill Field Local Green Space.

Objective: Assets of Community Value

Policy LSC5: Assets of Community Value

125. The objective sets out the importance of Assets of Community Value and the intention to protect them. The supporting text lists Assets of Community Value that have been identified by GDTC and approved by UDC. The policy supports development that would enhance the community value of an Asset of Community Value and resists development that would result in the loss of or harm to one unless it can be demonstrated that the operation or community value of the asset is no longer viable. In some cases, the policy provides a double layer of protection as some Local Green Spaces are also identified as Assets of Community Value. I am satisfied that the policy meets the basic conditions.

Objective: The Historic Environment

126. There are no policies relating to the historic environment so the Plan relies on the national and local plan policies to protect it. There is however a position statement committing the Town Council to protecting and maintaining the historic assets of the town.

Objective: The Flitch Trials

127. Again there is no policy relating to the Flitch Trials but supporting text describes their significance in terms of the town's identity and a position statement commits the Town Council to supporting the trials.

Topic: The Natural Environment

Objective: Biodiversity and Nature

128. This objective aims to maintain and enhance the biodiversity of Great Dunmow and the countryside around it.

Policy NE1: Identified Woodland Sites

129. The woodlands around Great Dunmow make an important contribution to the setting of the town and this role will become even more important as the substantial development envisaged during the plan period is completed. The policy aims to protect 9 areas of ancient woodland and their settings by ensuring that only development that contributes to their biodiversity and the value of their setting is

permitted. I am satisfied that the policy is entirely consistent with the support in the NPPF for protection of the natural environment and the maintenance of biodiversity and is consistent with the basic conditions. There is however a need for the sake of clarity to link the policy with the sites identified on Fig.34.

Recommendation

Amend the beginning of the second sentence of Policy NE1 to read “The sites identified in Fig.34, and their settings are to be protected....”

On Fig.34 indicate the scale of the drawing.

Policy NE2: Wildlife Corridors

130. This policy identifies three wildlife corridors on the fringes of Great Dunmow and seeks to enhance them by seeking additional tree corridors or water bodies to help connect the woodland with the open space network, as part of new development proposals or to be secured through section 106 agreements. The wildlife corridors are shown diagrammatically on a reduced version of Fig.9 and the Flitch Valley corridor to the south of the town in particular passes through some of the sites for major development. However, it does not suggest constraints on development, rather that the potential to enhance the wildlife of these corridors as part of the development is taken. This policy is also compliant with the approach of the NPPF to biodiversity and I am satisfied that it meets the basic conditions.
131. The policy refers to the map overleaf, when it is in fact next to the policy. However, the reproduced and reduced Fig.9 is at too small a scale to be easily read. These issues are addressed in my recommendations below.

Recommendations

In the first paragraph of Policy NE2 amend the last sentence to read “Wildlife corridors are identified on Fig.9, reproduced below (or overleaf if that is the case)”.

Replace the reduced version of Fig.9 with the full scale version on P29.

Objective: Trees

132. This objective identifies the importance of trees in making Great Dunmow a green and pleasant place to live and work in. It stresses the importance of planting the right trees in the right places and aims to make Great Dunmow a town of tree lined avenues and landscaped open space.

Policy NE3: Street Trees on Development Sites

133. Policy NE3 aims to encourage the planting of street trees in new developments and to ensure that the species chosen are appropriate for the location. It sets out criteria to be taken into account in selecting trees. This is a thoughtful policy which is backed up by evidence from the Town Design Statement on the need for tree planting in new developments and by informed advice on the types of tree that may well be suitable. The last sentence requires consultation with local wildlife groups in the choice of trees, but this does not comply with the statement in paragraph 189 of the NPPF which makes it clear that developers may be encouraged but not required to engage with the community in developing their proposals. Subject to modification to reflect this I am satisfied that the policy meets the basic conditions.

Recommendation

Delete the last paragraph of Policy NE3 and insert into the supporting text after “...optimum for street planting in Great Dunmow” “Developers are encouraged to consult with local wildlife groups in selecting the types of tree that may be most appropriate for their development and may expect the Town Council to put them in touch with these groups on request.”

Policy NE4: Screening

134. This policy sets out a similar approach to that in Policy NE3 to the development of proposals for tree planting in open spaces or to provide tree screens. I am satisfied that it meets the basic conditions subject to the same modification as that proposed for Policy NE3 regarding consultation with local wildlife groups.

Recommendation

Delete the last paragraph of Policy NE3 and insert into the supporting text after “...optimum for open spaces and shielding in Great Dunmow.” “Developers are encouraged to consult with local wildlife groups in selecting the types of tree that may be most appropriate for their development and may expect the Town Council to put them in touch with these groups on request.”

Topic: Sports and Open Spaces

Objective: Sports and Open Spaces

135. The objective aims to support the sporting community and to provide sufficient facilities in terms of quality and quantity for training for local clubs. It aspires to making the

quality of facilities part of Great Dunmow's identity.

Policy: SOS1: Identified Sports' Facilities

136. The policy identifies the main sports facilities in the town and indicates that proposals which would cause the loss of any of these will be refused unless alternative provision of the same quality is secured. It also seeks to ensure that sports fields are designed to support biodiversity and wildlife corridors. I am satisfied that the aims of the policy are consistent with the basic conditions and in particular with paragraphs 73 and 74 of the NPPF. There is no clear cross reference to Fig.35 and the wording of the first sentence of the second paragraph does not appear to make grammatical sense. Modifications are therefore necessary to make sure that the policy can be applied clearly and consistently.

Recommendations

In the first sentence of Policy SOS1 delete "the following" and after "...sporting assets" add "listed below and shown on Fig.35, unless alternative provision of the same quality and in a suitable location is secured. Where it is not practical to provide replacement facilities immediately temporary provision will be sought." Continue with the list and the last sentence.

Policy: SOS2: Sporting Infrastructure Requirements

137. The supporting text for this policy describes the existing shortage of sporting facilities in Great Dunmow and sets out the importance of new facilities having regard to the substantial increase in the population of the town that is envisaged. The importance of good quality sports facilities as a component of the quality of life for residents of the town is given high priority. On the basis of this evidence the policy requires proposals for new residential development to be accompanied by an assessment of need for additional sports provision and for identified need to be met through financial contributions or as an integral part of the development.
138. I have already referred to the statutory tests for contributions through planning obligations. While it is entirely appropriate for contributions to be sought to meet needs directly related to the new development, contributions may not be sought to meet existing deficiencies. That would not meet the test of being "fairly and reasonably related in scale and kind to the proposed development".
139. It would also be unreasonably onerous for developers to assess the existing provision within the Great Dunmow Neighbourhood Plan Area for each proposal. It may well be

that the local planning authority may wish to take account of this in determining the appropriate form that a contribution should take. For example, the provision of a site for a new facility, that is needed because of an existing deficiency, or a contribution towards it, may be the appropriate way of responding to the additional need generated by the development. As presently worded the policy suggests that any need identified should be met by the new development. This is clearly not justifiable as it would not for instance be reasonable to expect a housing development of 31 dwellings to provide a new swimming pool. If the Community Infrastructure Levy is introduced, the Town Council will be able to decide whether it wishes to use the levy to provide additional sports facilities and Position Statement SDA-B places a high priority on sports facilities in this regard.

140. There is no clear justification for the threshold of 30 dwellings for this policy. In response to comment from UDC the Consultation Statement suggests that the policy should apply to major residential proposals. This would reduce the threshold to 10 dwellings but would be less arbitrary. The last sentence of the policy is simply a statement and not a policy. Some modification of the policy is necessary to address the points I have raised in order to satisfy the basic conditions.

Recommendation

In Policy SOS2:

Reword the first paragraph to read: "Proposals for major residential development will be required to be accompanied by an assessment of the need for additional sports provision that would be generated by the new development. Where additional need is identified it should be met through a planning obligation, where the legal requirements are met, or, where appropriate, as part of the development scheme.

Delete the second bullet point.

Delete the final sentence.

141. The policy is followed by position statement SOS-A which commits the Town Council to seeking the provision of a new swimming pool on the site of the proposed secondary school.

Objective: Children's Play Space

142. This objective aims to ensure that Great Dunmow is served by adequate good quality children's play space within easy walking distance of residents.

Policy SOS3: Children's Play Space

143. Under this policy, proposals which would damage the usability of children's play areas would be rejected. The policy does not identify any exceptions and is thus too rigid to meet the presumption in favour of sustainable development. A modification which would permit change where replacement or mitigation of any harm are provided would overcome this. Direct reference to the map is required for clarity.

Recommendation

Reword Policy SOS3 to read: "Development proposals will be rejected which damage the usability of the children's play areas identified in Fig.38 unless appropriate mitigation or the provision of replacement play space in a suitably accessible location ensures that the amount and standard of play space is not diminished."

Objective Cemetery Space

144. The objective aims to maintain an adequate supply of cemetery space.

Policy SOS4 Cemetery Space

145. This policy allocates land owned by the Town Council as burial space. The policy is consistent with the basic conditions but direct reference to the map is necessary for clarity. The policy also refers to cremations, which is misleading as it is I believe intended to refer to the burial of ashes, rather than cremations. The term "burials" is sufficient for this purpose.

Recommendation

In Policy SOS4 replace "the map below" with "Fig.39". Delete "and cremations".

Objective Allotments

146. The objective aims to protect and manage allotments for the community and is supported by a position statement which would welcome additional allotments.

Topic: Getting Around

Objective: Footpaths and Bridleways

147. The objective aims to achieve an integrated network of footpaths and bridleways that serves the town and its surroundings and to maintain and enhance them.

Policy GA1: Core Footpath and Bridleway Network

148. The justification for this policy highlights the issue of a lack of continuity of footpaths in and around the town that reduces their effectiveness. It explains the priority attached by the community to this issue and the importance of taking opportunities presented by new development to upgrade the network.
149. The policy requires all development proposals to retain existing footpaths and bridleways and connect them to the green infrastructure network; it also expects development to create or enhance identified improvements to the footpath and bridleway network. The policy complies with the strong emphasis in the NPPF on improving opportunities for pedestrians. I am satisfied that the policy meets the basic conditions except that, as I have explained in relation to earlier policies, the policy cannot require pre-application consultation. However, encouragement for it is entirely appropriate in the supporting text. The second paragraph of the policy refers both to Fig.40 and to “the map below”. I have established that the two references are to the same map. (See e mails in Appendix 2) In the final sentence the term “strategic development proposals” is used and this needs to be defined so that it can be applied consistently.

Recommendations

In Policy GA1 delete “Consultation with Great Dunmow Town Council and other relevant stakeholders, such as the Flitch Way Action Group must be undertaken prior to submission of the planning applications” and insert in the supporting text after “...delivery of these routes” and consultation with them prior to the submission of planning applications is encouraged.”

Insert of the following words in the penultimate paragraph on page 112 after “...of these routes.” “Consultation on this issue prior to the submission of planning applications with Great Dunmow Town Council and other relevant stakeholders, such as the Flitch Way Action Group and Essex County Council is strongly encouraged.”

In the second paragraph of the policy delete “(the routes preferred by the Flitch Way Action Group and this Plan are illustrated on the map below)”

The term “strategic development proposals” needs to be defined either in the supporting text or in the glossary.

Policy GA2”: Integrating Developments (Paths and Ways)

150. This policy aims to achieve the integration of new developments with the footpath network with provision for cyclists. It complements policy GA1 by making provision for additions to the footpath network. It is consistent with the basic conditions subject to some minor amendments. The first sentence is worded in such a way that integration with the footpath network is the only consideration for development proposals. For clarity this needs to be amended. Also as in relation to previous policies the last paragraph is contrary to the NPPF but encouragement for such pre-application consultation could be included in the supporting text.

Recommendation

Reword the first sentence to read “Development proposals will be expected, wherever possible, to be linked and well integrated with the surrounding footpath and bridleway network”.

Delete the last paragraph and insert in the supporting text before the final paragraph on p115:

“Developers are encouraged to seek advice from the various organisations in Great Dunmow with an interest and expertise in footpath, cycleway and bridleway provision when deciding how and where to locate rights of way in their plans. Developers may expect the Town Council to put them in touch with these groups on request.

Objective: Public Transport

151. The objective is simply for Great Dunmow to be served by a public transport network that is regular, frequent and serves a wide range of destinations. It is supported by a position statement which commits the Town Council to working with bus operators and stakeholders to achieve the objective.

Policy GA3: Public Transport

152. The policy requires the integration of new development into the local bus network and makes provision for developer contributions to achieve this. The latter statement needs some qualification as this will only be possible where the conditions for planning obligations are met.

Recommendation

In Policy GA3 after “...will be sought” insert “where appropriate”.

Topic: The High Street and Town Centre

Objective: High Street Vitality

153. The objective is to ensure that the High Street remains a vibrant shopping centre for the community and to achieve this new shopping development will be focussed on the Town Centre. It is supported by a position statement that commits the Town Council to supporting a range of quality independent shops.

Policy HSTC1: Uses and Variety

154. The policy is positively worded permitting changes of use, where planning permission is required, from A1 (retail) to other class A uses subject to limitations to ensure that a minimum of 35% of the frontage remains in class A1 use and that no more than 5% of the primary retail frontage and 10% of the secondary retail frontage is in A5 (hot food takeaway use). As UDC pointed out in its consultation response there is no definition of what constitutes the primary and secondary shopping frontages and this is necessary for the policy to be capable of implementation. The response to this comment states that this definition is now available but it is not included in the plan.
155. The policy acknowledges that some of the changes of use referred to are now permitted development under the General Permitted Development Order 2015 (GPDO). These include Class A1 to classes A2 and A3. In some cases, there are limitations within the GPDO which would bring these changes of use within planning control under certain circumstances and the SEA refers to the possibility of Article 4 directions being introduced to remove permitted development rights. While the deliverability of the policy may be limited by the permitted development rights the policy as phrased is consistent with the basic conditions.

Recommendation

In Policy HSTC1 insert after the second bullet point “(primary and secondary shop frontages are defined in Fig.44)”.

Insert a new Fig.44 defining the primary and secondary shopping frontages.

156. Under this policy there is a position statement committing the Town Council to ensuring that routes within the town centre for all modes of transport are maintained and signed, planned and designed to support the vitality of the town centre.

Policy HSTC2: Coach Park

157. The supporting text identifies the need for a coach park to support the role of Great Dunmow as a destination for visitors. The policy sets out criteria to be met by proposals for a coach park. The policy also indicates support for a Park and Ride car park within the same site if it meets the same criteria. There is no evidence to support the need for or viability of a Park and Ride site and the site referred to would not be suitable for park and ride in that a coach park is required to be within walking distance of the town centre and a Park and Ride site by definition requires a bus ride to the town centre. Subject to the deletion of reference to Park and Ride the policy meets the basic conditions.
158. Fig.44 illustrates a possible site for a coach park at the junction of Stortford Road and the B1256. However, this site covers part of one of the sites proposed as a Local Green Space. A site which it is intended should remain as a Local Green Space beyond the plan period clearly cannot be a potential coach park. If the Local Green Space designation was modified to exclude the potential coach park it would greatly change the character of the Local Green Space as it would remove the screening from the road offered by the extensive planting on the potential coach park site. Moreover, the size and shape of the possible site is so limited that it is by no means clear that adequate access and manoeuvrability for coaches would be possible. The conflict of this site with the Local Green Space policy means that its identification is not consistent with sustainable development.
159. The policy is supported by a position statement committing the Town Council to seek to develop a coach park. There are further position statements where the Town Council states intention to support the market in Great Dunmow and to generally promote the improvement of the Town Centre.

Recommendations:

In Policy HSTC2 delete the last sentence relating to Park and Ride.

In the supporting text delete the last paragraph on page 121 and delete Fig.44.

Topic: The Economy

Objective: Economic Development

160. The objective aims to increase the employment base of Great Dunmow and to reduce out commuting from the town. It aims to ensure that the transport, employment space

and infrastructure will support this.

Policy E1: Employment Land

161. The policy supports the provision of employment opportunities subject to criteria relating to adequate access, not being detrimental to the environment and other policies in the plan. As currently phrased, the policy does not clearly relate to the development and use of land but a minor modification will address this and enable it to meet the basic conditions.

Recommendation

In Policy E1 reword the first line to read “The development of land and premises to provide employment opportunities will be supported and encouraged subject to:..”

Policy E2: Loss of Employment Land

162. This policy seeks to prevent the loss of employment land to other uses and to improve the appearance and pedestrian access to employment sites. The policy implicitly acknowledges through the use of “where planning permission is required” that in some cases changes of use from employment to other uses are permitted development. It is also consistent with the requirement of paragraph 22 of the NPPF not to protect sites for employment where there is no realistic prospect of the site being used for the allocated use. I am satisfied that the policy meets the basic conditions.

Topic: Healthcare, Education and Infrastructure

Objective: Healthcare

163. The objective is that Great Dunmow should have healthcare facilities that are of sufficient standard and capacity and appropriately located to provide healthcare for the growing and aging population of the town.

Policy HE1: Medical Facilities

164. The supporting evidence highlights the inadequate existing capacity in healthcare services in Great Dunmow at present and the absence of any firm plans to provide medical services for the growing population of the town. It also refers to the top priority for improved medical facilities that was shown in response to public consultation. The policy sets out criteria for the location of new medical facilities. The criteria meet the basic conditions except that the last one related to the internal arrangement of any

building is clearly a matter for the Care Commissioning Group and the health service that would use the premises and is therefore too prescriptive to be compliant with the basic conditions.

Recommendation

In Policy HEI1 delete the last bullet point: Medical Facilities

Objective: Education

165. The objective is that the town will have sufficient and well located educational facilities to serve the town and that it will become a centre of educational excellence.

Policy HEI2: Secondary School Provision

166. The justification for the policy highlights the need for additional provision to meet the needs of the expanding population and sets out criteria for the location or extension of secondary school premises. The criteria are consistent with sustainable development and the other basic conditions.

Policy HEI3: Primary School Provision

167. The policy sets out criteria for the provision of new primary schools. The criteria are similar to those for secondary schools and comply with the basic conditions.

Policy HEI4: Conversion to Educational Use

168. The supporting text identifies the potential for changes of use of existing buildings to provide educational capacity, possibly in the form of Free Schools. The policy sets out criteria which are similar to those for primary and secondary schools with additional criteria relating to the protection of the character of any listed buildings that may be affected and compliance with minimum standards for indoor and outdoor space. The policy complies with the basic conditions.

Objective: Infrastructure

169. The objective is that the physical and social infrastructure of Great Dunmow will be sufficient to meet the needs of its growing population. There is no policy relating to this objective, but there is a position statement expressing the Town Council's intention to support UDC and other authorities in planning for and delivering the necessary infrastructure.

Summary and Referendum

170. The Great Dunmow Neighbourhood Plan has been a very large undertaking for the Town Council and the volunteers who have served on the Steering Group. It is evident that the town is set to grow rapidly over the plan period as a result of planning permissions that have already been granted and the allocations made in the Neighbourhood Plan. The Plan has been positively prepared recognising the need for this new development and focussing on ensuring that it is delivered in a way that will be sustainable and will contribute to rather than harm the quality of life in the town.
171. The Plan recognises that in some respects decisions have already been taken and that in others it will have limited influence. However, it has taken a comprehensive view of the issues that are important to the community and developed thoughtfully worded policies that take account of the legislative context. The very substantial SEA that has accompanied the Plan has been helpful in demonstrating the effect of the policies in the Plan and the alternatives that have been considered. It is also evident that there has been a very strong commitment to public consultation and that a substantial level of engagement has been achieved.
172. I have found it necessary to recommend some modifications to the policies of the Plan in order to meet the basic conditions. Many of these are to make the policies sufficiently clear to enable them to be used effectively in decision making. I have also recommended a small extension of the Town Development Area in response to representations received at the s16 as its exclusion appears to me unjustified in terms of the presumption in favour of sustainable development.
173. I have also found it necessary to recommend several modifications because parts of the policies have not been supported by adequate justification. These relate mainly to some of the specific requirements under the proposed sites for residential development where there are elements of precision or detail which appear somewhat arbitrary and may well preclude other options which would comply with the presumption in favour of sustainable development. In preparing the Plan GDNPSG has assembled a large evidence base, notably a series of detailed briefing papers prepared by Easton Planning. However, the Plan does not draw on this evidence base as much as it could have to provide a reasoned justification for some aspects of the policies.
174. Some of the modifications relate to the specification of a precise number of dwellings. Others to requirements for the layout of sites or contributions to the provision of open space and other community infrastructure. This does not mean that these elements of the policy cannot be justified, but without appropriate supporting evidence I cannot

confirm that these requirements of the policy meet the basic conditions. I have also found that many of the maps in the Plan are not clearly enough presented to be unambiguous and the varying scales make them difficult to interpret.

175. Several of the policies seek to place a requirement on developers to consult the Town Council and other local organisations prior to the submission of planning applications. This is undoubtedly good practice but the NPPF makes it quite clear that it cannot be required.

176. Notwithstanding these concerns, most of the policies comply with the basic conditions and I have concluded that, if the modifications that I have recommended are made:

The Great Dunmow Neighbourhood Plan has been prepared in accordance with Sections 38A and 38B of the Town and Country Planning Act 1990 and the Neighbourhood Planning Regulations 2012;

Having regard to national policies and advice contained in guidance issued by the Secretary of State it would be appropriate to make the Plan;

The making of the Plan would contribute to the achievement of sustainable development;

The making of the Plan would be in general conformity with the strategic policies of the development plan for the area;

The Plan would not breach and would be otherwise compatible with European Union obligations and the European Convention on Human Rights.

177. I am therefore pleased to recommend that the Great Dunmow Neighbourhood Plan should proceed to a referendum subject to the modifications that I have recommended.

178. I am also required to consider whether or not the referendum area should extend beyond the Neighbourhood Plan Area. The whole of the parish of Great Dunmow and I have seen nothing to suggest that the policies of the Plan will have “a substantial, direct and demonstrable impact beyond the neighbourhood area”.¹³ **I therefore conclude that there is no need to extend the referendum area.**

Richard High 16 June 2016

¹³ PPG Reference ID: 41-059-20140306

Appendix 1: e mails relating to clarification of distribution of consultation material

Dear Richard

I have spoken with Caroline and she has informed me that the leaflet referred to in relation to the first phase of pre-submission is Appendix U in the Consultation Statement.

The link below will take you to the Dunmow Broadcast article regarding the first phase of pre-submission consultation:

http://www.dunmowbroadcast.co.uk/news/time_to_have_your_say_on_the_future_of_great_dunmow_1_3725350

Kind regards

Hannah

From: Richard High [<mailto:richardhigh5@btinternet.com>]
Sent: 10 May 2016 16:42
To: Hannah Hayden
Cc: Caroline Fuller
Subject: RE: Great Dunmow NP

Dear Hannah

My apologies for returning to the detail of the consultation arrangements. Further to the e mail from The Town Clerk, I should be grateful for a little more clarification. Would it be possible to see the leaflet referred to in relation to the first phase of pre-submission consultation and the sheet which was hand delivered to all households at this stage if this is a different document.

In relation to the second phase I have already asked about the distribution of the leaflet at Appendix Y, it would also be helpful to see the issue of the Dunmow Broadcast referred to at both stages.

Regards

Richard

From: Hannah Hayden [<mailto:hhayden@uttlesford.gov.uk>]
Sent: 09 May 2016 16:18
To: richardhigh5@btinternet.com
Subject: FW: Great Dunmow NP

Dear Richard

Please see email below from the Clerk. If you have any further questions please let me know.

I have been given all the documents in the evidence base that you stated you may need. There are 2 box files, do you wish me to send them to you or would you rather wait and request what you need as and when?

Kind regards

Hannah Hayden

From: Town Clerk [<mailto:townclerk@greatdunmow-tc.gov.uk>]
Sent: 06 May 2016 13:26
To: Hannah Hayden
Subject: RE: Great Dunmow NP

Dear Hannah,

I am assuming that Richard's second paragraph below relates to the First Round Consultation? The minutes of the steering group meeting held on 21st July 2014 state the way in which the group would engage with different communities, eg:

- The plan will be available online and people will be invited to comment via email,
- Leaflets distributed at leisure centres,
- Darren Dack (group member) will send an email to the sporting community raising awareness of the plan,
- Atlantis Swimming Club will bag-pack at Tesco on 27th September and distribute leaflets,
- Darren will forward an email to the Grey Matter community,
- A visit to old people's homes,
- Primary and secondary schools to be asked to distribute leaflets,
- Public exhibition to be held on 13th September,
- Stall at the carnival on 20th September,
- Advert in the carnival programme,
- Letter in the Broadcast,
- Advert in the church magazine,
- Email to playgroups,
- Leaflets to the Scouts,
- Social event

The only things which did not occur, as far as I know, were the visit to the old people's homes and the social event. In addition, however, a sheet giving details of how to access the plan and how to comment was hand-delivered to all households by the steering group and other town councillors. Daniel and I personally delivered to the whole of the Woodlands Park estate.

Regarding the Second Round Consultation, the following took place:

- there was a piece in the Dunmow Broadcast which goes to every household (should be among the newspaper cuttings),
- a morning 'surgery' was held in Dunmow library on 24th October 2015 attended by members of the steering group and other councillors. Advertised by a banner in the town square and information in the Broadcast.
- Information on the website.
- Poster on the town's notice boards.

In addition to the above, the Neighbourhood Plan was a standing item on all Town Council meetings which are open to press and public. Regular updates were given by the Chairman of the Steering Group and the Town Clerk at these meetings. All meetings are advertised on the Council's website and notice boards.

I have noticed that not all of the Steering Group's minutes are on the website so I have sent them off to our webmaster today to correct this. The inspector can then look at all the minutes and see the progress through the production.

I hope the above is satisfactory.

Kind regards

Caroline Fuller

Clerk to Great Dunmow Town Council

Foakes House, 47 Stortford Road

Great Dunmow, Essex CM6 1DG

Tel: 01371 872406

From: Richard High [<mailto:richardhigh5@btinternet.com>]

Sent: 06 May 2016 09:24

To: 'Hannah Hayden' <hhayden@uttlesford.gov.uk>

Cc: Caroline Fuller <townclerk@greatdunmow-tc.gov.uk>

Subject: Great Dunmow NP

Dear Hannah

I should be grateful if you could clarify a couple of points for me regarding the two rounds of Pre-Submission Consultation.

In particular it would be helpful to know what measures were taken to bring the draft plan to the attention of the general public. The Consultation Statement refers to a presentation to the Great Dunmow Society which is shown at Appendix T, a presence at the Dunmow Carnival and a Community Exhibition of 13 September 2014 publicised by a poster (Appendix U). How were the general public informed of the opportunity to consult, how to view the Draft Plan and how to comment?

With regard to the second round of consultation there is a leaflet shown at Appendix Y publicizing the opportunity to comment. Can you tell me how this was distributed please?

Regards

Richard

Appendix 2 : e mails relating to clarification of Footpath and Bridleway mapping

From Hannah Hayden to Richard High sent on 31 May 2016

Please see response below from Gt Dunmow Town Clerk.

In response to your other question re policy GA1: the last sentence regarding strategic development was included as Essex CC requested it in their consultation response, which can be seen on page 55 of the Consultation Statement.

Kind regards

Hannah Hayden

From: Town Clerk [<mailto:townclerk@greatdunmow-tc.gov.uk>]
Sent: 31 May 2016 11:37
To: Hannah Hayden
Subject: RE: GDNP Policy GA1

Dear Hannah,

Fig.40 does indeed relate to Policy GA1. Unfortunately the map did not fit onto the same page as the policy when the document was printed.

The dotted line on Fig.40 is a route proposed by the Flitch Way Action Group as part of their plan to link up the Flitch Way. Negotiations with landowners and developers have now made this proposal a reality but the path is not in existence quite yet.

Kind regards

Caroline Fuller

Clerk to Great Dunmow Town Council

Foakes House, 47 Stortford Road
Great Dunmow, Essex CM6 1DG
Tel: 01371 872406

From: Richard High [<mailto:richardhigh5@btinternet.com>]
Sent: 29 May 2016 12:22
To: 'Hannah Hayden' <hhayden@uttlesford.gov.uk>
Cc: Caroline Fuller <townclerk@greatdunmow-tc.gov.uk>
Subject: GDNP Policy GA1

Dear Hannah

I'm sorry not to have included these further queries on Policy GA1 in my earlier e mail.

The second paragraph of the policy refers first to the core network as shown on Fig 40 and to upgrades and extensions sought by the Flitch Way Action Group and this Plan on the map below". There is only one map so are these references to the same map.

Related to this question Fig.40 includes a dotted line at the southern end of the town adjacent to the A120, but the map does not identify what this is?

Regards

Richard

Appendix 3: List of errors

- P13 At the end of the penultimate sentence of the first paragraph the word “land” appears to be missing after “agricultural”.

The second paragraph refers to an increase of 26% since 2001. From the statistics given the increase in population is 20.84% and in the number of dwellings 20.19%.

Basic Conditions Statement

- P5 The 4th bullet point refers to the Submission Neighbourhood Plan as January 2015. It should read 2016.

SEA Environmental Report

- P19 Natural England have pointed out a minor error under section 2.3.6 of the Environmental Report. It is incorrect to say that there are no National Nature Reserves in Uttlesford as Hales Wood is a National Nature Reserve, though some distance from Great Dunmow and it would have no effect on the conclusions of the SEA.