UTTLESFORD DISTRICT COUNCIL

THAXTED NEIGHBOURHOOD PLAN DECISION STATEMENT

PROCEEDING TO REFERENDUM

Summary

1.1 Following an Independent Examination, Uttlesford District Council has recommended that the Thaxted Neighbourhood Plan proceeds to Neighbourhood Planning Referendum subject to the modifications set out in Appendix 2 below. The outcome of the Examination was reported to Cabinet on 29 November 2018 where it was confirmed (see Appendix 1) that the Thaxted Neighbourhood Plan, as revised according to the modifications set out below, complies with the legal requirements and Basic Conditions set out in the Localism Act 2011 and with the provision made by or under section 38A and 38B of the Planning and Compulsory Purchase Act 2004. The Plan can therefore proceed to referendum.

1.2 This decision statement can be viewed at:

Uttlesford District Council Offices
London Road
Saffron Walden
Essex CB11 4ER

Monday to Thursday: 8:30am – 5pm
Friday: 8:30am – 4:30pm

Thaxted Community Information Centre
7 Town Street
Thaxted
Essex CM6 2LD

Monday: 9am – 12:30pm
Tuesday: 2pm – 5pm
Wednesday: Closed
Thursday: 2pm – 5pm
Friday: 9am – 4pm
Saturday: 9:30am – 12:30pm

Documents can also be viewed online at: https://www.uttlesford.gov.uk/thaxtednp

2. Background

2.1 On 16 October 2015 Thaxted Parish Council, as the qualifying body, applied to Uttlesford District Council for a designation of a Neighbourhood Plan Area for the purpose of preparing a neighbourhood plan for the whole Thaxted Parish Council area. The Neighbourhood Area application was approved by Uttlesford District Council on 10 December 2015 in accordance with the Neighbourhood Planning (General) Regulations (2012).

2.2 Following the submission of the Thaxted Neighbourhood Plan to the Council, the Plan was publicised and representations were invited. The six-week consultation period closed on 19 June 2018.

2.3 The Council, with the agreement of Thaxted Parish Council, appointed an independent examiner, Mr Tony Burton, to review whether the Plan met the Basic Conditions required by legislation and should proceed to referendum.

2.4 The Examiner's Report concludes that, subject to making the modifications proposed by the Examiner, the Neighbourhood Plan meets the Basic Conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.

3. Decision and Reasons

3.1 The District Council received the Examiner's Report on 28 September 2018. Having considered the Examiner's report and recommendations the District Council decided on 29 November 2018 that for the reasons set out in Appendix 1 of the Decision Statement, that the Examiner's recommendations should be accepted and that the Thaxted Neighbourhood Plan (as modified) should proceed to referendum.

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

"**Do you want Uttlesford District Council to use the Neighbourhood Plan for Thaxted to help it decide planning applications in the neighbourhood area?"**

will be held in the Parish of Thaxted.

3.3 The date on which the referendum will take place is agreed as **24 January 2019**.

APPENDIX 1: Cabinet Resolution in respect of Thaxted Neighbourhood Plan

Decision:

RESOLVED that Cabinet:

i. Accepts the Independent Examiner's recommended changes to the Thaxted Neighbourhood Plan in full as set out in the Schedule at Enc 2 and note the recommendation that the amended Thaxted Neighbourhood Plan should proceed to a Referendum of voters within the Parish of Thaxted to establish whether the plan should form part of the Development Plan for Uttlesford District Council.

ii. Approves the holding of a referendum relating to the Thaxted Neighbourhood Plan on 24 January 2019 that will include all the registered local government electors in Thaxted Parish.

APPENDIX 2

Thaxted Neighbourhood Plan –Schedule of Examiner's Recommendations

DOCUMENT PAGE/POLICY	EXAMINERS RECOMMENDATION	EXAMINER'S REASON	OFFICER RECOMMENDATION AND REASON
Error on date of application of designation **(NP Page 10)**	• Replace "*in December 2015*" with "on 16th October 2015" in paragraph 2.1.4 • [Add to end of paragraph 2.1.4 "The Thaxted neighbourhood area was designated by Uttlesford District Council on 10th December 2015"]	The Plan includes an incorrect reference to the area application being submitted in December 2015 and does not include the date of designation.	Yes – to ensure accuracy.
Error on designation date in Consultation Statement	• Amend the date of designation from *"11th "* to "10th" December 2015 in the Consultation Statement	There is an incorrect reference to the date of designation in the Consultation Statement.	Yes – to ensure accuracy
Front Cover – no indication of Plan Period	• [Insert "2017-2033" under "*Thaxted Neighbourhood Plan*" on the front cover and delete the text in red]	The cover of the Plan as submitted emphasises the date of submission in red text and the Plan period is given a relatively lower profile.	Yes – Highlights the plan period which is more important than the submission date. Submission date will be redundant once plan is made.
General – Policy presentation in whole document	[Further distinguish the Plan policies by placing them each in a simple box]	The policies are distinguished from the rest of the Plan by the use of light blue colouring and bold text. This works to an extent but there will be circumstances, such as where black and white photocopied plans are used, where this could be problematic.	Yes – This will make the Plan user friendly should anyone wish to print black and white copies.
Website References	• Reference and provide a link in the Content to a	The bulk of the evidence base	Yes – to ensure that the NP

	single consolidated evidence base hosted on the Thaxted Neighbourhood Plan website (https://www.thaxtednp.com/documents) as long as there is a commitment to support this into the future. Otherwise host and provide a link to the Thaxted Parish Council website	for the Plan is provided online and the Contents include a list of the relevant documents which are *"available on the website".* It is not clear whether the website reference is to Thaxted Parish Council or Thaxted Neighbourhood Plan and the documents provided vary between these two websites. The Thaxted Neighbourhood Plan website presents the information more clearly, although the SEA Screening should be included with the submission documents.	information is easily accessible to the public.
Mapping - Local Green Spaces **(NP Pages 30 – 31)**and Development sites **(NP Pages 50 – 61)**	• [Add an overview map or maps showing the general location of the Local Green Spaces and development sites]	The Plan includes a number of maps locating Local Green Space and development sites. These are of sufficient quality to identify boundaries. The location of most sites is self-evident, but some sites are difficult to locate. The legibility of the Plan would be enhanced by including an overview map or maps showing the location of all of these sites within the neighbourhood area. In addition a single map or separate maps for Local Green Spaces and development sites could be provided.	Yes – to improve Neighbourhood Plan legibility
Inconsistent heading hierarchy	• Amend the Plan to use a consistent heading hierarchy	The Plan is well structured but generally uses the same	Yes – Facilitates easier navigation of the Plan

(NP Page 10)		weight for all headings wherever they appear in the hierarchy (with anomalies including 1.1 which uses a larger point size and Chapter 2 which is not in bold). This makes the Plan difficult to navigate.	
Errors on Contents Page – mismatch of page and title numbers **(NP Pages 3 – 5)**	• Correct the Contents to accurately match titles and page numbers in the Plan	There are some errors in the Contents – e.g. the section on *"Footpaths"* begins on page 79, the section on Infrastructure begins on page 69 and the heading does not include the words in brackets in the Contents and Policies TX HD11-1 and TX HD11-2 are missing page numbers. Appendix I is referenced incorrectly in the Contents as "*Appendix 1 Liz Lake Proforma 3 in respect of each LPLPC*" on page 86 when it is "*Appendix 1 Liz Lake Proforma in respect of each LPLCA*" on page 87.	Yes – Facilitates easier navigation of the Plan
Omission of two Infrastructure policies from NPPF Assessment ***(Basic Conditions Statement)***	• [Complete the NPPF assessment so it matches the Policies in the submitted plan in an updated Basic Conditions statement]	The Basic Conditions statement provides a table testing compatibility of each of the Plan's policies with relevant sections of the National Planning Policy Framework. This concludes that appropriate regard has been given to the NPPF. The suite of landscape and countryside policies considered incudes policies addi-	Yes – Inclusion of assessment of the two Infrastructure Policies provides a complete assessment of all policies.

		tional to those in the submitted Plan. Two Infrastructure policies are omitted from the assessment.	
Omission of two Infrastructure policies ***(Basic Conditions Statement Page 8)*** and Policy TX HC9 from assessment (NP ***Page 32)***	• [Complete the sustainability assessment so it matches the Policies in the submitted plan in an updated Basic Conditions statement]	The Plan must *"contribute to the achievement of sustainable development"*. This is addressed in the Basic Conditions statement with an analysis that scores the policies against their economic, social and environmental role on a scale of three stars (principally designed to be sustainable) to no stars (neutral). The suite of landscape and countryside policies considered incudes policies additional to those in the submitted Plan and two Infrastructure policies are omitted from the assessment.	Yes – Inclusion of assessment of the two Infrastructure Policies provides a complete assessment of all policies.
Mismatch on housing supply information in Thaxted NP paragraph 6.5.3 and page 5 of the *Assessment of sites for potential development in Thaxted*	□□Update the supporting text in paragraph 6.5.3 to include the latest information on housing supply as agreed with the local planning authority, informed by the information provided on page 5 of the *Assessment of sites for potential development in Thaxted*.	In the absence of a relevant Plan policy it will be for the Local Plan to consider the overall housing requirement for the parish and ensure the necessary provision, informed by that in the Plan if it is made. There is a mismatch between the information on housing supply provided in paragraph 6.5.3 and that on page 5 of the *Assessment of sites for potential development in Thaxted* and it is important that the final	Yes - for accuracy and to provide updated housing figures agreed with UDC

		Plan includes an up to date summary which is agreed between the Qualifying Body and local planning authority.	
DETAILED COMMENTS ON POLICIES			
Policy TX HC1 - Exclusion of Permitted Development Rights (NP ***Page 21)***	• **Delete Policy TX HC1**	Policy TX HC1 does not meet the Basic Conditions. If an Article 4 Direction is introduced at some future stage then this is a matter that could be addressed through a modification to the Plan.	Yes – to ensure the basic conditions are met and the policy is compliant with the legal requirement.
Policy TX HC2 – Colour Treatments (NP ***Page 22)***	• **Delete Policy TX HC2**	Whatever the merits of an Article 4 Direction, it is not a matter for planning policy and nor can a planning policy anticipate a future potential situation in which an Article 4 Direction is introduced during the Plan period. This would not provide the clarity required of the Plan's policies. Policy TX HC2 does not meet the Basic Conditions. If an Article 4 Direction is introduced at some future stage then this is a matter that could be addressed through a modification to the Plan.	Yes – to provide clarity as well as ensure the basic conditions are met and the policy is compliant with the legal requirement.
Policy TX HC3 – Heritage and Development (NP ***Page 23)***	• **Amend Policy TX HC3 to read "Development within the neighbourhood area should have regard to the setting and significance of heritage assets and the character and appearance of Thaxted. All planning applications**	The Policy is prescriptively worded in stating that development shall *"only be permitted"* if it respects the setting and significance of the setting	Yes – Provides for a non-prescriptive policy that is consistent with national policy. This also provides clarity with regards to application

	for development with the potential to impact on any heritage asset should be accompanied by a Heritage Statement that describes the significance of the asset and assesses the impact." • Add to the supporting text "When preparing a Heritage Statement, applicants should have regard to the Historic Settlement Character Assessment for Thaxted (2009), Heritage Assessment (Grover Lewis Associates, 2016) and Central Area Assessment (2016) included in the evidence base for this Plan." • Add "and the significance of heritage assets and character of Thaxted" after "*setting*" in section title	and that it *"shall be refused"* where it causes harm. This is unduly prescriptive and is not consistent with national planning policy which distinguishes between substantial and less than substantial harm to designated heritage assets and also the importance of non-designated heritage assets (NPPF paragraphs 133-135.) Policy TX HC3 is contained within a section titled *"The importance of setting"* but it also addresses the much wider issue of the significance of heritage assets and the section heading should reflect this. The Policy should relate to the "neighbourhood area" rather than the parish, which has the potential to be amended during the Plan period. There is a lack of clarity in applying the policy to the *"village"* as there are other small settlements in the neighbourhood area in addition to Thaxted. 63. The second part of the Policy relates to a separate requirement to provide a Heritage Statement for development in the Conservation Area and for all built structures out-	of the policy to Thaxted. The proposed amendment ensures a Heritage Statement for development impacting heritage assets and is consistent with National Policy (paragraph 128).

		side it. The Policy would apply to all built structures whether or not they have the potential to harm a heritage asset. This would place an unreasonable burden on applicants for development which has no impact on heritage assets and is not consistent with national planning policy (NPPF paragraph 128). The Policy is unclear about the expected content of a Heritage Statement.	
Policy TX HC4 – Signage in the Conservation Area (NP ***Page 24)***	• **Amend Policy TX HC4 to read "Signage within the Conservation Area should be kept to a minimum in terms of both size and number and should not detract from the character or appearance of any heritage asset."**	The Policy relates specifically to the "*central area*" but its title refers to signage in the Conservation Area. No boundary is provided for the *"central area"* and the two areas may not be contiguous. The Policy also extends beyond the scope of planning policy in requiring consultation with a named post in the local planning authority and the Parish Council. The wording is also unduly prescriptive in ruling out neon or equivalent illuminated signage (rather than allowing for an assessment of its impact) and stating that signage *"shall"* be kept to a minimum and *"shall"* not detract. The Policy needs to be re-	Yes – to ensure the basic conditions are met and the policy is compliant with the legal requirement.

		worded to meet the Basic Conditions and can only address signage which requires express planning consent.	
Policy TX HC5 – Retention of Shop Fronts (NP ***Page 25)***	• **Amend Policy TX HC5 to read "Development proposals in the commercial centre should retain shop fronts which contribute to the character and appearance of the Conservation Area where appropriate."** • Add to the supporting text – "The commercial centre referred to in Policy TX HC5 is defined in Map 4."	The Policy is supported by a Map defining the Commercial Centre (consistent with the Local Plan Map for Thaxted's Local Centre) which all lies within the Conservation Area. There is some evidence presented of the harm caused by the loss of shop fronts. The Policy introduces an *"exceptional circumstances"* test for development which would remove shop fronts in the Conservation Area. This is not consistent with national planning policy (NPPF paragraph 138) and the Policy also fails to recognise the requirement for development in a Conservation Area to *"preserve or enhance"* (Planning (Listed Buildings and Conservation Areas) Act 1990). The purpose of the Policy should be placed in the supporting text to aid clarity in the Policy wording. The Policy also applies to all shop fronts whether or not they contribute positively to the character and appearance of the Conservation Area.	Yes – to ensure the policy is consistent with National Planning Policy (NPPF paragraph 138) recognition of requirements for development in a Conservation Area.
Policy TX HC6 –	• **Amend Policy TX HC6 to read "Development**	This Policy is highly prescrip-	Yes – to provide clarity and

Protection of Retail Uses (NP ***Page 27)***	**proposals which support the vitality of Thaxted's commercial centre and diversify and enhance the range of shops, services and community facilities will be supported where they preserve or enhance the Conservation Area. Any proposals to change uses at ground floor level from town centre to non-town centre uses should demonstrate:** ○ **there will be no significant harm to the vitality of the centre;** ○ **any noise, fumes, smells or other disturbance to neighbouring properties will be acceptable; and** ○ **access arrangements, deliveries and off-street parking can be satisfactorily provided without any significant negative impact on surrounding residential or village centre amenity."** • Delete the last sentence of the supporting text and add "The commercial area referred to in Policy TX HC6 is defined in Map 4. For the purposes of Policy TX HC6 town centre uses include shops, services, community uses, restaurants, pubs, arts, cultural and tourist development."	tive in barring any change of use from retail or food and drink to residential or *"non-town centre uses"* at ground floor. It then introduces a number of different policy tests in Primary and Secondary Frontages, some of which relate to A1 retail uses and some of which apply to all uses. There is no definition of *"non-town centre uses"* although paragraph 4.8.3 provides a list of what *"can include"* town centre uses. The purpose of the Policy should be placed in the supporting text to aid clarity in the Policy wording. The Policy lacks clarity and does not provide the clear framework required by national planning policy.	ensure a clear framework in line with national planning policy requirements as well as resulting in a positively worded policy.
Policy TX HC7 – Changes to Shop Fronts (NP ***Page 28)***	• **Delete Policy TX HC7**	There is significant overlap between Policy TX HC7 and Policies TX HC4 and TX HC5. There is an existing legal requirement for any development to preserve or enhance the character and appearance of a	Yes – to ensure the basic conditions are met and the policy is compliant with the legal requirement.

		Conservation Area and the impact on character and appearance is dealt with in other policies (e.g. TX HC3, TX HD11). The issues addressed in Policy TX HC7 are therefore covered by other policies, as modified and existing legal requirements. It is superfluous and does not meet the Basic Conditions.	
Policy TX HC8 – Local Green Spaces (NP ***Page 31)***	• **Amend Policy TX HC8 to read "The seven areas shown in Map 5 are designated as Local Green Space where inappropriate development should not be approved except in very special circumstances."** • In the third sentence of paragraph 4.10.2 replace "*are considered to be of greatest importance in a heritage context:"* with "areas meet the requirements for Local Green Space designation:" • Delete references to LGS7 and LGS8 in the supporting text and make consequential changes to the numbering of the Local Green Spaces and Map 5 • Add the assessment of each of the proposed Local Green Spaces against the criteria in national planning policy provided during the Examination to the Evidence Base for the Plan	Policy TX HC8 conflicts with national planning policy in terms of the effect of a Local Green Space designation. The Policy states *"planning permission will be refused for any form of development other than items of a purely garden nature or proposals that enhance the quality of the Space"* whereas the NPPF states the designation will *"rule out new development other than in very special circumstances*". There is a significant difference between these approaches. The Policy lacks any definition of *"garden nature".* The Policy suggests there is some confusion about the purposes for which Local Green Spaces can be designated. Paragraph 4.10.3 states that	Yes – removal of the LGS7 and LGS8 ensures compliance with NPPF criteria for local green space designation

		the nine locations are being *"protected principally for their heritage contribution"* and the Recreation Ground is cited in the Policy as needing further designation as open space because of *"its importance for sport and recreational use."* The NPPF sets out the criteria to be met for an area to be designated in paragraph 77. This includes *"recreational value (including as a playing field)"* and includes more than *"historic significance".* To ensure clarity Policy TX HC8 should simply designate Local Green Spaces to which national policy will then apply. On the basis of the evidence provided and my own visit to each of the proposed Local Green Spaces I am satisfied that all but LGS7 (Clarence House garden) and LGS8 (Brooklyns garden) are appropriate proposals. The two private gardens are not supported by sufficient evidence to be *"demonstrably special to local people"* and warrant designation.	
Policy TX HC9 –	• **Amend Policy TX HC9 to replace *"preserve"***	The Policy is positively worded	Yes - to ensure that word-

Thaxted Station (NP ***Page 32)***	**with "protect"**	and recognises the importance of two non-designated heritage assets. The site lies outside the Conservation Area and so it is inappropriate to include a requirement to *"preserve"* the existing buildings.	ing is appropriate for a site lying outside a Conservation Area
LANDSCAPE AND THE COUNTRYSIDE			
Policy TX LSC1 – Protection of the Countryside (NP ***Page 38)***	• **Amend Policy TX LSC1 to read "The countryside will be protected for its intrinsic character and beauty and for its value as productive agricultural land and for recreational use and biodiversity. Development in the sensitive rural setting of Thaxted defined in Map 6 should be connected with agriculture, rural recreation or affordable or special needs housing and respect the key views identified in Map 7."** • **Amend title of Policy to add "and rural setting of Thaxted"** • Delete "*Figure 8*" on Map 6 and provide: o a new map that combines all the LPLCAs except 5, 12 and 13 into a single shade of colour o a new title that replaces "*Local parish landscape character areas (LPLCAs)"* with "Thaxted's rural setting" o an amended key that replaces *"Study area - outer edge"* with "Boundary of rural setting" *"Study area – inner edge"* with Develop-	The overall effect of Policy TX LSC1 is highly restrictive in stating that development *"shall not be permitted"* (with limited exceptions) in the vast majority of the land surrounding Thaxted (comprising 12 of the 15 character areas) and any development adversely impacting sensitive views *"shall be refused".* The wording of the general approach to countryside protection is similar to national planning policy and consistent with Policy S7 of the 2005 Local Plan. My recommended modifications to the Policy address a number of representations by ensuring that appropriate weight is placed on landscape considerations. The contribution of the landscape around Thaxted to its	Yes – the amendments provide for a more positively worded policy whilst protecting the countryside and the rural setting of Thaxted.

	ment limit" □ *"LPLCA number"* with a box shaded as above and titled "Area of sensitive rural setting" • Delete *"Figure 9"* on Map 7 and the text accompanying *"Map 7"* and provide: o a new map that includes only the "*key views"* in the current Figure 9 and does not include the *"supplementary views"* or location of approved planning application o a new title that replaces "*Views and photograph locations"* with "Key views" o an amended key that replaces □□ *" Study area - outer edge"* with "Boundary of rural setting" □□ *"Study area – inner edge"* with Development limit" □□ *"Key view photograph location"* with "Key view" □□ and delete reference to supplementary views and approved planning applications • Make consequential amendments to the supporting text including adding at the end of paragraph 5.3.5 "The 13 parcels are combined into a single area showing the sensitive rural setting of Thaxted in Map 6. Consideration should be given to the Landscape Character Assessment (Liz Lake Associates, 2016) when considering development impacting on the sensitive rural setting or key views around Thaxted."	setting and character is immense. The evidence provided by the new Landscape Character Assessment prepared by Liz Lake Associates provides important new insights on the role played by different areas and also identifies a small number of locations outside the development limits with medium capacity to change. The systematic assessment of key views in the Landscape Character Assessment is sufficiently evidenced but the basis for extending this to include additional supplementary views is not sufficiently justified, especially given this almost doubles the number of views which would be subject to Policy TX LSC1. The Landscape Character Assessment provides more detail than is necessary to achieve the purposes of Policy TX LSC1 which are to protect the countryside across the neighbourhood area and the setting of Thaxted. Both the Policy and supporting maps can be simplified and made much clearer for the purposes of meeting the Basic Conditions.	

Policy TX LSC2 – Protection and Enhancement of the Landscape (NP ***Page 38)***	**Amend Policy TX LSC2 to:** o **Retitle as "Protection and enhancement of the Landscape"** o **Replace *"be consistent with"* with "have regard to"** o **Add "for the local parish landscape character areas identified in Map 8" after *"Appendix I"*** o **Delete second sentence beginning *"This replicates……"*** o **Replace *"In relation to any proposed development proposals will be sought which, through effective planning both"* with "Development proposals in Thaxted's rural setting will be supported which"** o **Make the amendments recommended for Policy TX LSC4** • Retitle 5.4 as "Landscape protection and enhancement"] • Retitle Appendix I as "Guidelines for local parish landscape character areas" • Insert a new Map 8 which provides the information in Map 6 of the submitted Plan and provide an amended key that replaces: o "Study area - outer edge" with "Boundary of rural setting" o "Study area – inner edge" with "Development limit" • Replace the supporting text in 5.4.1 and 5.4.2 with "The Landscape Character Assessment (Liz Lake Associates, 2016) identifies opportunities for both landscape enhancement and pro-	The landscape planning guidelines are provided in an Appendix and are extracted from the Landscape Character Assessment. They provide a small number of high level principles for each of the 15 Local parish landscape character areas and also provide land management guidelines which go beyond the scope of planning policy. The Policy will need to be supported by a renumbered version of Figure 8/Map 6. The title of the Appendix is not consistent with the Policy and there is a risk of confusion over the relevance of the land management guidelines which are also provided. The Policy is unduly restrictive in requiring all development to be *"consistent with*" the landscape guidelines and the judgement about the weight attached to them is also informed by the fact they are only *"suggested"* guidelines.	Yes – to provide clarity

	tection in the rural setting of Thaxted. It provides landscape and land management guidelines for each of the 16 local parish landscape character areas and planning applications should have regard to the landscape planning guidelines where appropriate. The land management guidelines in Appendix I address issues outside the scope of planning control."		
Policy TX LSC3 – Wildlife Habitats (NP ***Page 39)***	**Amend Policy TX LSC3 to** o **begin "Planning applications for development proposals that may have a significant impact on trees, ponds, ditches, banks, established grassland or other natural features or areas of wildlife importance should be accompanied by:"** o **[insert "and an assessment of any impact on such features" at the end of the first bullet]** o **[insert "and minimised any impacts" at the end of the second bullet]** o **delete the last sentence beginning *"The sites listed above……"*** • Add "and landscape features" after "Wildlife habitats" in both the section title (paragraph 5.5) and policy title • In paragraphs 5.5.1 and 5.5.2 delete from *"The following specific sites"* to *"also revealed that"* and insert "to the questionnaire" after *"respondents".* • Insert the text in 5.5.1 from *"The following specific sites"* to *"Tennis Courts*" in a new paragraph 5.5.2	The locations and the boundaries of the eight locations important for wildlife are not provided. Given this lack of evidence and location information Policy TX LSC3 needs to be modified to remove reference to individual sites if it is to meet the Basic Conditions. The section and policy titles are potentially misleading given the emphasis placed on landscape features.	Yes – removal of reference to individual sites due to lack of location evidence and location information ensures basic conditions are met.
Policy TX LSC4 –	• **Delete Policy TX LSC4**	It is unclear whether Policy TX	Yes – for clarity and avoid-

Visual Impact Appraisals (NP ***Page 40)***	• **Add to end of amended Policy TX LSC2 "Development proposals with a significant impact on the landscape setting of Thaxted should be accompanied by a landscape and visual impact appraisal."** • Include the supporting text in Section 5.6 in Section 5.4	LSC4 applies to the whole neighbourhood area outside Thaxted's development limits or to the area of Thaxted's setting. The latter interpretation is implicit in the policy focus on the *"surrounding landscape setting".* The second part of Policy TX LSC4 is addressed in other policies (including TX LSC2) and creates unnecessary confusion and duplication.	ing duplication
Policy TX LSC5 – Development in Outlying Settlements (NP ***Page 40)***	**Amend Policy TX LSC5 to read "Appropriate development proposals for residential extensions, replacement of existing dwellings or undeveloped infill sites between existing dwellings and for the re-use of existing commercial sites and conversion of existing buildings for commercial uses shall be supported in the following outlying settlements:** o **Stanbrook** o **Cutler's Green** o **Bardfield End Green** o **Richmond's Green** o **Sibley's Green** o **Monk Street.** **All such development should have regard to the setting and significance of heritage assets and the character and appearance of the landscape."**	The Policy needs to be more positively worded to support appropriate infill with the protection of other land already addressed elsewhere in the Plan. The Policy includes unnecessary references to other planning policies and lacks the clarity of wording required to meet the Basic Conditions. There is no evidence provided as to why infill development should be limited in all cases to single dwellings. There may be circumstances where the size and nature of potential infill sites could accommodate more than a single dwelling. Only small scale residential devel-	Yes – to ensure that the Plan is based on evidence and provides clarity to meet Basic Conditions.

		opment would meet the requirement of the Policy as modified as it relates only to extensions, replacements or infill sites.	
HOUSING AND DESIGN			
Policy TX HD1 – Presumption in favour of sustainable Development (NP ***Page 46)***	• **Delete Policy TX HD1**	It is based on a definition of sustainable development focused on the provision of necessary social infrastructure and compatibility with landscape and historic character. This is not consistent with that in national planning policy (e.g. NPPF paragraphs 14 & 17). Policy TX HD1 does not add value to the Plan and does not meet the Basic Conditions.	Yes – to be in accordance with the NPPF and sustainable development and meet Basic Conditions.
Policy TX HD2 – Scale and Location of New Development (NP ***Page 47)***	• **Amend Policy TX HD2 to read "Development proposals for residential development shall be supported which respect the streetscape and historic and landscape character, conserve or enhance heritage assets and open spaces, and do not adversely impact the key views of Thaxted."**	This sets out policy criteria to ensure sensitive residential development and establishes a maximum size of 15 units for any single residential scheme. Nevertheless, there is no evidence to support a development limit of 15 units *"having regard to Thaxted's limited infrastructure and environment."* The fact of strong community support for this approach does constitute evidence to justify such a specific threshold. In	Yes – to ensure that the Plan is based on evidence, to avoid repetition and to meet Basic Conditions.

		response to a request for evidence to justify the threshold it was confirmed that 15 units *"simply became the maximum size by default"* as it corresponded to the considered capacity of the largest site allocated for housing development. This provides no basis for a general threshold of 15 units being established across the neighbourhood area. The remainder of the Policy largely repeats other policies in the Plan and should be worded more positively to meet the Basic Conditions.	
Policy TX HD3 – Local Housing Needs (NP ***Page 48)***	• **Amend Policy TX HD3 to read "Residential development proposals shall be supported which meet the need for a housing mix including a significant proportion of one and two bedroom properties and single storey dwellings which accommodate the needs of the elderly."**	The Policy is supported by evidence form the Housing Needs Survey that 68% of respondents expressed a need for one or two bedroom properties. This evidence does not address a housing market that extends beyond the neighbourhood area and it is insufficient to justify such a precise threshold. No further evidence was provided to justify the 50% threshold when requested. Policy H10 of the 2005 Local Plan seeks a *"significant proportion"* of "*smaller properties"* on sites over 0.1ha or of three dwellings or more.	Yes – to ensure that the Plan is based on evidence and to meet Basic Conditions.

Policy TX HD4 – Affordable/Special Needs Housing (NP ***Page 49)*** Policy TX HD4.1 – The Allocation of the affordable housing shall in the first instance be for people with a strong Thaxted connection (NP ***Page 49)*** Policy TX HD4.2 (*no policy title provided in NP*) (NP ***Page 49)***	• **Renumber Policy TX HD4-1 as Policy TX HD4 and delete *"the"* before *"affordable"*** • **Renumber Policy TX HD4-2 as Policy TX HD5 "Rural exception sites" and make the following amendments to the second sentence:** o **Replace *"are also to"* with "should"** o **Delete *"will"*** o **Delete *"be acceptable in terms of other planning considerations. In addition they should"*** • Delete *"Special needs"* in Section title (6.7) and Policy title for TX HD4 • Delete the last bullet in paragraph 6.7.2	The Policy is supported by a reasonable definition of a strong Thaxted connection subject to the removal of provisions for the Parish Council to have *"absolute discretion"* in determining *"other special circumstances"* that qualify. This criterion lack certainty and could result in an inconsistent approach. The Policy relates solely to affordable housing and does not address the *"special needs"* included in both the Section and Policy title. The Policy also lacks a definition of affordable housing for the local area and so this should be consistent with that in national planning policy. The two parts of Policy TX HD4 address different issues and so should be separate policies. There are minor grammatical improvements needed to the wording of the second Policy.	Yes – to provide clarity
HOUSING SITE ALLOCATIONS AND DEVELOPMENT OPPORTUNITIES			
Policy TX HD5 – Claypitts Buildings Site	• **Amend Policy TX HD5 to delete "of up to 15 units" and insert "in the suitability considerations" after "identified" and delete the re-**	The policy requirements to be met in developing the site are unclear and comprise a mix of	Yes – to ensure the plan is based on evidence and clear justification.

(NP ***Page 52)***	**maining text.** • Delete the last sentence of the first paragraph describing "Suitability" of the Claypitts Building site on page 52. • Replace the section title *"Suitability"* with "Suitability considerations" in the supporting text for each site specific policy • Insert "The Central Area Assessment includes important considerations which should be addressed in any development proposals." in the "Suitability considerations" for each site specific policy	issues addressed in the supporting text, the Central Area Assessment and the Policy. The requirement for at least 50% of the dwellings to be one and two bedrooms is not justified nor is a 15 dwelling cap on the amount of development as this will be dependent on design and other considerations. There is no indication that an assessment of the site's capacity has been undertaken. I note that the site is currently the subject of an outline planning application which was originally for up to 16 units.	
Policy TX HD6 – Levetts Farm (NP ***Page 54)***	○ **Amend Policy TX HD6 to:** ○ **replace the second "*the" with "residential*** ○ **delete "*of three detached units*"** ○ **insert "and landscaping" after *"design"*** • Insert "The site could accommodate three detached dwellings" after *"redundant farm buildings"* in the Suitability considerations for the Levetts Farm site • Replace the last paragraph of the Suitability considerations for the Levetts Farm site on page 54 with "There are sensitivities associated with the neighbouring properties and design and landscaping which need careful attention." • Replace the section title *"Suitability"* with "Suitability considerations" in the supporting text for	There is no clear justification for why Policy TX HD3 should not be relevant to the development of the site. It will also have to address all other development plan policy considerations. There is no evidence provided to justify a three dwelling cap on the amount of development as this will be dependent on design and other considerations. There is no indication that an assessment of the site's capacity has been undertaken. There is a need for consistent wording in the Policy and supporting text in relation to design and land-	Yes – to ensure the plan is based on evidence, clear justification and consistency with supporting text on design and landscaping.

	each site specific policy • Insert "The Central Area Assessment includes important considerations which should be addressed in any development proposals." in the "Suitability considerations" for each site specific policy	scaping.	
Policy TX HD7 – Rescu Site (NP ***Page 56)***	• **Delete Policy TX HD7 and make consequential changes to the numbering of other TX HD policies**	The Rescu Site (Policy TX HD7) is actively being developed following planning consent being secured on appeal. It is not appropriate, therefore, to include it as an allocation within the Plan.	Yes – the site is currently being developed and not appropriate for inclusion in NP.
Policy TX HD8 – Coach Park Site (NP ***Page 58)***	• **Amend Policy TX HD8 to read "This site shall be safeguarded for the provision of:** • **any access and infrastructure needs associated with the development of the adjacent Claypitts Building site,** • **parking for at least one coach** • **other suitable development.** • **Development proposals should have regard to the suitability considerations for the site, including the relationship between use of the site and Thaxted Primary School."** • Replace the section title *"Suitability"* with "Suitability considerations" in the supporting text for each site specific policy • Insert "The Central Area Assessment includes important considerations which should be addressed in any development proposals." in the "Suitability considerations" for each site specific policy	The site's development is not dependent on the sale of the site by its owners and the policy requirements to be satisfied should be clarified by a single reference to the suitability considerations identified. There is no evidence provided to justify a seven dwelling cap on the amount of development as this will be dependent on design and other considerations. There is no indication that an assessment of the site's capacity has been undertaken.	Yes – to provide clarity on policy criteria.

Policy TX HD9 – Brethren Meeting Hall (NP ***Page 60)***	• **Amend Policy TX HD9 to read "This site is identified as providing an opportunity for residential development having regard to the suitability considerations for the site."** • Add "It is anticipated that the scheme would not involve buildings of more than two storeys in height and will fully reflect the Conservation Area status of the site in terms of design and finishes. Unit numbers will depend on layout and mix but it is anticipated that 6-7 two bedroom units might be possible subject to the provision of adequate car parking. Any application should be accompanied by a flood risk assessment and a statement with regard to proposed mitigation measures." to the Suitability considerations on page 60 • Replace the section title *"Suitability"* with "Suitability considerations" in the supporting text for each site specific policy • Insert "The Central Area Assessment includes important considerations which should be addressed in any development proposals." in the "Suitability considerations" for each site specific policy	The site's development is not dependent on the sale of the site by its owners and the policy requirements to be satisfied should be clarified by a single reference to the suitability considerations identified. There is no evidence provided to justify a seven dwelling cap on the amount of development as this will be dependent on design and other considerations. There is no indication that an assessment of the site's capacity has been undertaken.	Yes – to provide clarity and to ensure that the plan is based on evidence.
Policy TX HD10 – Land fronting Bardfield Road adjacent To Levetts Farm (NP ***Page 62)***	• **Amend Policy TX HD10 to read "This site is identified as providing an opportunity for residential development having regard to the suitability considerations for the site."** • Add "Provision would need to be made for a building for the local Scout group onsite or elsewhere in the village." to the Suitability considerations on page 61.	A policy identifying land solely for the provision of affordable housing is not consistent with national planning policy. The site will be subject to other development plan policies, including in respect of the provision of affordable housing, and it will be for the owner to decide whether to exceed this	Yes – for clarity, to ensure consistency with national policy and flexibility on amount of development.

	• Replace the section title *"Suitability"* with "Suitability considerations" in the supporting text for each site specific policy • Insert "The Central Area Assessment includes important considerations which should be addressed in any development proposals." in the "Suitability considerations" for each site specific policy • • Update the supporting text in paragraph 6.5.3 to include the latest information on housing supply as agreed with the local planning authority, informed by the information provided on page 5 of the *Assessment of sites for potential development in Thaxted*.	requirement. There is no evidence provided to justify a four dwelling cap on the amount of development as this will be dependent on design and other considerations. There is no indication that an assessment of the site's capacity has been undertaken. The policy requirements to be satisfied should be clarified by a single reference to the suitability considerations identified.	
Policy TX HD11-Design Principles (NP ***Page 63)***	• **Amend Policy TX HD11 to read "Development proposals which respect the distinctive built environment and character of Thaxted shall be supported. Particular consideration should be given to:** o **recognising local distinctiveness in respect of design, choice of materials, height, scale, spacing and layout;** o **making a contribution to the street scene with a choice of materials and finishes that is sympathetic to other buildings in the vicinity;** o **retaining and protecting existing trees and hedgerows and ensuring new boundary treatments reflect the distinct local character in respect of specification and design;**	The need for new development to be of a high design standard in Thaxted is self-evident and it is an important role for neighbourhood planning to draw out key local design considerations. The Policy is, however, both prescriptive and lacking in clarity. The rationale for a two part policy is unclear and some of the requirements are set out in the supporting text while others are included in the policy wording. The Policy introduces requirements for consultation outside the scope of planning policy which can be made clearer by considering	Yes - to ensure the basic conditions are met, the policy is compliant with the legal requirement and to ensure that the Plan is based on evidence and is not onerous.

	o **respecting historic and landscape character and the streetscape, conserving or enhancing heritage assets and open spaces, and not adversely impacting the key views of Thaxted; and** o **maximising safe routes between new development and the existing village by linking into existing footpaths and bridleways.** **Applicants are encouraged to engage in early discussion with the community about the design and style of emerging schemes and take account of their views.** **Applications that can demonstrate early, proactive and effective engagement with the community will be looked on more favourably than those that cannot."** • Replace *"be no more than 5.9m"* with "respect neighbouring buildings" in paragraph 6.9.2 • Add "In providing evidence to support development proposals applicants should have regard to the Historic Settlement Character Assessment for Thaxted (2009), Heritage Assessment (Grover Lewis Associates, 2016) and Central Area Assessment (2016) included in the evidence base for this Plan." to the supporting text in Section 6.9.	the approach of national planning policy. Policy TX HD11 lacks any evidence base supporting a 300 sq m threshold for additional consultation or a 5.9m maximum eaves height for development. Its emphasis on *"local vernacular"* is in conflict with national planning policy that "*Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.*" (NPPF paragraph 60). Policy TX HD11 seeks to extend the requirement for development to *"preserve and enhance"* beyond the Conservation Area to the whole of Thaxted. Given the legal requirements for development in the Conservation Area and the other policies in the Plan it is not necessary to include different requirements for development inside and outside the Conservation Area.	

		Without significant modification Policy TX HD11 does not meet the Basic Conditions.	
TOURISM AND ECONOMY			
Policy TX TLE2 – Works to Key Historic Buildings (NP ***Page 65)***	• **Amend Policy TX TLE2 to replace "*church"* with "Church of St John the Baptist"**	The policy leaves open the definition of *"buildings of historic note".* I have considered whether it provides the clarity necessary to meet the Basic Conditions and determined that it is appropriate for the historic contribution of any building to be considered as part of the determination of a planning application. There is more than one "*church*" in Thaxted so the Policy needs amendment to clarify reference to the Church of St John the Baptist.	Yes – to provide clarity
Policy TX TLE3 – Employment (NP ***Page 66)***	• **Amend Policy TX TLE3 to read "Appropriate employment development which contributes to the local economy and does not generate a significant lorry impact on the road network will be supported."**	While Policy TX TL3 takes a positive approach to some employment related development it is unduly restrictive in stating that other development with adverse impacts will be *"resisted"*. There is no evidence presented for why a development generating, for example, a single additional HGV movement should not be supported if it brings other benefits	Yes – to ensure clarity and also ensure that policy is not too restrictive

		to the area. The Policy also lacks any definition of *"small scale".* The Policy's clarity is not helped by listing the documents in the Plan's evidence base or citing the need for development not to conflict with other policies.	
Policy TX TLE4 – Redundant Farm Buildings (NP ***Page 67)***	• **Amend Policy TX TLE4 to read "The appropriate conversion of redundant farm buildings to alternative employment uses will be supported."**	The Policy is in conflict with the positive approach to sustainable new development in rural areas in national planning policy (NPPF paragraph 28). In particular, there is no evidence provided to support a requirement for applicants to demonstrate a *"specific need"* for conversion of a redundant farm building. I have considered whether the Policy is consistent with national planning policy for the reuse of rural buildings for residential use and concluded that this is not ruled out by the Policy as amended and so there is no conflict with the Basic Conditions.	Yes – to meet basic conditions and to ensure compliance with NPPF
INFRASTRUCTURE			

Policy TX IFS1 – Primary School Provision (NP ***Page 72)***	• **Delete Policy TX IFS1** • Delete references to named officers of the Local Education Authority in the supporting text	However unfortunate, it is not the role of planning policy to address capacity constraints in the local school. This is a matter for the Local Education Authority. Policy TX IFS1 is highly restrictive and in breach of the Basic Conditions.	Yes – to ensure the basic conditions are met and be legally compliant.
Policy TX IFS2 – Primary School Expansion (NP ***Page 72)***	• **Amend Policy TX IFS2 to read "Development proposals for the expansion of Thaxted Primary School shall be supported which:** o **respect the character of the original Victorian buildings;** o **are sensitive to its location in the Conservation Area; and** o **are accompanied by a satisfactory travel plan for the delivery and collection of pupils."**	The Policy can be more positively worded. It also addresses matters outwith planning control, such as a desire that no Thaxted child is denied a place.	Yes – to be in accordance with the NPPF and address matters within planning control.
Policy TX IFS3 – Thaxted Surgery (NP ***Page 76)***	• **Amend Policy TX IFS3 to replace *"The developer will be expected"* with "Applicants are encouraged"**	The Policy is positively worded. The expectation of a development brief being provided prior to submission of a planning application is unduly onerous.	Yes – to avoid the plan being too onerous.
Policy TX IFS4 – Footpaths (NP ***Page 81)***	• **Amend Policy TX IFS4 to read "Planning applications should give consideration to the impact of development on local footpaths and the opportunities to provide appropriate footpath access."**	There is evidence of the importance of the footpath network in and around Thaxted. Nevertheless, this does not support a Policy giving additional weight to its role when compared to other policy considerations. Policy TX IFS4 can also be more positively	Yes – to ensure the basic conditions are met and the policy is compliant with the legal requirement.

		worded.	
Policy TX IFS5 – Surface Water Drainage (NP ***Page 82)***	• **Amend Policy TX IFS5 to read "Planning applications for development likely to increase the risk of surface water flooding should be accompanied by a site-specific flood risk assessment."** • Add "The vulnerability of Thaxted to surface water flooding is shown in the Environment Agency Flood Map available here https://flood-warning-information.service.gov.uk/long-term-flood-risk/map " to the supporting text. • Add a reference to the Essex County Council Flood Investigation Report to the supporting text and include it in the evidence base	A requirement for all planning applications to be accompanied by a flood risk assessment places an onerous burden on applicants given the majority of the neighbourhood area lies outside the area at risk of flooding. An amended Policy can meet the specific needs that arise from Thaxted's vulnerability to surface water flooding.	Yes – to avoid the plan being too onerous.
Policy TX IFS6 – Foul Water Drainage (NP ***Page 82)***	• **Amend Policy TX IFS6 to read "Development proposals likely to have a significant impact on capacity for sewage treatment should demonstrate how this will be satisfactorily addressed."**	Policy TX IFS6 is negatively worded. It is not a matter for neighbourhood planning policy to constrain development due to capacity constraints in sewage treatment but for strategic planning policy to make positive provision (NPPF paragraphs 156, 157 & 162). It is appropriate for the Policy to establish a requirement to provide information about wastewater for developments with a significant impact.	Yes - to ensure compliance with the NPPF and meet basic conditions.
Policy TX IFS7 – The Recreation Ground (NP ***Page 83)***	• **Amend Policy TX IFS7 to:** o **Replace *"preserve"* with "protect"** o **Replace "*Planning permission for devel-***	The Policy is negatively worded in seeking to *"preserve"* and identifying the development which will be *"refused"* rather	Yes – to ensure policy is positively worded and add clarity to Recreation Ground boundary.

	***opment will be refused except in relation to*" with "Development proposals shall be supported for"** • Provide a Map showing the extent of the Recreation Ground to the same standard as those provided for Local Green Spaces	than supported. There is evidence of the value placed by the community on the Recreation Ground but its boundary is unclear and not defined on a map.	
Policy TX IFS8 – Community Hall (NP ***Page 84)***	• **Amend Policy TX IFS8 to delete the second sentence.**	This supports appropriate provision for redevelopment of the Church Hall and seeks to links this to future housing development on the Bolford Street Hall. It seeks to support the costs for this through the potential release of the Bolford Street Hall site for residential development. It is not for the Plan to address more than the policy considerations involved in these proposals. I note that the Bolford Street Hall site has not been included in the consideration of sites for residential development and it lacks the evidence necessary for it to be identified for new housing. It would also be a loss of a significant community facility. This section of the Policy does not meet the Basic Conditions. The	Yes – to meet the basic conditions.

Policy TX IFS9 – Broadband (NP ***Page 86)***	• **Amend Policy TX IFS9 to read "Development proposals should be designed to connect to superfast broadband where appropriate."** • Add to supporting text in paragraph 8.6.6.1 "For the purposes of this Policy superfast broadband means connections of 30Mbps and above as provided through the Superfast Essex programme."	The Policy is prescriptive in its approach to stating what *"must"* be provided and its requirement for *"up to date communications infrastructure"* lacks clarity. The evolution of technology should be addressed through future Plan revisions. A local definition of superfast broadband related to the national broadband delivery programme will provide further clarity.	Yes – to ensure clarity, and avoid the policy being too onerous.
RECOMMENDATION and REFERENDUM AREA			
Report for Uttlesford District Council of the Independent Examination **(Page 48)**	I am satisfied the Thaxted Neighbourhood Plan meets the Basic Conditions and other requirements subject to the modifications recommended in this report and that it can proceed to a referendum. I have received no information to suggest other than that I recommend the referendum area matches that of the Neighbourhood Area.		Yes – Recommended : i. That the Cabinet accepts the Independent Examiner's recommended changes to the Thaxted Neighbourhood Plan in full as set out in the schedule at Appendix A and notes the recommendation that the amended Thaxted Neighbourhood Plan should proceed to a referendum of voters within the Parish of Thaxted to establish whether the Plan should form part of the Development Plan for Uttlesford District; and

			ii. That the Cabinet approve the holding of a referendum relating to the Thaxted Neighbourhood Plan in late (24th) January 2019 that will include all of the registered electors in Thaxted Parish.