

FELSTED NEIGHBOURHOOD PLAN REG 16 CONSULTATION REPRESENTATIONS

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STATUTORY REPRESENTATIONS



REPRESENTATION 1: SPORT ENGLAND

Thank you for consulting Sport England on the above neighbourhood plan.

Government planning policy, within the **National Planning Policy Framework (NPPF)**, identifies how the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Encouraging communities to become more physically active through walking, cycling, informal recreation and formal sport plays an important part in this process. Providing enough sports facilities of the right quality and type in the right places is vital to achieving this aim. This means that positive planning for sport, protection from the unnecessary loss of sports facilities, along with an integrated approach to providing new housing and employment land with community facilities is important.

It is essential therefore that the neighbourhood plan reflects and complies with national planning policy for sport as set out in the NPPF with particular reference to Pars 96 and 97. It is also important to be aware of Sport England's statutory consultee role in **protecting playing fields** and the presumption against the loss of playing field land. Sport England's playing fields policy is set out in our Playing Fields Policy and Guidance document.

<http://www.sportengland.org/playingfieldspolicy>

Sport England provides guidance on **developing planning policy** for sport and further information can be found via the link below. Vital to the development and implementation of planning policy is the evidence base on which it is founded.

<http://www.sportengland.org/facilities-planning/planning-for-sport/forward-planning/>

Sport England works with local authorities to ensure their Local Plan is underpinned by robust and up to date evidence. In line with Par 97 of the NPPF, this takes the form of **assessments of need and strategies for indoor and outdoor sports facilities**. A neighbourhood planning body should look to see if the relevant local authority has prepared a playing pitch strategy or other indoor/outdoor sports facility strategy. If it has then this could provide useful evidence for the neighbourhood plan and save the neighbourhood planning body time and resources gathering their own evidence. It is important that a neighbourhood plan reflects the recommendations and actions set out in any such strategies, including those which may specifically relate to the neighbourhood area, and that any local investment opportunities, such as the Community Infrastructure Levy, are utilised to support their delivery.

Where such evidence does not already exist then relevant planning policies in a neighbourhood plan should be based on a proportionate assessment of the need for sporting provision in its area. Developed in consultation with the local sporting and wider community any assessment should be used to provide key recommendations and deliverable actions. These should set out what provision is required to ensure the current and future needs of the community for sport can be met and, in turn, be able to support the development and implementation of planning policies. Sport England's guidance on assessing needs may help with such work.

<http://www.sportengland.org/planningtoolsandguidance>

If **new or improved sports facilities** are proposed Sport England recommend you ensure they are fit for purpose and designed in accordance with our design guidance notes.

<http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

Any **new housing** developments will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then planning policies should look to ensure that new sports facilities, or improvements to existing sports facilities, are secured and delivered. Proposed actions to meet the demand should accord with any approved local plan or neighbourhood plan policy for social infrastructure, along with priorities resulting from any assessment of need, or set out in any playing pitch or other indoor and/or outdoor sports facility strategy that the local authority has in place.

In line with the Government's NPPF (including Section 8) and its Planning Practice Guidance (Health and wellbeing section), links below, consideration should also be given to how **any new development**, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing planning policies and developing or assessing individual proposals.

Active Design, which includes a model planning policy, provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity. The guidance, and its accompanying checklist, could also be used at the evidence gathering stage of developing a neighbourhood plan to help undertake an assessment of how the design and layout of the area currently enables people to lead active lifestyles and what could be improved.

NPPF Section 8: <https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities>

PPG Health and wellbeing section: <https://www.gov.uk/guidance/health-and-wellbeing>

Planning Policy
Uttlesford District Council
London Road
Saffron Walden
Essex
CB11 4ER

Lucy Bartley
Consultant Town Planner

Tel: 01926 439116
n.grid@woodplc.com

Sent by email to:
planningpolicy@uttlesford.gov.uk

18 July 2019

Dear Sir / Madam

**Felsted Neighbourhood Plan Consultation
SUBMISSION ON BEHALF OF NATIONAL GRID**

National Grid has appointed Wood to review and respond to development plan consultations on its behalf. We are instructed by our client to submit the following representation with regards to the above Neighbourhood Plan consultation.

About National Grid

National Grid Electricity Transmission plc (NGET) owns and maintains the electricity transmission system in England and Wales and National Grid Electricity System Operator (NGESO) operates the electricity transmission network across the UK. The energy is then distributed to the eight electricity distribution network operators across England, Wales and Scotland.

National Grid Gas plc (NGG) owns and operates the high-pressure gas transmission system across the UK. In the UK, gas leaves the transmission system and enters the UK's four gas distribution networks where pressure is reduced for public use.

National Grid previously owned part of the gas distribution system known as 'National Grid Gas Distribution limited (NGGDL). Since May 2018, NGGDL is now a separate entity called 'Cadent Gas'.

To help ensure the continued safe operation of existing sites and equipment and to facilitate future infrastructure investment, National Grid wishes to be involved in the preparation, alteration and review of plans and strategies which may affect National Grid's assets.

Assets in your area

National Grid has identified the following high-pressure gas transmission pipeline as falling within the Neighbourhood area boundary:



- **FM05 - Braintree to Horndon**

From the consultation information provided, the above gas transmission pipeline does not interact with any of the proposed development sites.

Gas Distribution – Low / Medium Pressure

Whilst there are no implications for National Grid Gas Distribution's Intermediate / High Pressure apparatus, there may however be Low Pressure (LP) / Medium Pressure (MP) Gas Distribution pipes present within proposed development sites. If further information is required in relation to the Gas Distribution network, please contact plantprotection@cadentgas.com

Electricity distribution

Information regarding the distribution network can be found at: www.energynetworks.org.uk

Further Advice

National Grid is happy to provide advice and guidance to the Council concerning our networks. If we can be of any assistance to you in providing informal comments in confidence during your policy development, please do not hesitate to contact us. In addition, the following publications are available from the National Grid website or by contacting us at the address overleaf:

- A sense of place – design guidelines for development near high voltage overhead lines: A sense of place design guidelines for development near high voltage overhead lines: <https://www.nationalgrid.com/sites/default/files/documents/Sense%20of%20Place%20-%20National%20Grid%20Guidance.pdf>
- Guidelines when working near NGG assets: <https://www.nationalgridgas.com/land-and-assets/working-near-our-assets>
- Guidelines when working near NGETT assets: <https://www.nationalgridet.com/network-and-assets/working-near-our-assets>

Appendices - National Grid Assets

Please find attached in:

- Appendix 1 provides a map of the National Grid network across the UK.

Please remember to consult National Grid on any Neighbourhood Plan Documents or site-specific proposals that could affect our infrastructure. We would be grateful if you could add our details shown overleaf to your consultation database:

Lucy Bartley

Consultant Town Planner

n.grid@woodplc.com

Wood E&I Solutions UK Ltd
Nicholls House
Homer Close
Leamington Spa
Warwickshire
CV34 6TT

Spencer Jefferies

Development Liaison Officer, National Grid

box.landandacquisitions@nationalgrid.com

National Grid House
Warwick Technology Park
Gallows Hill
Warwick
Warwickshire
CV34 6DA

I hope the above information is useful. If you require any further information, please do not hesitate to contact me.

Yours faithfully

[via email]

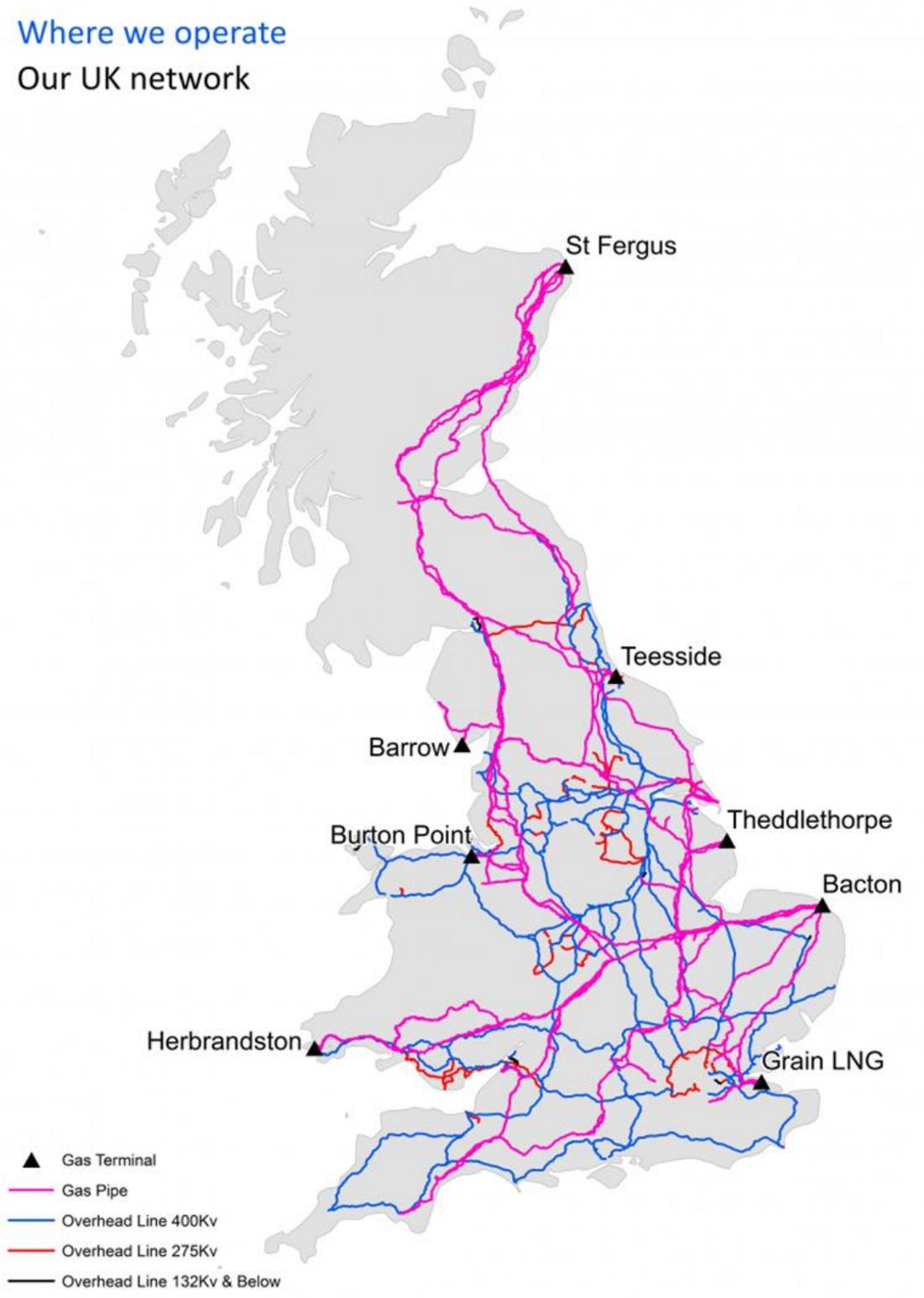
Lucy Bartley

Consultant Town Planner

cc. Spencer Jefferies, National Grid

APPENDIX 1: NATIONAL GRID'S UK NETWORK

Where we operate
Our UK network





Internal Use Only

Representation Number:

Felsted Neighbourhood Plan

Publication Consultation

Response Form

Consultation period ends: Wednesday 24 July 2019 at 5pm

Uttlesford District Council is inviting representations on the submission version of the Felsted Neighbourhood Plan.

Representations must have been received by Uttlesford District Council no later than **5pm on Wednesday 24 July 2019**. Representations after this date will not be considered.

Representations can be submitted by email to:

planningpolicy@uttlesford.gov.uk or by post to

Uttlesford District Council
London Road
Saffron Walden
Essex
CB11 4ER

Respondents do not have to use this form to respond. All responses must be made in writing, either electronically or otherwise.

All responses will be made public with the respondents name and (if applicable) organisation. Anonymous responses cannot be accepted.

UTTLESFORD DISTRICT COUNCIL – PLANNING POLICY

In accordance with the General Data Protection Regulation please complete:

Section 1 if you are making comments (a representation) on the Neighbourhood Plan

Section 2 to provide your details

1. USE OF PRIVATE DATA WHEN MAKING COMMENTS

If you do not provide consent, we cannot process your comments and you may not be able to participate in the Neighbourhood Plan examination.

- Please tick this box to provide your consent to allow Uttlesford District Council to process your data, in accordance with the General Data Protection Regulation and Data Protection Act, so your comments on the Neighbourhood Plan can be processed.

***Your name and comments will be made public, but any address, telephone and email address will remain confidential.**

2. YOUR DETAILS

Please confirm below your name and email **or** postal address. You are not obliged to provide your details; however we will be unable to process any comments you make.

<u>Contact Name</u>	<u>Stewart Patience</u>
<u>Email</u>	████████████████████
<u>Or Postal Address</u>	

We will keep a record of your consent for 7 years, after which it will be destroyed. For more information on how we collect, use and protect personal information generally, please visit <https://www.uttlesford.gov.uk/privacy-notice>

PRIVACY NOTICE

The Council will use the information you submit, or have submitted, in all correspondence to the Council to enable the council's planning policy section to consider any information, representation or evidence submitted to assist with the Felsted Neighbourhood planning examination.

Further information about Data Protection rights in line with the provisions of the General Data Protection Regulations and Data Protection Act 2018, for example how to contact the Data Protection Officer, how long information is held or how we process your personal information can be found at:

<https://www.uttlesford.gov.uk/privacy-notice> Printed copies of the Council's Privacy Notices can be provided on request.

The Council will:

- Use the information you provide for the purpose of performing of its statutory duties.
- Make any disclosures required by law and may also share this information, both across council departments and with other local authorities and government organisations.
- Check information you have provided, or information about you that someone else has provided, with other information it holds.

The Council will not give information about you to anyone else, or use information about you for other purposes, unless the law allows this.

1) Your details

Name	Stewart Patience
Organisation (if applicable)	Anglian Water Services Ltd
Address	Thorpe Wood House, Thorpe Wood, Peterborough, PE3 6WT
Email	████████████████████
Telephone	██████████

2) Your representations

Please specify which paragraph or policy your representations relates to and if you are suggesting any amendments. Please use a separate sheet if you need more space.

The Plan as Whole	Comments
Chapter of the Plan	Comments
Section 1 Introduction	

Section 2 The Neighbourhood Area	
Section 3 The Key Issues	
Section 4 The Vision for Felsted	
Chapter 5 Landscape and the Countryside	

Section 5 – The Policies

Protecting the Historic Village Centre

- FEL/HVC1** – *Historic Village Centre*
- FEL/HVC 2** – *Existing Village Shop and Post Office*
- FEL/HVC 3** – *Royal British Legion Site*
- FEL/HVC 4** – *Additional Car Parking in the Village*
- FEL/HVC 5** – *Managing Congestion at the T Junction in Felsted Village*

Village Amenities

- Policies
- FEL/VA1** – *Doctor’s Surgery*
 - FEL/VA 2** – *Memorial Hall*
 - FEL/VA 3** – *Infrastructure*
- Priorities
- FEL/VA 4** – *Burial Ground*
 - FEL/VA 5** – *Recreational and Play Areas*

Developing Our Schools

- Policies
- FEL/SC1** – *Supporting Our Schools*
 - FEL/SC 2** – *Felsted School*
 - FEL/SC 3** – *Felsted School Follyfield Site*
 - FEL/SC 4** – *Felsted School Facilities off Braintree Road and Garnetts Lane*
 - FEL/SC 5** – *Felsted Primary School - Modernisation*
 - FEL/SC 6** – *Felsted Primary School - Expansion*

<p>FEL/SC 7 – Felsted Primary School Site</p>	
<p>Meeting Our Housing Needs</p> <p><u>Policies</u> FEL/HN1 – Meeting Housing Needs FEL/HN 2 – Land at Braintree Road (Sunnybrook Farm) FEL/HN 3 – Land at Station Road (Bury Farm) FEL/HN1 4 – Residential Development within Development Limits FEL/HN 5 – Residential Development Outside Development Limits FEL/HN 6 – Supplemental Dwellings FEL/HN1 7 – Housing Mix FEL/HN1 8 – Habitats Regulations Assessment</p>	<p>Policy HN2 and HN3</p> <p>We note that it is proposed to allocate sites for residential development which are included in the emerging Uttlesford Local Plan, and Anglian Water has no objection to the principle of residential development on these sites identified in the Neighbourhood and Local Plan.</p> <p>Furthermore, we note that Policy HN2 incorporates swales to provide SuDS within the development. Anglian Water is in support of the incorporation of Sustainable Drainage Systems in all developments within the Parish, and this is consistent with Policy EN 11 of the Uttlesford Local Plan. This is consistent with the surface water hierarchy and would help to ensure that new developments do not increase the risk of surface water or sewer flooding.</p>
<p>Integrity, Character and Heritage</p> <p><u>Policies</u> FEL/ICH1 – High Quality Design FEL/ICH 2 – Heritage Assets FEL/ICH 3 – Signage Pollution FEL/ICH 4 – Light Pollution FEL/ICH 5 – Avoiding Coalescence</p>	
<p>Supporting the Rural Economy</p>	

<p><u>Policies</u> FEL/RE1 – <i>Start Up and Small Business</i> FEL/RE2 – <i>Loss of Employment Uses</i> FEL/RE 3 – <i>Re-use of Rural Buildings</i> FEL/RE 4 – <i>Home Working</i></p>	
<p>Countryside and Wildlife</p> <p><u>Policies</u> FEL/CW1- <i>Landscape and Countryside Character</i> FEL/CW2 – <i>Nature Including Felsted Fen</i> FEL/CW3 – <i>Footpaths, Bridleways and Cycleways</i> FEL/CW4 – <i>Green Infrastructure</i></p>	

Would you like to be notified of Uttlesford District Council's decision under Regulation 19 of the Neighbourhood Planning (General) (Amendments) Regulations 2015 to adopt the Felsted Neighbourhood Plan?

Yes

No

Thank you for completing this response form.



Historic England

Ms Demetria MacDonald
Planning Policy Officer
Uttlesford District Council
By Email Only

Direct Dial: 01223 582746

Our ref: PL00462651

24 July 2019

Dear Ms MacDonald,

Ref: Felsted Neighbourhood Plan Regulation 16 Consultation

Thank you for your correspondence dated 12 June 2019 inviting Historic England to comment on the Regulation 16 Submission version of the Felsted Neighbourhood Plan.

We welcome the production of this neighbourhood plan, but do not wish to provide detailed comments at this time. We would refer you to any previous comments submitted at Regulation 14 stage, and for any further information to our detailed advice on successfully incorporating historic environment considerations into your neighbourhood plan, which can be found here:

<https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/>

I would be grateful if you would notify me if and when the Neighbourhood Plan is made by the district council. To avoid any doubt, this letter does not reflect our obligation to provide further advice on or, potentially, object to specific proposals which may subsequently arise as a result of the proposed NP, where we consider these would have an adverse effect on the historic environment.

Please do contact me, either via email or the number above, if you have any queries.

Yours sincerely,

[Redacted]
Edward James
Historic Places Advisor, East of England
[Redacted]

cc:



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 582749
HistoricEngland.org.uk



Demetria Macdonald
Uttlesford District Council
London Road
Saffron Walden
Essex
CB11 4ER

Our ref: AE/2019/124216/01-L01
Your ref: reg 16
Date: 24 July 2019

Dear Sir/Madam

FELSTED NHP 2018-2033 REG 16 FELSTED NEIGHBOURHOOD PLAN

Thank you for your letter dated 12 June 2019 relating to the Felsted Neighbourhood Plan. We have assessed the draft Neighbourhood Plan as submitted and our letter contains our response and information in relation to environmental issues that should be considered during the development of the Neighbourhood Plan.

Our principal aims are to protect and improve the environment, and to promote sustainable development, we:

- Act to reduce climate change and its consequences
- Protect and improve water, land and air
- Work with people and communities to create better places
- Work with businesses and other organisations to use resources wisely

You may find the following two documents useful. They explain our role in in the planning process in more detail and describe how we work with others; they provide:

- An overview of our role in development and when you should contact us.
- Initial advice on how to manage the environmental impact and opportunities of development.
- Signposting to further information which will help you with development.
- Links to the consents and permits you or developers may need from us.

Building a better environment: Our role in development and how we can help:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/289894/LIT_2745_c8ed3d.pdf

Water Recycling Centre

Providing sewerage capacity for new development in Felsted is currently complicated. Our figures (from volumes of sewage output supplied to us by Anglian Water) show that Felsted Water Recycling Centre is currently discharging way above its permitted capacity. This is because of flow which has been diverted from Great Dunmow Water

Environment Agency
Cobham Road, Ipswich, Suffolk, IP3 9JD.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

Cont/d..

Recycling Centre (WRC), ostensibly as a temporary measure while works were done at Dunmow. This excess flow is due to be diverted back to Great Dunmow very soon, but it does mean that we cannot be certain of the volume of discharge which Felsted would process from its own catchment. It is possible that we will find that additional capacity needs to be created at Felsted before new properties can be connected to the sewerage system, and this can be a lengthy process. Early discussions with Anglian Water and the Parish Council, on this matter should occur as soon as possible. It should also be included in the Neighbourhood plan that this will be looked into and that new development should not be occupied until Felsted WRC discharges within its capacity or upgrades are made if necessary.

Sustainable Drainage Systems

The Neighbourhood plan refers to Surface water flooding and SuDS being incorporated into designs to mitigate surface water run-off, we provide the following advice in relation to our general requirements for SuDS:

1. Infiltration SuDS such as soakaways, unsealed porous pavement systems or infiltration basins shall only be used where it can be demonstrated that they will not pose a risk to the water environment.
2. Infiltration SuDS have the potential to provide a pathway for pollutants and must not be constructed in contaminated ground. They would only be acceptable if a phased site investigation showed the presence of no significant contamination.
3. Only clean water from roofs can be directly discharged to any soakaway or watercourse. Systems for the discharge of surface water from associated hard-standing, roads and impermeable vehicle parking areas shall incorporate appropriate pollution prevention measures and a suitable number of SuDS treatment train components appropriate to the environmental sensitivity of the receiving waters.
4. The maximum acceptable depth for infiltration SuDS is 2.0 m below ground level, with a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels.
5. Deep bore and other deep soakaway systems are not appropriate in areas where groundwater constitutes a significant resource (that is where aquifer yield may support or already supports abstraction). If deep soakaways are proposed you should contact us, as an environmental permit maybe needed.

Please also refer to the SuDS Manual (CIRIA C753, 2015), the Susdrain website (<http://www.susdrain.org/>) and the draft National Standards for SuDS (Defra, 2015) for more information.

Flood Risk

There is no mention to fluvial flood risk within the Neighbourhood plan. The river Chelmer falls on the site boundary of the Neighbourhood area and the River Ter flows through the middle of the Neighbourhood area.

This is an opportunity to ensure that development does not increase flood risk elsewhere. We would want to see that the principles of the National Planning and Policy Framework (NPPF) are adhered to in identifying which sites are taken forward.

All proposals for development of 1 hectare or above in Flood Zone 1 and for development in Flood Zones 2 and 3 must be accompanied by a flood risk assessment that sets out the mitigation measures for the site and agreed with the relevant authority. Development in these flood zones must accord with those categories in the Flood Risk Vulnerability Classification, which are described as appropriate for this Flood Zone.

All of the site allocations are in Flood zone 1 so there are no issues in regards to flood risk but they need to be aware there maybe unmodelled watercourses in the area. Developments will be required to model these to determine flood risk. For any further development which may have not been allocated to date the following information applies to.

Environmental Permit for Flood Risk Activities

Applicants may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert. Within the Neighbourhood Plan Boundary is Stebbing Brook, the River Ter and the River Chelmer. These are all designated as 'Main River'.

Application forms and further information can be found at:
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. Anyone carrying out these activities without a permit where one is required, is breaking the law.

Please note that the view expressed in this letter are a response to the proposed Neighbourhood Development Plan only and does not represent our final view in relation to any future planning or permit applications that may come forward. We reserve the right to change our position in relation to any such application.

Please contact me on the details below should you have any questions or would wish to contact any of our specialist advisors. Please continue to keep us advised on the progress of the plan.

We trust this advice is helpful.

Yours sincerely,



Miss Natalie Kermath
Planning Advisor

Direct dial 

Direct e-mail 

Date: 24 July 2019
Our ref: 285701
Your ref: N/A



Demetria.Macdonald@uttlesford.gov.uk

BY EMAIL ONLY

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Ms. Macdonald

Felsted Neighbourhood Plan Regulation 16

Thank you for your consultation on the above dated 12 June 2019

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

We refer you to our previous comments on this Neighbourhood Plan and its accompanying assessments within Natural England's responses dated 15th May 2019 (Ref. 281604), 13th May 2019 (279555), 18th March 2019 (274064) and 13 September 2018 (255490).

Felsted Neighbourhood Plan Policies

We note the inclusion of policy **FEL/HN8** which refers to the recreational disturbance impacts felt within the Essex Coast designated sites. Natural England commented on this policy wording within our response reference 281604, however the suggested alterations to this wording do not appear to have been forthcoming. Whilst the aims of this policy are supported, it would be advised, as previously suggested, for this wording to be future-proofed. It would be advised for this to refer to the 'Essex Coast RAMS Zone of Influence', as is detailed in the supporting Essex Coast RAMS 'Habitats Regulations Assessment Strategy Document'. Natural England would recommend this policy wording be amended.

Furthermore Natural England notes that no general biodiversity policy has been included within the plan. Whilst aspects relating to the natural environment have been considered within other policies, Natural England would strongly advise specific biodiversity policy wording considering the protection and enhancement of the natural environment in a strategic manner. We support the aims and intentions of Policy **FEL/CW4** relating to Green Infrastructure and in line with our comments above on biodiversity, suggest that this policy could be broadened to include this requirement.

For further information on Natural England's general advice as to the issues which a Neighbourhood plan should consider, please see Annex 1.

For clarification of any points in this letter, please contact Heather Read on heather.read@naturalengland.org.uk. For any further consultations on your plan, please contact consultations@naturalengland.org.uk.

Yours sincerely

Heather Read
Essex Area Delivery Team

Annex 1 - Neighbourhood planning and the natural environment: information, issues and opportunities

Natural environment information sources

The [Magic](http://magic.defra.gov.uk/)¹ website will provide you with much of the nationally held natural environment data for your plan area. The most relevant layers for you to consider are: **Agricultural Land Classification, Ancient Woodland, Areas of Outstanding Natural Beauty, Local Nature Reserves, National Parks (England), National Trails, Priority Habitat Inventory, public rights of way (on the Ordnance Survey base map) and Sites of Special Scientific Interest (including their impact risk zones)**. Local environmental record centres may hold a range of additional information on the natural environment. A list of local record centres is available [here](#)².

Priority habitats are those habitats of particular importance for nature conservation, and the list of them can be found [here](#)³. Most of these will be mapped either as **Sites of Special Scientific Interest**, on the Magic website or as **Local Wildlife Sites**. Your local planning authority should be able to supply you with the locations of Local Wildlife Sites.

National Character Areas (NCAs) divide England into 159 distinct natural areas. Each character area is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in your plan. NCA information can be found [here](#)⁴.

There may also be a local **landscape character assessment** covering your area. This is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change in the area. Your local planning authority should be able to help you access these if you can't find them online.

If your neighbourhood planning area is within or adjacent to a **National Park** or **Area of Outstanding Natural Beauty (AONB)**, the relevant National Park/AONB Management Plan for the area will set out useful information about the protected landscape. You can access the plans on from the relevant National Park Authority or Area of Outstanding Natural Beauty website.

General mapped information on **soil types** and **Agricultural Land Classification** is available (under 'landscape') on the [Magic](http://magic.defra.gov.uk/)⁵ website and also from the [LandIS website](http://www.landis.org.uk/)⁶, which contains more information about obtaining soil data.

Natural environment issues to consider

The [National Planning Policy Framework](#)⁷ sets out national planning policy on protecting and enhancing the natural environment. [Planning Practice Guidance](#)⁸ sets out supporting guidance.

Your local planning authority should be able to provide you with further advice on the potential impacts of your plan or order on the natural environment and the need for any environmental assessments.

¹ <http://magic.defra.gov.uk/>

² <http://www.nbn-nfbr.org.uk/nfbr.php>

³ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

⁴ <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making>

⁵ <http://magic.defra.gov.uk/>

⁶ <http://www.landis.org.uk/index.cfm>

⁷ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807247/NPPF_Feb_2019_revised.pdf

⁸ <http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/>

Landscape

Your plans or orders may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features or characteristics such as ponds, woodland or dry stone walls and think about how any new development proposals can respect and enhance local landscape character and distinctiveness.

If you are proposing development within or close to a protected landscape (National Park or Area of Outstanding Natural Beauty) or other sensitive location, we recommend that you carry out a landscape assessment of the proposal. Landscape assessments can help you to choose the most appropriate sites for development and help to avoid or minimise impacts of development on the landscape through careful siting, design and landscaping.

Wildlife habitats

Some proposals can have adverse impacts on designated wildlife sites or other priority habitats (listed [here](#)⁹), such as Sites of Special Scientific Interest or [Ancient woodland](#)¹⁰. If there are likely to be any adverse impacts you'll need to think about how such impacts can be avoided, mitigated or, as a last resort, compensated for.

Priority and protected species

You'll also want to consider whether any proposals might affect priority species (listed [here](#)¹¹) or protected species. To help you do this, Natural England has produced advice [here](#)¹² to help understand the impact of particular developments on protected species.

Best and Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If you are proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework para 171. For more information, see our publication [Agricultural Land Classification: protecting the best and most versatile agricultural land](#)¹³.

Improving your natural environment

Your plan or order can offer exciting opportunities to enhance your local environment. If you are setting out policies on new development or proposing sites for development, you may wish to consider identifying what environmental features you want to be retained or enhanced or new features you would like to see created as part of any new development. Examples might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Think about how lighting can be best managed to encourage wildlife.
- Adding a green roof to new buildings.

⁹<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

¹⁰ <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

¹¹ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

¹² <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

¹³ <http://publications.naturalengland.org.uk/publication/35012>

You may also want to consider enhancing your local area in other ways, for example by:

- Setting out in your plan how you would like to implement elements of a wider Green Infrastructure Strategy (if one exists) in your community.
- Assessing needs for accessible greenspace and setting out proposals to address any deficiencies or enhance provision.
- Identifying green areas of particular importance for special protection through Local Green Space designation (see [Planning Practice Guidance on this](#) ¹⁴).
- Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks, changing hedge cutting timings and frequency).
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition, or clearing away an eyesore).

¹⁴ <http://planningguidance.planningportal.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/local-green-space-designation/>

Our Ref: KF/UDC/FelstedNP

Date: 24 July 2019

Phone: [REDACTED]

Email: [REDACTED]

Planning Policy
Uttlesford District Council
London Road
Saffron Walden
Essex County Council
CM11 4ER
By email planningpolicy@uttlesford.gov.uk

Dear Sir/Madam,

Re: Felsted Neighbourhood Plan (Regulation 16) consultation - Essex County Council Response

Thank you for consulting Essex County Council (ECC) on this emerging Felsted Neighbourhood Plan (FNP). ECC provides the following response, which reflects ECC's role as the Minerals and Waste Planning Authority, the Highways Authority, the Local Education Authority and Lead Local Flood Authority. ECC is also responsible at the local level for public health.

ECC responded to the Regulation 14 consultation in September 2018. ECC acknowledges that the Neighbourhood Plan Steering Group (NPSG) has incorporated the majority of the suggested amendments into the Regulation 16 FNP. However, there remain a few issues that ECC would still wish to clarify in this response.

If you wish to discuss any of the above matters in further detail please do not hesitate to contact me.

Neighbourhood Plan and emerging new Uttlesford District Local Plan (2011-2033)

ECC provided a response to the Uttlesford District Draft Local Plan Regulation 18 (2017) and Regulation 19 (2018) consultation. The submitted Local Plan classifies Felsted as a 'Type A' village in its Spatial Strategy. This means that such villages are considered as suitable for a scale of new development that reinforces their role as a local (service) centre. It is noted that the submitted Local Plan proposes two site allocations for Felsted as follows:

Site Policy FEL 1 Land north of Station Road

Quantum of Development: 40 dwellings; Site Area: 3ha

This site is also allocated in the FNP (site to west of Bury Farm, reference HN3, allocated for up to 39 homes).

Site Policy FEL 2 Land east of Braintree Road

Quantum of Development: 30 dwellings; Site Area: 2.5ha

This site is not allocated in the emerging NP and instead the site referenced HN2 (Sunnybrook Farm site, adjacent to primary school, Braintree Road) is substituted within a similar locality and identified for 24 homes.

In respect of the proposed growth for Felsted, the approach of the FNP appears broadly in conformity with the emerging Local Plan in terms of the planned scale of growth (63 approx) up to 2033. However, it is noted that one proposed site allocation (ie HN2) is different and this is acknowledged as a SHLAA site that was submitted to UDC for its consideration as a development proposal. Accordingly this can be treated as available for development and also potentially suitable for development. At present it will not be clear to the landowners, site promoters and developers involved, plus the wider community, whether it is envisaged that all three sites will come forward for development or alternatively, some combination of these. A number of planning applications have also been submitted in the Parish for development, in addition to the sites identified in the Local and Neighbourhood Plans.

Whilst ECC did not object to the level of growth in either Plan it is important that relevant policies in the FNP provide a framework within which the potential impact of additional growth in the Parish will be carefully considered with regards its impact on schools, early years and childcare, and the highway network.

Consequently, the following suggested comments and policy amendments are to ensure these implications need to be considered by developers of the allocated sites, and other speculative development.

Highways and Sustainable Travel

The FNP identifies a key concern of the local community, as being existing highway safety and traffic congestion within the parish and the surrounding network and junctions, as indicated in the Vision, part 3. It is considered this will be exacerbated through the increase in traffic movements to and from new development sites and local school traffic. The Plan concentrates on car based measures to mitigate these impacts, with little consideration given to sustainable transport measures. Policy GEN1 of the adopted UDC Local Plan, and Policy TA 1 and 2 in the Pre-Submission Plan (at examination) require developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must not compromise road safety and to take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than the car. Given that the UDC Local Plan is presently at examination, ECC has recommended amendments to specific policies. However, the NPSG may wish to consider incorporating a specific policy on Sustainable Transport, based on Policy TA 2 – Sustainable Transport in the UDC Local Plan.

ECC recommends that where policies refer to new developments the need for the appropriate Transport Statement or Assessment to be undertaken is made explicit. The suggested changes for each policy are outlined below.

The reference to cycling within in the plan is welcomed, but changes are suggested to specific policies to highlight the need for appropriate cycle parking or contribution to infrastructure, in particular the Flitch Way which provides a strategic walking and cycling link for the area.

FEL/HVC1- Historic Village Centre

ECC recommend criterion ii) is deleted, and replace with;

ii) the proposal will maximise the use of walking, cycling and public transport, as appropriate, to reduce trips by the private car and impact on the existing conditions on the local highway network.

FEL/HVC2 - Existing Village Shop and Post Office

ECC recommend paragraph 1 is amended to read:

The relocation of the village shop and Post Office to an alternative site within the Felsted Neighbourhood Area in a sustainable, accessible location which includes adequate cycle parking and car parking will be supported.

ECC recommend paragraph 3 is amended to read:

Proposals must be subject to a Transport Statement/Assessment in accordance with ECC Development Management Policies (2011) to demonstrate that they will not exacerbate existing traffic congestion and parking issues at this location.

FEL/HVC3 - Royal British Legion Site

ECC recommend an additional criterion is added to read:

v) addition of public cycle parking for the village centre

FEL/HVC4 - Additional Car Parking in the Village Centre

ECC recommend an additional criterion is added to read:

- *Includes appropriate cycle parking*

Policy FEL/HVC5 – Managing Congestion at the T Junction in Felsted Village

Policy HVC5 of the FNP requires development proposals in the 'historic village core' to be accompanied by a 'traffic impact statement', which is required to consider matters including proposed site access, parking stress, impact upon highway safety and the free flow of traffic on the local road network.

ECC recommend reference to 'traffic impact statement' is amended to reflect the appropriate terminology with regards the type of assessment that is required, as set out in the ECC Development Management Policies (2011), Appendix B. For example a Transport Statement is required for between 25 – 50 dwellings, and a Transport Assessment for 50 dwellings and above. Other thresholds are outlined in Appendix B according to land use category, including schools.

ECC recommend paragraph 1 is deleted, and replaced with:

‘Proposals must be subject to a Transport Statement/Assessment in accordance with ECC Development Management Policies (2011) to demonstrate how walking, cycling and passenger transport will be maximised and the impact on the existing conditions on the local highway network minimised’

FEL/VA2 - Memorial Hall

ECC recommended paragraph 3 is amended to read:

‘Access to the recreational areas at the rear of the site should be improved to provide vehicular access, and additional car parking and cycle parking facilities.’

Policy FEL/VA3 – Infrastructure Priorities

ECC supports the reference to new development being required to contribute to improvements/enlargement of the primary school, given the limited existing capacity at Felsted Primary School. At present, the primary school has 30 or more pupils in every year group, including two ‘bulge’ year groups, to meet increased local demand. At present the school relies on temporary classbases to accommodate its full roll of 270 pupils. In responding to UTT/18/3529/O Braintree Road for 30 homes in February 2019 ECC sought a developer contribution for additional primary school places to mitigate its impact on local primary school provision.

Section 106 contributions are required to meet the following tests set out in the NPPF, namely:

- 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

Policy VA3 seeks contributions to be made towards a village hall to accommodate up to 250 seated people and premises for the relocation of the Royal British Legion. The Parish Council should further consider whether the two requirements above meet the above tests, and whether they are compliant with the CIL Regulations. However, any developer could approach the Parish Council and enter into a private agreement outside of the planning system if both parties were agreeable.

In addition, ECC recommend that the FNP should define infrastructure in general terms, either in a glossary or the supporting text to this policy and suggest the following:

- Infrastructure means any structure, building, system facility and/or provision required by an area for its social and/or economic function and/or well-being including (but not exclusively):
- footways, cycleways and highways;
- public transport;
- drainage and flood protection;
- waste recycling facilities;
- education and childcare;
- healthcare;
- sports, leisure and recreation facilities;
- community and social facilities;

- cultural facilities, including public art;
- emergency services;
- green infrastructure;
- open space;
- affordable housing;
- live/work units and lifetime homes;
- ultrafast high-speed broadband; and
- facilities for specific sections of the community such as youth or the elderly.

Policy FEL/SC1 – Supporting our Schools

Paragraph 5.3.4 refers to the need for policies in the plan to seek to mitigate the impact of school traffic on the local highway network. Some measures are proposed in Policy SC1, but ECC recommend additional reference is made in the policy requiring schools to prepare School Travel Plans, and there may be some scope for joint initiatives between the two schools in Felsted. Further details regarding school travel plans are contained in the ECC Sustainable Modes of Travel Strategy (January 2019) via the link below.

<https://assets.ctfassets.net/knkzaf64jx5x/5T3h7kDuqTwZg7tzYY21E0/d98a73ccd9fa2e9e5cb4451ecd74cde5/sustainable-modes-travel-strategy-essex-county-council.pdf>

- *preparation of School Travel Plan (s) to identify and implement measures to enable all relevant parties to travel by their most suitable and sustainable modes, with associated benefits for the wider community.*

FEL/SC3 - Felsted School Follyfield Site

ECC recommend the policy is re-written to read:

‘Any scheme to redevelop Felsted School’s Follyfield site (as shown on Map 4) must be subject to a Transport Statement/Assessment and provide a safe and suitable access, and conform with Essex Parking Standards.’

FEL/SC6 - Felsted Primary School – Expansion

ECC recommend paragraph 1 is deleted, and replaced with the following:

‘The development and expansion of Felsted Primary School on the existing site, as shown in Map 5, must be subject to a Transport Statement/Assessment which considers local traffic management including:

Policies FEL/HN2: Sunnybrook Farm Site (24 units) and FEL/HN3: Bury Farm Site (39 units)

The criteria supporting the development of sites HN2 and HN3 concentrates largely on car based matters in terms of traffic, car parking and safety. Consequently, ECC has suggested other amendments to policies including reference to Development Management Policies; Transport Statements, Transport Assessments, Travel Planning etc, which is more consistent with UDC Local Plan Policy TA 2.

ECC recommend the following amendments to Policy HN2:

Insert new criterion i) – iii) and re-order accordingly to read:

- i) *be subject to a Transport Statement/Assessment in accordance with ECC Development Management Policies (2011) and Car Parking Standards*
- ii) *maximise pedestrian, cycle and public transport to promote accessibility and integration into the wider community and wider networks*
- iii) *protect the public's rights and ease of passage over the adjacent Public Footpath 12 (Felsted), ensuring it is maintained free and unobstructed at all times to ensure the continued safe passage of public on the definitive right of way.*

ECC recommend the following amendment to Policy HN3:

Insert new criterion i) – ii) and re-order accordingly to read:

- i) *be subject to a Transport Statement/Assessment in accordance with ECC Development Management Policies (2011) and Car Parking Standards*
- ii) *maximise pedestrian, cycle and public transport to promote accessibility and integration into the wider community and wider networks*

In addition, more locally based opportunities could be considered such as the provision of a community minibus for ad-hoc local journeys. An opportunity may arise for the Felsted School minibus fleet to be used by volunteer drivers from the community to meet some of the ad-hoc off peak travel needs of the residents (particularly for the outlying greens and hamlets). This may help the parish to secure improved connectivity for outlying greens such as Bannister Green, Molehill Green and Willows Green.

FEL/HN4 - Residential Development within Development Limits

ECC recommend an additional criterion be added to read:

'Demonstrating safe and suitable access, and being accompanied by a Transport Statement/Assessment, as appropriate, in accordance with the ECC Development Management Policies (2011)'

FEL/HN5 - Residential Development outside Development Limits

ECC recommend an additional criterion be added to read:

'Demonstrating safe and suitable access, and being accompanied by a Transport Statement/Assessment, as appropriate, in accordance with the ECC Development Management Policies (2011)'

FEL/HN6 - Supplemental Dwellings

ECC recommend an additional criterion be added to read:

'Is able to demonstrate safe and suitable access to the local highway network in accordance with the ECC Development Management Policies (2011)'

Policy FEL/CW3 - Footpaths, Bridleways and Cycleways

Paragraph 5.7.10 refers to new developments being encouraged to locate where they can be linked to services, facilities and infrastructure by a range of transport options including footpaths and cycle networks and that development should protect existing cycling, walking and equestrian routes.

ECC recommend the 2nd paragraph is amended to clearly refer to new development proposals having to demonstrate connectivity to key services and facilities and the rural environment. Additional reference to the role of green infrastructure in providing such connectivity is included in Policy FEL/CW4, bullet point 2.

'Development proposals should seek to improve the connectivity through enhancing and extending the existing footpath and cycle path network, allowing greater access to housing, schools, work places and retail facilities, green spaces, public open spaces and the countryside. Proposals that will block or sever the network without adequate diversionary measures or equivalent alternative provision will not be supported.'

ECC welcome reference in paragraph 5.7.11 to the importance of the Right of Way network, but consider specific reference by an additional criterion is added regarding potential contributions from new development to mitigating any impact on the Fritch Way to read:

'Developments will be required to mitigate their impact on the Fritch Way through providing enhanced connections with and/or improvements to the Fritch Way.'

Policy FEL/SC5 – Felsted Primary School - Modernisation

The FNP makes little reference to early years and childcare. Paragraph 2.5.3 refers to existing nursery schools at Whipper-Snappers and the pre-school at Little Acorns at Felsted Primary School. There is currently the development of a 30 place early years nursery as part of the refurbishment of the primary school. However, this will only provide an additional 4 childcare places to the present Little Acorns provision of 26 places. Consequently, any potential additional growth in Felsted will be required to provide or make a financial contribution to EYCC provision. Policies FEL/VA3 and FEL/HN4 of the FNP require the necessary infrastructure to be provided either on site or off site through contributions, if this is required by the development. Reference is made to the requirement for a contribution to be made for additional primary school places, and is supported. Furthermore, Policy INF 1 in the submitted Uttlesford Local Plan, currently subject to examination, sets out the broad requirements for the delivery of infrastructure to support development. In responding to UTT/18/2508/O Bury Farm for 38 homes in November 2018 and UTT/18/3529/O in February 2019 a developer contribution was sought for early years places given the lack of unfilled places.

ECC recommend the following addition to paragraph 5.3.17 to refer to the following:

'There is currently the development of a 30 place early years nursery as part of the refurbishment of the primary school. However, this will only provide an additional 4 childcare places to the present Little Acorns provision of 26 places. Consequently, any

potential additional growth in Felsted will be required to provide or make a financial contribution to EYCC provision.'

Comments on other Policies

Meeting Housing Needs

Policy FEL/HN3 – Land at Station Road (Bury Farm)

This site falls within a Waste Consultation Area (WCA) associated with the safeguarded Felsted Waste Water Treatment Works (WWTW). A map showing the relationship between the site and the WWTW is attached as Appendix A. By virtue of the site being located within a WCA, it is subject to Policy S2 of the Essex and Southend-on-Sea Waste Local Plan. Whilst not prohibiting development, the policy seeks to ensure that any development within a WCA will not prohibit the continued operation of the safeguarded waste facility. For convenience, the Waste Local Plan can be accessed [here](#).

Further Information – Mineral Developments in the FNP area

The following mineral developments are located in the FNP area. Applications for development falling within a Mineral Consultation Area are subject to Policy S8 of the Essex Minerals Local Plan, which can be found [here](#).

Rayne Quarry – Application ref. ESS/19/17/BTE – awaiting determination.

Blackley Quarry

- ESS/46/16/CHL – Extant planning permission for the historic site and Sites A38 and A39, a variation of phasing and restoration having been made to ESS/16/15/CHL.
- ESS/42/17/CHL – Variation to ESS/46/16/CHL to allow amendments to planting timing, bunding and condition wordings (outstanding).

The following waste developments / allocations are located in the NP area. The extents of the associated WCAs are shown in Appendix 1.

Felsted Waste Water Treatment Works – ESS/50/05/UTT

Blackley Quarry - Waste Local Plan allocation reference L(i) 10 R

Supporting the Rural Economy

Policy FEL/RE2 – Loss of Employment Uses

ECC supports reference to requiring active marketing of an existing employment site for no less than 12 months prior to it being released for an alternative use. However, ECC recommends the policy is enhanced to include a requirement for independent assessments to be undertaken to determine that the site is no longer viable for

employment use. This would also ensure that the FNP is consistent with the Uttlesford Local Plan, in particular Appendix 5 section 42.8 which states that “*The marketing should be supplemented by an independent assessment that the use is unlikely to be economically viable in the foreseeable future. The assessment should be undertaken by a reputable and suitably experienced company to be determined by the Council in agreement with the applicant and to be funded by the applicant.*”

Protecting the Historic Village Centre

Policy FEL/HVC4 – Electric charging points

Policy HVC4 and supporting paragraph 5.1.20 makes reference to the need to provide EV charging points infrastructure in all new developments, and is supported. The policy position could be strengthened by referencing the standards required in new development, as identified in Policy TA 2 of the Pre-Submission UDC Local Plan.

In this respect, it is suggested that Policy HVC4 is amended as follows:

The installation of EV charging points infrastructure (active or passive) in all developments (domestic and commercial) with parking facilities will be supported, in accordance with standards in Local Plan Policy TA 2.

Countryside and Wildlife

Policy FEL/CW4 – Green Infrastructure

ECC welcomes the suggested inclusion of this policy following representations to the Regulation 14 consultation, including reference to Sustainable Urban Drainage (SUDs) and natural flood management measures assisting in the enhancement of biodiversity and ecosystems, and contributing to the multi-functional use of local green spaces as part of the Green Infrastructure (GI) network.

ECC recommend the supporting text should also refer to opportunities arising from rainwater re-use as follows:

‘To face the future challenges such as climate change, water scarcity and flash flooding there is need to include rainwater harvesting to promote water recycling and managing surface water runoff at source. Rainwater can be utilized for variety of applications such as cleaning, washing and irrigation and has many benefits and have great potential to incorporate the sustainable water management system from minor to major developments.’

ECC further recommend a minor change to bullet point 6 to clarify reference to ‘flood management techniques.

- *Take into consideration the principles of Sustainable Urban Drainage (SUDs) and natural flood management techniques, which will enhance biodiversity and ecosystems; or*

A similar amendment is recommended to paragraph 5.4.36 of Policy FEL/HN2 regarding the allocated site at Sunnybrook Farm:

Proposals for on-site SUDS through the provision of swales and/or other natural flood management techniques to mitigate surface water run-off, unless drainage studies dictate otherwise;

NPPF (2019), paragraph 170d requires developments to minimise impacts on and provide net gain for biodiversity, including the establishment of coherent ecological networks. This approach is consistent with the Government's 25-year Environment Plan. Consequently, ECC recommend the following additional bullet point:

- *All proposals should seek to deliver net environmental and biodiversity gains, in addition to protecting existing habitats and species. Any proposals which negatively affect, or have the potential to negatively affect, the natural environment must demonstrate that any negative impacts on biodiversity, including flora and fauna, and local wildlife (including wildlife habitats), will be adequately mitigated and/or offset.*

Planning Practice Guidance (Paragraph: 031 Reference ID: 8-031-20160211) acknowledges that arrangements for managing green infrastructure, and for funding its management over the long-term, should be identified as early as possible when planning green infrastructure and factored into the way that it is designed and implemented. The NPSG may wish to consider a mechanism for how this will be achieved moving forward.

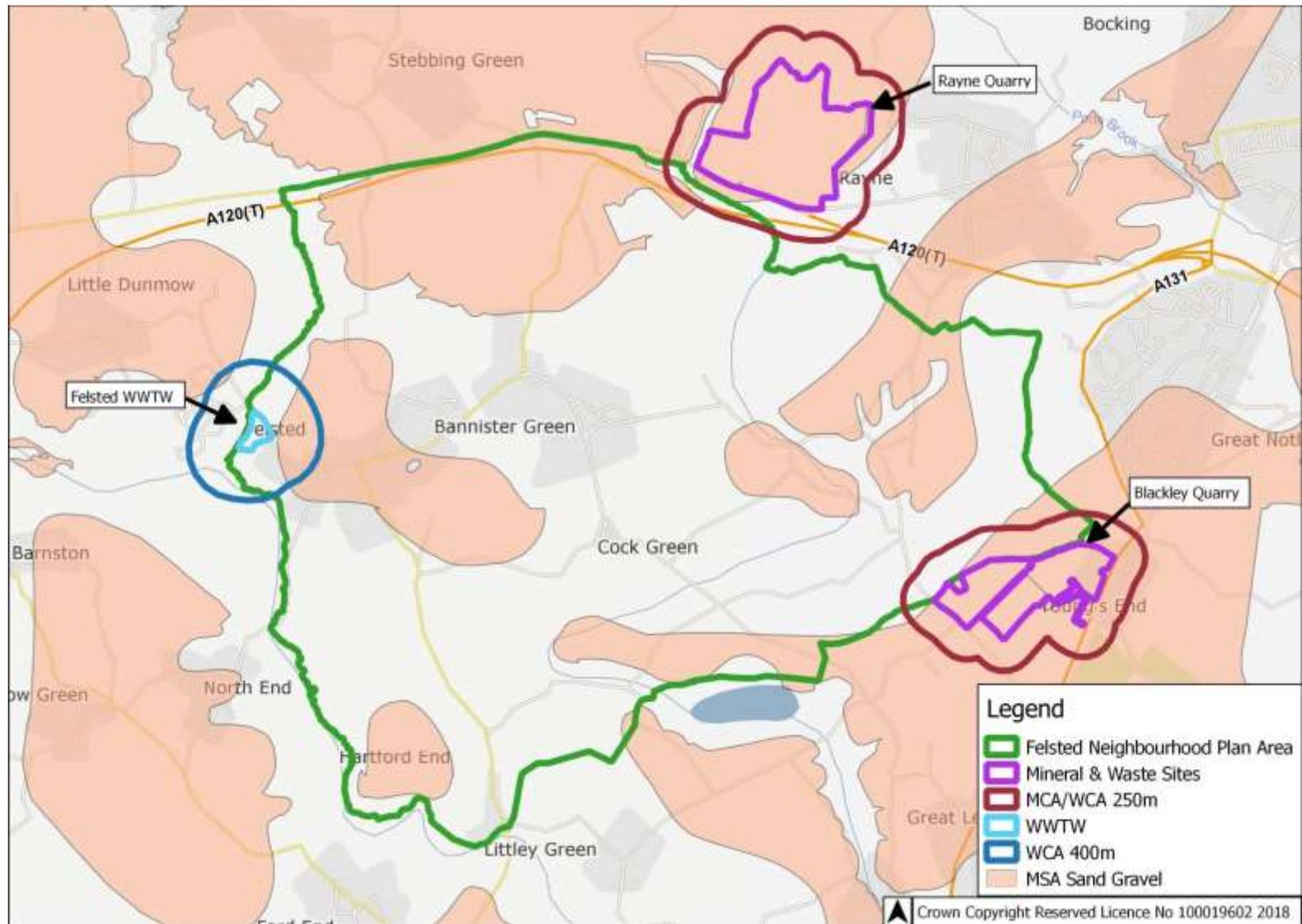
If you wish to discuss any of the above matters in further detail please do not hesitate to contact me.

Yours sincerely

Kevin Fraser

Principal Planning Officer (Spatial Planning)
Planning Service
Essex County Council
County Hall
CHELMSFORD
CM1 1QH

Appendix A: Waste and Mineral Allocations and Developments





Internal Use Only
Representation Number:

Felsted Neighbourhood Plan Publication Consultation

Response Form

Consultation period ends: Wednesday 24 July 2019 at 5pm

Uttlesford District Council is inviting representations on the submission version of the Felsted Neighbourhood Plan.

Representations must have been received by Uttlesford District Council no later than **5pm on Wednesday 24 July 2019**. Representations after this date will not be considered.

Representations can be submitted by email to:

planningpolicy@uttlesford.gov.uk or by post to

Uttlesford District Council
London Road
Saffron Walden
Essex
CB11 4ER

Respondents do not have to use this form to respond. All responses must be made in writing, either electronically or otherwise.

All responses will be made public with the respondents name and (if applicable) organisation. Anonymous responses cannot be accepted.

UTTLESFORD DISTRICT COUNCIL – PLANNING POLICY

In accordance with the General Data Protection Regulation please complete:

Section 1 if you are making comments (a representation) on the Neighbourhood Plan

Section 2 to provide your details

1. USE OF PRIVATE DATA WHEN MAKING COMMENTS

If you do not provide consent, we cannot process your comments and you may not be able to participate in the Neighbourhood Plan examination.

Please tick this box to provide your consent to allow Uttlesford District Council to process your data, in accordance with the General Data Protection Regulation and Data Protection Act, so your comments on the Neighbourhood Plan can be processed.

***Your name and comments will be made public, but any address, telephone and email address will remain confidential.**

2. YOUR DETAILS

Please confirm below your name and email or postal address. You are not obliged to provide your details; however we will be unable to process any comments you make.

Contact Name	Michael Hand
Email	
Or Postal Address	

We will keep a record of your consent for 7 years, after which it will be destroyed. For more information on how we collect, use and protect personal information generally, please visit <https://www.uttlesford.gov.uk/privacy-notice>

PRIVACY NOTICE

The Council will use the information you submit, or have submitted, in all correspondence to the Council to enable the council's planning policy section to consider any information, representation or evidence submitted to assist with the Felsted Neighbourhood planning examination.

Further information about Data Protection rights in line with the provisions of the General Data Protection Regulations and Data Protection Act 2018, for example how to contact the Data Protection Officer, how long information is held or how we process your personal information can be found at: <https://www.uttlesford.gov.uk/privacy-notice> Printed copies of the Council's Privacy Notices can be provided on request.

The Council will:

- Use the information you provide for the purpose of performing of its statutory duties.
- Make any disclosures required by law and may also share this information, both across council departments and with other local authorities and government organisations.
- Check information you have provided, or information about you that someone else has provided, with other information it holds.

The Council will not give information about you to anyone else, or use information about you for other purposes, unless the law allows this.

1) Your details

Name	Michael Hand
Organisation (if applicable)	CPRE Essex
Address	RCCE House Threshelfords Park Inworth Road Feering, Colchester CO5 9SE
Email	office@cpre-essex.org.uk
Telephone	[REDACTED]

2) Your representations

Please specify which paragraph or policy your representations relates to and if you are suggesting any amendments. Please use a separate sheet if you need more space.

The Plan as Whole	Comments
Chapter of the Plan	Comments

Section 1 Introduction	
Section 2 The Neighbourhood Area	
Section 3 The Key Issues	
Section 4 The Vision for Felsted	

<p>Chapter 5 Landscape and the Countryside</p>	
<p>Section 5 – The Policies</p>	
<p>Protecting the Historic Village Centre</p> <p><i>FEL/HVC1 – Historic Village Centre</i> <i>FEL/HVC 2 – Existing Village Shop and Post Office</i> <i>FEL/HVC 3 – Royal British Legion Site</i> <i>FEL/HVC 4 – Additional Car Parking in the Village</i> <i>FEL/HVC 5 – Managing Congestion at the T Junction in Felsted Village</i></p>	
<p>Village Amenities</p> <p><u>Policies</u> <i>FEL/VA1 – Doctor’s Surgery</i> <i>FEL/VA 2 – Memorial Hall</i> <i>FEL/VA 3 – Infrastructure</i></p> <p><u>Priorities</u> <i>FEL/VA 4 – Burial Ground</i> <i>FEL/VA 5 – Recreational and Play Areas</i></p>	<p>The proposals for relocation of several key village amenities, in both this and the preceding section, will have an impact on village form, function and focus. It is crucial that such proposals have been considered in the light of possible adverse knock-on effects.</p>

<p>Developing Our Schools</p> <p><u>Policies</u> FEL/SC1 – Supporting Our Schools FEL/SC 2 – Felsted School FEL/SC 3 – Felsted School Follyfield Site FEL/SC 4 – Felsted School Facilities off Braintree Road and Garnetts Lane FEL/SC 5 – Felsted Primary School - Modernisation FEL/SC 6 – Felsted Primary School - Expansion FEL/SC 7 – Felsted Primary School Site</p>	
<p>Meeting Our Housing Needs</p> <p><u>Policies</u> FEL/HN1 – Meeting Housing Needs FEL/HN 2 – Land at Braintree Road (Sunnybrook Farm) FEL/HN 3 – Land at Station Road (Bury Farm) FEL/HN1 4 – Residential Development within Development Limits FEL/HN 5 – Residential Development Outside Development Limits FEL/HN 6 – Supplemental Dwellings FEL/HN1 7 – Housing Mix FEL/HN1 8 – Habitats Regulations Assessment</p>	<p>The background to all the Housing Need policies are well presented and engagement with the local community on determining future housing development in the Parish through the Neighbourhood Plan should be supported.</p>
<p>Integrity, Character and Heritage</p> <p><u>Policies</u> FEL/ICH1 – High Quality Design FEL/ICH 2 – Heritage Assets FEL/ICH 3 – Signage Pollution FEL/ICH 4 – Light Pollution FEL/ICH 5 – Avoiding Coalescence</p>	<p>Avoidance of coalescence is a key issue in North Essex, given the high level of development currently being proposed through the Local Plans. This includes the proposed “garden communities” in Uttlesford, Braintree, Colchester and Chelmsford and their impact on the existing settlement pattern. As a result, policy FEL/ICH 5 is really important and needs to be a priority theme in the Neighbourhood Plan.</p>

<p>Supporting the Rural Economy</p> <p><u>Policies</u> FEL/RE1 – <i>Start Up and Small Business</i> FEL/RE2 – <i>Loss of Employment Uses</i> FEL/RE 3 – <i>Re-use of Rural Buildings</i> FEL/RE 4 – <i>Home Working</i></p>	<p>FEL/RE 3 - this section is underplayed and ambiguous. The reuse of under-used agricultural buildings for new commercial enterprises is an important contribution to farm diversification and supporting the rural economy. More prominence should be given to the policy and it should be made clear whether it relates to farm (and other existing commercial buildings) rather than rural buildings in general (which includes inappropriate types, such as residential properties).</p>
<p>Countryside and Wildlife</p> <p><u>Policies</u> FEL/CW1- <i>Landscape and Countryside Character</i> FEL/CW2 – <i>Nature Including Felsted Fen</i> FEL/CW3 – <i>Footpaths, Bridleways and Cycleways</i> FEL/CW4 – <i>Green Infrastructure</i></p>	<p>The Plan refers to the high quality of the agricultural land in the Parish but does not specify its grading. Assuming it is “best and most versatile”, then more emphasis should be given to the significance of protecting this land from development and maintaining it for the production of future food requirements (growing population, food miles etc).</p>

Would you like to be notified of Uttlesford District Council’s decision under Regulation 19 of the Neighbourhood Planning (General) (Amendments) Regulations 2015 to adopt the Felsted Neighbourhood Plan?

Yes x

No

Thank you for completing this response form.



UTTLESFORD DISTRICT COUNCIL

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Chief Executive: Dawn French

23 July 2019

Mr. Chris Collison

[REDACTED]
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Please ask for Demetria Macdonald on 01799 510518
email: dmacdonald@uttlesford.gov.uk

Dear Sir/Madam,

Re: Felsted Neighbourhood Development Plan Regulation 16 Consultation

We welcome the opportunity to comment on the draft Neighbourhood Plan. We have now had the opportunity to review the Draft Plan and can now provide the following officer response.

Introduction

We support the draft Felsted Neighbourhood Plan and commend your incorporation of amendments to reflect the comments provided by the Health Check Reviewer.

Observations

The following observations are made:

Contents Page

Expanding the Contents Page to show page numbers would facilitate easier reference to Chapters, Policies and text for the reader.

Policy FEL/HVA4 (para 5.5.4 page 34) – The last sentence about EV charging points appears to be a general add on and reads as being directed to all development in Felsted and not specifically to the HVC. Should this requirement not be also included in Policy FEL/ICH1 (page 60)?

Policy FEL/VA5 (page 38) – This policy should add “**or better**” after “.....an equivalent...” to read “The change of use of any recreational or play facility will not be supported unless and equivalent or better alternative facility is provided in an acceptable location within the Neighbourhood Area.” This will be in line with NPPF para 97(c).

Policy FEL/SC3 (page) – Has the Policy requirement to manage ‘right turns to and from the public highway’ been explored with highways to ascertain feasibility?

Policy FEL/ICH4 (page 61) – It should be noted that Development Management has no control over overhead cables but can condition light sources to a certain degree.

Infrastructure Priorities

Paragraphs 5.2.13 and 5.2.15 (page 37) – S106 commuted monies on housing schemes that trigger the Local Plan requirement for affordable housing are ring fenced for the delivery of affordable housing. Other funds like new homes bonus funding may be accessible for infrastructure projects.

Paragraph 5.2.13 should be amended to make it clear that S106 monies commuted in lieu of affordable housing cannot be used for other community infrastructure projects. The NP needs to suggest how other funding is going to be secured via S106 or other mechanisms for clarity.

Policy FEL/HN2 (point v) (page 50)

- Starter Homes – The regulations have not been issued therefore it is suggested to use the broader NPPF (Annex 2) definition of affordable homes which includes starter homes among other types of affordable housing. Use of the phrase affordable instead of ‘starter homes’ will obviate the need to specify the housing mix criteria of the affordable housing element.
- “Homes suitable for the elderly.....” –. How are ‘elderly people’ defined? Are they frail, house bound residents or fit retired people? Frail, house bound people will need help to live independently, is this practical with a limited bus service (not all care workers have cars). I think the definition of accessible properties should include specific details such as bungalows or properties that meet the building regulations M4 (cat 3) which are the accessible homes standard. This provides clarity.
- UDC accept that Policy HN2 (24 dwellings) is considered as enabling development that facilitates a major community benefit of addressing the significant problem of traffic congestion around the primary school. Affordable housing provision on this site will need to take account of the effect of viability of the development as a whole as has been explained in paragraph 5.4.37.

Policy FEL/NH3 (page 53) –

UDC accept that that Policy HN3 (39 dwellings) is considered as enabling development that facilitates a major community benefit of the provision of a surgery. Affordable housing provision on this site will need to take account of the effect of viability of the development as a whole. A paragraph similar to 5.3.47 should be added to the supporting text to this policy.

Policy FEL/NH3 (point ii) Smaller homes for first time buyers will stay affordable if they are protected under affordable housing tenures, i.e. shared ownership etc. as per the NPPF. If they are market homes, they will become unaffordable at resales, especially if extensions have been built. (A Trust can protect them)

Housing Mix

Paragraph 5.4.64 (page 56) – Clarity is needed on what is meant by “less well off?” Is it Median income in Uttlesford £24,000 or Average income of £36,000 or welfare recipients?

Policy FEL/HN7 (page 57) – The regulations have not been issued for starter homes and it is suggested to use the definition of affordable homes as per the NPPF and state desire for small private homes (although shared ownership can meet that need and requires significantly less deposit).

Yours Sincerely

Demetria Macdonald

Planning Policy Officer

[cc: Clerk to Felsted Parish Council and Felsted NPSG](#)

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22nd July 2019

Re: Felsted Neighbourhood Plan Submission (Reg 16) Consultation

Dear Sir/Madam,

This letter provides Gladman Developments Ltd (Gladman) representations in response to the draft version of the Felsted Neighbourhood Development Plan (FNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. This letter seeks to highlight the issues with the plan as currently presented and its relationship with national and local planning policy. Gladman has considerable experience in neighbourhood planning, having been involved in the process during the preparation and examination of numerous plans across the country, it is from this experience that these representations are prepared.

Legal Requirements

Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in §8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the FNP must meet are as follows:

- (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.
- (d) The making of the order contributes to the achievement of sustainable development.
- (e) The making of the order 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).
- (f) The making of the order does not breach, and is otherwise compatible with, EU obligations.
- (g) The making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

Revised National Planning Policy Framework

On the 24th July 2018, the Ministry of Housing, Communities and Local Government (MHCLG) published the revised National Planning Policy Framework. The first revision since 2012, it implements 85 reforms announced previously

through the Housing White Paper. On 19th February 2019, MHCLG published a further revision to the NPPF (2019) and implements further changes to national policy.

§214 of the revised Framework makes clear that the policies of the previous Framework will apply for the purpose of examining plans where they are submitted on or before 24th January 2019. Submission of the FNP ultimately occurred after this date, and the comments below reflect the relationship between Neighbourhood Plans and the National Planning Policy Framework adopted in 2018 and corrected in February 2019.

National Planning Policy Framework and Planning Practice Guidance

On 24th July 2018, the Ministry of Housing, Communities and Local Government (MHCLG) published the Revised National Planning Policy Framework (NPPF2018). This publication forms the first revision of the Framework since 2012 and implements changes that have been informed through the Housing White Paper, The Planning for the Right Homes in the Right Places consultation and the draft NPPF2018 consultation. On 19th February 2019, MHCLG published a further revision to the NPPF (2019) and implements further changes to national policy.

The Revised Framework sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements of the preparation of neighbourhood plans within which locally-prepared plans for housing and other development can be produced. Crucially, the changes to national policy reaffirm the Government's commitment to ensuring up to date plans are in place which provide a positive vision for the areas which they are responsible for to address the housing, economic, social and environmental priorities to help shape future local communities for future generations. In particular, paragraph 13 states that:

“The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.”

Paragraph 14 further states that:

“In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- a. The neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;**
- b. The neighbourhood plan contains policies and allocations to meet its identified housing requirement;**
- c. The local planning authority has at least a three-year supply of deliverable housing sites (against its five-year supply requirement, including the appropriate buffer as set out in paragraph 73); and**
- d. The local planning authority's housing delivery was at least 45% of that required over the previous three years.”**

The Revised Framework also sets out how neighbourhood planning provides local communities with the power to develop a shared vision for their area in order to shape, direct and help deliver sustainable development needed to meet identified housing needs. Neighbourhood plans should not promote less development than set out in Local Plans and should not seek to undermine those strategic policies. Where the strategic policy making authority identifies a housing requirement for a neighbourhood area, the neighbourhood plan should seek to meet this figure in full as a minimum. Where it is not possible for a housing requirement figure to be provided i.e. where a neighbourhood plan has progressed following the adoption of a Local Plan, then the neighbourhood planning body should request an indicative figure to plan taking into account the latest evidence of housing need, population of the neighbourhood area and the most recently available planning strategy of the local planning authority.

In order to proceed to referendum, the neighbourhood plan will need to be tested through independent examination in order to demonstrate that they are compliant with the basic conditions and other legal requirements before they can come into force. If the Examiner identifies that the neighbourhood plan does not meet the basic conditions as submitted, the plan may not be able to proceed to referendum.

Planning Practice Guidance

Following the publication of the NPPF2018, the Government published updates to its Planning Practice Guidance (PPG) on 13th September 2018 with further updates being made in the intervening period. The updated PPG provides further clarity on how specific elements of the Framework should be interpreted when preparing neighbourhood plans.

Although a draft neighbourhood plan must be in general conformity with the strategic policies of the adopted development plan, it is important for the neighbourhood plan to provide flexibility and give consideration to the reasoning and evidence informing the emerging Local Plan which will be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested against. For example, the neighbourhood planning body should take into consideration up-to-date housing needs evidence as this will be relevant to the question of whether a housing supply policy in a neighbourhood plan contributes to the achievement of sustainable development. Where a neighbourhood plan is being brought forward before an up-to-date Local Plan is in place, the qualifying body and local planning authority should discuss and aim to agree the relationship between the policies in the emerging Neighbourhood Plan, the emerging Local Plan and the adopted Development Plan¹. This should be undertaken through a positive and proactive approach working collaboratively and based on shared evidence in order to minimise any potential conflicts which can arise and ensure that policies contained in the neighbourhood plan are not ultimately overridden by a new Local Plan.

It is important the neighbourhood plan sets out a positive approach to development in their area by working in partnership with local planning authorities, landowners and developers to identify their housing need figure and identifying sufficient land to meet this requirement as a minimum. Furthermore, it is important that policies contained in

¹ PPG Reference ID: 41-009-20160211

the neighbourhood plan do not seek to prevent or stifle the ability of sustainable growth opportunities from coming forward. Indeed, the PPG emphasises that;

“... All settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.”²

Relationship to Local Plan

To meet the requirements of the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in the adopted Development Plan. The adopted development plan relevant to the preparation of the Felsted Neighbourhood Plan area, and the development plan which the FNP will be tested against is the Uttlesford Local Plan. This document was adopted in January 2005 and set out the visions, objectives, spatial strategy and overarching policies to guide development in the District from 2000 to 2011.

The Core Strategy sets a housing requirement of 5,052 dwellings between 2000 and 2011 (459 dpa). Uttlesford are currently at the Examination in Public of their Local Plan, which will cover the period from 2011 to 2033. With this in mind, Gladman suggest sufficient flexibility is provided in the policies of the plan to safeguard the FNP from conflicting with future development proposals should they be required.

In this context, section 38(5) of the Planning and Compulsory Purchase Act 2004 states:

‘if to any extent, a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approached, or published (as the case may be).’

Felsted Neighbourhood Development Plan

This section highlights the key issue that Gladman would like to raise with regards to the content of the FNP as currently proposed. It is considered the requirements of national policy and guidance are not always reflected in the plan. Gladman have sought to recommend a modification to ensure compliance with basic conditions.

Policy FEL/HN5 - Residential development proposals outside the Local Plan Village Development Limits

This Policy identifies settlement boundaries for each village in the Parish and states that land outside of this defined area will be treated as countryside, where development will be carefully controlled to those essential for agricultural operations. Gladman object to the use of settlement boundaries if these preclude otherwise sustainable development

² Paragraph: 001 Reference ID: 50-001-20160519

from coming forward. The Framework is clear that sustainable development should proceed. Use of settlement limits to arbitrarily restrict suitable development from coming forward on the edge of settlements does not accord with the positive approach to growth required by the Framework and is contrary to basic condition (a) and (d).

As currently drafted, this is considered to be an overly restrictive approach and provides no flexibility to reflect the circumstances upon which the FNP is being prepared. Greater flexibility is required in this policy and Gladman suggest that additional sites adjacent to the settlement boundary should be considered as appropriate. Gladman recommend that the above policy is modified so that it allows for a degree of flexibility. The following wording is put forward for consideration:

“When considering development proposals, the Neighbourhood Plan will take a positive approach to new development that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Applications that accord with the policies of the Development Plan and the Neighbourhood Plan will be supported particularly where they provide:

New homes including market and affordable housing; or

Opportunities for new business facilities through new or expanded premises; or

Infrastructure to ensure the continued vitality and viability of the neighbourhood area.

Development adjacent to the existing settlement will be permitted provided that any adverse impacts do not significantly and demonstrably outweigh the benefits of development.”

Indeed, this approach was taken in the examination of the Godmanchester Neighbourhood Plan. Paragraph 4.12 of the Examiner’s Report states:

“...Policy GMC1 should be modified to state that “Development ...shall be focused within or adjoining the settlement boundary as identified in the plan.” It should be made clear that any new development should be either infill or of a minor or moderate scale, so that the local distinctiveness of the settlement is not compromised. PM2 should be made to achieve this flexibility and ensure regard is had to the NPPF and the promotion of sustainable development. PM2 is also needed to ensure that the GNP will be in general conformity with the aims for new housing development in the Core Strategy and align with similar aims in the emerging Local Plan.”

Policy FEL/ICH5 – Avoiding Coalescence

This policy introduces a standard aimed at preventing coalescence. The paragraph states:

“Development that would result in, or increase the risk of, coalescence of Felsted hamlets with any other settlement and/or hamlets within the parish or any neighbouring parishes including the areas on Map 9 will not be supported.

Whilst Gladman acknowledge that preventing coalescence can assist in maintaining unique and separate identities of existing settlements, the policy is ambiguous and appears to be an attempt to preclude any development whatsoever from coming forward in the gap between the built up areas. In this regard there appears to be no supporting evidence to support this element of the policy. Whilst Map 9 shows the character areas, there is no description or map of the extent of land proposed to be protected, nor the limits on the scale of development therein, other than the hatching demarcating one of the areas protected by the ‘Avoiding Coalescence’ policy. This simply forms a line drawn 200 metres inside the Parish boundary, with the exception of the northernmost limits where the line sits 200 metres south of the A120 and protects all land between the line and the Parish boundary. The resulting “no-man’s-land” therefore protects a large arbitrary zone, regardless of its landscape merits, built-form, or whether there is in fact a gap to protect in any given area. Any development on the edge of a settlement will inevitably close the gap slightly between hamlets. However, a more nuanced approach needs to be established to avoid a blanket ban on all development, which would essentially form a new green belt policy, being introduced by the back door.

There is no justification within the FNP for the additional protection of land between the neighbouring settlements of Felsted, Banister Green, Causeway Green and the other hamlets. Correspondingly, there is no matching policy in the Uttlesford Local Plan.

There is also no evidence base to inform the extent of the Green Gap proposed and no assessment of land parcels between hamlets, nor an evaluation of their relative performance in preventing coalescence. Furthermore, the areas described contain existing farmsteads with significant levels of built development, as well as outlying hamlets, collections of dwellings and individual households. Great Notley, meanwhile, is separated from the Parish settlements by the A131 and Great Notley Country Park.

Any development proposed within these areas should be assessed on its own merits, depending on landscape impact. The imposition of Policy FEL/ICH5 would effectively create a lesser form of Green Belt by the back door. Uttlesford found no justification for protecting the gaps between the settlements which are proposed in the FNP and therefore, this Policy is in conflict with basic condition (e).

Conclusions

Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national planning policy and the strategic requirements for the wider authority area. Through this consultation response, Gladman has sought to clarify the relation of the FNP as currently proposed with the requirements of national planning policy and the strategic policies for the wider area.

Gladman is concerned that the plan in its current form does not comply with basic condition (a) in its conformity with national policy and guidance and is contrary to (d) the making of the order contributes to the achievement of sustainable development for the reasons set out above.

Gladman hopes you have found these representations helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team.

Yours faithfully,

Paul Emms

Gladman Developments Ltd.

Planning Policy Team
Uttlesford District Council
London Road
Saffron Walden
Essex
CB11 4ER

Ref: 187/PAY

Date: 23rd July 2019

By email: planningpolicy@uttlesford.gov.uk

Dear Sirs

Felsted Neighbourhood Plan (Regulation 16) Consultation
Representations on behalf of Mr David Payne - Land East and North of Clifford Smith Drive, Watch House Green, Felsted

We write on behalf of our client Mr David Payne, with representations to the Felsted Neighbourhood Plan (FNP) which was submitted to Uttlesford DC on 13th May 2019.

Background

Our client owns land at Watch House Green in Felsted, including a site lying to the east and north of Clifford Smith Drive (otherwise referenced as 'Land East of Braintree Road'/'FEL2'). The site, which comprises overgrown and scrub land adjacent to the modern housing area at Clifford Smith Drive, was recently granted planning permission on appeal for a 30 unit housing development. It is also allocated as a housing site in the emerging Uttlesford Local Plan.

However, the approved housing site - in addition to an 'existing' housing area of 25 units at Clifford Smith Drive and Porter Close - are shown to lie outside the 'Local Plan Development Limits' in the FNP. We believe the FNP should include these sites within the Village Development Limits. By excluding them the FNP does not take a positive approach and will not contribute to the achievement of sustainable development, as required by the National Planning Policy Framework (NPPF). This forms the root of our objection although one which we believe is easily resolved via a Modification to the FNP. We firstly provide more detail of the emerging Local Plan allocation and the planning permission at our client's site, which informs our representation.

Uttlesford Local Plan – Site Allocation FEL2

The adopted Uttlesford Local Plan (2005) is an aging document which allocated housing land only up to 2011. The FNP appears to have replicated the Development Limits from the Local Plan although these are vastly out of date as most housing now allowed in the Uttlesford District is, by necessity, outside Development Limits. The LPA has prepared a new Local Plan which is currently undergoing Examination by two planning inspectors (hearings started in July 2019) and is therefore at a reasonably advanced stage. The Local Plan proposes to update and amend the Development Limits in Watch House Green.

The LPA carried out a rigorous process of site assessment (SLAA). The SLAA was last updated in May 2018. The SLAA (extract at **Appendix 1**) concluded in respect of the suitability of site 17FEL15 (FEL2) that,

'The site is within walking/cycling distance of the primary school and facilities in Felsted are just under 2km away. The site would extend development into the countryside but would reflect the recent development to the south, from which access can be taken. The site is considered suitable, achievable and available for development'

The SLAA reviewed around 30 sites in Felsted and the results were incorporated in the Sustainability Appraisal (SA) for the Uttlesford Local Plan Dec 2018. An extract of the SA document is attached at **Appendix 2**. Of these 30 sites, one already had planning permission and only two others were decided to be suitable for inclusion as housing allocations in the Regulation 19 Local Plan. One of these is at Bury Farm, Felsted (which the FNP also proposes to allocate) and the other is our client's site (SLAA Reference 17FEL15 and LPA Site Allocation Reference 'FEL 2' - Land East of Braintree Road, Felsted'). The FNP does not support FEL2 and proposes to exclude this site from the Development Limits, despite the LPA's positive assessment.

The SA states regarding FEL2 (SLAA re: 17FEL15) that *"The site is considered suitable and achievable and available. The deliverable capacity reflects the whole site being delivered for housing, as opposed to a dementia care unit and housing as originally proposed"*.

The SA repeats the SLAA conclusions that the 17FEL15 site *"would reflect the recent development to the south"*. The *"recent development"* referred to is the 25 unit housing site at Clifford Smith Drive and Porter Close lying to the northern edge of Watch House Green. This development was constructed a few years ago following the grant of planning permission (LPA Planning Application Reference UTT/13/0989/OP, originally approved 11 July 2013 – Decision Notice at **Appendix 3**) and subsequently built out via reserved matters approvals. This 25 unit site lies adjacent to but outside the current development limits for Watch House Green set out in the 2005 Uttlesford Local Plan. The approved site location plan for this application is at **Appendix 4**. The FNP does not propose to include this existing estate in the Development Limits shown at Map 12, nor does it include our client's land adjacent which also has planning permission for housing.

The Regulation 19 Uttlesford Local Plan's allocation of our client's site is referenced FEL2 (Land East of Braintree Road, Felsted'). Policy FEL2 allocates the site for 'approximately' 30 dwellings and open space, noting it has a site area of circa 2.5 hectares. This would achieve a low housing density of 12 dph gross. An extract of Policy FEL2 and the Proposals Map which shows the area of FEL2 site allocation is provided at **Appendix 5**. The effect of Policy FEL2 would be to extend the (new) Local Plan's Development Limits in a way which is not envisaged by the FNP. Instead the FNP relies on the now outdated Development Limits from the 2005 Local Plan, now some 14 years old and 8 years past its (2011) plan period.

The FEL2 policy has several criteria, including a requirement that *"(1) the development provides for a mixed and balanced community"*, which implies a range of house types and tenures, including affordable housing, will be expected.

It also requires that *"(2) Development respects the amenity of existing dwellings adjoining the site"* and *"(3) The development is designed to mitigate adverse effects upon existing and community interests and may be required, by legal obligation, to provide or contribute towards wider and longer term planning benefits reasonably associated with the alleviation of any such impact"*. As such, the policy takes account of potential impacts upon local residents and the Felsted community by ensuring benefits accrue.

There were no objections to the FEL2 site allocation from members of the public, although Felsted Parish Council objected. Also, Historic England objected as they required a change to the wording of the policy, not the allocation per se. Details of the representations received were set out in a report by Uttlesford DC, an extract of which is attached at **Appendix 6**.

A Statement of Common Ground (SoCG) dated 1 May 2019 between Uttlesford DC and Felsted PC has been prepared. Paragraph 4.3 of the SoCG indicates that Felsted Parish Council objected to the Local Plan FEL2 site allocation because it was “overdevelopment” and “offered no community benefit especially to residents of Felsted”. However, as will be seen from the appeal decision (below) the inspector who allowed the appeal *does* refer to benefits arising in terms of supporting local services and the community.

The Parish Council also stated that the LPA had refused planning permission for this site and that arguments would be pursued through the Local Plan Examination. However, in light of the appeal decision which has allowed housing at the site (see details below) we subscribe that any further objections to the inclusion of the site with the Development Limits of the new Local Plan (or FNP) would be folly. Should the new Local Plan be adopted, it is almost certain that site FEL2 will be included within the development limits as an extension to Watch House Green, given the outcome of the appeal.

Planning Permission/ Appeal Decision

An outline planning application (LPA reference: UTT/0784/18/OP) was submitted to Uttlesford District Council on 21 March 2018 for our client’s land, east and north of Clifford Smith Drive, Watch House Green, Felsted. It sought planning permission for the ‘*Erection of up to 30 no. dwellings served via new access from Clifford Smith Drive, complete with related infrastructure, open space and landscaping*’. The application followed on from positive pre-application discussions with the LPA, as well as a community consultation exercise, with around 30 neighbours being consulted although feedback was quite limited.

The application site is shown edged red on the attached Site Location Plan, Drawing SP005-PL-01-Rev A (**Appendix 7**). The area of land is consistent with the FEL2 Site Allocation except it also includes a thin nib of land (for a new footpath link) to the south east of the main body of the site, but for the purposes of these representations is unlikely to be material.

Planning Officers recommended to the Uttlesford DC Planning Committee of 1st August 2018 that the application be approved. They took into account the LPA’s deficient housing land supply, the benefits of the development (which included 40% affordable housing), a sustainable location and the site’s housing allocation in the Regulation 19 Local Plan. These matters were balanced against the site’s location in the rural area where the adopted Uttlesford Local Plan (Policy S7) applies. Officers concluded:

It is considered that the weight to be given to the requirement to provide a 5 year land supply and the housing provision which could be delivered by the proposal would outweigh the harm identified in relation to rural restraint set out in ULP Policy S7. The site is relatively sustainable and is allocated within the Regulation 19 Local Plan, therefore, in balancing planning merits, taking into account the benefits of the proposal it is considered that the principle of the development is acceptable.

However, the Planning Committee did not agree with planning officers and refused the application, with the primary reason being the adverse impact upon the character of the rural area, although such harm was not qualified further in the decision notice. A section 78 appeal was lodged against this refusal (which was subsequently allowed – see below).

Whilst the appeal was being processed, a repeat planning application was made (LPA reference UTT/2400/18/OP) with additional arguments in support that arose from the publication of NPPF2 (as only the original NPPF was considered in determining the first application). The applicants highlighted the support given by NPPF2 to small/medium scale housing which can make an important contribution to housing supply and deliver quickly (para 68), the policy for locating housing in rural areas (para 78) and the policy for the effective use of land (noting the site is merely scrubland in/adjacent a settlement), especially where it helps meet identified needs for housing (para 118d).

Once again, planning officers recommended approval of the application. By the time of the Planning Committee consideration the consultation on the Regulation 19 Uttlesford Local Plan had finished and no objections to the site allocation had been made by members of the public, although the Parish Council had objected. However, the Planning Committee again refused the application.

The section 78 appeal against application no. UTT/18/0784/OP was allowed on 20th June 2019. The appeal decision (PINS Ref: APP/C1570/W/18/3210034) is provided at **Appendix 8**. The effect of the appeal decision is to confirm as acceptable the principle of residential development at the FEL2 site, in this case for 30 dwellings and open space. A new access off Clifford Smith Drive was also approved as a detail and thus is not a reserved matter. The site will therefore become part of the built up area of Watch House Green and logically should be included within the FNP's Development Limits.

The inspector considered issues of character and appearance at paragraphs 6-15 of the appeal decision. The following paragraphs are highlighted:

- *subject to careful consideration of reserved matters, the dwellings would not be out of keeping with the pattern of development of the existing development on Clifford Smith Drive (Para 8)*
- *the view from the approach to the site via Braintree Road from the north consists of hedgerow along the boundary and open fields on the opposite side of the road with the existing houses of Felsted forming the setting to this view. From the indicative layout plan the hedgerow along Braintree Road and to the north and east of the site is proposed to be retained and while I am mindful that landscaping is a matter for future consideration, the retention of this hedge would go some way to limiting the impact of the proposed dwellings on the character and appearance of this approach (Para 9)*
- *while parts of the proposal may be visible from the public rights of way to the north of Weavers Farm and from the east of the appeal site, the visibility of the upper storeys and rooftops of the properties would be limited by retention of the existing hedge. Furthermore, given close relationship with the existing development to the south, any rooftops that may be visible would not be out of keeping with the character and appearance of the area. Likewise, given the adjacent existing development and slight change in ground levels across the arable fields, the proposed dwelling would have limited impact on wider views of the site from the countryside subject to careful consideration of reserved matters (Para 10)*
- *harm identified would be limited given the localised and self-contained nature of the site and the limited impact on views to the development (Para 15)*

Consideration was given by the inspector to potential localised impacts from the development, key issues including as follows:

- Pressure on education would be mitigated via a financial contribution secured under a section 106 agreement (Para 28)
- Local highways safety concerns including traffic congestion at school opening and closing times were acknowledged. However the new housing was noted to be within walking distance such that a significant increase in traffic congestion as result of the proposed scheme is unlikely. There were no highway authority objections, including to the walking routes from Clifford Smith Drive (Para 29)
- The local GP confirmed that Felsted Surgery has the capacity to accommodate any new patients generated by the proposal, although it was noted that discussions are ongoing to provide an expanded practice in the longer term (Para 30)

In considering the Planning Balance, the inspector gave weight to the fact that the LPA could not demonstrate a 5-year housing land supply (this being a continuing issue in the District). She noted that *“the Council contends that it can demonstrate roughly a 3-year supply of housing land. This represents a significant shortfall”* (Para 38).

She gave weight to the social and economic benefits arising to *“the community”*. The inspector notes,

“The proposed development would provide a moderate benefit of contribution of up to 30 dwellings to the shortfall of housing, of which 40% would be affordable housing. There would be temporary economic benefits during the construction phase and moderate benefits in terms of the additional residents supporting local services and community. I therefore attribute moderate weight to the benefits of the proposal” (Para 39).

A new footpath link to the countryside beyond, which will benefit existing and new residents alike, was secured via planning condition 5. More will also be learnt about the area’s archaeology as a result of condition 6 which secures an archaeological investigation. Several conditions (10-14) were imposed to ensure ecological matters are catered for.

A section 106 legal agreement accompanied the appeal. Amongst other matters, this secured the following infrastructure and community benefits:

- 40% affordable housing (12 affordable dwellings)
- financial contributions towards Felsted Primary School
- a Local Area for Play (LAP) and Public Open Space (POS)
- LAP/POS maintenance/management (at no cost to the public purse).

A section 106 Unilateral Undertaking also secured mitigation, via a financial contribution, in respect of potential impacts upon the Blackwater Estuary Special Protection Area (BESPA) and Ramsar Site.

In allowing the appeal, the inspector had clearly considered how the development addressed economic, social and environmental objectives of the NPPF. The appeal decision therefore allowed a ‘sustainable development’ which has the effect of extending the settlement of Watch House Green. The FNP should be cognisant of this fact when determining where to draw Development Limits which should comprise the existing or ‘committed’ grouped housing areas of the village. Currently, the sustainable development site as allowed on appeal is proposed to be omitted from the Development Limits of Watch House Green.

Neighbourhood Plan Considerations

Policy FEL4/HN4 provides a policy concerning Residential Development within the ‘Local Plan’ Development Limits. Watch House Green has its own Village Development Limits and these merely replicate those of the 2005 adopted Local Plan. Paragraph 5.4.55 of the FNP goes on to cite Uttlesford DC *emerging* Local Plan policy for Development Limits, which provides for development within identified Development Limits that is in keeping with the local character and built environment. The FNP therefore takes an inappropriate ‘mix and match’ approach to Development Limits, using the boundaries of the time expired Local Plan but the policy of the emerging Local Plan.

Against the above background of the appeal decision of the FEL2 site and its allocation in emerging Local Plan, we now consider the appropriateness of excluding the site (and the adjacent existing housing area) from the Development Limits in the FNP.

The ‘Basic Conditions’ for a Neighbourhood Plan to proceed to Referendum are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. We highlight two of the criteria as follows:

(a) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan)

and

(d) the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.

In respect of (a) above, policies and advice from the Government are contained in the National Planning Policy Framework (NPPF) and related Planning Policy Guidance (PPG). The NPPF (Chapter 2) and PPG provide guidance on matter (d) above ie 'the achievement of sustainable development'. NPPF paragraph 8 advises of three overarching objectives (economic, social and environmental) regarding sustainable development. These objectives in relation to our client's site have been positively addressed by the appeal inspector as part of the 'planning balance'. Thus the site is seen to be sustainable but is excluded from Development Limits.

NPPF Paragraph 10 states '*So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development*'.

Paragraph 11, sets out this Presumption and states, inter alia, that '*Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that: a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change*'. In this case the FNP does not incorporate the outline planning permission site East and North of Clifford Smith Drive within the Development Limits, which will restrict the ability to shape the eventual details (eg housing mix) of the site under FNP Policy FEL/HN4'.

Other relevant NPPF policies and our commentary on these in relation to the FNP are as follows:

- *The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.*[NPPF, Para 15]

- *Plans should:*
 - a) *be prepared with the objective of contributing to the achievement of sustainable development;*
 - b) *be prepared positively, in a way that is aspirational but deliverable;*
 - c) *be shaped by early, proportionate and effective engagement between planmakers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;*
 - d) *contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;*
 - e) *be accessible through the use of digital tools to assist public involvement and policy presentation;*
and
 - f) *serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).* [NPPF, Para 16]

- *The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.* [NPPF, Para 31]

It is therefore clear that the FNP must be prepared 'positively' and be based on 'up to date evidence'.

The existing housing area at Clifford Smith Drive/Porter Close of 25 dwellings is part of the built-up fabric of Watch House Green. Furthermore the area of the application site (equating to the FEL2 site allocation) which was recently allowed on appeal is now a committed housing site which once built will further add to the built-up fabric of Watch House Green. The FNP at 5.4.10 notes estate agent advice, "*Build whatever you like in Felsted and it will sell*". There should be little doubt therefore that the approved site at FEL2 will be delivered.

Further detailed applications will follow which will define the precise number and type of housing. By including the site in the FNP Development Limits for Watch House Green this would ensure that there is some control over issues of housing mix because any future planning application would need to take in to account the criteria of Policy FEL/HN4 (iii) which states residential development proposals will be supported subject to "*the proposed housing mix being appropriate to identified local housing needs including specific*

provision for older people looking to downsize, younger people looking to remain in the Parish, opportunities for shared ownership, starter homes and affordable housing”.

This policy would not apply as a consideration on any planning application if the site remains outside of the Development Limits and in which case there is less ability for the FNP to shape the eventual development. Resistance to market housing development in Felsted by parishioners is noted in the FNP (Para 3.4.3). The FNP will give local people the power to decide where new housing, businesses and parish amenities should be located (Para 1.2.10) but in the case of our client’s site the decision about whether housing can proceed at their site has already been taken by an appeal inspector. However, as stated above, by including the site within extended (and up to date) Development Limits rather than relying on the out of date Development Limits of the 2005 adopted Local Plan, this would in turn ensure that additional control over the precise nature of the site’s development/mix remains.

For example, the site as allowed at appeal has a low density of circa 12 dph with 30 dwellings. It is probable at such low density that the majority of the private houses will be three and four bedroomed dwellings, this also to comply with the preferred housing mix of Uttlesford DC based on its latest assessment of housing needs. However, by including the site in the Development Limits this would allow consideration to be given to a greater number of starter units or bungalows for downsizing – *as supported by the FNP, especially Policy FEL/HN4* – and in turn may further address the NPPF’s social objective of sustainable development. A slight increase in density, if required to meet the FNP’s preferred housing mix from that likely to be built pursuant to the outline consent, would not further alter the ‘physical integrity’ of Felsted, something that the FNP states parishioners seek to protect (para 3.4.5). The benefit of this approach would be to secure a better housing mix for parishioner needs, for example making it easier for those looking to move out of a large family home and in to a new build high quality bungalow (‘downsizing’), staying within the parish (eg to meet paras 3.4.8 and 5.4.9).

Para 1.2.7 of the FNP states, “*..in preparing the Plan, the SG has had regard to those policies in the emerging Local Plan, so as to ensure that our Plan does not become out of date if and when a new Local Plan has been adopted*”. Similar comments are made in the Basic Conditions Statement. However, should the new Local Plan subsequently be adopted as the LPA propose to include the FEL2 Housing Allocation, the Development Limits in the new Local Plan would render the Development Limits as shown on FNP Map 12 as immediately out of date. The LPA would then use different Development Limits to determine planning applications under the merging Local Plan policy SP9. The decision maker would be unclear how to react to development proposals where the LPA and FNP Plans conflict, this being contrary to NPPF Para 16(d). The Basic Conditions Statement indicates FNP Policy FEL/HN4 would be in general conformity with the emerging Local Plan policy SP9 (Development Limits) but such conformity is not evident in respect of this particular issue.

The SLAA and SA Assessment by Uttlesford DC (see earlier) provide reasoned evidence for the emerging Local Plan’s allocation of the FEL2 site. This is material because the PPG states, “*Neighbourhood plans are not tested against the policies in an emerging local plan although the reasoning and evidence informing the local plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested*” (Paragraph: 006 Reference ID: 61-006-20190723). Further reasoned evidence regarding the formulation of the emerging Local Plan’s Development Limits, which the inspector should have regard to in assessing whether the FNP meets basic conditions, is provided at Policy SP9 (**Appendix 9**). The pre-text to Policy SP9 at para 3.115 explains what Development Limits are for. It states:

‘Development limits provide a guide to where the Council considers new development should be located. Development limits mark the existing built form of a town or village and define the boundary between the town or village and the countryside beyond. Development within the development limit is generally considered sustainable and acceptable in principle subject to a detailed assessment of issues such as design, amenity, highways, and impact on heritage assets or the natural environment and is in accordance with other policies in the Local Plan. Outside the development limit it is considered that development would not be able to meet the principles of sustainable development. In order for development within development limits to be acceptable, they will have to comply with Policy SP9 below.’

In applying the explanation provided by the emerging Local Plan, it is illogical – and indeed perverse - for the FNP to exclude from Village Development limits the body of existing and approved housing on the north-east side of Watch House Green, as these areas are, or will, add to the built up part of the village. The FNP’s approach would imply that those developments and their locations are unsustainable. However, in the case of the FEL2 site, an inspector has allowed housing at this site having considered it against the NPPF’s Presumption in favour of sustainable development. The FNP’s proposed Development Limits are therefore not justified, contrary to the provisions of NPPF Paragraph 31.

A ‘positive’ approach under the NPPF would be to recognise the outcome of the appeal decision and include the site allowed at appeal within the Development Limits. This would also ensure, in line with guidance, that limited conflict arises with the Development Limits of the new Local Plan should it be subsequently adopted in its current form (ie as Submitted to the Secretary of State for Examination). It will also aid clarity and avoid confusion over competing/inconsistent Development Limits between the FNP and new Local Plan.

Para 5.4.24 of the FNP explains the reasons for not supporting the FEL2 site allocation as proposed in the emerging Local Plan. It states that *‘the additional development proposed for this site would, when taken cumulatively with the proposed development on the NP allocated sites, be excessive and far more than the Parish should reasonably be expected to support. The application has twice been rejected by UDC’s Planning Committee and the SG consider that support by the UDC Local Plan for this site should be withdrawn. At most the site should be considered as a possible future Rural Exception site.’*

However, as the FEL2 site now has planning permission for housing, a major plank justifying the FNP’s resistance of this site has been removed. The previous refusals by UDC’s Planning Committee (contrary to officer recommendations) are no longer relevant following the appeal decision. UDC have not withdrawn their support for this site in the emerging Local Plan (neither can they do once submitted for Examination). It is therefore appropriate for the FNP to recognise the up to date circumstances by including the site within newly drawn Development Limits for Watch House Green, instead of relying on out of date Development Limits from the 2005 Local Plan. Indeed, by relying on Development Limits set 14 years ago, there will now be even less opportunities for housing growth within them, such as infilling. This is an unduly restrictive approach and is not supported by the NPPF, which seeks to significantly boost housing supply and encourage sustainable development. Restrictive Development Envelopes prevent sustainable development if they are incorrectly drawn.

There are some similarities with our suggested approach to extend the Development Limits (to incorporate the FEL2 site and adjacent housing site) with that taken by the inspector who examined the Neighbourhood Plan for the nearby town of Great Dunmow. The Regulation 16 Great Dunmow Neighbourhood Plan (GDNP) excluded sites to the south-east fringes of the town from the GDNP Development Limits – the Town Development Area (TDA). In respect of one omitted parcel of land (‘Oaklands’) this was resisted in the Submitted GDNP because other sites around it did not have planning permission. However, by the time the inspector examined the plan, the adjacent sites had received planning permission which meant it was logical for Oaklands to be included within the GDNP TDA. The inspector recommended that the GDNP was modified accordingly. Paragraph 56 of the Inspector’s Report (**Appendix 10**) stated,

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 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.

Now that planning permission has been granted for housing development at the FEL2 site, we see no plausible reason for its exclusion from the FNP Development Limits, based on the principles used by the GDNP Inspector. This would be contrary to the NPPF's objectives of achieving Sustainable Development and as a result Basic Conditions are not met.

The FNP Site Assessment Report comments on the FEL2 site. This is identified in the Report under the UDC SLAA Reference *17FEL15 – Land East of Braintree Road*. The assessment by the FNP makes some errors in our view by referring to the site as 'backland'. It also refers to the adjacent site as a Rural Exceptions Site (RES) which it is not. It was a market led housing site which provided 10 (40%) of the approved 25 houses as affordable housing to meet Local Plan policy requirements at that time.

The Report also states that development would be 'out of keeping in vernacular in this location'. However, this conflicts with the LPA's SLAA assessment which states the site '*would reflect the recent development to the south, from which access can be taken. The site is considered suitable for development*'. The s78 appeal inspector also concluded that, '*the dwellings would not be out of keeping with the pattern of development of the existing development on Clifford Smith Drive*'. The FNP's conflicts with these other assessments and indeed the appeal decision lend further force to the argument that the FEL2 site should be included in the Development Limits.

Our Suggestions

As will be clear from the above commentary, the FNP in its current guise could not be said to have been prepared positively nor would it contribute to the achievement of sustainable development. This is because the Village Development Limits in Watch House Green do not include sustainable housing sites, including the FEL2 site which has been allowed at appeal. Sustainable development at this site would therefore be restricted and not supported by the FNP, such approach being contrary to the NPPF's objectives. The reason for the Development Limits is to make a distinction between village built up areas (which the FEL2 site will become following the appeal decision) and countryside beyond. The FNP is not positively prepared to take account of the up to date and prevailing planning circumstances, these including the appeal scheme and an existing housing area constructed in recent years to the south of FEL2.

The FNP does not explain why it replicates the 2005 Local Plan's Development Limits or why it has not extended them to include existing and permitted housing in Watch House Green. There are no cogent reasons to exclude these existing and permitted housing areas from the Development Limits, indeed no justification is offered in the FNP for keeping Development Limits unaltered from the 2005 Local Plan. The approach of the FNP in this respect is therefore contrary to the Presumption In Favour of Sustainable Development. As a result, compliance with Basic Conditions (a) and (d) would not be achieved.

To meet the Basic Conditions tests, we suggest that the FNP should be subject of Modifications before it proceeds to Referendum. The reliance on the outdated 2005 Local Plan Development Limits is misguided and unjustified given the 'up to date' circumstances.

Accordingly, our client's objection to the FNP would be removed through the following Modifications:

(1) Amend the Village Development Limits for Watch House Green as currently shown on Map 12 to accurately include the FEL2 site (as allowed at appeal) and the Clifford Smith Drive/Porter Close development. A Plan showing a suggested modification to the Village Development Limits is attached at **Appendix 11**. This is based on the on line plan prepared by Uttlesford DC for their emerging Local Plan.

We point out that the Development Limits on Map 12 are difficult to accurately interpret and would benefit from an improved scale or a separate plan extract for Watch House Green. Also the legend for 'HVC4: Village Development Limits' is shown as a black line which appears similar to the black line used on that plan showing the neighbourhood plan area. Some confusion may occur here.

It is not necessary to show the appeal site at Clifford Smith Drive as an 'allocated' site for housing because the FNP does neither wish to, nor is compelled to make (other) housing allocations. However, the extension of the Development Limits should adequately address our concerns but it may be helpful for parishioners

and users of the document if the FNP clarifies (either by text or plan annotation) why the Development Limits are shown as per our suggestion. The plan at **Appendix 11** provides an example wording.

(2) **Amend the wording of Policy FEL/HN4 to delete the words ‘Local Plan’ in the first sentence**, such that it reads, *“Residential development proposals within the Village Development Limits (VDLs) will be supported subject to:...”*

(3) **Make consequential amendments to text** eg paragraph 5.4.55 to make it clear that the Village Development Limits for Watch House Green are not *‘Local Plan’* Village Development Limits, in order to ensure they take account of the up to date circumstances of built housing and allowed housing appeals outside of the Local Plan’s Development Limits. Paragraph 5.4.24 is no longer fully relevant as it does not refer to the appeal site. A reference should be included to highlight that by including the site within the Village Development Limits it would allow a consideration to be given to shaping the eventual housing mix (supporting housing mix preferences identified in the FNP) pursuant to Policy FEL/HN4.

Taking our suggestions forward and on the basis that only the Development Limits are to be enlarged in Watch House Green (to recognise the allowed housing appeal site) but *without* any specific housing allocation being made, further site assessments by the FNP should not be required. Other policies will cater for scrutiny of subsequent planning/reserved matters applications.

Furthermore, should our suggestions be agreed to, the Inspector will need to consider the adequacy of the Strategic Environmental Assessment, especially regarding Blackwater Estuary Special Protection Area and Ramsar site. To meet Basic Conditions, the Neighbourhood Plan must not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017. Assuming the Development Limits are extended as suggested but no additional site specific housing allocation is made at the site east and north of Clifford Smith Drive, the HRA Screening and Appropriate Assessment May 2019 may be deemed sufficient, as it did not exclude ‘in combination’ effects arising from the FEL2 allocation. It will be also noted that the appeal inspector had also fully considered the HRA issue in allowing the appeal at the FEL2 site.

Yours faithfully



Chris Loon BSc (Hons), Dip TP, MRTPI
Director

Encl:

Appendices

1. UDC SLAA extract May 2018
2. UDC Local Plan Sustainability Appraisal extract Dec 2018
3. Planning Application UTT/13/0989/OP - Decision Notice
4. Planning Application UTT/13/0989/OP – Location Plan
5. Emerging UDC Local Plan - Policy FEL2 and Proposals Map
6. Emerging UDC Local Plan – Representations to Policy FEL2
7. Planning Application UTT/0784/18/OP – Location Plan
8. Planning Application UTT/0784/18/OP – Appeal Decision
9. Emerging Local Plan Policy SP9
10. Great Dunmow Neighbourhood Plan – Examiner’s Report
11. Suggested modification to Watch House Green (NE side) Village Development Limits

SLAA Reference: 17Fel15		Parish: Felsted	
Site Address:	Land East of Braintree Road (Site 1), Watch House Green, Felsted, CM6 3EF		
Site Area (hectares): 2.3		Area of Search: 14	
Proposed Use: Market housing and residential care home		Proposed Capacity (dwellings): 50-80 Proposed Capacity (m ²):	

Is the site suitable?

This is one of six greenfield sites proposed around Watch House Green. This site is being proposed for a small number of market houses and a residential care home. The site is within walking/cycling distance of the primary school and facilities in Felsted are just under 2km away. The site is in walking distance of an hourly bus service. The site would extend development into the countryside but would reflect the recent development to the south, from which access can be taken. The site is considered suitable for development.

Is development of the site achievable?

The market demand for a care home in this location needs to be demonstrated.

Is the site available?

The site is considered available for development; it has been promoted through the Call for Sites process with landownership and intentions known.

Conclusions

Classification: B

The site is considered suitable and available and achievable. The deliverable capacity reflects the whole site being development for housing, as opposed to a dementia care unit and housing as originally proposed.

Average annual completion rate	Deliverable capacity prior to year 1	Deliverable capacity years 1-5	Deliverable capacity years 6-10	Developable capacity years 11 - 15	Developable Capacity post year 15	Capacity not currently developable
		50				

Consultation comments 2015

Parish Council:

Current described use is 'unused scrub land'. This is inaccurate because the land is graded mostly 3 with some 2 – it is good agricultural land that the landowner is under-using.

The proposed access to the B1417 is past an approved house

Site History:

Application Reference	Description of Development	Decision	Decision Date

Constraints Table	17Feb15
Policy Constraint	
Is the site greenfield or brownfield?	Greenfield
Is the site within, adjoining or beyond the Adopted Development Limits?	The site is beyond the Adopted Development Limits
Is the site located within the Greenbelt?	The site is located outside of the Greenbelt.
Is the site located within the Countryside Protection Zone (CPZ)?	The site is located outside of the Countryside Protection Zone.
Is the site within a Public Safety Zone?	The site is located outside of Public Safety Zones.
Flooding	
Which flood risk zone(s) does the site lie in?	The site is within flood zone 1 which indicates there is no risk of flooding from rivers and the sea.
Does the site lie within surface water or ground water flooding zones?	The site has areas of 1 in 30, 1 in 100 and 1 in 1000 flood risk zones along the western, northern and southern boundaries. The western boundary has an area of 1 in 1000 risk which encroaches onto the site. This area coupled with the 1 in 30 risk along the road could have an impact on access points to the site. Other areas of risk to the north and south have the potential to be avoided by development due to their peripheral location.
Pollution	
Which aircraft noise contour does the site lie within?	The site is beyond the 54 LEQ aircraft noise contour at night and during the day.
Is the site within the AQMA or area otherwise identified as of poor air quality?	The site is outside the Saffron Walden AQMA and any area identified as of poor air quality.
Is the site located such that traffic to/from the site could drive through the AQMA?	The site is not located such that traffic to/from the site could drive through the AQMA.
Which ground water source protection zone does the site lie within?	The site is not within a ground water source protection zone.

Constraints Table	17Feb15
Minerals Safeguarding Areas (MSA) Is site 5ha or more and within MSA for sand and gravel or Is site 3ha or more and within MSA for chalk or Is site within MSA for brick earth or brick clay?	The site is smaller than 3ha and is not within any Minerals Safeguarding Areas.
Does the site lie within the Waste Consultation Area?	Waste Consultation Areas are yet to be determined by the Waste Planning Authority.
Natural environment	
Proximity of SSSIs (including Impact Risk Zones (IRZ))	The site is beyond any SSSIs.
Proximity of NNRs	The site is more than 1,000m from a National Nature Reserve.
Proximity of Local Wildlife Site(s)	The site is within 100m – 500m south of Fritch Way.
Proximity of Ancient Woodland(s)	The site is more than 1,000m from an Ancient Woodland.
Proximity to Local Geological Site(s)	The site is over 1000m from a Local Geological Site
Proximity to National Trails and public rights of way networks	There is a Public Right of Way less than 100m north of the site.
Will the site be located in an area noted for its high sensitivity to change (from Uttlesford Landscape Character Assessment)?	The site is within the B16 Felsted Farmland Plateau category of the Landscape Character Assessment. It has a low to moderate sensitivity to change.
Does site lie within area noted in the Historic Settlement Character Assessment?	Does not lie in an area covered by the Historic Settlement Character Assessment
Are there any Tree Preservation Orders (TPOs) on the site?	There are no Tree Preservation Orders on the site.
What is the agricultural land value of the site?	A very small section on the north of the site is grade 2, but the majority of the site is grade 3 agricultural land.
Historic Environment	

Constraints Table	17Feb15
Distance from Scheduled Ancient Monument	The site is more than 1,000m from a Scheduled Ancient Monument.
Distance from Listed Building	There are numerous Listed Buildings located within 1,000m of the site. The nearest is the Grade II Listed Weavers, less than 100m north of the site.
Distance from Conservation Area	The Felsted Conservation Area is within 500m – 1,000m south west of the site.
Distance from Registered Park and Garden	The site is more than 1,000m from a Registered Park or Garden.
Will a new site access be created on to a protected lane?	The site access will not be created on to a protected lane.
Accessibility	
Is the site within 800 metres walking and cycling distance of an existing public transport node?	The Watch House Green bus stop is within 800m south west of the site.
Will the site be located within 800 metres of a primary school or is a new primary school being provided on site or within 800m of site?	The site is approximately 310m north east of Felsted Primary School. No additional primary school provisions are proposed.
Is the site within 800 metres walking and cycling distance of convenience shopping or are new convenience shopping facilities being provided on site or within 800m of site?	The site is over 800m from any significant shopping facilities. No additional shopping provisions are proposed.
Will the site be located within 800 metres walking and cycling distance of a GP surgery (NHS Primary Healthcare Facility) or are new health facilities being provided on site or within 800m of site	The site is more than 800m from a GP surgery. No additional healthcare provisions are proposed.
Will the site be located within 4.8km of a secondary school or is a new secondary school being provided on site or within 800m of site?	The site is more than 4.8km from a secondary school. No additional secondary school provisions are proposed.
Is there a viable route from the site to the principle or strategic road network (B roads, A roads and M11)?	A viable access route exists to the B1417 and the site is in relatively close proximity to access to the A120 at Great Dunmow. The site has a frontage to Braintree Road (B1417).

Constraints Table	17Feb15
Other land uses	
Will there be a net loss of land designated for recreational use?	Site is not currently recreational land and is not proposed for recreational development. No loss of recreational land and not replaced.
Will there be a net loss of employment land?	Site is not currently employment land and is not proposed for employment development. There would be no net loss of employment land as a result of this development.
Will there be a net loss of retail provision?	Site is not currently retail land and is not proposed for retail development. No loss of retail land and not replaced.
If known, are any additional uses/ infrastructure (including green infrastructure) being provided on site?	None known.

Sustainability Appraisal (SA) for the Uttlesford District Council Local Plan

SA Report

December 2018

seventeen residential allocations are financially viable and therefore able to be delivered over the Local Plan period if allocated.³³

Strategic Land Availability Assessment (SLAA)

- 6.49 The main piece of evidence used to help determine whether the identified housing needs for the district can be met is the Strategic Land Availability Assessment (SLAA). This identifies the availability and suitability of sites across the district with the potential to accommodate housing and employment as well as other uses. The SLAA is a 'live' document and is updated annually by the Council.
- 6.50 The SLAA involved five stages, as per the methodology proposed in the PPG, and these are summarised below. For further detail please refer to the SLAA Methodology published in 2015.³⁴

Stage 1 - Site/ broad locations identification

- 6.51 The Council undertook a Call for Sites between April and June 2015, The 'Call for Sites' was an opportunity for developers, landowners, individuals and other interested parties to suggest sites within Uttlesford District for development. It should be noted that, in accordance with the NPPG, the SLAA only considered those sites that were identified as being capable of delivering five or more dwellings or economic development at a minimum size of 0.25ha (or 500sqm net additional floorspace) or above, or Gypsy and Traveller sites which could accommodate 1 or more pitches. Sites falling below this threshold are considered potential windfall sites and were not included in the SLAA other than as part of the windfall allowance in the housing trajectory.
- 6.52 As part of this stage, the Council reviewed a range of different sources of information to identify as wide a range as possible of sites as well as broad locations for development. All sites submitted at this point, regardless of constraints, were included at this stage for the sake of comprehensiveness.

Stage 2 - Site/ broad location assessment

- 6.53 The suitability, availability and achievability of sites and broad areas were then assessed and a judgement made in the plan-making context as to whether a site could be considered deliverable.
- 6.54 The council assessed the suitability of each site by considering its location against the following factors:
- Policy constraint
 - Flood risk
 - Noise Pollution
 - Natural environment
 - Historic environment
 - Accessibility
 - Other land uses on the site
- 6.55 It should be noted that any housing sites allocated in existing development plans, or sites with planning permission for residential development were considered suitable for housing development.
- 6.56 In terms of availability, all sites were assessed to determine if they were genuinely available i.e. there were no legal or ownership problems, such as ransom strips, multiple ownerships, tenancies or operational requirements of land owners. A site was considered achievable if there was a reasonable prospect that development could take place at a particular point in time.

³³ <https://www.uttlesford.gov.uk/article/4941/Housing>

³⁴ Uttlesford District Council (2015) Strategic Land Availability Assessment Methodology [online] available at: https://www.uttlesford.gov.uk/media/5661/Strategic-Land-Availability-Assessment-2015-Housing-and-employment-Land-Methodology/pdf/SLAA_2015_methodology_Final.pdf

This involved a high-level judgement about the economic viability of a site and the capacity of the developer to complete the housing over a certain period.

- 6.57 Where constraints were identified, the assessment considered what action would be needed to remove them, along with when and how this could be undertaken and the likelihood of sites/broad locations being delivered.

Stage 3 - Windfalls

- 6.58 The term “windfall” refers to sites which have not been previously identified but which come forward for development nonetheless. The NPPF and NPPG advise that, where justified, windfall sites can contribute towards housing supply. The SLAA identified a windfall allowance of 50 dwellings per year and this is reviewed annually.

Stage 4 - Assessment Review

- 6.59 Once all the sites and broad locations have been assessed, the development potential of all the sites was considered and an assessment made as to whether there are sufficient or insufficient sites/broad locations to meet objectively assessed needs.

Stage 5 - Final Evidence Base

- 6.60 The final stage is essentially the core outputs from the assessment including the SHLAA document, which are available to view and download on the Council’s website as part of the wider evidence base for the emerging Local Plan.
- 6.61 The SLAA Update Topic Paper March 2017 found 353 sites were submitted with a theoretical potential of circa 18,000 dwellings. This included a range of sizes and locations including major proposals at Takeley. These options were tested in the heritage, landscape, accessibility, and transport evidence base documents. The SLAA also showed limited opportunities for expansion of the main towns and villages in the district without a detrimental impact on the character of the settlements (including their historic character, landscape setting and physical form), the countryside, the highway network, and services and facilities (e.g. schools and health services).

SA of site options

- 6.62 Reasonable site options submitted through the call for sites process and considered through the SLAA were appraised through the SA process in 2017. A number of site options were excluded from the SA process at this stage for several of reasons. Planning Advisory Service (PAS) guidance states that potential sites - identified for example through a SLAA - should be progressively filtered until a 'short list' of reasonable sites options is generated. In filtering sites, you can use three broad sets of criteria. If sites don't satisfy these criteria they aren't 'reasonable' alternatives and should be discounted:

- Exclusionary criteria - e.g. flood risk areas, areas of outstanding natural beauty (AONB) and green belt (taking into account Section 9 of the NPPF (paras 79-92)) and areas outside the pattern of development set out in the strategy.
- Discretionary criteria - e.g. relating to public rights of way, agricultural land, local nature conservation designations etc. which might not lead to the exclusion of a site but would be important from a sustainability perspective and should influence the decision as to whether or not a site is taken forward (and, if it is, the conditions that might be attached to any development).
- Deliverability criteria - e.g. land ownership, access, planning history, viability, size etc. all of which may have a bearing on whether or not the site is deliverable as a location for development.'

- 6.63 At this stage in the SA process these reasons amounted to the following:

- The position of the settlement within the Settlement Hierarchy. Housing sites within or adjoining settlements that do not fall within the District’s Towns, Key Villages or Type A-B Villages (the Countryside as defined within the Plan) were not considered.
- The yield or size of the site is too small to allocate in a strategic Plan (these sites can be considered more of a development management/ control matter). The threshold was set

at under 10 dwellings. These sites were classified as windfall sites within the plan, and were not been identified for specific allocation.

- Sites that were identified as unsuitable, unachievable or undeliverable/ undevelopable in the SHLAA.

6.64 Site options that passed through these criteria were considered to be reasonable and were appraised against a number of SA criteria linked to the SA Framework. The criteria were set out in Annex C and the findings presented in Appendix 2 of the SA Report published alongside the Preferred Options Document in June 2017.³⁵ N.B. The plan-making and SA process has moved on and as a result the findings of the SA for site options at this stage are not included within this SA Report. A fresh GIS analysis of all site options was carried out to reflect current evidence. The findings of this work are presented in **Appendix IV**.

Consideration of Windfall Allowance

6.65 The purpose of this report was to re-examine the methodology and evidence for a windfall allowance. It considered the delivery of windfall sites over from 2006/7 to 2015/16. It concluded that there is evidence to justify including a windfall allowance of 70 dwellings per annum in the overall housing supply as well as the housing trajectory and 5-year supply.³⁶

Refining the spatial strategy alternatives in 2016/17

6.66 Following a review of the consultation responses received on the Issues and Options Document and accompanying SA Report, a Full Council meeting was held on 21st March 2016.³⁷ During this meeting it was confirmed that a new settlement (or new settlements) should continue to be investigated and analysed alongside all other possible options for housing and employment distribution and should not be dismissed at this stage. It was noted that the delivery of homes in a new settlement would be low in the early stages of the plan period and then a more significant supply would come on stream later in the plan period. At this stage it was considered that new settlement[s] could potential deliver 2,000 homes during the plan period.

6.67 Evidence on supply demonstrated that there was already a significant level of built and/ or committed development at the towns, in particular Great Dunmow, and at a number of the villages during the plan period.³⁸

6.68 The SHLAA and wider evidence base documents showed that there were limited opportunities for expansion of the main towns and villages in the district without a detrimental impact on the character of the settlements (including their historic character, landscape setting and physical form), the countryside, the highway network, and services and facilities (e.g. schools and health services).

6.69 The evidence also demonstrated that there is no justification for the release of Green Belt land in the south and south east of the district. This includes areas around the edge of Bishop's Stortford, the south of Stansted Mountfichet and around the villages of Birchanger and Hatfield Heath. A study published in June 2016 also showed that the Countryside Protection Zone (CPZ) around Stansted Airport is still fulfilling its purposes and should be maintained.

Development scenarios

6.70 The Issues and Options consultation proposed seven different development scenarios for housing growth, four based on the Council's Objectively Assessed Housing Need (OAHN) of 580 dwellings per annum and three on a higher figure of 750 dwellings, to test the implications of greater growth. There was some duplication between scenarios (i.e. the two options of new settlement or settlements and a hybrid were used for the lower and higher housing figure), so as a result the scenarios were refined/ consolidated at this stage to the following:

³⁵ <https://www.uttlesford.gov.uk/article/4946/Sustainability-appraisal>

³⁶ <http://www.uttlesford.gov.uk/article/4941/Housing>

³⁷ <https://uttlesford.moderngov.co.uk/Data/Council/201603211930/Agenda/Document%202.pdf>

³⁸ Uttlesford District Council (April 2016) Housing Trajectory. <https://www.uttlesford.gov.uk/article/4941/Housing>

watercourses from the sites themselves (surface water runoff) and the WRC that serve the sites. Water discharged from the sites will require careful management to ensure the development does not have a detrimental impact on the water environment.

Infrastructure Delivery Plan

7.26 The IDP was updated in 2018 to take account of representations received and reflect changes made to the Local Plan.⁵¹ This identified many of the same challenges in terms of physical and social infrastructure as the IDP published in 2017.

Economic Viability Study

7.27 The Viability Study demonstrated that the Local Plan policies in relation to residential development are financially viable for all typologies tested and that a policy requiring 40% affordable housing on sites of 11 units or more is achievable (H6). The high-level appraisal of Garden Community typologies, based on available information, concluded that the allocated Garden Community sites are deliverable in the plan period and beyond.⁵²

Strategic Land Availability Assessment (SLAA) Update

- 7.28 The methodology used to assess sites submitted through the Call for Sites process was updated in May 2018. From this point the process was called the Strategic Land Availability Assessment (SLAA) rather than the Strategic Housing Land Availability Assessment (SHLAA). Since the Call for Sites exercise and publication of the SHMA in 2015, additional sites have been submitted for consideration either through the Call for Sites process or through representations to the Regulation 18 (Draft) Local Plan in 2017 which were assessed and included in the SLAA. In addition the Green Belt Review and the Countryside Protection Zone Study had been published.
- 7.29 Furthermore the Council had identified its preferred spatial strategy which focuses the majority of development to the towns and new Garden Communities and for the Key Villages to be a major focus for development in the rural areas with more limited development in the Type A Villages.
- 7.30 A total of 372 sites (including the additional sites) were submitted through the Call for Sites process at this stage. Only sites which proposed 5 or more dwellings, 500m² or more employment space or 1 or more gypsy or traveller pitch were considered through the SLAA process; any smaller sites were considered potential windfall.
- 7.31 The new methodology applied a site classification. Once an assessment of the site against the suitability, availability and achievability tests had been undertaken, each site was given a Classification from A to E as indicated in **Table 7.2** below.

⁵¹ Troy Planning on behalf of Uttlesford District Council (2018) Infrastructure Development Plan.

<https://www.uttlesford.gov.uk/article/4942/Infrastructure>

⁵² Three Dragons and Troy Planning on behalf of Uttlesford District Council (2018) Economic Viability Study.

<https://www.uttlesford.gov.uk/article/4942/Infrastructure>

Table 7.2: SLAA Classifications

Classification	Explanation
A	These are sites which have planning permission and are generally considered deliverable within the first five years of the plan period.
B	These are sites that are considered deliverable/ developable within the plan period but do not currently have planning permission. These sites are largely free from major physical and infrastructure constraints. The sites are broadly in line with National Planning Policy considerations and the development strategy of the emerging Local Plan.
C	These are sites where further work is needed to demonstrate the achievability or suitability of sites. This can include issues such as achieving a suitable access, mitigating impacts of noise or air pollution from the M11/A120/railway line; mitigate against small parts of the site being subject to flooding; or to minimise the impact on neighbouring uses or the landscape, historic or natural assets.
D	Sites in this category are likely to be broadly developable but not deliverable within the plan period. Developability may only become realistic if other sites are built out so these sites represent future extensions, but this would require speculative consideration far beyond the 15 year plan period.
E	These sites are not considered developable and delivery is not considered suitable within 15 years for one or more of the following reasons: <ul style="list-style-type: none"> • Departure from National Policy leading to development in unsustainable locations Development being of a vastly disproportionate scale to the adjacent settlement. • Sites contrary to the development strategy of concentrating development in Garden Communities which are of a scale to be self-contained and provide a secondary school. • Sites in Type B villages where development would not contribute to sustainable patterns of development. • Sites which contribute to the purposes of the Green Belt or Countryside protection Zone as identified in the Green Belt Review (2016) and the Countryside Protection Zone Review (2016). • Sites with insurmountable physical constraints such as flood risk, noise pollution.

7.32 Those sites which fall within Classification A-B are likely to come forward during the plan period and therefore contribute towards the overall housing supply in Uttlesford District. The findings of the SLAA are summarised in **Appendix IV** of this SA Report.

SA of site options

7.33 Any new site options that passed the criteria previously used and referred to in Chapter 6 of this SA Report, were subject to appraisal through the SA process. The SA criteria were set out in Annex C and the findings presented in Appendix 2 of the SA Report published alongside the Regulation 19 Pre-submission Local Plan in June 2018.⁵³

⁵³ <https://www.uttlesford.gov.uk/article/4946/Sustainability-appraisal>

Type A and B Villages

8.137 Between April 2011 and April 2018, a total of 525 dwellings were built in the Type A and B Villages. As of April 2018 there are outstanding planning permissions for a total of 239 dwellings. That gives a total of 764 dwellings that have either been built out or are committed during the plan period.

8.138 Based on the findings of the SLAA and wider evidence the Council identified the following sites for allocation at the Type A and B Villages:

- CLA1 (Clavering) for 13 dwellings (committed);
- DEB1 (Debden) for 25 dwellings (02Deb15 & 03Deb15);
- FEL1 (Felsted) for 40 dwellings (01Fel15);
- FEL2 (Felsted) for 30 dwellings (17Fel15);
- GtEAS1 (Great Easton) for 20 dwellings (04GtEas15);
- QUE1 (Quendon and Rickling) for 19 dwellings (02Que15); and
- STE1 (Stebbing) for 30 dwellings (committed).

8.139 The committed development/ sites identified above should be considered as constants for any district-wide options that explore increased growth at the Type A and B Villages during the plan period.

8.140 In terms of the potential for additional growth at the Type A and B Villages, the Council has indicated that there is the potential for some additional small scale growth at the following Type A and B Villages:

- Felsted - 16Fel15 (15 dwellings) and 19Fel15 (23 dwellings) as these sites are currently being actively promoted;
- Barnston - 01Bar15 (23 dwellings) is not currently being actively promoted but could be included for consideration as the decision not to recommend allocation of this site was marginal; and
- Clavering - 07Cla15 (30 dwellings) as this site is currently being actively promoted.

8.141 These sites have been carried forward for further consideration as part of establishing district-wide spatial strategy alternatives.

8.142 While it is not considered necessary to explore each Type A and B Village individually, there is large-scale growth being promoted at the villages of Little Dunmow and Fitch Green that warrant further discussion. Furthermore, it would also be prudent to re-consider the potential for growth at Birchanger Village given that it was identified as an Area of Search for a new settlement in 2015 and considered further in 2016 but eventually rejected.

Year submitted to the SLAA	SLAA reference number	Allocation reference	Status	Settlement	Suitability in SLAA	Submitted proposed use in SLAA	Conclusion of yield in SLAA	Conclusion
								whether the site is deliverable within the plan period.
2015	01Far15			Farnham	E	C3	5	The site is available and development is achievable. This is a small site not considered suitable to allocate in the Local Plan
2015	02Far15			Farnham	E	C3	25	The site is available and development is achievable. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of development.
2015	03Far15			Farnham	E	C3	16	The site is available and development is achievable. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of development.
2015	04Far15			Farnham	E	C3	41	The site is available and development is achievable. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of development.
		FEL3	Commitment	Felsted			21	
2015	01Fel15	FEL1		Felsted	B	C3	40	The site is available and development is achievable. The suitability of the site will depend on the extent of the development and developing only the southern part of the site may be the most suitable. The deliverable capacity has been amended to reflect this
2015	02Fel15			Felsted	E	C3	41	The site is available and development is achievable. The site is considered unsuitable as development on this site would not contribute to sustainable patterns of development.
2015	03Fel15			Felsted	D (employment)	Employment	9550	The site is available. The achievability of the site depends on the outcome of a full flood risk

Year submitted to the SLAA	SLAA reference number	Allocation reference	Status	Settlement	Suitability in SLAA	Submitted proposed use in SLAA	Conclusion of yield in SLAA	Conclusion
								assessment and highways assessment. The site is only suitable if an east bound access point is made onto the A120.
2015	04Fel15			Felsted	E	C3	5	The site is suitable, available and achievable for small scale development.
2015	05Fel15			Felsted	E	C3	34	The site is available. The site's achievability is subject to the provision of a satisfactory means of access. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of development.
2015	06Fel15			Felsted	E	C3	5	The site is available and development is achievable. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of development.
2015	07Fel15			Felsted	E	C3	45	The site is available and development is achievable subject to the impact of development on the listed building. Development of the site is considered unsuitable because it would not contribute towards a sustainable pattern of development.
2015	08Fel15			Felsted	E	C3	15	The site is available. The achievability of developing the site will depend on contamination and site preparation costs. The site is not considered suitable because it would not contribute to a sustainable pattern of development.
2015	09Fel15			Felsted	E	C3	6	The site is available and development is achievable subject to any highway improvements and impact on listed building. The site is considered unsuitable as development on this site would not contribute to sustainable patterns of development.

Year submitted to the SLAA	SLAA reference number	Allocation reference	Status	Settlement	Suitability in SLAA	Submitted proposed use in SLAA	Conclusion of yield in SLAA	Conclusion
2015	10Fel15			Felsted	E	C3	5	The site is available and development is achievable. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of development.
2015	11Fel15			Felsted	E (employment)	Employment	unknown	The site is available but development is not considered suitable or achievable as it is not compatible with the masterplan for Land West of the A131, Great Notley adopted by Braintree District Council.
2015	12Fel15			Felsted	A	C3	9	The site is deliverable and has planning permission for 9 dwellings. The capacity has been amended accordingly.
2015	13Fel15			Felsted	E	C3	95	The site is considered available and development is achievable. In the light of the appeal decision the site is considered unsuitable as development on the site would not contribute to sustainable patterns of development.
2015	14Fel15			Felsted	E	C3	135	The site is considered available and development is considered achievable. The site is however considered unsuitable as it would lead to a coalescence of Felsted and Causeway End and would not contribute to a sustainable pattern of development.
2015	15Fel15			Felsted	E	C3	13	The site is considered available and development is considered achievable. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of development.
2015	16Fel15			Felsted	E	C3	15	The site is available and development is achievable. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of development.

Year submitted to the SLAA	SLAA reference number	Allocation reference	Status	Settlement	Suitability in SLAA	Submitted proposed use in SLAA	Conclusion of yield in SLAA	Conclusion
2015	17Fel15	FEL2		Felsted	B	C3	50	The site is considered suitable and available and achievable. The deliverable capacity reflects the whole site being development for housing, as opposed to a dementia care unit and housing as originally proposed.
2015	18Fel15			Felsted	E	C3	30	The site is available and development is considered achievable. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of development.
2015	19Fel15			Felsted	E	C3	30	The site is considered available and development is considered achievable. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of development.
2015	20Fel15			Felsted	E	C3	10	The site is considered available and development is considered achievable. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of development.
2015	21Fel15			Felsted	D (employment)	Employment	unknown	The site is available and development is achievable. The site is only suitable if an east bound access point is made onto the A120.
2015	22Fel15			Felsted	D (employment)	Employment	unknown	The site is available. The achievability of the site depends on the outcome of a full flood risk assessment and highways assessment. The site is only suitable if an east bound access point is made onto the A120.
2015	23Fel15			Felsted	E	C3	480	The site is available. The development is achievable subject to it still being viable after the provision of the necessary infrastructure. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of development.

Year submitted to the SLAA	SLAA reference number	Allocation reference	Status	Settlement	Suitability in SLAA	Submitted proposed use in SLAA	Conclusion of yield in SLAA	Conclusion
2015	24Fel15			Felsted	E	C3	5	The site is available. The development is achievable subject to consideration of the impact on and of the permitted solar farm. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of development.
2015	25Fel15			Felsted	E	C3	231	The site is available. The development is achievable subject to it still being viable after the provision of the necessary infrastructure. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of development.
2015	26Fel15			Felsted	E	C3	116	The site is available. The development is achievable subject to it still being viable after the provision of the necessary infrastructure. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of development.
2015	27Fel15			Felsted	E	C3	246	The site is available. The development is achievable subject to it still being viable after the provision of the necessary infrastructure. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of development.
2015	28Fel15			Felsted	E	C3	44	The site is available. The development is achievable. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of development
2016	29Fel16			Felsted	E	C3	49	The site is available. Development is achievable subject to an acceptable access. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of development.
2016	30Fel16			Felsted	E	C3	52	The site is available and development is achievable. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of development.

Outline reasons for selection/ rejection

Table IVE below sets out the outline reasons for the selection or rejection of site options.

Table IVE: Outline reasons for selection/ rejection of site options

Site	Preferred / Rejected	Reasons for Selection / Rejection
01Ark15	Rejected	This is a greenfield site, which does not adjoin the existing village development limit. Development would reduce the open countryside gap between the development at Quicksie Hill and the low density development around the church. Arkesden has limited services and facilities and the site is not in walking/cycling distance of basic services which makes this a less suitable site. This site is considered unsuitable as development on this site would not contribute to sustainable patterns of development.
02Ark17	Rejected	This site lies to the north of the village beyond adopted development limits. Development of this site would introduce significant development in an isolated rural location. Arkesden has limited services and facilities and the site is not in walking/ cycling distance of basic services which makes this a less suitable site. The site is therefore considered unsuitable as development on the site would not contribute to sustainable patterns of development.
01Ash15	Rejected	This is a greenfield site in the open countryside, unrelated to the village of Ashdon. Ashdon is a type A village with a shop and school; however this site is beyond the normal walking/cycling distance of these services. This site is considered unsuitable as development on this site would not contribute to sustainable patterns of development.
02Ash15	Rejected	This is a greenfield site, in the countryside. The site is separated from Bartlow by the former railway line. Bartlow has limited services and facilities, whilst Ashdon is a type A village; the site is not in walking/cycling distance of these basic services. This site is considered unsuitable as development on this site would not contribute to sustainable patterns of development.
01Bar15	Rejected	This site is currently a football pitch with car park and pavilion and adjoins the village development limit. The peripheral areas of the site are liable to surface water flooding. Barnston is a Type B village and has limited services. The village is close to Great Dunmow but the site is not within walking/cycling distance of facilities in the town. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of development.
02Bar15	Rejected	This is a greenfield site on the edge of the village. Development would extend the built up extent of the village into the countryside. Barnston has limited services. The village is close to Great Dunmow but the site is not within walking/cycling distance of facilities in the town. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of development.
01Bir15	Rejected	The site lies beyond development limits within the Metropolitan Green Belt, adjacent to the village. The site forms part of parcel 8 in the Green Belt Review 2016 which was found to have a 'strong' value in meeting the purposes of the Green Belt. The site does contribute to the functions of the Green Belt and therefore development is considered unsuitable.
02Bir15	Rejected	The site is an existing business park / employment site and is being promoted for additional employment development. The site forms part of parcel 8 in the Green Belt Review 2016 which was found to have a 'strong' value in meeting the purposes of the Green Belt.
03Bir15	Rejected	The site is within the Green Belt, located between Birchanger and Stansted Mountfitchet. The site forms part of parcel 8 in the Green Belt Review 2016

03Far15	Rejected	This is a greenfield site adjacent to the southern edge of the village. It is an extension to the site promoted at 01Far15. There is no development limit defined around Farnham. Small areas of the site are subject to low level of surface water flooding. To the south is a complex of listed buildings. The access road to the site is narrow and is a constraint to development of the site. Although Farnham is a Type A village with a primary school it has limited other services. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of development.
04Far15	Rejected	This is a greenfield site adjacent to the southern edge of the village. There is no development limit defined around Farnham. A thin strip along the boundary of the site has a low to medium risk of surface water flooding. To the south is a complex of listed buildings. The access road to the village is narrow and is a constraint to development of this scale. Although Farnham is a Type A village with a primary school it has limited other services. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of development.
01Fel15	Preferred (part of site)	This is a greenfield site which lies on the western edge of the village. Felsted and Flitch Green to the north are Type A villages with a range of services and facilities. Development of the full extent of the site would lead to coalescence with Flitch Green; however development reflecting the limit of the development on the south of Station Road could be considered suitable.
02Fel15	Rejected	This is a part greenfield, part brownfield site comprising house and garden at Bartholomew Green, which is a small hamlet on the eastern edge of the parish. Development of the site would introduce significant built form in an area characterised by loose knit, sporadic development. The site is not within walking/cycling distance of services and facilities. This site is considered unsuitable as development on this site would not contribute to sustainable patterns of development.
03Fel15	Rejected	The site, promoted for employment development, is outside of adopted development limits. It is also within Flood Risk Zone 3, with additional surface water flood risk issues. There are also concerns regarding appropriate highways access. The site is considered unsuitable for development.
04Fel15	Rejected	The site lies adjacent to the development limits and well related to the hamlet, but it is part of a large open field with no defensible boundaries. The site is some distance from the services in Felsted village. The proposal is for a small scale development which falls below the threshold for allocations in the Local Plan.
05Fel15	Rejected	The site is some distance from the services in Felsted village. The site can only be accessed via the long access road which would lead to development disjointed from the existing pattern of development. The long access road to the site running adjacent to residential is likely to cause a detrimental impact on surrounding properties. The site is therefore considered unsuitable as development on the site would not contribute to sustainable patterns of development.
06Fel15	Rejected	This is a greenfield site on the eastern edge of Felsted village. Chaffix Farm to the south comprises a group of listed buildings. The site is about 1km from the services in Felsted. Development of the site would extend the built form eastwards behind the loose knit complex of buildings of Chaffix Farm and close the gap between Felsted and Watch House Green. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of development.
07Fel15	Rejected	The site is L-shaped with a listed building being located at the bend in the site. The site is within walking/cycling distance of the primary school but services in Felsted are further away. A residential scheme has recently been construction to the south, separated from this site by one field, which is a preferred site for development (17Fel15) , However the southern boundary of the site is well vegetated and forms a strong defensible boundary. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of development.
08Fel15	Rejected	The site is not within walking/cycling distance of the village services in Watch House Green and Felsted village. Development of the site would introduce a consolidated built form in an area characterised by loose knit ribbon development. The site is considered unsuitable as development on this site would not contribute to sustainable patterns of development. The achievability of developing the site is unknown until potential contamination is investigated and the cost of any mitigation known; the costs of clearing and removing the existing buildings on the site would also need to be taken into account.

03Far15	Rejected	This is a greenfield site adjacent to the southern edge of the village. It is an extension to the site promoted at 01Far15. There is no development limit defined around Farnham. Small areas of the site are subject to low level of surface water flooding. To the south is a complex of listed buildings. The access road to the site is narrow and is a constraint to development of the site. Although Farnham is a Type A village with a primary school it has limited other services. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of development.
04Far15	Rejected	This is a greenfield site adjacent to the southern edge of the village. There is no development limit defined around Farnham. A thin strip along the boundary of the site has a low to medium risk of surface water flooding. To the south is a complex of listed buildings. The access road to the village is narrow and is a constraint to development of this scale. Although Farnham is a Type A village with a primary school it has limited other services. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of development.
01Fel15	Preferred (part of site)	This is a greenfield site which lies on the western edge of the village. Felsted and Flich Green to the north are Type A villages with a range of services and facilities. Development of the full extent of the site would lead to coalescence with Flich Green; however development reflecting the limit of the development on the south of Station Road could be considered suitable.
02Fel15	Rejected	This is a part greenfield, part brownfield site comprising house and garden at Bartholomew Green, which is a small hamlet on the eastern edge of the parish. Development of the site would introduce significant built form in an area characterised by loose knit, sporadic development. The site is not within walking/cycling distance of services and facilities. This site is considered unsuitable as development on this site would not contribute to sustainable patterns of development.
03Fel15	Rejected	The site, promoted for employment development, is outside of adopted development limits. It is also within Flood Risk Zone 3, with additional surface water flood risk issues. There are also concerns regarding appropriate highways access. The site is considered unsuitable for development.
04Fel15	Rejected	The site lies adjacent to the development limits and well related to the hamlet, but it is part of a large open field with no defensible boundaries. The site is some distance from the services in Felsted village. The proposal is for a small scale development which falls below the threshold for allocations in the Local Plan.
05Fel15	Rejected	The site is some distance from the services in Felsted village. The site can only be accessed via the long access road which would lead to development disjointed from the existing pattern of development. The long access road to the site running adjacent to residential is likely to cause a detrimental impact on surrounding properties. The site is therefore considered unsuitable as development on the site would not contribute to sustainable patterns of development.
06Fel15	Rejected	This is a greenfield site on the eastern edge of Felsted village. Chaffix Farm to the south comprises a group of listed buildings. The site is about 1km from the services in Felsted. Development of the site would extend the built form eastwards behind the loose knit complex of buildings of Chaffix Farm and close the gap between Felsted and Watch House Green. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of development.
07Fel15	Rejected	The site is L-shaped with a listed building being located at the bend in the site. The site is within walking/cycling distance of the primary school but services in Felsted are further away. A residential scheme has recently been construction to the south, separated from this site by one field, which is a preferred site for development (17Fel15) , However the southern boundary of the site is well vegetated and forms a strong defensible boundary. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of development.
08Fel15	Rejected	The site is not within walking/cycling distance of the village services in Watch House Green and Felsted village. Development of the site would introduce a consolidated built form in an area characterised by loose knit ribbon development. The site is considered unsuitable as development on this site would not contribute to sustainable patterns of development. The achievability of developing the site is unknown until potential contamination is investigated and the cost of any mitigation known; the costs of clearing and removing the existing buildings on the site would also need to be taken into account.

09Fel15	Rejected	This is a greenfield site to the west of Bannister Green and separated from the existing development limits in an area characterised by a loose knit group of houses served by a single track lane. Aylands is a listed building and adjoins the access to the site. Development of the site would introduce a consolidated form of development contrary to the current character of the area. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of development.
10Fel15	Rejected	This is a small greenfield site located separate from the current development limits of Causeway End and Felsted village. The site is not within walking/cycling distance of the facilities in Felsted and the primary school in Watch House Green. The development of this site would introduce a form of development unrelated to the current character of the area. The site is considered unsuitable as development on this site would not contribute to sustainable patterns of development.
11Fel15	Rejected	This is a greenfield site on edge of the District with Braintree District and is being proposed as part of an extension to Great Notley. The Adopted Master Plan for Land West of the A131 Great Notley (January 2012 identifies the land for employment uses with strategic landscaping between the industrial uses and the district boundary and this site. Therefore this site is not considered suitable. This site is currently not achievable under the current adopted Master Plan for land west of the A131 Great Notley.
12Fel15	Preferred	Planning permission has been granted for this site.
13Fel15	Rejected	Planning permission for 55 dwellings was refused and dismissed at appeal. It is in walking/cycling distance of the primary school at Watch House Green and facilities in Felsted. The Inspector concluded that the development would have a materially harmful impact on the character and appearance of the area. In the light of the appeal decision the site is considered unsuitable as development on the site would not contribute to sustainable patterns of development.
14Fel15	Rejected	This is a greenfield site which would wrap development around the southern edge of Felsted. Development of the site would lead to coalescence between Felsted and Causeway End. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of development.
15Fel15	Rejected	The site is situated just over 1km from the facilities in Felsted Village and not within walking/cycling distance of primary schools at Watch House Green and Fritch Green. This area of Causeway End does not have footpaths. Development would introduce backland development in an area characterised by ribbon development. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of development.
16Fel15	Rejected	The site, as a large garden, currently acts as a transition between village and countryside. The current character of west of Braintree Road is of linear development. The development of this site of the scale proposed would introduce development in depth and would have a detrimental impact on the character of this edge of village location. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of development.
17Fel15	Preferred	The site is within walking/cycling distance of the primary school and facilities in Felsted are just under 2km away. The site would extend development into the countryside but would reflect the recent development to the south, from which access can be taken. The site is considered suitable, achievable and available for development.
18Fel15	Rejected	This is one of six greenfield sites proposed around Watch House Green. The site is within walking/cycling distance of the primary school and facilities in Felsted are just less than 2km away. The site is in walking distance of an hourly bus service. This site is less well related than 17Fel15 to existing pattern of development and is not considered suitable for housing development.
19Fel15	Rejected	Development of the site could lead to coalescence with Felsted village. The frontage part of the site forms part of a larger site which was dismissed at appeal. The Inspector concluded that the intrusion of built development to this particular location, which is open on both sides of the road, would be significantly harmful. Although this site does not extend as far along Braintree Road it is still considered that development would be intrusive and close the gap with Felsted village. The site is therefore considered unsuitable as development on the site would not contribute to sustainable patterns of development.

20Fel15	Rejected	Development of the site could lead to coalescence with Felsted village. The frontage part of the site forms part of a larger site which was dismissed at appeal. The Inspector concluded that the intrusion of built development to this particular location, which is open on both sides of the road, would be significantly harmful. Although this site does not extend as far along Braintree Road it is still considered that development would be intrusive close the gap with Felsted village. The site is therefore considered unsuitable as development on the site would not contribute to sustainable patterns of development.
21Fel15	Rejected	Development of the site would introduce a consolidated built form in an area characterised by loose knit ribbon development. On its own the site is considered unsuitable as development on this site would not contribute to sustainable patterns of development. In conjunction with the other sites being promoted at Sparlings Farm about 1,100 dwellings and employment land are being proposed which could be considered as a new village, however the Council's development strategy is towards larger self-sustaining Garden Communities which can support a secondary school.
22Fel15	Rejected	Development of the site would introduce a consolidated built form in an area characterised by loose knit ribbon development. On its own the site is considered unsuitable as development on this site would not contribute to sustainable patterns of development. In conjunction with the other sites being promoted at Sparlings Farm about 1,100 dwellings and employment land are being proposed which could be considered as a new village, however the Council's development strategy is towards larger self-sustaining Garden Communities which can support a secondary school.
23Fel15	Rejected	This proposal is for about 480 houses on the west side of the hamlet. Gransmore Green is characterised by a loose knit collection of houses and farm buildings. The site is not within walking/cycling distance of the village services in Watch House Green and Felsted village. Development of the site would introduce a consolidated built form in an area characterised by loose knit ribbon development; and a scale of development disproportionate to the size of the hamlet of Gransmore Green. On its own the site is considered unsuitable as development on this site would not contribute to sustainable patterns of development, unless facilities can be provided on site which may prejudice viability. In conjunction with the other sites being promoted (08, 03, and 21 to 27Fel15) about 1,100 dwellings and employment land are being proposed which could be considered as a new village; however the Council's development strategy is towards larger self-sustaining Garden Communities which can support a secondary school.
24Fel15	Rejected	This is a greenfield site and one of 8 sites being promoted around Gransmore Green. This proposal is for up to 33 houses on the east side of the hamlet. Gransmore Green is characterised by a loose knit collection of houses and farm buildings. The site is not within walking/cycling distance of the village services in Watch House Green and Felsted village. Development of the site would introduce a consolidated built form in an area characterised by loose knit ribbon development. On its own the site is considered unsuitable as development on this site would not contribute to sustainable patterns of development. In conjunction with the other sites being promoted (08, 03, and 21 to 27Fel15) about 1100 dwellings and employment land are being proposed which could be considered as a new village; however the Council's development strategy is towards larger self-sustaining Garden Communities which can support a secondary school.
25Fel15	Rejected	This is a greenfield site and one of 8 sites being promoted around Gransmore Green. This proposal is for about 230 houses on the east side of the hamlet. Gransmore Green is characterised by a loose knit collection of houses and farm buildings. The site is not within walking/cycling distance of the village services in Watch House Green and Felsted village. Development of the site would introduce a consolidated built form in an area characterised by loose knit ribbon development; and a scale of development disproportionate to the size of the hamlet of Gransmore Green. On its own the site is considered unsuitable as development on this site would not contribute to sustainable patterns of development. In conjunction with the other sites being promoted (08, 03, and 21 to 27Fel15) about 1100 dwellings and employment land is being proposed which could be considered as a new village; however the Council's development strategy is towards larger self-sustaining Garden Communities which can support a secondary school.

26Fel15	Rejected	This is a greenfield site and one of 8 sites being promoted around Gransmore Green. This proposal is for about 116 houses on the west side of the hamlet. Gransmore Green is characterised by a loose knit collection of houses and farm buildings. The site is not within walking/cycling distance of the village services in Watch House Green and Felsted village. Development of the site would introduce a consolidated built form in an area characterised by loose knit ribbon development; and a scale of development disproportionate to the size of the hamlet of Grasmore Green. On its own the site is considered unsuitable as development on this site would not contribute to sustainable patterns of development. In conjunction with the other sites being promoted (08, 03, and 21 to 27Fel15) about 1100 dwellings and employment land are being proposed which could be considered as a new village; however the Council's development strategy is towards larger self-sustaining Garden Communities which can support a secondary school.
7Fel15	Rejected	This is a greenfield site and one of 8 sites being promoted around Gransmore Green. This proposal is for about 246 houses on the west side of the hamlet. Gransmore Green is characterised by a loose knit collection of houses and farm buildings. The site is not within walking/cycling distance of the village services in Watch House Green and Felsted village. Development of the site would introduce a consolidated built form in an area characterised by loose knit ribbon development; and a scale of development disproportionate to the size of the hamlet of Grasmore Green. On its own the site is considered unsuitable as development on this site would not contribute to sustainable patterns of development. In conjunction with the other sites being promoted (08, 03, and 21 to 27Fel15) about 1100 dwellings and employment land are being proposed which could be considered as a new village; however the Council's development strategy is towards larger self-sustaining Garden Communities which can support a secondary school.
28Fel15	Rejected	This is a greenfield site which is located south of Causeway End. It does not adjoin the development limits and is separated from the development limits by four detached properties in large grounds. The site is beyond walking and cycling distance of services and facilities in the village. Development of the site would extend the ribbon development into the countryside. The site is therefore considered unsuitable because development on this site would not contribute to sustainable patterns of development.
29Fel16	Rejected	This part greenfield and part brownfield site lies on the south side of Causeway End. The access road to the site lies within the Adopted Development Limits, the remaining site area however lies outside the development limits. The site is situated just over 1km from the facilities in Felsted Village and not within walking/cycling distance of primary schools at Watch House Green and Flitch Green. This area of Causeway End does not have footpaths. Development would introduce backland development in an area characterised by ribbon development. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of development.
30Fel16	Rejected	This brownfield sites lies within the small hamlet of Mole Hill Green, Felsted. The site lies approximately 1km from Leez Priory ancient monument. There are numerous listed buildings near the site. The site is not close to village services and facilities. Development of the site as proposed would introduce significant built form in an isolated rural setting leading to unsustainable development. Development of the site is therefore not considered suitable.
01GtCan15	N/A	"This is an existing Gypsy caravan site and has an extant planning permission for 3 pitches. The recent approval was for an additional 2 pitches. The site lays about 1,300m from the services and facilities at Takeley and Priors Green. In view of the existing use and planning permissions this is considered a suitable site for the use proposed. Planning permission for 2 additional pitches was granted in October 2015 (UTT/15/2526/FUL) and for 1 additional pitch in 2018.
02GtCan15	Rejected	This is a greenfield site located within the hamlet of Great Canfield. The hamlet is characterised by a loose knit development set out in a linear arrangement. Canfield Road does not have a pavement. Development of the site would introduce a built form on open land to the west of the road which currently affords wide views into the open countryside. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of development.
03GtCan15	Rejected	This is a greenfield site located within the hamlet of Great Canfield. The hamlet is characterised by a loose knit development set out in a linear arrangement. Canfield Road does not have a pavement. Development of the site would introduce a built form on open land to the west of the road which currently affords wide views into the open countryside. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of



UTTLESFORD DISTRICT COUNCIL

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Chief Executive: John Mitchell

Chris Loon
15 Springfields
Great Dunmow
Essex
CM6 1BP
United Kingdom

Dated: 11 July 2013

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Application Number: UTT/13/0989/OP
Applicant: Mr David Warn

Uttlesford District Council **Grants Permission** for:

Outline application for the erection of up to No. 25 dwellings, access from Braintree Road, complete with related infrastructure, play area with all matters reserved except access at Land East Of Braintree Road Braintree Road Felsted Great Dunmow Essex

The approved plans/documents are listed below:

Plan Reference/Version	Plan Type/Notes	Received
OCO47-001	Location Plan	16/04/2013
OCO47-002 D	Block Plan	16/04/2013
OCO47-003	Other	16/04/2013
OCO47-004	Other	16/04/2013
OCO47- DA-01	Other	16/04/2013
44254/P/01	Other	16/04/2013
OCO47-ST-01	Other	16/04/2013
OCO47-DA-02	Other	16/04/2013
G4243-1	Other	16/04/2013

Permission is granted with the following conditions:

- 1 Approval of the details of the layout, scale, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The development hereby permitted shall be begun not later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 The development hereby permitted shall be implemented in accordance with the ecological scheme of mitigation/enhancement submitted with the application in all respects and any variation thereto shall be agreed in writing by the local planning authority before such change is made.

REASON: In the interest of the protection of the wildlife value of the site in accordance with Policy GEN7 of the Uttlesford Local Plan adopted 2005.

- 5 .No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

REASON::In view of the historic importance of the site, in accordance with Uttlesford District Local Plan Policy Local plan policy ENV4

- 6 No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

REASON: To enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation in accordance with Uttlesford District Council Local Plan policy ENV4

- 7 The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: In view of the historic importance of the site, in accordance with Uttlesford District Local Plan Policy Local plan policy ENV4

- 8 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year inclusive of climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
The scheme should be based on drainage plan 44254/C/02 which includes SuDS devices such as geocellular storage, permeable paving and surface water ditches.
The scheme shall be fully implemented and subsequently maintained, in accordance with the timing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. In accordance with policies GEN2 and GEN3 of Uttlesford Local Plan adopted 2005

- 9 .No development shall take place until a Wildlife Protection Plan for the site has been submitted to and approved in writing by the Uttlesford Planning Authority. The details shall include how mitigation measures for Legally Protected Species will be implemented prior to and during construction of the development in accordance with appropriate wildlife legislation. This shall include Method Statements where appropriate. Should pre-construction inspections identify the presence of Legally Protected Species not previously recorded, construction works shall cease immediately until such time as further surveys have been completed (during the appropriate season) and mitigation measures have been agreed in writing with the Uttlesford Planning Authority and Natural England where necessary.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with local plan policy GEN7 of Uttlesford Local Plan adopted 2005

- 10 Biodiversity Mitigation and Enhancement Plan
No development shall take place until a Biodiversity Mitigation and Enhancement Plan has been submitted to and approved in writing by the Uttlesford Planning Authority. The Plan shall include provision for habitat creation and management during the life of the development hereby permitted, as outlined in the Extended Phase 1 Habitat Survey (dated August 2012), Bat Roost Inspection Report (dated October 2012) and Reptile and Great Crested Newt Survey & Mitigation Strategy (dated May 2013) and shall, without prejudice to the foregoing, include:
- (i) Aims and objectives of mitigation and enhancement;
 - (ii) Extent and location of proposed works;
 - (iii) A description and evaluation of the features to be managed;
 - (iv) Sources of habitat materials;
 - (v) Timing of the works;
 - (vi) The personnel responsible for the work;
 - (vii) Disposal of wastes arising from the works;
 - (viii) Selection of specific techniques and practices for preparing the site and/or creating/establishing vegetation;
 - (ix) Appropriate management options for achieving aims and objectives;
 - (x) Prescriptions for management actions;
 - (xi) Ecological trends and constraints on site that may influence mitigation and enhancement measures;
 - (xii) Personnel responsible for implementation of the Plan;

- (xiii) The Plan shall include demonstration of the feasibility of the implementation of biodiversity mitigation and enhancement plan for the period specified in the Plan;
- (xiv) Monitoring and remedial / contingencies measures triggered by monitoring to ensure that the proposed biodiversity gains are realised in full. Monitoring shall review agreed targets at five year intervals and allow for remedial action to be agreed with the Uttlesford Planning Authority.

The development hereby permitted shall be implemented in accordance with the approved plan.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with local plan policies GEN7 of Uttlesford Local Plan adopted 2005

- 11 Prior to occupation of the development the access arrangements with visibility splays of 90 metres x 4.5 metres x 160 metres and pedestrian crossing point, as shown in principle on Drawing No. 44254/P/01 dated 22 August 2012, shall be implemented.

REASON: In the interests of highway safety and efficiency in accordance with Policies GEN1 of Uttlesford Local Plan adopted 2005.

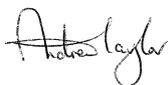
- 12 No fixed lighting shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Planning Authority. The details shall ensure the lighting is designed in such a way to minimise any potential impacts upon nocturnally mobile animals. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with local plan policies in accordance with policies GEN7 of Uttlesford Local Plan adopted 2005

- 13 No development will commence on site nor any site clearance shall take place until the scheme of mitigation/compensation contained in the Reptile and Great Crested Newt Survey dated May 2013 submitted with the application has been implemented in full or to a stage that is agreed in writing with the local planning authority.

Reason: In the interest of the protection of the wildlife value of the site in accordance with policy GEN7 of the Uttlesford Local Plan (adopted 2005)

In determining this application, the Local Planning Authority had regard to the following Development Plan Policies:



Assistant Director Planning and Building Control

Notes:

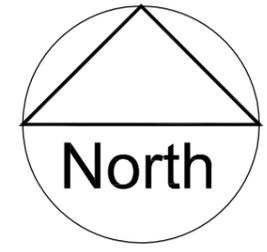
- 1 The local planning authority has worked with the applicant in a positive and proactive manner in determining this application.
- 2
- * This permission does not incorporate Listed Building Consent unless specifically stated. ichR,
 - * **The alterations permitted by this consent are restricted to those specified and detailed in the application. Any alteration, demolition or re-building not so specified, even if this should become necessary during the course of the work, must be subject of a further application. It is an offence to carry out unauthorised work to the interior or exterior of a Listed Building in any way, which would affect its character.ichR,**
 - * **The proposal has been considered against Development Plan policies shown in the schedule of policies. Material planning considerations do not justify a decision contrary to the Development Plan.ichR,**
 - * **The Development Plan comprises the saved policies of the Uttlesford Local Plan (2005).ichR,**
 - * **It is the responsibility of the owner to ensure that any conditions attached to an approval are complied with. Failure to do so can result in enforcement action being taken. Where conditions require the submission of matters to and approval by the local planning authority these must be submitted on form "Application for approval of details reserved by condition" available from the Council's web site www.uttlesford.gov.uk and accompanied by the correct fee.ichR,**
 - * **Your attention is drawn to the need to check with the Council's Building Surveying Section regarding fire-fighting access and the requirements of Section 13 of the Essex Act 1987.ichR,**
 - * **Your attention is drawn to the Equality Act 2010. The Act makes it unlawful for service providers (those providing goods, facilities or services to the public), landlords and other persons to discriminate against certain groups of people. ichR,**
 - * **If you intend to pipe, bridge or fill in a watercourse, as part of this development or otherwise, you need to contact the Council's Engineer on 01799 510521 for the necessary permission from the Council and the Environment Agency. You may also have to seek consent from the County Highways Authority. ichR,**
 - * **Under the terms of the Water Resources Act 1991 and Environment Agency Byelaws, the prior written consent of the agency is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of any main river. ichR,**
 - * **If you are aggrieved by the decision of the Council to grant permission subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990, section 20 and 21 of The Planning (Listed Buildings and Conservation Areas) Act 1990 or Regulation 15 of The Town and Country Planning (Control of Advertisement) Regulations 1992.ichR,**
 - * **If you want to appeal against the Council's decision then you must do so within 12 weeks if it is a Householder application, 6 months for Conservation Area Consent applications, Listed Building applications and all other planning applications or within 8 weeks in relation to Advertisement applications.ichR,**
 - * **If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder application) of the date of this notice, whichever period expires earlier.ichR,**
 - * **The Inspectorate will publish details of your appeal on the internet. Please only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal**

information belonging to a third party please ensure you have their permission to do so.ichR,

* Appeals must be made using a form available from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk.ichR,

* If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

- 3 This Decision Notice must be read in conjunction with an Obligation made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.



Project:-
**Land East of Braintree Road,
 Watch House Green,
 Felsted,
 Essex CM6 3EF**

Description:-
Os map Location plan

	2 Exchange Court, London Road Feering Essex CO5 9FB
	JCN Design Ltd 01376 572977 www.jcndesign.co.uk

Scale:-
 1-1250 @ A3

Date:-
 Aug 2012

Org no:-
 OC047-001

Revisions:-
 00

16 Felsted

Policy FEL 2

Land east of Braintree Road

Quantum of Development: 30 dwellings

Site Area: 2.5ha

Land east of Braintree Road as shown on the Policies Map is allocated for development of approximately 30 houses and open space. Detailed proposals that comply with other relevant policies and meet the following site specific development requirement will be permitted:

1. The development provides for a mixed and balanced community;
2. Development respects the amenity of existing dwellings adjoining the site;
3. The development is designed to mitigate adverse effects upon existing residential and community interests and may be required, by legal obligation, to provide or contribute towards wider and longer term planning benefits reasonably associated with the alleviation of any such impact;
4. A Transport Assessment may be required to support a planning application and appropriate access arrangements to be agreed and to the satisfaction of the highway authority;
5. A Landscape and Visual Impact Assessment will be required and should inform the design and layout of the site proposals.

Site description: this is a greenfield site located at the eastern edge of the village.

Constraints: none known on site

Did the site have planning permission at 1st April 2017? No:

16.1 In addition to the above sites the following site will contribute to the housing supply within the District. As at April 2017 it had planning permission and is under construction. There are no specific policies for the site. The site is identified on the policies map

Policy FEL 3

Residential Commitments

The following site identified on the Policies Map is committed for residential development.

Site	Site Area (Hectares)	Outstanding capacity as at April 2017
Former Ridleys Brewery Site	1.5	21

66 Felsted Watch House Bannister Green

Uttlesford Pre-Submission Local Plan 2018
Felsted (Watch House Green/Bannister Green) Inset Map

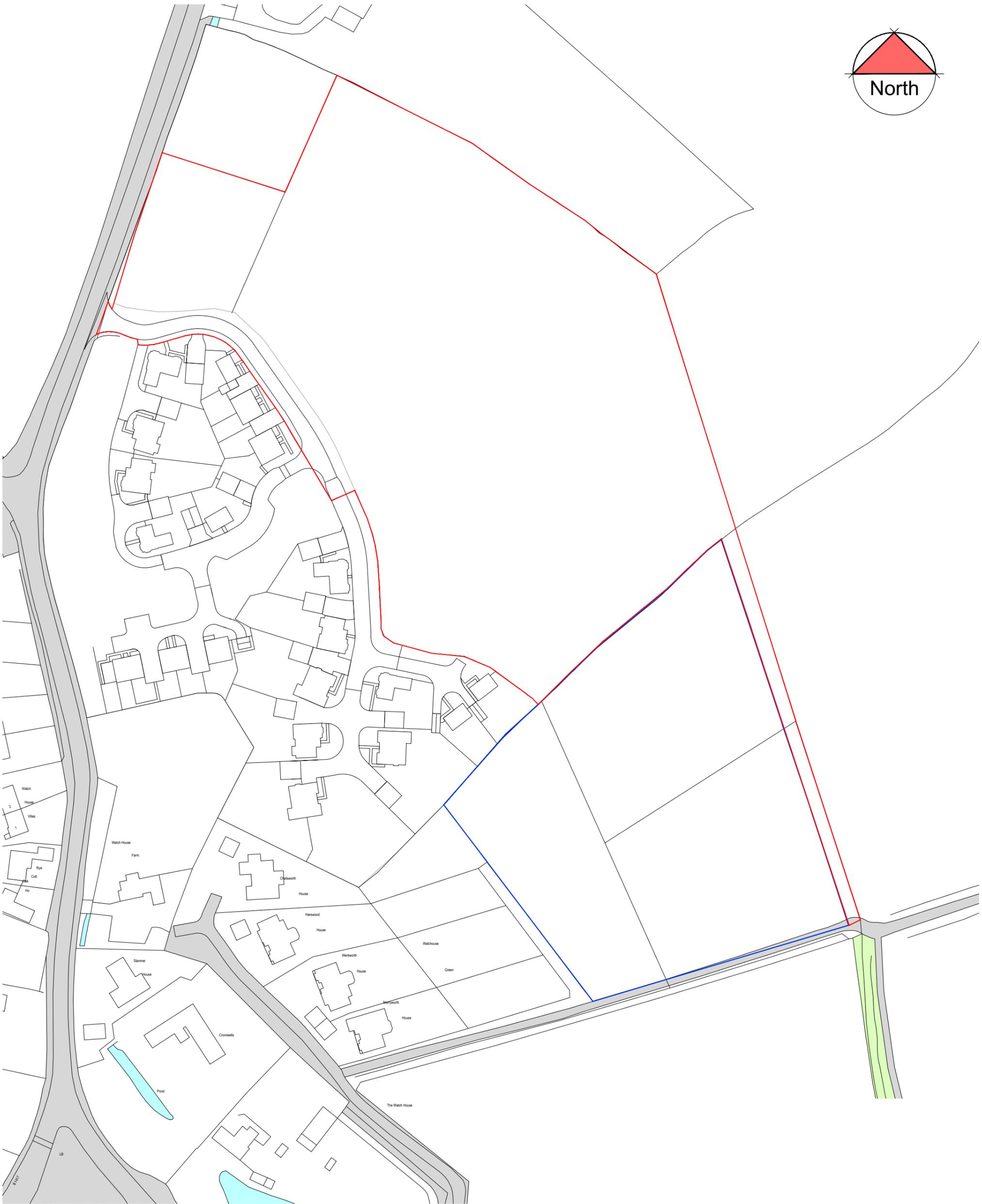
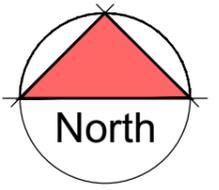


Uttlesford Regulation 19 (now Regulation stage 22) Local Plan

Summary of Representations to Policy FEL2 – Land East of Braintree Road, Watch House Green, Felsted

Statement of Consultation
Summary of Reg 19 Representations Chapter 12 -34 Site Allocations

REPRESENTATIONS IN OBJECTION	<p>potential to impact on Conservation area. The Archaeological Assessment of allocated sites (February 2018) indicated that the site may contain archaeological deposits which will need to be considered by future development proposals, through an archaeological evaluation. (PSLP962 ECC)</p> <ul style="list-style-type: none"> • Currently no mention of heritage assets in policy. The Felsted Conservation Area lies to the east of the site and includes a number of listed buildings including the grade I listed Church of the Holy Cross. Any development should protect any key views of the church. (PSLP1904 Historic England) • Object to policy due to traffic, highways danger, light pollution, aircraft noise, sewage plant. (PSLP50 R Sudlow) • Policy is supported but policy area should include open land to the north (PSLP1601 J Young)
MODIFICATION REQUEST	<ul style="list-style-type: none"> • Add additional point "An appropriate Archaeological Assessment will be required" (PSLP962 ECC) • Any development should protect any key views of the church. These requirements should be included in the policy and supporting text of the Plan.(PSLP1904 Historic England) • Delete policy (PSLP50 R Sudlow) • Inset Map should be amended to include the area of land that is proposed to be utilised as open space which lies immediately to the west and is within the same ownership.(PSLP1601 J Young)
16. Felsted FEL 2 (Land east of Braintree Road)	
SUPPORT	1
OBJECT	2
SUMMARY OF REPRESENTATIONS IN SUPPORT	<ul style="list-style-type: none"> • Policy is supported (PSLP922 Springfield Planning)
SUMMARY OF REPRESENTATIONS IN OBJECTION	<ul style="list-style-type: none"> • Object to site as it offers no community benefit specifically for residents of Felsted. Planning permission has been refused for development of the site.(PSLP733 Felsted PC) • Currently no mention of heritage assets in policy. There are three grade II listed buildings or structure to the north and north west of the site (Weavers, Felmoor Farmhouse and a Pump. Any development of the site has the potential to impact upon the setting of these heritage assets. (PSLP1906 Historic England)
MODIFICATION REQUEST	<ul style="list-style-type: none"> • Delete policy and replace with allocation of land at Sunnybrook Farm with land for parking for the school (NP reference HN2 Site A UDC SLAA ref 20Fel15) (PSLP733 Felsted PC) • Development should preserve the settings of Weavers, Felmoor Farmhouse and Pump (all listed at grade II). These requirements should be included in the policy and supporting text of the Plan. (PSLP1906 Historic England)
16. Felsted FEL 3 (Residential Commitments)	
SUPPORT	
OBJECT	
SUMMARY OF REPRESENTATIONS IN SUPPORT	
SUMMARY OF	



Application Boundary 
28580 sqm (7.06 acres - 2.85 ha)

Other Land Owned by Applicant 

Project:-
Land East and North of Clifford
Smith Drive, Watch House Green,
Felsted, Essex.
Description:-
Site Location Plan

Scale:-
1-1250 @ A3
Date:-
Mar 2018

Dwg no:-
SP005-PL-01
Revision:-
A

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Appeal Decision

Site visit made on 27 March 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 20 June 2019

Appeal Ref: APP/C1570/W/18/3210034

Land East and North of Clifford Smith Drive, Watch House Green, Felsted CM6 3UG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr D Payne against the decision of Uttlesford District Council.
 - The application Ref UTT/18/0784/OP, dated 21 March 2018, was refused by notice dated 8 August 2018.
 - The development proposed is erection of up to 30 no. dwellings served via new access from Clifford Smith Drive, complete with related infrastructure, open space and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of up to 30 no. dwellings served via new access from Clifford Smith Drive, complete with related infrastructure, open space and landscaping at Land East and North of Clifford Smith Drive, Watch House Green, Felsted CM6 3UG in accordance with the terms of the application, Ref UTT/18/0784/OP, dated 21 March 2018, subject to the attached Schedule of Conditions.

Application for costs

2. An application for costs was made by Mr D Payne against Uttlesford District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The application was submitted in outline. The application form indicates that approval was sought only for access with all other matters reserved. I have determined the appeal on this basis.
4. I note the Uttlesford Regulation 19 Pre-Submission Local Plan (emerging Local Plan) and that the appeal site is allocated for housing under this emerging Local Plan. I also note that the preparation of the emerging Local Plan has progressed since the application was determined. However, it is at a relatively early stage and there is no certainty that the policies within it will be adopted in their current form. I have therefore attached it limited weight.

Main Issues

5. Since the decision notice was issued, the Council has confirmed that they no longer contest the second and third reasons for refusal which state that the application does not include a mechanism to secure suitable affordable housing

provision and the application does not include a mechanism to secure suitable contributions towards education respectively. During the process of the appeal, the Council stated that the Zone of Influence of Blackwater Estuary Special Protection Area includes the appeal site. Therefore, the main issues are the effect of the proposed development on:

- the character and appearance of the area; and
- the Blackwater Estuary Special Protection Area (BESPA) and Ramsar site.

Reasons

Character and appearance

6. The site lies outside settlement development boundaries and falls within the countryside for the purposes of Uttlesford Local Plan Adopted 20 January 2005 (LP). It is therefore assessed against LP Policy S7 which relates to development in the Countryside.
7. The proposal would introduce built form on undeveloped land and would therefore alter the intrinsic character of the site. The appeal site is an area of unmanaged scrubland and is contained by built development to the south, Weavers Farm to the north and a distinct area of arable farmland to the east. The site therefore has a close relationship with the existing built development as well as with the arable farmland to the east. Given that it is largely bounded by hedgerow, the site is self-contained in this respect.
8. The site would be accessed from Clifford Smith Drive and from the indicative plans before me, the proposed scheme would appear as an extension of the existing development. The indicative layout shows that the proposed dwellings would be of a range, size and layout that would be in keeping with the existing dwellings of Clifford Smith Drive. Therefore, subject to careful consideration of reserved matters, the dwellings would not be out of keeping with the pattern of development of the existing development on Clifford Smith Drive.
9. Similarly, the view from the approach to the site via Braintree Road from the north consists of hedgerow along the boundary and open fields on the opposite side of the road with the existing houses of Felsted forming the setting to this view. From the indicative layout plan the hedgerow along Braintree Road and to the north and east of the site is proposed to be retained and while I am mindful that landscaping is a matter for future consideration, the retention of this hedge would go some way to limiting the impact of the proposed dwellings on the character and appearance of this approach.
10. While parts of the proposal may be visible from the public rights of way to the north of Weavers Farm and from the east of the appeal site, the visibility of the upper storeys and rooftops of the properties would be limited by retention of the existing hedge. Furthermore, given close relationship with the existing development to the south, any rooftops that may be visible would not be out of keeping with the character and appearance of the area. Likewise, given the adjacent existing development and slight change in ground levels across the arable fields, the proposed dwelling would have limited impact on wider views of the site from the countryside subject to careful consideration of reserved matters.

11. Nevertheless, since the proposal would introduce significant areas of built development, hardstanding and domestic gardens to an undeveloped greenfield site, the proposed scheme would adversely impact the landscape character of the site.
12. I note the Chris Blandford Associates Landscape Character Assessment (2006) which describes the site as having a low to moderate sensitivity and that the report recommends measures to protect and enhance positive features that are essential to contributing to local distinctiveness and sense of place. Although landscaping and the layout of the site including the distance of the proposed dwellings from the highway would be considered as part of a reserved matters application, since the proposal would extend the built form of the existing development, it would have the effect of urbanising the site thus diminishing the rural character and appearance of the area.
13. I note that Weavers, also referred to as Weavers Farm, is located near the site and comprises a number of buildings including a Grade II listed building. Although the Council has not referred to the effect of proposal on the setting of the nearby listed buildings in their reasons for refusal, I am required, as a statutory consideration, to have regard to these matters when determining the appeal. The significance of the listed building lies in the evidence of historic architecture and given its traditional vernacular appearance, it contributes to the rural character of the area.
14. The appeal site lies to the south of the property and given the boundary treatment and vegetation along the boundary of Weavers and Braintree Road and along the southern boundary with the appeal site, views of Weavers from the appeal site are largely screened. Furthermore, since layout is a matter for future consideration and as suggested by the indicative site plan, the proposed dwellings could be set out on the site such that the effect of the proposed development on the setting of the listed building would preserve its significance.
15. Overall, I consider the proposed development would harm the character and appearance of the area and would conflict with LP Policy S7 which states that development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set. However, the harm identified would be limited given the localised and self-contained nature of the site and the limited impact on views to the development described above.

Effect on BESPAs and Ramsar site

16. The appeal scheme proposes up to 30 dwellings on a site that lies within the Zone of Influence (ZoI) of BESPAs and Ramsar site. New housing development within the ZoI would be likely to increase the number of recreational visitors to BESPAs, potentially resulting in disturbance to the integrity of the habitats of qualifying features.
17. Since the appeal site lies near the outskirts of the ZoI, some 20km from BESPAs, and the number of additional recreational visitors from 30 dwellings would be limited, the likely effects on BESPAs from the proposed development alone may not be significant. However, in combination with other developments it is likely that the proposal would have significant effects on BESPAs and

Ramsar site. Consequently, an Appropriate Assessment (AA) is necessary to ascertain the implications for the site.

18. I note the comments of the Inspector for the case at Bures Hamlet which concluded that an AA was not necessary. The Council for this appeal has stated that the distance by road to the habitats site is approximately 40km, substantially greater than the 22km set out in the RAMS Strategy. While the site at Bures Hamlet may be closer by road to the habitats site than this proposal would be, since no other evidence has been submitted to demonstrate that an AA would not be necessary, and given that in combination with other developments the proposal is likely to have significant effects on the BESPAR and Ramsar site, in this case I nevertheless consider an AA is necessary.

Appropriate Assessment

19. The qualifying features for the BESPA designation are the overall water bird assemblage and the Conservation Objectives include maintaining the structure and function of the habitats of the qualifying features and the supporting processes on which the habitats of the qualifying features rely. Since the site is near the perimeter of the ZoI, while the residential development may lead to disturbance of birds in coastal habitats (European) site, the adverse effects would be likely to be smaller in scale than other sites closer to the BESPA.
20. I note the draft Essex Coast Recreational disturbance Avoidance and Mitigation Strategy Supplementary Planning Document 2019 (draft RAMS SPD), which sets out a strategic approach to mitigation by several councils across Essex. Since the original ZoI did not include land within Uttlesford District, the Council is not a partner identified in the SPD. However, given that the draft RAMS SPD is endorsed by Natural England and there is no evidence before me to indicate that the Council would not adopt the strategy, I attach significant weight to it.
21. The draft SPD sets out detailed mitigation measures that would be funded by S106 contributions at a specified tariff per dwelling. Since these include a range of habitat-based measures such as education and communication, and have been endorsed by Natural England, I am satisfied that the measures would adequately overcome any adverse effects of the proposal on BESPA and Ramsar site.
22. The Council has accepted a signed Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 that would ensure that the financial contribution would be paid before the commencement of development. The UU states that, in the event that the RAMS is adopted at the date of commencement of development, the owners would pay the RAMS contribution rather than the Natura 2000 Contribution figure which is the figure stated in the draft RAMS SPD.
23. This would mitigate any uncertainty regarding the timing of the adoption of the draft RAMS SPD. Furthermore, the UU defines the meaning of the Natura 2000 Contribution as being funding towards additional visitor management measures relating to Blackwater Estuary SPA/Ramsar and Essex Estuaries SAC. It also defines RAMS Contribution as a sum of money payable towards works identified by RAMS to mitigate the increased use of the development at the designated sites. Furthermore, Natural England confirmed that a Unilateral Undertaking to collect mitigation measures in accordance with the Essex Coast RAMS would be appropriate. On this basis, I am persuaded that the contribution via a UU would

be effective in mitigating the adverse effects of the proposal on the BESPAs and Ramsar sites.

24. The contributions would be 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, in accordance with Regulation 122 of the CIL Regulations. As such, the contributions toward the mitigation schemes would count as mitigation toward maintaining the integrity of the sites.
25. I have had regard to an appeal decision for a site near this appeal site¹. While parallels may be drawn given the location of that site and its position within the ZoI of the BESPAs site, further details are not before me and in any event, each case must be determined on its individual merits.
26. Consequently, the proposed development would not adversely affect the Blackwater Estuary Special Protection Area (BESPAs) and Ramsar site and would not conflict with the National Planning Policy Framework (Framework) in this regard.

Other Matters

27. From the evidence before me regarding the Felsted Neighbourhood Plan (FNP), it is beyond Regulation 14 stage. I note the inconsistency between the FNP and the emerging Local Plan with regard to the site being allocated within Policy FEL2 of the emerging Local Plan, and not being allocated in the FNP. I recognise the effort and time that has been invested in the preparation of the FNP, the response by statutory consultees, that vocal support may have been given for the FNP by Council members as well as other concerns including that the progress of the FNP would be undermined by approval of the scheme. I also note that submission of the draft FNP for Final Examination has been delayed by issues relating to Natural England. However, since the FNP has not been approved at referendum and that there is no certainty that it would be brought into force in its current form, I attribute it only limited weight.
28. I note concerns including the pressure on local education. While the additional residents may put some pressure on local schools in particular Felsted Primary School, the Council has accepted a Section 106 agreement that it considers would mitigate the impact on local provision of education and consequently withdrew this reason for refusal. I have considered this contribution in the section on Planning Obligations below.
29. I also acknowledge local highways safety concerns including traffic congestion at school opening and closing times. During my site visit on a weekday at school pick up time I noted some traffic congestion near Felstead Primary School. However, since the proposed development would be roughly within a kilometre of the school and therefore within walking distance, a significant increase in traffic congestion as result of the proposed scheme is unlikely. I also acknowledge concerns regarding the walking route from Clifford Smith Drive to the school, however, the Highway Authority has not objected to the proposal and from the evidence before me, I see no reason to disagree.
30. With regard to the capacity of the existing doctor's surgery, while discussions may be ongoing with regard to a longer term expansion of the practice, the

¹ Appeal ref: APP/C1570/W/18/3210501

Local GP confirmed that Felsted Surgery has the capacity to accommodate any new patients generated by the proposal.

31. I acknowledge local concerns including the implementation of the existing development on Clifford Smith Drive with regard to wildlife and habitat mitigation issues. The evidence acknowledges that the site was intended to be a mitigation area for the existing development. I note the Addendum to Great Crested Newt and Reptile Survey Report (Hybrid Ecology, May 2018) dated 26th June 2018 which considers that an updated mitigation area would address the concerns raised. The Council are satisfied the proposed measures adequately mitigate any risk and from the evidence before me I see no reason to disagree.
32. I also note other local concerns including the level of engagement with the local community, communication with the Council regarding housing numbers, drainage issues relating to the existing development and the effect on views from the existing properties of Clifford Smith Drive. However, such matters are not an influential factor on the outcome of this appeal and I have necessarily considered the proposal on its merits.
33. None of the other matters raised outweigh or alter my conclusions on the main issues.

Planning Obligations

34. The appellant has completed a Section 106 Agreement in conjunction with Uttlesford District Council and Essex County Council which includes a number of obligations to come into effect if planning permission is granted. I have considered these in light of the statutory tests contained in Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010. They relate to the following matters:
35. Affordable Housing: LP Policy H6 requires developments on sites which provide for 11 dwellings or more, or residential floorspace of more than 1,000sqm (combined gross internal area), to provide 40% of the total number of dwellings as affordable dwellings on the application site and as an integral part of the development. The agreement makes such provision and I consider is fairly and reasonably related to the development proposed and as such passes the statutory tests.
36. Education Contribution: The sum in respect of education is undisputed and the terms related directly to the development and Felsted Primary School and fairly related in scale and kind. As such they would accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in the Framework.

Planning Balance

37. The Council acknowledge that LP Policy S7 is partially compatible with the Framework since it has a more protective rather than positive approach towards development in rural areas and therefore carries limited weight. I note the comments of the Inspectors for the cases at Saffron Walden and Newport in relation to the consistency of LP Policy S7 with the Framework. From the evidence before me I have no reason to disagree and take a similar approach to the Inspectors of these cases and attribute limited weight to the conflict with this policy.

38. Furthermore, the main parties acknowledge that the Council cannot demonstrate a 5-year housing land supply, consequently the provisions of paragraph 11(d) of the Framework are triggered. Following the publication of the updated Framework in 2019 and the updated Planning Practice Guidance, the Council contends that it can demonstrate roughly a 3-year supply of housing land. This represents a significant shortfall.
39. The proposed development would provide a moderate benefit of contribution of up to 30 dwellings to the shortfall of housing, of which 40% would be affordable housing. There would be temporary economic benefits during the construction phase and moderate benefits in terms of the additional residents supporting local services and community. I therefore attribute moderate weight to the benefits of the proposal.
40. Since the Council has accepted Section 106 agreements relating to affordable housing and education provision, and have found that the location is otherwise suitable, given that the harm to character and appearance of the area would be limited, I do not consider the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.

Conditions

41. I have considered the conditions suggested by the Council. I have made some minor changes to these having regard to the tests set out in the Framework and the guidance contained in the Planning Practice Guidance. I have amended some of the wording of the conditions in the interests of precision and clarity.
42. I have attached conditions relating to the submission of reserved matters and the time limits associated with this. I have also included a condition specifying the relevant plans and details of the proposed vehicular and pedestrian access as this provides certainty as well as safeguarding highways safety. A condition relating to unbound materials is also necessary in the interests of highways safety.
43. Archaeological excavation in the adjacent housing development found the remains of Saxon and medieval occupation. Therefore, given that the proposed development lies within a potentially highly sensitive area of heritage assets, a condition relating to archaeology is necessary. I have attached one condition rather than the four archaeology related conditions suggested by the Council as it is more concise.
44. A condition relating to surface water drainage is required to prevent flooding. The four surface water related suggested conditions have been replaced by a single condition which deals with the relevant matters in a more concise manner.
45. The condition relating to accessible and adaptable dwellings is necessary to comply with LP Policy GEN2(c).
46. Conditions relating to Great Crested Newts and Reptiles and ecology are necessary to conserve protected species. The former condition needs to be pre-commencement as it affects development to be carried out early in the construction phase.
47. Since it is possible that bats may be present in the wider landscape, a condition relating to lighting for biodiversity is required.

48. A condition relating to landscape and ecological management plan is necessary to safeguard the long-term ecology of the site. The clause relating to legal and funding mechanisms has not been attached as it would fall outside of the scope of the condition. A condition relating to a licence issued by Natural England is necessary in accordance with the development plan.
49. In accordance with Section 100ZA(5) of the Town and Country Planning Act 1990, the appellant confirmed that they approve of the pre-commencement conditions.

Conclusion

50. For the reasons given above, the appeal is allowed subject to conditions.

R Sabu

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority no later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place no later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) Prior to occupation of any dwelling, an access shall be formed at right angles to Clifford Smith Drive, as shown on drawing no. DR1 (dated 06/03/2018), to include but not limited to: minimum 5.5 metre carriageway width with two 2 metre wide footways (around each radii) extending along Clifford Smith Drive to suitable dropped kerb pedestrian crossing points across Clifford Smith Drive, and a clear to ground visibility splay with dimensions of 2.4 metres by 25 metres, in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.
- 5) Prior to occupation of any of the proposed dwellings, a pedestrian link to connect the proposed development to public footpath no. 15 (Felsted) as indicated on drawing SP005-PL-05 shall be provided. Details of the pedestrian link, including a suitable surface, shall be submitted to the Local Planning Authority, in consultation with the Highway Authority, and approved prior to occupation of any dwelling.
- 6) No demolition/development shall take place until a Written Scheme of Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions:
 - the programme and methodology of site investigation and recording;
 - the programme for post investigation assessment;
 - the provision to be made for analysis of the site investigation and recording;
 - the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - the provision to be made for archive deposition of the analysis and records of the site investigation;
 - the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the approved Written Scheme of Investigation.

- 7) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - include a timetable for its implementation; and,
 - provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 8) 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable standard. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.
- 9) No unbound material shall be used in the surface treatment of any vehicular access within 6 metres of the highway boundary.
- 10) Prior to commencement, all ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Addendum to Great Crested Newt and Reptile Survey Report (Hybrid Ecology) dated 26th June 2018.
- 11) Prior to occupation, all ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (T4 Ecology Ltd, March 2018).
- 12) Prior to occupation a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development. The content of the LEMP shall include the following.
- a) Description and evaluation of features to be managed (common lizard and great crested newt habitat).
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.

- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

- 13) The development shall not commence unless the local planning authority has been provided with either:
- a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or
 - a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.
- 14) Prior to occupation, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme.

END OF SCHEDULE

3 Spatial Strategy

3.111 Great Dunmow Neighbourhood Plan has been completed and was made (which means brought into effect) by the District Council in 2016. This means that the Neighbourhood Plan now forms part of the development plan for the area alongside the existing adopted Uttlesford Local Plan.

3.112 The production of a Neighbourhood Plan provides the opportunity to produce a community-led planning framework to guide future development. It presents the option for communities to have a meaningful say in addressing social, economic and environmental issues. The policies in the Neighbourhood Plan can reflect locally specific evidence, and make decisions such as where new homes, shops and offices should be built and the design requirements of development such as the density, layout and materials used. Policies in the Neighbourhood Plan can be different from the Local Plan if there is local justification and the differences would not undermine the strategic policies in the Local Plan or conflict with national policy. Neighbourhood Plans should plan positively and should not promote less development than set out in the Local Plan. The Council will engage with Neighbourhood Plan groups when considering appropriate levels of development to plan for in the Neighbourhood Plans.

3.113 Local communities can also use Neighbourhood Development Orders and Community Right to Build Orders to grant planning permission for specific development which complies with the Order. There are currently no Neighbourhood Development Orders or Community Right to Build Orders in Uttlesford.

3.114 Local communities through neighbourhood plans can also identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities are able to rule out new development other than in very special circumstances. The Local Green Space designation will not be appropriate for most green areas or open space. Identifying land as Local Green Space must be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should be capable of enduring beyond the end of the plan period.

Development Limits

3.115 Development limits provide a guide to where the Council considers new development should be located. Development limits mark the existing built form of a town or village and define the boundary between the town or village and the countryside beyond. Development within the development limit is generally considered sustainable and acceptable in principle subject to a detailed assessment of issues such as design, amenity, highways, and impact on heritage assets or the natural environment and is in accordance with other policies in the Local Plan. Outside the development limit it is considered that development would not be able to meet the principles of sustainable development. In order for development within development limits to be acceptable, they will have to comply with Policy SP9 below.

Spatial Strategy 3

Policy SP 9

Development within Development Limits

Development will be permitted on land within development limits if:

1. It is in accordance with any existing allocation;
2. It would be compatible with the character of the settlement and, depending on the location of the site, its countryside setting and natural environment;
3. It protects the setting of existing buildings and the character of the area and significance of heritage assets;
4. Development provides adequate amenity space and does not result in an unacceptable loss of amenity space;
5. It does not result in any material overlooking or overshadowing of neighbouring properties;
6. It would not have an overbearing effect on neighbouring properties; and
7. It would not result in unreasonable noise and/ or disturbance to the occupiers of neighbouring properties by reason of vehicles or any other cause.

Development in the Countryside

3.116 In order to deliver the Local Plan's objectives the strategy for the rural areas is to promote a sustainable rural economy and to address any issues of rural deprivation while at the same time protecting the important countryside assets including agricultural land, historic and landscape features and biodiversity.

Metropolitan Green Belt

3.117 The south western part of Uttlesford District forms a part of the Metropolitan Green Belt (MGB) that surrounds London. A belt of countryside needs to be retained between Harlow, Bishop's Stortford and Stansted Mountfitchet as part of this Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are its openness and permanence. Within the MGB development will be only be permitted if it meets the criteria for exceptional development set out in the NPPF.

Great Dunmow Neighbourhood Plan

The Report by the Independent Examiner

Richard High BA MA MRTPI

16 June 2016

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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 Flitch 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 [REDACTED]
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 [REDACTED]
Sent: 09 May 2016 16:18
To: [REDACTED]
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: [REDACTED]]
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 [REDACTED]

Sent: 06 May 2016 09:24

To: 'Hannah Hayden' [REDACTED]

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 [REDACTED]
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 Flich Way Action Group as part of their plan to link up the Flich 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 [REDACTED]
Sent: 29 May 2016 12:22
To: 'Hannah Hayden' <[REDACTED]>
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 Flich 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.



Felsted Neighbourhood Plan - Suggested Village Development Limits for Watch House Green (showing north-east side)

Planning Policy Team
Uttlesford District Council
London Road
Saffron Walden
Essex
CB11 4ER

Ref: 237/COO

Date: 23rd July 2019

By email: planningpolicy@uttlesford.gov.uk

Dear Sirs

Felsted Neighbourhood Plan (Regulation 16) Consultation
Representations on behalf of Hill Rise Homes Limited re: Sunnybrook Farm, Braintree Road, Felsted

We write on behalf of our clients Hill Rise Homes Limited, with representations to the Felsted Neighbourhood Plan (FNP) which was submitted to Uttlesford DC on 13th May 2019.

Our clients have an interest (an option agreement) concerning land at Sunnybrook Farm, Braintree Road, Watch House Green, Felsted. Part of the contracted land is proposed as an allocated housing/car parking site (references FEL/HN1 and FEL/HN2) in the FNP.

Hill Rise Homes Limited have constructively engaged in correspondence and several meetings with the FNP Steering Group in order to aid their consideration and shaping of a potential site allocation, as now proposed in the above listed policies.

The reasons for the allocation are fully set out in the FNP, as supported by various background documents. The 24 unit housing allocation will deliver an important community benefit, namely the provision of a large car park with drop-off facility. Implementation of the site allocation will alleviate the problems caused by school traffic related to Felsted Primary School, including parking problems, safety and congestion. This aspect of the FNP has been generally well received as evidenced by the feedback to the Regulation 14 consultation.

Our clients naturally support the FNP regarding the allocation at Sunnybrook Farm but wish to make some detailed comments (mostly 'fine tuning') for the inspector's consideration as follows:

1. Policy FEL/HN1 allocates the Sunnybrook Farm site for 24 'units', although 'dwellings' might be a better term to use.

The policy goes on to state that '*Proposals for allocated housing sites are expected to come forward within years 1 – 5 of the Plan period*'. The imperative to proceed quickly is understood, due to the serious issues of congestion etc which are currently caused by school related on street parking. Indeed our client expects that the site will be subject of a planning application within the next 6 months, with a view thereafter to early delivery. As stated at paragraph 5.4.22 of the FNP, '*the landowner at Sunnybrook Farm is...keen to see the development proceed quickly*'. However, if

unforeseen circumstances arise which delay either the submission of a planning application or actual delivery of the development beyond 5 years, the policy is not clear on the position if its 'expectations' are not met. The inspector is asked to consider this point.

2. Policy FEL/HN2 sets out the detailed policy allocation for 24 housing units ie 'dwellings' (NB see our comments above) at Sunnybrook Farm. The first sentence states that, *'The Plan allocates the Sunnybrook Farm Site as shown on Map 6 and Map 7 for housing development of 24 units'*. However, the Maps which show the area of FEL/HN2 allocation require some modification. The reason for our suggested modification is that Maps 6 and 7 do not properly reflect the area of the Block Plan (which was agreed with the Steering Group) and shown at FNP Section 6, Appendix 1. The Block Plan was prepared to show the required housing and parking/amenity areas.

By way of background, the Block Plan was based on a provisional layout scheme with supporting text (attached as **Appendix 1** to this letter) showing 24 dwellings and car park with drop off area. The layout plan was prepared for a public exhibition as part of the Regulation 14 Consultation exercise. Whilst the layout plan is not a blueprint, it shows the area of land which might reasonably be required to deliver the policy requirements of the allocation. The area of site allocation at Regulation 14 Consultation stage was also shown incorrectly and whilst this has been modified in the current Regulation 16 Consultation, it still appears incorrect, as it does not extend sufficiently far enough to the north-west area. The allocated area would then curtail room to provide several dwellings and gardens (plus boundary trees/hedges) which are potentially critical to enabling the delivery of the car park and housing allocation.

We therefore suggest that the FEL/HN2 allocation more accurately reflects the northern (N)/north-western (NW) extent of the Block Plan (and also the area of the provisional layout). Furthermore, the 'curved' boundaries of the allocated area as currently proposed are less easy to interpret and would benefit if they were of more linear shape and relate to physical features. To this extent we suggest that the adjacent woodland (to the south-west side) marks the SW boundary of the allocated area and that the western boundaries run parallel to the western field boundaries (with Chaffix Farm), running approximately NW then N, before returning along an internal field boundary to the north of the allocation area (marked on the OS base plan, running east-west) at Sunnybrook Farm. Our suggested modifications to Map 6 are shown on the plan at **Appendix 2**. This appendix also includes a Google overhead plan upon which the suggested allocation area is plotted so that the physical context in relation to features and boundaries can be understood.

This amendment would aid clarity of the allocated area to meet NPPF Para 16 (d) ie *contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*. Furthermore, the revision would ensure sufficient room is provided to deliver not just housing and a car park but significant landscaping, noting that the development will *'be well-screened with native hedgerows or tree screening to the western and northern boundaries to mitigate the visual impact of the development on the landscape'* as per subsection (II) of the policy. The NW part of the site is envisaged to provide several 3 or 4 bed properties, balancing these against the requirements of the subsection (V) policy requirement to deliver *"a significant proportion of starter homes and accessible homes that are suitable for the elderly"*. The starter units and homes for the elderly may attract insufficient revenues on their own in order to deliver the car park benefit. As such, it is important that the development is able to derive revenue from 3 and 4 bed properties and to do so it is reliant on the adequacy of the site area of the allocation. Our suggested revision to the area of the site allocation will provide sufficient design flexibility and ensure there is enough room to provide space for the required units, totalling 24 dwellings.

3. Subsection (I) of Policy FEL/HN2 states a requirement to *'Include a new access road, a kiss and drop facility and significant off-road landscaped secure car parking provision for approximately 90 vehicles, including contingency provision pending future expansion of the Primary School'*. In our discussions with the Steering Group it was understood that the 90 spaces car park would satisfy (ie be inclusive of) the 'contingency' element. However, the way the policy is worded is open to misinterpretation because it could alternatively be read that the contingency parking is required *in*

addition to the 90 spaces, in which case the area of the allocation would not be sufficient. We therefore suggest the inspector makes an appropriate modification to the text of this part of the policy to clarify and reflect what we believe is intended ie the contingency parking is included *as part of* the 90 spaces.

4. Policy FEL/HN4 and FEL/HN5 provides the policy both within and outside 'Local Plan' Village Development Limits respectively. It is intended that the *Local Plan* Development Limits (as shown on FNP Map 12) are used but there appears to be little justification cited for this approach. The Uttlesford Local Plan was adopted in 2005 and the Development Limits it uses are out of date because housing allocations were only made to the period 2011. Updating of the Development Limits is long overdue, especially to comply with the NPPF's Presumption in Favour of Sustainable Development.

In the case of Sunnybrook Farm, this site will be committed for development and as a result will eventually become part of the built up area of Watch House Green. It is therefore entirely logical and in line with the NPPF's Presumption in Favour of Sustainable Development that such committed allocation should be included in the Village Development Limits. We suggest that Map 12 is modified accordingly. The Village Development Limits would then essentially encompass the area of the site allocation at Sunnybrook Farm. (NB A similar approach for consistency could apply to the Development Limits re Site Allocation HN3, the Bury Farm Site in Felsted).

If the inspector agrees to our suggested modification, a consequential amendment would be to amend Policy HN5 by deleting subsection (V) '*Sites allocated in this plan (HN2, HN3)*', the same being one of the allowable exceptions to residential development proposals outside Village Development Limits. The words 'Local Plan' Village Development Limits would then need to be deleted in Policies FEL/HN4 and FEL/HN5 and any related text, to reflect the fact that the FNP's Village Development Limits are not the same as those of the adopted (2005) Local Plan.

Hill Rise Homes Limited trust that these comments are helpful and will be considered by the inspector prior to the FNP proceeding to Referendum.

Yours faithfully

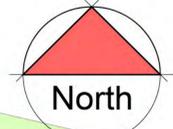


Chris Loon BSc (Hons), Dip TP, MRTPI
Director

Appendices

1. Illustrative Layout Plan and Supporting Text – Sunnybrook Farm
2. Suggested modification to Sunnybrook Farm Site Allocation Area, Policy FEL/HN2.

The Sunnybrook Farm Site



THE PROPOSAL

Development of the Sunnybrook Farm site would deliver:

- **90 space Car Park** to provide primary school related parking, with potential for community needs/events
- **A Kiss and Drop facility**, allowing children to be quickly and safely dropped off at school
- **24 no. Dwellings, mostly with 1, 2 or 3 bedrooms**
- **A new vehicular access** off Braintree Road, with a **tree lined avenue**, serving the car parking area, new housing and Sunnybrook Farm
- **Significant areas of new landscaping**, including structural planting around the edge of the housing and landscaping around the car park
- **Landscaped buffer zone** for residents of properties off Braintree Road, potentially including extended gardens

Just one way in which the development could be arranged is shown on the Illustrative Plan opposite.

TRAFFIC MANAGEMENT

An adoptable road and pedestrian access route from Braintree Road would serve the car park access, beyond which point the car park would be separately maintained. Traffic management measures in the local roads will be reviewed with Essex County Council Highways Department with a view to restricting on street parking at school pick up/drop off times.

The development would fund any Traffic Regulation Orders and related works, such as yellow lines and signage.

These measures would require that on street parking does not occur at school drop off/pick up times. This will improve safety, reduce congestion for all, plus alleviate nuisance caused to currently affected residents living near the school.



SCHOOL RELATED CAR PARK

The key driver for the site allocation is the delivery of a car park for purposes related to Primary School car parking. The scheme would seek to alleviate the problems associated with the traffic congestion and related problems arising from those parking on the road and outside residential properties near the school when bringing, collecting, dropping off or picking up children.

The school may expand in the future, in which case parking needs might increase. The intended car parking area therefore not only aims to cater for existing school-related parking but builds in a degree of 'future proofing'.

The aim is to deliver a car park providing around **90 car parking spaces**.

The most easterly part of the car park would incorporate a **"Kiss and Drop" facility**, allowing parents to quickly and easily drop off their child at school.

The car park would be located
Next to the public footpath (track)
Which leads to the Primary School entrance on Braintree Road.
Sunnybrook Farm traffic would be able to use the new access road,
making this quiet track an even safer pedestrian route.



Subject to the school's agreement, a new pedestrian entrance into the school could be created off the public footpath. This would give an additional and convenient pedestrian access for pupils/parents using the car park.

The car park would be designed with an efficient layout to facilitate **quick and easy 'drop offs'**. The car park can be completed with a tarmac surface and properly laid out with marked parking bays, to meet Essex CC standard parking bay sizes (2.9m x 5.5m). It would be provided surface water drainage, signage and low level lighting eg lighting bollards.

Soft landscaping will be provided at the outer boundaries of the car park, as well as the housing and the new avenue. Importantly, there will be a **landscaped buffer area behind properties** at Braintree Road which back on to the car park site. Through discussion this buffer could be incorporated in to gardens.

COMMUNITY USE

It is intended that the **school car park would be gifted to the community** eg the Felsted Community Trust (FCT), subject to agreement

The car park may be of **wider benefit to the community** than merely a school car park. It could be used outside of school requirements by the community as required, **for example as a farmers' market** or as occasional parking in relation to village events. The community would have control of this facility. There is the potential for FCT to benefit from revenue generating uses of the car park, **generating funds for the community good**.

The transfer to the FCT would require the car park land to be held for the purposes of school-related parking and other related community uses. Once transferred, FCT would be responsible for its management and maintenance. The development could fund an appropriate financial contribution to the FCT for this purpose.

HOUSING MIX

The community particularly desires **starter homes** and **high quality bungalows**. Accordingly, the Illustrative Plan opposite is based on the following market mix:

- 4 x **1 bed cluster/starter homes**
- 4 x **2 bed cluster/starter homes**
- 2 x **2 bed semi-detached bungalows**
- 2 x **3 bed semi-detached houses**
- 4 x **3 bed detached bungalows**
- 4 x **3 bed detached houses**
- 4 x **4 bed detached houses**



Example of a bungalow and small houses

The above mix would mean..

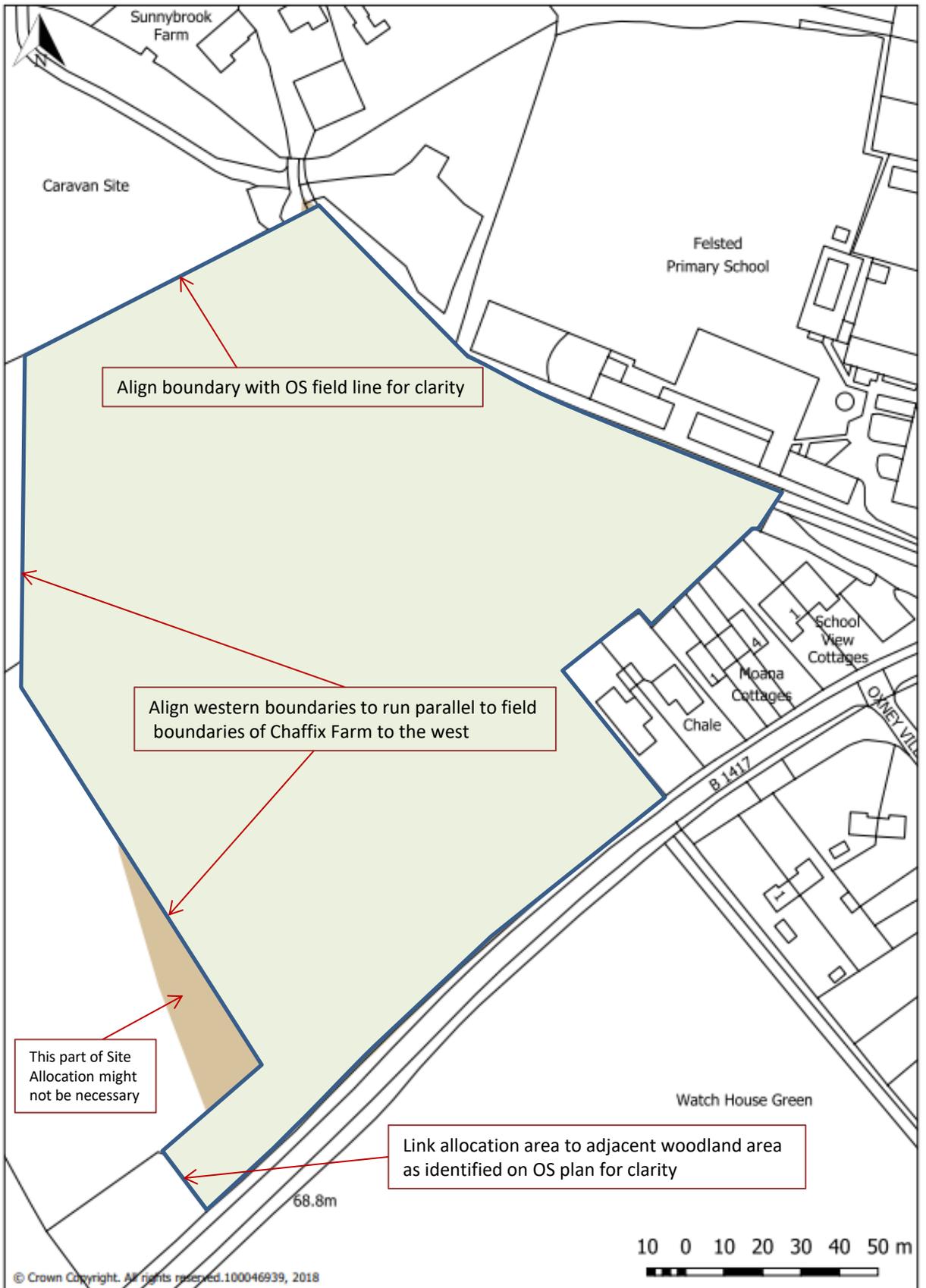
- **10 properties are intended as either 1 or 2 bedrooms** and thus suitable for starter accommodation or 'downsizing' - (41.67% of the total dwellings)
- **6 bungalows of either 2 or 3 bedrooms** are intended to be delivered, these being suitable for downsizing or the elderly
- 10 properties of 3 bedrooms would be suitable for small families or downsizers
- 20 of the 24 dwellings (83%) are intended as either 1, 2 or 3 bedrooms
- Four no. 4 bed detached properties being included which are necessary as part of this 24 unit scheme to fund the viable delivery of the 90 space car park.



'View across site looking towards dwellings and Braintree Road vegetation'



**Sunnybrook Farm, Braintree Road, Watch House Green, Felsted – Policy FEL/HN2
Suggested Amendment shown in green to Area of Site Allocation Map 7
(and consequentially Map 6)**



Sunnybrook Farm, Braintree Road, Watch House Green, Felsted – Policy FEL/HN2

Suggested Amendment (shown dashed in yellow)to Area of Site Allocation Map 7 (and consequentially Map 6). Amendments plotted on Google Plan. They relate to SW, W and N sides to link boundaries to physical features and run broadly parallel to field boundaries





Internal Use Only

Representation Number:

Felsted Neighbourhood Plan

Publication Consultation

Response Form

Consultation period ends: Wednesday 24 July 2019 at 5pm

Uttlesford District Council is inviting representations on the submission version of the Felsted Neighbourhood Plan.

Representations must have been received by Uttlesford District Council no later than **5pm on Wednesday 24 July 2019**. Representations after this date will not be considered.

Representations can be submitted by email to:

planningpolicy@uttlesford.gov.uk or by post to

Uttlesford District Council
London Road
Saffron Walden
Essex
CB11 4ER

Respondents do not have to use this form to respond. All responses must be made in writing, either electronically or otherwise.

All responses will be made public with the respondents name and (if applicable) organisation. Anonymous responses cannot be accepted.

UTTLESFORD DISTRICT COUNCIL – PLANNING POLICY

In accordance with the General Data Protection Regulation please complete:

Section 1 if you are making comments (a representation) on the Neighbourhood Plan

Section 2 to provide your details

1. USE OF PRIVATE DATA WHEN MAKING COMMENTS

If you do not provide consent, we cannot process your comments and you may not be able to participate in the Neighbourhood Plan examination.

- Please tick this box to provide your consent to allow Uttlesford District Council to process your data, in accordance with the General Data Protection Regulation and Data Protection Act, so your comments on the Neighbourhood Plan can be processed.

***Your name and comments will be made public, but any address, telephone and email address will remain confidential.**

2. YOUR DETAILS

Please confirm below your name and email or postal address. You are not obliged to provide your details; however we will be unable to process any comments you make.

<u>Contact Name</u>	NIGEL STEPHEN NOEL TEDDER
<u>Email</u>	[REDACTED]
<u>Or Postal Address</u>	[REDACTED]

We will keep a record of your consent for 7 years, after which it will be destroyed. For more information on how we collect, use and protect personal information generally, please visit <https://www.uttlesford.gov.uk/privacy-notice>

PRIVACY NOTICE

The Council will use the information you submit, or have submitted, in all correspondence to the Council to enable the council's planning policy section to consider any information, representation or evidence submitted to assist with the Felsted Neighbourhood planning examination.

Further information about Data Protection rights in line with the provisions of the General Data Protection Regulations and Data Protection Act 2018, for example how to contact the Data Protection Officer, how long information is held or how we process your personal information can be found at:

<https://www.uttlesford.gov.uk/privacy-notice> Printed copies of the Council's Privacy Notices can be provided on request.

The Council will:

- Use the information you provide for the purpose of performing of its statutory duties.
- Make any disclosures required by law and may also share this information, both across council departments and with other local authorities and government organisations.
- Check information you have provided, or information about you that someone else has provided, with other information it holds.

The Council will not give information about you to anyone else, or use information about you for other purposes, unless the law allows this.

1) Your details

Name	MICHAEL TAYLOR .
Organisation (if applicable)	GO PLANNING LTD.
Address	[REDACTED]
Email	[REDACTED]
Telephone	[REDACTED]

2) Your representations

Please specify which paragraph or policy your representations relates to and if you are suggesting any amendments. Please use a separate sheet if you need more space.

The Plan as Whole	Comments
	<p>Please refer to separate representations.</p> <p>To much emphasis on Doctors Surgery & School parking in sites allocations.</p>
Chapter of the Plan	Comments
Section 1 Introduction	<p>1.1.6 level of consultation has not considered the benefits of allowing Sustainable Development in meeting the vision.</p>

<p>Section 2 The Neighbourhood Area</p>	<p>To follow the parish boundaries is considered appropriate.</p>
<p>Section 3 The Key Issues</p>	<p>Whilst clearly a local concern the level of support for a large new surgery at the expense of affordable housing on the Berry Farm allocation is unwarranted. The site should be reconsidered.</p>
<p>Section 4 The Vision for Felsted</p>	<p>The community hub has been the vision from the off. However the commercial demands to support the preferred Doctors location for their surgery have not been fully assessed against the available sites in the village.</p>
<p>Chapter 5 Landscape and the Countryside</p>	<p>The plan fails to recognise how development on the settlement's edge can be absorbed into the village with the open character of the surrounding countryside protected.</p>

Section 5 – The Policies

Protecting the Historic Village Centre

FEL/HVC1 – *Historic Village Centre*
FEL/HVC 2 – *Existing Village Shop and Post Office*
FEL/HVC 3 – *Royal British Legion Site*
FEL/HVC 4 – *Additional Car Parking in the Village*
FEL/HVC 5 – *Managing Congestion at the T Junction in Felsted Village*

See Separate
Reqs.

Village Amenities

Policies
FEL/VA1 – *Doctor's Surgery*
FEL/VA 2 – *Memorial Hall*
FEL/VA 3 – *Infrastructure*
Priorities
FEL/VA 4 – *Burial Ground*
FEL/VA 5 – *Recreational and Play Areas*

See Separate
Reqs.

Developing Our Schools

Policies
FEL/SC1 – *Supporting Our Schools*
FEL/SC 2 – *Felsted School*
FEL/SC 3 – *Felsted School Follyfield Site*
FEL/SC 4 – *Felsted School Facilities off Braintree Road and Garnetts Lane*
FEL/SC 5 – *Felsted Primary School - Modernisation*
FEL/SC 6 – *Felsted Primary School - Expansion*
FEL/SC 7 – *Felsted Primary School Site*

See Separate
Reqs.

<p>Meeting Our Housing Needs</p> <p><u>Policies</u> FEL/HN1 – Meeting Housing Needs FEL/HN 2 – Land at Braintree Road (Sunnybrook Farm) FEL/HN 3 – Land at Station Road (Bury Farm) FEL/HN1 4 – Residential Development within Development Limits FEL/HN 5 – Residential Development Outside Development Limits FEL/HN 6 – Supplemental Dwellings FEL/HN1 7 – Housing Mix FEL/HN1 8 – Habitats Regulations Assessment</p>	<p>See Separate Reps.</p>
<p>Integrity, Character and Heritage</p> <p><u>Policies</u> FEL/ICH1 – High Quality Design FEL/ICH 2 – Heritage Assets FEL/ICH 3 – Signage Pollution FEL/ICH 4 – Light Pollution FEL/ICH 5 – Avoiding Coalescence</p>	<p>See Separate Reps</p>
<p>Supporting the Rural Economy</p> <p><u>Policies</u> FEL/RE1 – Start Up and Small Business FEL/RE2 – Loss of Employment Uses FEL/RE 3 – Re-use of Rural Buildings FEL/RE 4 – Home Working</p>	<p>No comment to make</p>

<p>Countryside and Wildlife</p> <p><u>Policies</u></p> <p>FEL/CW1- Landscape and Countryside Character</p> <p>FEL/CW2 – Nature Including Felsted Fen</p> <p>FEL/CW3 – Footpaths, Bridleways and Cycleways</p> <p>FEL/CW4 – Green Infrastructure</p>	<p>See Separate Reps</p>
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Would you like to be notified of Uttlesford District Council's decision under Regulation 19 of the Neighbourhood Planning (General) (Amendments) Regulations 2015 to adopt the Felsted Neighbourhood Plan?

Yes
 No

Thank you for completing this response form.

HB Form do be read in conjunction with separate Co Planning Reps dated July 2019.



REPRESENTATIONS ON THE FELSTED NEIGHBOURHOOD PLAN PUBLIC CONSULTATION STAGE REGULATION 16

INTRODUCTION

The Felsted Neighbourhood Plan Steering Group by letter, dated 13 May, have duly submitted their Felsted Neighbourhood Plan documents, together with accompanying evidence base documents to Uttlesford District Council to undertake the public consultation stage.

GO Planning Limited have been instructed to review these documents and the submission Plan on behalf of GO Homes Limited a local house builder in conjunction with landowners of relevant land within the Plan area.

FELSTED NEIGHBOURHOOD PLAN – SUBMISSION DRAFT

Foreword

It is unfortunately apparent that the Plan has been prepared based on achieving the minimum level of development that would be required and therefore has not, proceeded with a presumption in favour of sustainable development, which is the golden thread running through the NPPF 2019.

This basic principle has led to sites, considered to be representative of sustainable development, have therefore been overlooked or objected to and the broader economic, social and environmental benefits not adequately assessed.

Introduction

Paragraph 1.1.2 refers to the large amount of background information that has steered the preparation of the Plan. This evidence base will be separately responded to by way of specific comments contained later in these consultation representations.

Paragraph 1.1.6 advises that the Plan has been developed through extensive consultation with the people of Felsted and other stakeholders with an interest in the Parish. However, in reaching the Plan's conclusions it appears that sites with the potential to represent sustainable development have been discounted in favor of other sites appearing to have much greater adverse impacts on there locality.

The Planning Policy Context

The Submission Plan should show conformity with the NPPF 2019, given that the Plan post dates the revised NPPF. The updated NPPF continues the presumption in favour of sustainable development to help significantly boost the supply of housing.

The Submission Plan includes an additional layer of locally distinctive policies which are considered to conflict directly with the aims and objectives of the NPPF 2019 and as such are unwarranted. These will be more fully responded to under the appropriate section headings below.

Paragraph 1.2.10 advises 'the Plan has given local people the power to decide where new housing, businesses and parish amenities should be located' the Submission Plan therefore seems strangely at odds with the public responses to exactly that question contained in Appendix 5 to their Housing Needs Survey which pointed towards sites other than those allocated within the Plan.

The Submission Draft Plan advises that 'Without the Plan, the Parish Council has limited power to influence planning decisions and Uttlesford District Council would, based on the extant Local Plan, make these 'decisions on behalf of the people' of Felsted'. This statement fails to acknowledge the

NPPF 2019 and the policies contained within, which requires Uttlesford District Council to consider alongside their adopted Local Plan any conflict with a site's suitability for development as to whether it constitutes sustainable development, whereby the benefits significantly and demonstrably outweighed by the adverse impacts.

The Submission Plan is not considered to be in general conformity with the NPPF 2019.

Geography

No comment to make.

Historical Overview

No comment to make.

Character and Heritage

The AECOM Report referred to will be responded to under evidence base at a later juncture within these representations.

Our People

It is noted that reference is made to more than 90 further homes since the 2011 census. Firstly, this represents an increase of a modest 8%, which for a type A village like Felsted is not considered excessive.

Reference is also made to the 'Felsted's population being comparatively much older in relation to the national profile and also to the Uttlesford profile'. Whilst it is acknowledged that healthcare and convenience shopping will become increasingly important to this ageing community, the Submission Plan has not considered adequately the opportunities to provide housing for the young of the parish, those requiring affordable housing, first time buyers and others wishing to provide social and economic support to the range of existing services and facilities on offer within the central hub of the village.

Amenities

The village is identified as a type A village and, as noted, has a wide range of existing facilities. These can all be significantly enhanced and would benefit from the economic benefits provided for by new development and the modest levels of additional population, both young and old, that these would cater for.

Getting Around

The Submission Plan notes the connectivity to the wider transport network on offer within the village via the bus routes and other local private hire operators. This provides the opportunity for sustainable development within the Parish.

This is further supported by the range of footpaths on offer, which provide an extensive network throughout the Parish, and provide for an unrivalled level of amenity for walkers and cyclists. All further supporting opportunities for growth.

Education

It is acknowledged that Felsted School is both the largest local employer and a highly distinguished independent school with a major impact on the reputational status of the Parish.

Felsted Primary School at Watch House Green provides outstanding state primary education, whilst noting that two thirds of its pupils are from outside the Parish.

It is noted that there is no state secondary school in the Parish and no plans for one to be provided.

Health and Wellbeing

The Submission Plan refers to primary healthcare as being provided by the Practice at the Felsted Surgery, which includes a dispensary and is owned and operated by the John Tasker House and Felsted Surgeries Group, whom are a private operator.

The Key Issues

The issues the Submission Plan refers to as identified by the community via consultation being as follows:

About Traffic and the Village Centre

The Submission Plan notes the limited parking facilities available and seeks a greater focus on pedestrians in the village centre. It goes on to specifically refer to the number of school children crossing Braintree Road and Stebbing Road during the day. However, no recommendation and/or suggestion are made that it would perhaps be appropriate to provide dedicated pedestrian crossing points, which seems to be a missed opportunity.

These could have been considered alongside a village traffic calming, proposal which subject to public consultation could have provided the added benefit of reducing vehicle speeds, traffic vibration and improving highway safety.

The potential for the current British Legion site to perhaps offer a valuable opportunity in the centre of the village to improve parking, increase public open space and to create a focal point around Holy Cross Church are all supported. However, the Submission Plan fails to provide a deliverable solution to unlocking the cost barriers to relocating such an existing facility.

About Amenities

The Submission Plan advises retaining and improving village amenities is a key issue of concern to residents. Given the identified ageing community the Plan is focused on ensuring the doctors' surgery remains in the Parish and a valued community asset is not lost.

The existing Felsted Surgery building has limited scope for increasing in size and would need to be relocated. In the normal course of events this is a matter that would ultimately be determined by the Clinical Commissioning Group, along with the Private General Doctors' Practice.

To provide a surgery to serve the growing local community in the West Essex area the Clinical Commissioning Group must commission new, larger premises and facilities. It is noted that the broader development of a new community hub (including the doctors' surgery, community pharmacy, village shop and Memorial Hall) in a sustainable central location in the Parish, became unrealistic to deliver as a single entity. It is, however, unclear given the degree of stakeholders, how this aspect of the project would have been delivered without the support from new development.

The current village shop and Post Office, which are contained within a listed building, are not considered appropriate for providing a modern level of accessible services for all. The very location of the shop means that both customers and deliveries exacerbates the congestion issues at the busy 'T' junction. The Plan, however, fails to identify other suitable and available locations for the village shop's potential relocation, which seems to be a missed opportunity given the Plans vision.

The Submission Plan at paragraph 3.2.9 identifies the clear need for a new village hall to serve the expanding community. The Plan refers to the Memorial Hall, which has historically served the community well. However, as an older building, it is in need of extensive maintenance. It is noted that the Memorial Hall Committee have embarked on a plan of their own to improve the facilities at the existing hall. Whilst redevelopment of the Memorial Hall site is considered feasible by the Submission Plan evidence base, the land available and funding requirements place this in significant doubt.

Paragraph 3.2.11 notes that Uttlesford District Council have advised on deliverability in that funding for community amenities is usually provided, at least in part, by market housing development. Therefore the Submission Plan fails to consider the merits of additional sustainable development that can both enhance and support the range of existing village facilities, whilst also assisting the deliverability of important key issues in the Parish.

About the Schools

Both Felsted School and Felsted Primary School are highly regarded by the community.

The Felsted Primary School is managed by Essex County Council, whom as the education authority would review the available capacity at the school and through planning obligations on housing developments, provide for expanding the school as needed. This would be funded as appropriate through S106 Planning Obligations.

Felsted School has also indicated its' intentions to build upon it's excellent reputation and expand and develop new facilities in and around its existing site.

Whilst the Plan should support the aims and aspirations of both local schools, this should not be at the cost of other important factors in ensuring housing development provides the full social, economic and environmental strands of delivering sustainable development.

About Housing

As continued from the foreword to the Submission Plan, the overwhelming response from parishioners has been that the Plan should resist further market housing development beyond that imposed by Uttlesford's District Council's Local Plan or which has been identified as 'needed affordable housing' by independently conducted housing needs surveys.

Paragraph 3.4.3 notes that the Localism Act allows the Neighbourhood Plan to provide more than this number of houses and an amount of employment land, but it does not allow the Plan to provide for less. In this, the Plan is fundamentally flawed as it does not provide for sufficient market housing to assist the delivery of their vision and through specific housing policies does not assist the District's provision of housing supply and affordable housing provision.

The Housing Needs Survey referred to in paragraph 3.4.7 is considered to be both out of date, and given the limited response participation, does not provide a true reflection of the local need, let alone that of the wider District.

Interestingly the problem identified within paragraph 3.4.8 would be resolved by additional housing supply, including the requirement for bungalows, a policy requirement of Uttlesford District Council, which would allow active older residents the ability to downsize into smaller, high quality homes, rather than leave the Parish. The larger family homes then becoming available as part of improved market housing stock. In downsizing this would also release equity from the property to offer social assistance.

About Integrity and Character

Again, the community is concerned that 'excessive development' of market housing is harming the character and heritage of the village, the constituent greens and hamlets and the rural nature of the Parish.

The Submission Plan refers to wider development proposals, both outside the Parish and some wholly or partly outside the wider District. With the Submission Plan advising that 'these proposed developments present very significant risk, threatening to put unprecedented pressure on Felsted's built and green infrastructure and valued amenities' fails to recognise the aims and aspirations of the NPPF 2019 is both boosting the supply and choice of housing stock.

About the Rural Economy

The Submission Plan is considered to fail the rural economy by not supporting a wider more diverse range of employment opportunities within the rural economy.

About the Countryside and the Environment

The Submission Plan fails to recognise the opportunities for sustainable development on the edge of the main settlement or hamlets which offer sustainable development and the limited harm to countryside, which would be outweighed by the public benefits of the range of potential development sites. The Submission Plan is considered overly restrictive and simply does not provide for utilizing sites that could potentially contribute to sustainable development.

Consultation

This will be further reviewed against the evidence base. However, it is apparent that at certain junctures the Steering Group have not provided written responses to direct representations made, or indeed failed to follow up their own letters for further consultations especially with regard to the potential to deliver their idea of a new community hub.

The Vision for Felsted

‘One of our key objectives has been to value what we have and to change as little as possible’. This aspect, which is a strong thread throughout the Submission Plan, provides for a negatively prepared Plan, which is inconsistent with the NPPF 2019.

The Vision

This includes 10 bullet points, taking each one in turn:

1. Felsted will continue to be a special place to live
2. The reference to a new primary healthcare facility which is a matter for the CCG to consider
3. A range of highway improvements need to be funded to ensure this is deliverable
4. This is reliant in part on the relocation of the British Legion building with seeking to enable delivery
5. Housing development which is truly sustainable development should be further considered
6. The ability for market housing to assist the deliverability of certain aspects of the Plan should be considered. Continuity of residence in the Parish can be provided by downsizing into new housing developments
7. Noted and agreed
8. The importance of both schools in the local community is paramount
9. The countryside should be protected for its intrinsic character
10. A positive element of the Plan

Paragraph 4.2.1 notes the Steering Group would have ideally liked to have seen the key amenities provided in one place in a single development. Given the overarching rural nature of the village and hamlets, whilst this has not proved possible would such a single development have been appropriate.

The potentially emerging improved doctors' surgery in community ownership with a small development of market housing at Station Road, and the income stream generated, providing for additional village amenities, is not considered to represent sufficient revenue for the village hall and other village amenities and how this would function as a legal framework, including a Doctor's Practice and the CCG, remain unclear. As such, whilst certain aspirations of the Submission Plan are to be applauded, the deliverability is fundamentally flawed.

The lack of any further support for affordable housing being removed by the Plans enabling requirements for the two site allocations appears are seen to represent a negative approach to inclusive sustainable development ultimately required to support the needs of the whole Parish.

How we will deliver the Vision

A range of policies are referred to which are contained in section 5 and detail how the Plan will deliver the vision. These are further considered in detail later in these representations.

The Felsted Community Trust

Establishing a Charitable Trust to help secure the objectives of the Plan is a start. However, the mechanics of the doctor's surgery being a capital project donated to the Felsted Community Trust by a developer of the identified site in Station Road, requires significantly more detailed legal arrangements to be in place prior to seeking to grant planning permission. To provide such support for a highly visible site on the edge of the settlement on open raised land which goes against the parishioners expressed wish to prevent coalescence with Fritch Green. This proposal appears to have been driven by the doctors and therefore appears to represent a matter outside of the control of the Steering Group and might ultimately be developed with a much-reduced surgery size, if at all. See consultation papers in Appendix A.

Section 5 – The Policies

Policy FEL/HVC1

No comment.

Policy FEL/HVC2

To plan positively to deliver the Plan, it should consider a consultation exercise to review opportunities for the village shop and Post Office relocation and provide an assessment for each in order to try to try to ensure the continued financial viability of this much valued existing service.

Policy FEL/HVC3

The Policy fails to consider the deliverability aspects of relocating the Royal British Legion site and building to an alternative location. The site is identified to be safeguarded for community use and for the provision of accessible public open space. This in turn will provide very limited value in the existing site, which will preclude the viability of relocating. A suitable future relocation site should have been identified in the Plan in order to aid possibly delivery.

Policy FEL/HVC4

The Policy has no ability to be successful given the land ownership and funding requirements for such a proposal.

Policy FEL/HVC5

No comment.

Policy FEL/VA1

The Policy should not restrict the redevelopment of the site should the surgery not relocate within the neighbourhood area.

Policy FEL/VA2

Reference is made to possible relocation of the Memorial Hall to an alternative site within the neighbourhood area. The Submission Plan should include consultation on a range of suitable sites and consider the deliverability of the available sites on offer which although started this exercise was never pursued to a conclusion. See Appendix A.

Policy FEL/VA3

Reference is made to developer contributions towards the Neighbourhood Plan's identified infrastructure priorities, namely:

- improvements to and enlargement of the primary school
- a village hall to accommodate up to 250 seated people
- and premises for the relocation of the Royal British Legion

It is noted that no developer contributions are sought towards the provision of a new doctor's surgery. It is also noted that each request would need to be CIL compliant. As these demands would not be considered CIL compliant the Submission Plan is therefore considered non-compliant.

Policy FEL/VA4

This Policy is supported. Perhaps the Steering Group would consider a consultation exercise to identify the available sites and the merits of those available.

Policy FEL/VA5

This Policy is supported.

Policy FEL/SC1

This Policy is supported.

Policy FEL/SC2

This Policy is supported.

Policy FEL/SC3

This Policy is supported.

Policy FEL/SC4

This Policy is supported.

Policy FEL/SC5

This Policy is supported.

Policy FEL/SC6

The general aim of the Policy is supported. However, the extent of points referred to would benefit from a more general aim and allow proposals to be developed accordingly.

Policy FEL/SC7

The requirement for 2-3-bedroom homes is not supported by the more recent housing needs for the District and should simply refer perhaps to the latest guidance.

Policy FEL/HN1

The highly restrictive Policy allocates two identified sites for development for up to 63 new homes. The Submission Plan does not allocate sufficient market housing sites to meet its own vision or assist the District with its current shortfall in 5 year housing supply as a type A Felsted could with a level of sustainable development and given its very strong housing market this would allow owners of larger homes to downsize within the Parish.

Policy FEL/HN2

The allocation of a site in a sustainable location which can also provide improved access and parking for the local primary school are supported.

However the issue of coalescence is a key concern highlighted in the consultation process and so it requires further consideration as to the deliverability of the policy. The reference to the land for the kiss and drop area being conveyed to the Parish and an income stream being generated fails to recognise that Essex County Council as the Educational Services provider would not be in a position to fund such a revenue stream as the direct consequence would be a reduction to educational funds. The SHLAA assessment of the site considered it to be unsuitable. If pursued this site should provide for policy compliant affordable housing.

Policy FEL/HN3

The promise of a funded doctor's surgery providing a modern facility, ultimately serving 4,500 patients (70% from the Parish of Felsted) have provided for the support of the Steering Group to the site at Bury Farm. The potential to provide a new doctor's surgery is to be applauded, but not when the site's development would lead to such visual intrusion and the potential for increased coalescence with Fritch Green, a key objective of the Plan's vision sought to avoid. Within the preamble to the Policy text at paragraph 5.4.45 it notes 'the assessed housing need in the Parish having been met'. The overall viability of the proposals, including its requirements to facilitate the delivery of the GP Surgery will, therefore, as noted, need to take into account the level of housing contributions to be requested through a planning obligation.

This is totally contrary to the District's over arching policy objective to deliver much needed affordable housing. Given that the Housing Needs Survey was based on a very limited return and is now in excess of three years old, affordable housing and starter homes are likely a significant need within the Parish and District alike. See Appendix A.

Policy FEL/HN4

The Policy is supported.

Policy FEL/HN5

The reference to dwellings in line with Policy FEL/HN6 should be deleted. See objection to HN6 Policy below.

Policy FEL/HN6

The Policy is wholly inconsistent with the objective to maintain the intrinsic character of the countryside. The requirement for a time-based condition to seek to justify such a policy indicates the Policy is not supported by the NPPF 2019 and should be deleted. Other policies such as infill development and case by case arrangements would already provide for such personal circumstances to be considered. There is no need to positively support such an arrangement which would prove extremely difficult to control within the planning system.

Policy FEL/HN7

The Policy appears to duplicate site allocation policies and should refer to latest housing need requirements.

Policy FEL/HN8

The Policy is supported.

Policy FEL/ICH1

The requirement for countryside locations that all new build proposals should be accompanied by a landscape and visual impact assessment are considered disproportionate and should be on a case by case basis.

Policy FEL/ICH2

The Policy is not considered to comply with the NPPF 2019. It should refer to less than substantial harm not 'any harm' as noted.

Policy FEL/ICH3

This Policy is supported.

Policy FEL/ICH4

The Policy should consider development proposals which provide for existing overhead cables to be removed as a positive benefit.

Policy FEL/ICH5

The Policy is considered overly restrictive and does not comply with the NPPF 2019.

Policy FEL/RE1

The Policy is considered overly restrictive in that it refers to no adverse impacts on local residential amenity. There should be no material impact, otherwise the support for the rural economy will be very limited indeed.

Policy FEL/RE2

This Policy is considered overly restrictive.

Policy FEL/RE3

This Policy should make reference to residential use also.

Policy FEL/RE4

The general nature of this Policy is supported.

Policy FEL/CW1

The Policy is not considered to comply with the NPPF 2019.

Policy FEL/CW2

This Policy is supported.

Policy FEL/CW3

The Policy is not considered to comply with the NPPF 2019.

Policy FEL/CW4
This Policy is supported.

Appendices – Section 6

Both plans for the allocated sites show coalescence will result.

Map 1- Felsted Neighbourhood Plan Area

No comment.

Map 2 – Historic Village Centre

No comment.

Map 3 – Village Amenities

No comment.

Map 4 – Felsted School

No comment.

Map 5 – Felsted Primary School

Location plan only – no comment.

Map 6 – Housing Allocations

This Plan shows the site HN3 to the west of Felsted only adjoins a very small section of the village development boundary. Whilst the build allocation is defined as only extending to align with the properties on the southern side of Station Road, the site represents a significant intrusion into the countryside on rising land, which narrows the effective gap to Fritch Green to the west.

HN2 to the east of Felsted village adjoins in part Watch House Green hamlet but again significantly reduces the gap between the eastern edge of the village and the hamlet, which in turn provides for increased levels of coalescence. The western boundary of HN2 is considered arbitrary and any landscape buffer will take decades to provide a significant landscape buffer.

Map 7 & 8

See above.

Map 9

No comment.

Map 10 – Rural Economy

Appears to only relate to part of the Parish rather than the whole Plan area and should be expanded.

Map 11 - Countryside and Wildlife

No comment.

Map 12 – Policy Map

The map indicates site allocation HN2 is in very close proximity to Felsted village.

Map 13 – Felsted Village Inset Map

Village boundary limits should be updated to reflect either extant permissions or built out developments.

BASIC CONDITIONS STATEMENT

The basic conditions, as outlined in the body of the representations, are not considered wholly compliant with the NPPF 2019 as previously advised.

The Statutory Requirements

No further comments to make.

The Neighbourhood Area

No further comments to make.

The Basic Conditions

The guidance states a neighbourhood plan 'must not constrain the delivery of important national policy objectives. The Plan is considered to be both overly prescriptive and negative towards local opportunities and as such it is not considered to have satisfied the basic conditions as required. The range of policies as outlined earlier within the body of these representations are not wholly consistent with the aims and aspirations of the NPPF 2019 and have been shown to be only partial compliance with important national policy objectives.

Contribute to the Achievement of Sustainable Development

It is apparent that the two sites to be considered for allocation are responding to local concerns relevant to healthcare in one example and problematic school access/parking in the second. However, given the wider environmental harm the developments would lead to, along with a reduction to the level of affordable housing provision, if any, then the social strand of sustainable development fails to be met; therefore the Submission Plan is not considered to contribute to the overarching achievement of sustainable development.

Be in conformity with the Strategic Policies of the Development Plan

There is no requirement to add a further level of 'local nuance' to a Neighbourhood Plan in delivering the aims and objectives of strategic policies.

Whilst a degree of flexibility is warranted, the overly restrictive nature of the Submission Plan would indicate that general conformity with the strategic policies of the Development Plan is not the case.

Extant Local Plan

The extant Local Plan was adopted in 2005 and following the original NPPF 2012 a number of policies have been noted as not complying with the principle of the original NPPF 2012 and the more recent NPPF 2019.

The range of policies as outlined earlier within the body of these representations are not considered to show general conformity with the requirement for an adopted Local Plan in line with the NPPF 2019..

Emerging Draft Local Plan

Given the conflict between the housing sites proposed within the Submission Neighbourhood Plan and the emerging Local Plan, which is now at examination, the Plan has not shown to be in general conformity.

This is further exacerbated when the background studies to the allocations are reviewed and earlier housing developments in Felsted considered to be achievable, deliverable and developable, have been discounted.

Strategic Plans

No further comment to make.

Sections 2.4 & 2.5

No further comments to make.

Conclusion

Neither the Submission Neighbourhood Plan or the accompanying Basic Conditions Statement are considered to have shown the appropriate level of compliance with Regulation 8(I) of Schedule 4B of the Act and significant modifications to both are needed.

FELSTED NEIGHBOURHOOD PLAN

CONSULTATION STATEMENT

Introduction

The Statement refers to the consultations undertaken and how these in turn have steered the final submission version of the Neighbourhood Plan.

A vast amount of time and effort has been made to respond to concerns expressed during earlier stages of the process. However, what is not clear is why certain aspects of the Plan's vision have effectively been too difficult to retain and have been abandoned whilst other elements have been considered appropriate when all the alternatives have not been fully consulted upon.

Background to the Felsted Neighbourhood Plan and Early Consultation: Getting Started

No further comments to make.

Building the Picture and Understanding the Issues

It is disappointing to note that the early questionnaire was only responded to by 12 people. One key topic being the lack of affordable housing.

The Housing Needs Survey is given the low return and exclusion of those expressing an affordable housing need, who did not subsequently supply the requested personal financial details being discounted all leads to a fundamentally under assess the genuine level of affordable housing need.

Community Hub

It is noted that the vision of the community hub, a key objective of the Steering Group, has not progressed due to a number of factors. However, it appears the focus was to merely shift the progress of the Plan as quickly as possible to ensure residents had as much say over future developments would, suggest both a lost opportunity and a negatively prepared Plan with regard to sustainable development proposals.

Disappointedly consultation correspondence on the potential delivery of the community hub initiated by the Steering Group with landowners appears to have simply not been followed up and arbitrarily discontinued. Whilst other sites have been singled out for support based on, for example at Bury Farm, the commercial requirements of the operators of the Doctors Surgery at the expense of both appropriately located development and the provision of rural affordable housing.

Drafting the Plan

The factual progression of the Plan is noted, whilst certain specific matters have been referred to in earlier sections of these representations, no further comment on the Plan drafting is made at this stage.

Housing Development Proposals

It is interesting to note the reference to 200 new dwellings over the proceeding 20 year period representing some 10 new dwellings per year, compared to a Submission Plan to provide a UDC matched target of 63 dwellings for the forthcoming 15-year plan period representing just marginally more than 4 dwellings per year, which given the thrust of the NPPF 2019 and the boost required to housing supply does not seek to comply with overarching national guidance.

Sites were considered based on SHLAA submissions. However, in some cases such a general review failed to review all opportunities against the NPPF 2019 and the potential for delivering sustainable development.

Pre-Submission Consultation

The Plan focuses on just two housing allocations, noting the ability of these to solve existing issues. Their deliverability being based on securing continued community benefit by way of a new doctor's surgery to serve some 4,500 patients and a new drop off and parking arrangement for the Felsted Primary School.

These sites, however, have not been fully reviewed against the criteria to provide for sustainable development, merely allocated on the basis that the public benefits of the proposals would outweigh the significant harm caused to Felsted village.

Felsted Neighbourhood Plan Site Assessment Report

Given this assessment fed into the Plan, the following observations are made relevant to the sites considered:

Bury Farm

The site is supported on the basis that it 'would be an appropriate location for a replacement doctor's surgery. However, a secure mechanism and delivery would require significant funding and support of the Clinical Care Group.

The proposals are unlikely to contribute to the provision of affordable housing and would lead to the potential for increased coalescence with Flitch Green. Located on the western fringe of the village, traffic movements from the village and through it would be significant for the patients from within the Parish.

Bannister Green

The site is considered to have the potential to represent sustainable development.

Land South of Watch House Green

This site is considered to represent backland development.

Chafix Farm

This site would lead to increased coalescence with Watch House Green.

Gransmore Meadow

This site has been granted planning consent at appeal as being sustainable development and is nearly complete.

Land to the South of B1417

This site has been disregarded by reference to earlier appeal dismissal. However, a more detailed review would indicate the potential for the site to respond to the Inspector's concerns with a more landscape led proposal as noted by the recent recommendation for approval of this site by Uttlesford District Council professional planning officer for up to 30 dwellings.

Land to the East of Chelmsford Road

Approval to the Gransmore Meadow site opposite at appeal would support the partial redevelopment of this site towards the Chelmsford Road frontage, including the potential for relocating the village shop and screening the unsightly telephone exchange building.

Land off Causeway End

This site is considered to represent harmful backland development.

Maranello/Felmore Farm

This site has been granted planning consent at appeal contrary to the assessment provided. This indicates the proposals are sustainable development.

Land East of Braintree Road

This site is considered to represent harmful backland development and requires access.

Sunnybrook Farm (1)

This site is considered to provide for increased coalescence between Watch House Green and Felsted village.

Sunnybrook Farm (2)

Comments as above remain. Whether the public benefits outweigh the adverse impacts of allowing even a reduced quantum of development is unclear.

Edwards House

Two replacement dwellings approved and under construction.

Memorial Hall

Memorial Hall Trustees and Memorial Hall Committee are disinclined to vacate site. In any event, the site has not been considered a SLAA site.

Appendix 1: Felsted Sites

Sites 10FELIS, 13FELIS & 14FELIS are noted as unsuitable for development as development on these sites would not contribute to sustainable patterns of development. Both sites, upon detailed review, can both be shown to represent sustainable development and should be seen as amber potentials.

FELSTED NEIGHBOURHOOD PLAN

Preferred Sites Justification Report

Despite strong trends between 2001 and 2011 and then more recently between 2011 and 2017 showing a steady growth of approximately 9 dwellings per year, the Submission Plan provides for two site allocations delivering growth of only 4 dwellings per year based solely on the desire to deliver key local objectives at the total exclusion of affordable housing.

The Submission Plan seeks to provide a cap on the extent of housing units to be delivered within the 15-year plan period, which is not consistent with the NPPF 2019.

Opportunities for windfall sites are less likely given the development boundaries are highly drawn and opportunities for brownfield sites not significant within the village boundaries.

The local housing needs survey is both over 3 years old and given the limited returns, is not considered to represent a robust base for assessing the housing requirements within the Parish.

The justification for the preferred sites allocation heavily weighted by the doctor's surgery at Bury Farm and school parking/drop off facility at Sunnybrook to provide for the lowest level of housing development, based on the lowest likely target and then allowing a generous windfall position does not, over the plan period, provide for the growth needed to assist the local housing stock, provide new development for downsizers and first time buyers and any significant proportion of affordable housing.

Bury Farm

This site is within both the Submission Neighbourhood Plan and the emerging Local Plan. Given the financial implications to the viability of the proposals which are required to deliver a new doctor's surgery serving some 4,500 patients with many from outside the Parish, the site being promoted as an allocation with no affordable housing provision. At the time of providing these representations an undetermined application has been with Uttlesford District Council for some 9 months and has not been determined due we understand to ongoing Highways concerns as to access and the proposals conflict with Uttlesford District Councils' policy requirement for the provision of affordable housing.

Sunnybrook Farm

The second Neighbourhood Plan site is not a draft allocation in the emerging Local Plan and here the Parish and District are in conflict. The Steering Group, considering that the opportunities to resolve an

existing parking/drop off issue at the Felsted Primary School being sufficient benefit to allocate a site to the west of Watch House Green potentially leading to coalescence with Felsted village.

The site in the draft emerging Local Plan at Clifford Smith Drive having recently been granted planning consent at appeal for up to 30 dwellings.

The site assessments for both Bury Farm and Sunnybrook Farm identify that the risk of coalescence with neighbouring settlements will occur. The mitigation through sensitive design and landscaping will only soften the new urban edge and having closed the gap between settlements down, the adverse harm generated would be significant.

Within the Felsted viability study the Sunnybrook Farm site is also noted as only being fully viable without a full 40% policy compliant provision of affordable housing.

The delivery of community benefits being at the expense of much needed affordable housing is suggested, given that the requirement for affordable housing in Felsted have been met. This suggests such a need is static and not ongoing, which given the age and level of return for the housing needs survey, are not considered to represent the true level of local need or helping to meet the wider District need.

The Submission Plan preferred sites makes reference to agents and landowners, but the absence of a development partner will delay the Bury Farm site moving forward and further viability exercises will be needed.

SUBMISSION PLAN AND EVIDENCE BASE

These representations identify a range of specific concerns relevant to the assessment of sites, the justification for the preferred sites and the range of community benefits to be delivered from these.

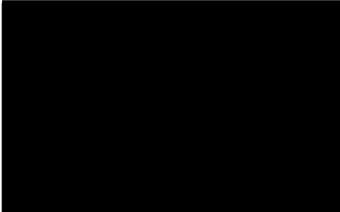
The level of housing growth is not considered to address the Plan's vision and deliver the boost in housing delivery that is needed. The suggestion that Felsted Parish has met its need for affordable housing fails to consider the updated need locally, The District have in excess of 1,000 applicants on the 'HomeOption' registered as being in housing need.

Given that the Plan provides for the lowest identified level of growth, the most optimistic level of windfall provision and limited if not zero affordable housing provision, the Plan is negatively prepared and contrary to the aims and aspirations of the NPPF 2019.

Accordingly, the Plan should not proceed in its current format and should be significantly altered to provide a NPPF 2019 compliant Neighbourhood Plan.

Appendix A

1. - Initial 'hub' Letter
2. - Landowner Response to above Letter
3. - Further FNP Letter, not taken forward.
4. - RICE Housing Need
5. - Email to Planner
6. - Letter to FNPSG
7. - Letter to FPC
8. - Consultation from housing officer for Barintree Road application.



30/10/2017

Dear Iain,

Re: Site for a Community Hub in Felsted

As you will be aware, the Neighbourhood Plan Steering Group(SG) is now seeking to identify the most suitable site for a new Community Hub within Felsted Parish to be included as a core objective of the Felsted Neighbourhood Plan (the Plan). We have taken professional advice and a sub-group of the SG has reviewed that advice in the context of other work we have conducted. I am now writing to you and other landowners, identified as having a potentially suitable site, to further explore what opportunity there may be for the Community Hub to be located in whole or in part on land which you, your family or an associated company own or exercise control over.

In the interests of completeness and transparency, I will firstly set out very briefly what we are seeking in the Community Hub.

Core Requirements

The preferred Community Hub site will be large enough accommodate facilities that meet the needs of the Parish of Felsted till circa 2037 (the Plan Period) and will include as core requirements:

- A doctors' surgery and pharmacy collocated with
- A commercially viable village shop and post office, i.e. not a community project.
- Community housing for young parishioners provided in small residential flats above the surgery.
- Sufficient landscaped off-road parking to serve the community.
- Ease of access for delivery vehicles and ambulances.
- As far as possible a setting that encourages a sense of community and provides space for some community activity e.g. farmers' markets etc.

- All amenities and buildings to be of a high quality, add to the local environment and have architectural merit.

An additional objective of the Plan is to fund the redevelopment of the Memorial Hall to provide a larger, more modern facility for our enlarged and still growing community. A separate aspiration would be the relocation of the British Legion Club to provide a Community Square and to improve the setting of Holy Cross Church, although this might form part of a later phase in the overall project.

We want to be as open and as transparent as possible. There is very substantial resistance in the Parish to any further market housing development – exacerbated by very recent grants of planning consent – and the DRAFT Plan calls for limited development necessary *only* to support the Community Hub. We are mindful that the larger and more ambitious the Plan’s proposals, the costlier they will be and the greater the financial viability *might* be dependent on developers’ contributions. In our view, based on the results of the various surveys we have conducted, there is a tipping point at which the community may decide that the desirability of a Community Hub – which secures our amenities - is outweighed by the undesirability of the amount of market housing development required to fund it. We hope we can find a balance.

As we move forward, with the help of AECOM, we are preparing to conduct a financial viability exercise. In order for AECOM to be able to advise the Steering Group and, in turn for the SG to be able to support any given site, we now need certainty over the availability of land and any conditionality owners might seek to attach either to the site or any development on the site and thus the viability and deliverability of the Plan.

Let me now turn to a specific site over which you have influence.

The Memorial Hall Site

The Memorial Site is, in itself, not large enough to accommodate the Community Hub *and* a new Village Hall. However, with additional immediately adjacent land which you control, the Memorial Hall site could meet the core requirements and could offer the opportunity to re-locate a new village hall at or near the existing playing fields.

On Thursday 12th October, when Richard Freeman and I met with you on your land at the rear of the Memorial Hall site we jointly recall that you said:

- That you believed the MH site with additional land under your control was the best site for the Community Hub.
- You suggested the new village hall should remain adjacent to the playing fields but be pushed considerably further back onto land you own or control.
- You believed that a substantial parcel of the land directly at the rear of the Hall – currently leased to Felsted School – would allow the development of a Community Hub without substantial disruption to the school.
- The lease arrangements on your land were such that you were confident that it could be made available within the Plan period.

- You indicated that you and your family would be minded to lease a large enough parcel of land to the Parish to allow the Community Hub to be developed.
- You were concerned that the size and quality of the development should be such that it would receive a high level of public acceptance and be future proof throughout the Plan Period.
- You said that there was likely to be some conditionality attached to any offer you might make inasmuch as (a) you would seek to ensure the size and quality of the development reflected well on your family and (b) the Plan offered support for some market housing development on your land (which we would expect to be commensurate both with the value of the allocated land and appropriate in size and scale *only* to support the Community Hub), but not necessarily adjoining the Community Hub.
- Your preferred position was that you would like to lease the land in order to offer you a long-term financial return.

(The conversation was somewhat longer than these bullets imply. However, we hope they fairly encapsulate the key issues. Please feel free to identify any other relevant additional points.)

It would be extremely helpful to the Steering Group in analysing and comparing the responses and further assessing the suitability of the sites being considered if you would now be kind enough to respond formally in writing to this letter, addressing the six questions in a similar format *and* completing the attached template prepared by AECOM .

1. How much additional land within your control at the rear of the MH are you, as land-owner, prepared to make available to the Parish for the construction of a Community Hub?
2. Would you be willing, if our funding sources required it, to gift or sell the freehold?
3. If you would offer the land on a lease, how long would you expect the lease to be? (Please include an estimate of leasing costs per acre or proportion thereof.)
4. What outline terms and conditions would you seek? Please be as detailed as you are able and refer to both the land and any construction thereon.
5. What, if any conditionality, would you seek to attach to the offer? If your site is to receive support in the Plan it is critically important for you be clear as to whether any offer of land for the Community – whether gifted sold or leased - is dependent on the Plan's support for any proposed development of market housing.
6. If the conditionality (in 5 above) includes support in the Plan for market housing please say where you propose it should be, the number and style of homes you propose and outline any financial offer you would make, including any proposals for a Section 106 agreement.

Whilst responses at this stage cannot be binding, it is nevertheless important for Parishioners and the Parish Council to understand in as much detail and with as much certainty as possible the benefits that may be derived from supporting a development they might otherwise strenuously oppose.

A binding agreement would need to be reached before support would be given in the Plan put forward for referendum.

In particular, we identify difficulties with any condition that would offer support to the land known as the 'Catesby site'. The application has, as you know, been vigorously opposed by the community, by the Parish Council and UDC and is, as we understand it, now also being opposed by the Secretary of State. Whatever the outcome of the Judicial Review, we think it would be very difficult - perhaps impossible - for those parties to be persuaded that the harm to the environment from the development of market housing was - notwithstanding their previously argued position - now considered to be outweighed by the benefits to the Parish of a Community Hub. It is of course entirely a matter for you, your commercial partners and your advisors, but our view is that a Plan that includes a Community Hub which relies substantially on the *extant* Catesby proposals – regardless of the outcome of the JR – will fail at Referendum. We are interested to receive your views.

There is now considerable urgency in this process. We would therefore be grateful if you would reply in writing to Diane Smith at the Parish Clerk's Office (address below) by 1/12/2017. If you are unable to do so, it may result in your land being considered as unavailable.

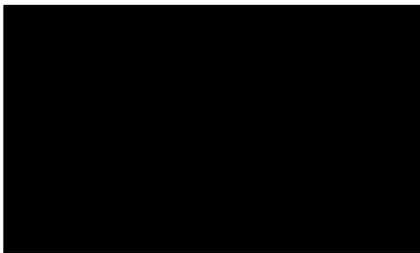
We very much look forward to hearing from you.

Kind regards,

**Roy A C Ramm
Chairman
Felsted Neighbourhood Plan Steering Group**

**The Parish Clerk
URC Hall
Stebbing Road
CM6 3JD**

Gordon Crawford Farms



Mr. R. Ramm,
Chairman Felsted Neighbourhood Plan Steering Group
c/o Mrs Diane Smith
Clerk to Felsted Parish Council
Council Office
United Reformed Church,
Stebbing Road,
Felsted
Dunmow
Essex
CM6 3JD

30th November, 2017

Dear Roy & Diane,

Thank you for Roy's letter of 30th October, 2017 on behalf of the Felsted Neighbourhood Plan Steering Group with regard to your search for a potential site for the new Community Hub which you indicated could possibly be based around the Memorial Hall site with some additional land adjacent to Felsted Parish Council's Village Playing field. On behalf of my family I can confirm that we support both the Felsted Neighbourhood Plan and its aspiration for a Community Hub and that in principle we would be prepared to make some of our adjacent land available to enable this vision to become a reality if this site was ultimately deemed to be desirable.

As you correctly summarised in your letter to us the land in question is currently leased to Felsted School as additional playing field with this lease due for renewal in 2020 however the lease does contain an early termination clause in the event that Planning Permission for an alternative use is granted and therefore the land could potentially be made available sooner.

With the Community Hub being a community aspiration we would hope that in the event that Felsted School were to surrender some of the land they currently rent from us that the Felsted Neighbourhood Plan would support change of use for some other suitable agricultural land into school playing field in order to replace the playing field that would be lost by Felsted School in order to accommodate the Community Hub. This is not an absolute requirement but in our view this would potentially make the Hub proposal more inclusive of the whole community which includes the dominance of Felsted School.

Working from the information provided in your letter to us it is hard to be too specific at this early stage as we are not sure on exactly how much land you would require but from your list of aspirations we believe this could be anywhere from 1/2 an acre up to approximately 3 acres of land.

The Memorial Hall Site

We note and agree with your statement that the Memorial Site is, in itself, not large enough to accommodate the Community Hub *and* a new Village Hall. However, with the addition of immediately adjacent land which we control, we accept that the Memorial Hall site could meet the core requirements of the emerging Felsted Neighbourhood Plan. It could also offer the opportunity to co-locate a new replacement village hall near to the existing Parish's playing field.

For the record we have commented in red after each of the valued bullets point you made in your letter with regard to Richard Freeman and your joint recollection of the meeting I had with you both on Thursday 12th October on our land at the rear of the Memorial Hall site:

- That you believed the Memorial Hall site with additional land under your control was the best site for the Community Hub. - **Agreed.**
- You suggested the new village hall should remain adjacent to the playing field but be pushed considerably further back onto land you own or control. - **Agreed.**
- You believed that a substantial parcel of the land directly at the rear of the Hall – currently leased to Felsted School – would allow the development of a Community Hub without substantial disruption to the school. - **Agreed although if the school needed additional playing field land in the vicinity in order to directly replace any area lost it would be desirable if the Felsted Neighbourhood Plan felt able to support that ambition.**
- The lease arrangements on your land were such that you were confident that it could be made available within the Plan period. - **Agreed.**
- You indicated that you and your family would be minded to lease a large enough parcel of land to the Parish to allow the Community Hub to be developed. - **Agreed.**
- You were concerned that the size and quality of the development should be such that it would receive a high level of public acceptance and be future proof throughout the Plan Period. - **Agreed.**
- You said that there was likely to be some conditionality attached to any offer you might make in so much as
 - (a) you would seek to ensure the size and quality of the development reflected well on your family, - **Agreed** and
 - (b) the Plan offered support for some market housing development on your land (which we would expect to be commensurate both with the value of the allocated land and appropriate in size and scale *only* to support the Community Hub), but not necessarily adjoining the Community Hub. - **Not absolutely our position as if NO housing was required anywhere to deliver the aspiration of the Felsted Neighbourhood Plan then we would be content. We would only be concerned as to whether such an option would ultimately make the Community Hub deliverable, bearing in mind the huge capital cost of such a scheme. Therefore, if some housing was felt to be required in order to deliver the Community Hub we would accept your statement that it should be appropriate in size and scale.**
- Your preferred position was that you would like to lease the land in order to offer you a long-term financial return. - **Agreed as our preferred position.**

As you stated in your letter the conversation was somewhat longer than these bullets imply. However, read in conjunction with our additional comments in red text we believe that these bullet points above encapsulate the key issues we discussed.

At this stage we have not sought to complete the AECOM template you attached to your letter as we felt this applied more to SHLAA housing sites and the land you are asking us about was not subjected to such an appraisal by Uttlesford District Council as this site was **not** submitted for consideration in the SHLAA. We would obviously be happy to complete the template later if you so require.

We have tried to answer all the questions contained within your letter within our two alternative proposals attached however in an attempt not to miss anything we have also included a brief response in red text below each of your six numbered questions from your letter to us of 30th October.

1. How much additional land within your control at the rear of the Memorial Hall are you, as land-owner, prepared to make available to the Parish for the construction of a Community Hub? *As much as required up to a maximum of 3 acres.*
2. Would you be willing, if our funding sources required it, to gift or sell the freehold? *Having regard to both the length of family's ownership and our internal structure the sale or gift of the freehold might give rise to tax implications so we cannot give a definitive answer until your requirements are more clearly defined but as a basic principle we would obviously not want to have an uncompensated loss of land and face a taxation bill.*
3. If you would offer the land on a lease, how long would you expect the lease to be? (Please include an estimate of leasing costs per acre or proportion thereof.) *Any period up to 49 years again for reasons of taxation - lease cost index linked and being a percentage based on the Parish's ability to pay from income derived from the Community Hub after deducting its financing costs.*
4. What outline terms and conditions would you seek? Please be as detailed as you are able and refer to both the land and any construction thereon.
 - *Car Parking should be sufficient for the increased need and be sympathetically designed and free to all public (Parish may however seek to make a charge to the commercial premises operators).*
 - *We support the co location of the Doctors' surgery with a community pharmacy adjacent to a commercial run convenience store with Post Office (although we express the wish that this would be independently run with the local community in mind and **NOT** a just another outlet for a large multi-national).*
 - *The building(s) would need to be sympathetically designed having regard to the potential affect on both the Conservation Area and neighbouring houses. The building(s) should be designed ambitiously enough to cater for future potential growth in the demand for amenity around the existing Parish' playing field. We would therefore want input to comment upon the building size, design and appearance so that the Community Hub reflects well upon us all for the future.*
5. What, if any conditionality, would you seek to attach to the offer? If your site is to receive support in the Plan it is critically important for you be clear as to whether any offer of land for the Community – whether gifted sold or leased - is dependent on the Plan's support for any proposed development of market housing.
 - *Option A - lease of site with **NO** requirement for any housing proposal support; or*
 - *Option B - lease of site with support for 37 additional houses on our Chelmsford Road field providing for the construction of the new village hall together with the additional potential subject to a Section 106 agreement over affordable housing to fund the other parts of the Community Hub's infrastructure.*
6. If the conditionality (in 5 above) includes support in the Plan for market housing please say where you propose it should be, the number and style of homes you propose and outline any financial offer you would make, including any proposals for a Section 106 agreement.
 - *Housing off Chelmsford Road in close proximity to the unsightly Telephone Exchange with the desire to partially screen this from being seen upon arrival in Felsted.*
 - *Section 106 agreement would be open to negotiation, but would need to meet all the usual mitigation requirements from Essex County Council with regard to contributions to*

school provision, road improvements, bus service improvements, together with contributions sought by NHS and other Statutory Consultees. The Section 106 agreement should link to the Community Hub site and the occupation of dwellings on the Chelmsford Road site could be linked to the delivery of the new community facilities, thus helping to reinforce their deliverability.

- In addition if Uttlesford District Council and the Felsted Neighbourhood Plan were minded to reduce the current 40% affordable housing requirement then we would make the required financial contribution for each affordable house not required.

The Neighbourhood Plans - Core Requirements

We believe we have offered a site large enough to meet the Neighbourhood Plan's core requirements for the Community Hub as you outlined them to us in your letter of 30th October, 2017. The site will initially be made available for up to 49 years to 2066 nearly 29 years after the Neighbourhood Plan period ends in 2037 and makes provision for:

- A doctors' surgery and pharmacy collocated with
- A commercially viable village shop and post office, i.e. not a community project.
- Community housing for young parishioners in small residential flats above the surgery.
- Sufficient landscaped off-road parking to serve the community.
- Ease of access for delivery vehicles and ambulances.
- A setting that encourages a sense of community and provides space for some community activity e.g. farmers' markets etc.
- The expressed desire that all the new buildings need to be of high quality, add to the local environment and have architectural merit.

We also believe our proposal can deliver the additional objective of the Plan in potentially funding the redevelopment of the Memorial Hall in order to provide a larger, more modern facility for the enlarged and still growing local community.

We have not sought to meet the Neighbourhood Plan's aspiration of relocating the Royal British Legion Club Building, as we do not feel that the land behind the Memorial Hall site is necessarily the most suitable location for this facility which might potentially be more appropriately located nearer to the other large residential settlements of either Watch House Green or Bannister Green. However, if the Felsted Neighbourhood Plan Steering Group felt that this facility should also be located around the playing field area we would obviously be open to having that discussion.

We trust that in this letter we have answered all your initial questions fully but if you require any further information or wish to discuss any points of concern then please feel free to contact us and we will be delighted to assist further with this exciting potential future for some of the Parish's most valued amenities.

Your faithfully,

P. A. Crawford and G. I. Crawford
Attachments - Proposal Option A and Proposal Option B

Option A - with NO New Houses

- We would be willing to make available by means of a lease (*initially of up to 49 years - a time threshold for Taxation*) sufficient of our land (*up to 3 acres*) adjacent to the Felsted Parish Council's Playing Field in order to accommodate a suitably designed and ambitious the Community Hub to both ensure the future survival and enhance current village amenities within the Parish;
- We believe this option would provide the best location for creating the Community Hub (*a central heart for the community*) of both Felsted village and the wider Parish of Felsted remaining close to the existing playing field amenities, central to the village and on the regular 133 bus route whilst also remaining with close walking distance for the large potential customer base offered by Felsted School staff, pupils and parents alike;
- Providing the Felsted Neighbourhood Plan can fund delivery of this project without requiring any funds from new housing developments we would **NOT** make this offer **conditional upon any new housing allocation within Felsted Parish**;
- We believe this proposal is significantly better for the expressed desire of the Parish when compared with a 'Gift of Land' linked to some additional market housing as such a proposal only makes the land available (*in the same way as our proposal does*) yet the additional market housing makes no financial contribution to the construction costs of the Community Hub facilities therefore meaning that if external sources of funding fails to meet the cost in full then further additional market housing may need to be sought;
- The only upfront cost we would seek for the grant of this lease would be the Neighbourhood Plan's agreement to pay our expenses incurred in negotiating, preparing and signing such a lease;
- We would be prepared to undertake all the open space maintenance (*buildings to be maintained by Parish's tenant occupiers*) within the Community Hub area;
- An index linked annual rent would be negotiated depending upon the amount of our land ultimately required and the degree of surplus rental income (*after Parish's financing costs have been deducted*) that the Parish was in receipt of from just those commercially operated elements of the Community Hub namely the shop with Post Office and doctor's surgery with pharmacy.

Option B - with approximately 37 New Houses

- We would be willing to make available by means of a lease (*initially of up to 49 years - a time threshold for Taxation*) sufficient of our land (*up to 3 acres*) adjacent to the Felsted Parish Council's Playing Field in order to accommodate a suitably designed and ambitious the Community Hub to both ensure the future survival and enhance current village amenities within the Parish;
- We believe this option would provide the best location for creating the Community Hub (*a central heart for the community*) of both Felsted village and the wider Parish of Felsted remaining close to the existing playing field amenities, central to the village and on the regular 133 bus route whilst also remaining with close walking distance for the large potential customer base offered by Felsted School staff, pupils and parents alike;
- This option is further enhanced by the delivery of 37 new houses to be built on the Chelmsford Road site from which we would seek to construct the new Community Hall within the new Community Hub without cost to the Parish. We also believe that in order for the Felsted Neighbourhood Plan to be found sound during the Examination process, it is essential that the expressed aspiration for new Community Hub facilities are shown to be realistically deliverable over the plan period;
- In addition if Uttlesford District Council and the Felsted Neighbourhood Plan were minded to reduce the current 40% affordable housing requirement then we would make the required financial contribution for each affordable house not required. The raising of funds in this way could enable the Chelmsford Road site to be used to cross subsidise the construction of other parts of the Community Hub facilities such as the Convenience Store with Post Office, Car Parking and the desired residential flats to enable younger parishioners' to remain in the Parish whilst helping them save in order to have the opportunity to gain a foothold on the property ladder in the locality, obviously this would require detailed discussions regarding the exact Section 106 requirements;
- We also have access to investment funding for the potential construction and delivery of the new doctor's surgery with pharmacy which would deliver another part of the Community Hub's desired infrastructure;
- The allocation of housing now to fund these new Community facilities should 'future proof' the Felsted Neighbourhood Plan by ensuring that any potential gaps in funding the facilities in the future can be plugged, which in turn should help ensure that the Felsted Neighbourhood Plan passes examination and remains robust moving forward;
- We believe the Government is clear in its desire for Neighbourhood Plans to deliver new housing, especially where such housing can be delivered in conjunction with new local infrastructure. Emerging planning policy at a National level seems to be seeking to standardise housing need requirements across the country as a whole, which if applied to Uttlesford District Council would lead to an increase of at least another 70 dwellings per annum. Therefore there is a risk in not allocating any new housing in the Neighbourhood Plan as it could be seen as partially out of date if Uttlesford District Council are forced by central government to reconsider their housing numbers.

From: [REDACTED]
Sent: 08 January 2018 19:51
To: Diane Smith
Subject: Felsted Community Hub

Dear Sir,

Last December you were kind enough to submit a proposal in relation to the new Community Hub planned for Felsted. On receipt of your proposal I wrote to each of you in the terms set out below. I also arranged for the letter to be posted on the FNPSG website. Unfortunately, it seems that those emails may not have reached all intended recipients. I have no idea why and can only apologise, both if you did not receive it or are now receiving it for a second time.

Though you may now have seen the letter the website I am reproducing the content below for your information.

Once again, I am sorry for any failure of communication and assure you it has no impact whatsoever on the progress of our deliberations which are moving forward.

Roy Ramm
Chairman
Felsted Neighbourhood Plan Steering Group

Felstednpsg@btconnect.com

Felsted Neighbourhood Plan – Land for the Community Hub

Dear (named) Landowner

Thank you for your timely response and your proposals.

We thought it might be helpful to set out how we now propose to take the matter forward. As you will appreciate, this is a matter of great interest to the community, so we would also be pleased to receive any comments you may have about our intentions in terms of the process.

A Working Group (two members of the Steering Group have recused themselves to avoid a conflict of interest occurring) will now consider each of the proposals to ensure they are broadly consistent with the objectives of the Plan. We will invite you or your appointed representative to a discussion with the Working Group early in the new year, by which time we will have identified any questions we might have about your proposed site and taken the opportunity to have further consultations with other important stake-holders, including the doctors and the local Health Authority.

Following the discussions with you, the land-owners, we will hold one or more public meetings to invite comment from the community. We have yet to finally decide the format of these

consultations but our current thinking is that, to ensure fairness, we will prescribe a format and size for a visual presentation on each site. We would invite you to 'promote' the advantages of your proposals in a limited number of words and with any graphical representations you considered appropriate. The Working Group will also provide a commentary on each site in terms of to what extent it contributes to the overall objectives of the Neighbourhood Plan.

Parishioners will be offered some mechanism(s) – yet to be decided – for showing their preference. The Working Group will collate and synthesise the various comments and responses along with the outcome of the AECOM viability assessment and factor those into identifying a 'Preferred Site'.

Once the Preferred Site has been identified, the WG will seek further dialogue with the land-owner to refine and agree the offer. The Preferred Site will then be formally adopted and included in the Draft Plan to be submitted for Inspection prior to Referendum.

In terms of timing, with the holiday season soon to be upon us, we are aiming to have identified the preferred site by the end of February 2018.

Great interest has already been shown in the location of the Community Hub and we are keen to ensure that the community recognises that the process of selection is and will remain transparent, fair and objective and one to which they will be invited to contribute. To that end we will be disclosing the fact of your submission on the FNP website – although at this stage not its content as we hope to refine that through dialogue with you –. We hope that is acceptable.

Please accept this letter in the spirit in which it is intended, it is an outline of our current thinking: not in any sense a formal and definitive notification and therefor is subject to change.

Thank you once again for your submission.

Yours faithfully,

Roy Ramm – Chairman

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For more information please visit <http://www.symanteccloud.com>

" Not followed up "

Appendix 5 of RCCE Housing Needs Survey for Felsted Parish

Tally Count - Sites Suggested by respondents locations suitable for potential Development

SHLAA Reference	Description of Location	Number of Respondents
13FEL15	By Telephone Exchange, Chelmsford Road, Felsted	15
14FEL15	Behind Abbeyfields, Braintree Road, Felsted	14
	Road from Gransmore Green to Rayne	3
-	Adjacent to Felsted Water Tower	3
19FEL15	Sunnybrook Farm /around Felsted Primary School, Watch House Green,	3
-	In between the Hamlets	3
-	Use old FKS Building, Edwards House, Braintree Road, Felsted	3
05FEL15	Behind Ravens Crescent, Watch House Green, Felsted	2
-	Use old FKS Building, Andrews House, Braintree Road, Felsted	2
15FEL15	Causeway End, Felsted	2
-	Outskirts of the Greens	1
07FEL15	Sparling Farm, Gransmore Green	1
16FEL15	Felmor Farm, Watch House Green	1
-	Maranello, Watch House Green	1
-	Stevens Lane, Bannister Green	1
-	Bannister Green	1
-	Opposite Cock Green Mill, Cock Green	1
-	Rear of Cock Green Cottage, Cock Green	1
-	Felsted Business Park, Cock Green,	1
-	Main Road, Willows Green	1
-	Willows Farm, Willows Green	1
28FEL15	Chelmsford Side of Causeway End	1
12FEL15	Adjacent to Cemetery, Chelmsford Road, Felsted	1
06FEL15	Chaffix Farm, Braintree Road, Felsted	1
-	Felsted School Playing Fields, Felsted	1
-	Behind Chantry Court, Braintree Road, Felsted	1
-	Centre of Village, Felsted	1
-	Vicarage Garden, Felsted	1
-	Lower End of Mill Road, Felsted	1
01FEL15	Station Road, Felsted	1
-	Nature Reserve, Station Road, Felsted	1

Kate Palmer

From: Nigel Tedder
Sent: 24 July 2019 12:08
To: Kate Palmer
Subject: FW: Land South of Braintree Road, Felsted UTT/18/3529/OP
Attachments: FW: Representations to Felsted Draft Publication NP; Representations to Felsted Draft Publication NP

For appendix

Email and both letters

Nigel Tedder

Chief Design Officer



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A FAMILY BUSINESS

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From: Nigel Tedder
Sent: 20 March 2019 16:40
To: 'Karen Denmark' <kdenmark@uttlesford.gov.uk>
Subject: Land South of Braintree Road, Felsted UTT/18/3529/OP

Dear Karen

Good afternoon,

I am very aware that both Felsted Parish Council and the Felsted Neighbourhood Plan Steering Group have made representations to our current application, which have been then published and can be seen by members of the public on the LPA website, whilst objecting to the application they also advise that the applicant has not had any dialogue with themselves.

Firstly, we have tried to engage with representatives of both parties back on the 21st September 2018 as per the attached emails but received no response whatsoever from either party representing the Parish of Felsted to discuss how we might assist in delivering their Vision in the 3 months prior to our application being made.

Indeed, I personally introduced myself to the Chair of the Felsted Neighbourhood Plan Steering Group following a planning committee meeting of 21st November 2018 (during which application ref UTT/18/2400/OP being one of the draft local plan sites despite officer's recommendation to approved was again refused planning consent by committee.) I referred to the my earlier email and request to discuss matters further for the proposals for land South of Braintree Road and invited a response to which no response was forthcoming. Reviewing the sites promoted within the Neighbourhood Plan which are not wholly consistent with the sites being promoted through the draft Local Plan we would like to make the following observations.

Site Ref 01FEL15

It is interesting to note that despite the clear conflict with strong aspects of the Felsted Neighbourhood Plan concerning coalescence at paragraphs 3.5.2 and 3.5.3 which to quote state

“3.5.2 There are also concerns that coalescence with neighbouring parishes puts at risk the integrity and the unique identity of historic Felsted. In addition to the concerns about development within the Neighbourhood Area, the situation is greatly exacerbated by the uncertainty of development proposals to the west of the Parish at ‘Chelmer Mead’, to the east in the development described as ‘West of Braintree’ and to the Great Leighs development in Chelmsford. These proposed developments present very significant risk, threatening to put unprecedented pressures on Felsted’s infrastructure and amenities.”

“3.5.3 Similarly, the individual charm of the constituent Greens and hamlets is also seen to be threatened by coalescence. Avoiding coalescence does not mean that the Plan rejects all development in a Green or hamlet but, it does require the Plan to place restrictions on developments that threaten the individual integrity of a settlement by increasing the risk of coalescence between settlements within the Parish.” that the draft plan now appears to support this large site on rising ground to the west of Felsted which will significantly and demonstrably cut down the gap to Flitch Green irrecoverably which seems to be in direct contradiction with their public consultation responses. They justify this support by reference to paragraph 5.2.1 and 5.4.36 stating

“Throughout the consultation process, the community has been insistent that the Plan should do everything possible to protect the amenities we currently enjoy. This has proved challenging. The Doctors expressed a strong preference for a new location on the extreme western edge of the parish. In general development on the edge of parish is inconsistent with another objective, that of resisting coalescence.”

*“5.4.36 The Plan recognises that due to cost of providing the land and building for a new doctor’s surgery, **the viability of the overall scheme is dependent on the agreement between UDC and the developers to commute all the affordable housing requirements (40% of dwellings). This will be agreed in writing between the developers and Uttlesford District Council as the Local Planning Authority.**”*

This site REF 01FEL15 is on the extreme western fringe to the village of Felsted. It is relatively open and visible when approaching the village from the west, with the land form rising in level providing increased impact on the surrounding open countryside and gateway into the village. The proposed development would provide for coalescence with Flitch Green from which Felsted is keen to distinguish itself. Although the site affords the Parish with the opportunity to provide a new doctors surgery this need should be carefully balanced with the significant adverse impact from the visual coalescence with the development at Flitch Green which resident of Felsted have vehemently opposed. The site north of Station Road, due to its elevated topography and development in depth (back land), would have a significant and adverse impact on the character of this gateway to Felsted, due to its prominence and size, it would not constitute Sustainable Development.

It appears therefore that the demands of a private operator albeit a very important local infrastructure provider i.e. the Doctors Surgery has perhaps steered the Neighbourhood Plan and Local Plan on a single matter and not for a more collective good.

Site REF 20FEL15

With regards to the only other site suggested for development (which is itself in conflict with the submission version of the draft Local Plan) the Felsted Neighbourhood Plan state the following relative to this site within paragraph 5.4.26 states

*“The Plan recognises that due to the provision of the parking and kiss and drop facilities, **the viability of the overall scheme is dependent on the agreement between UDC and the developers to commute all the affordable housing requirements (40% of dwellings). This will be agreed in writing between the developers and Uttlesford District Council as the Local Planning Authority.**”*

General

However, once the Neighbourhood Plan is in place, the ability to achieve affordable housing and education infrastructure contributions will be extremely limited because these two housing allocations in the Felsted NP have to deliver a doctor’s surgery and large car park which will no doubt affect the viability of making affordable housing or education infrastructure provision as stated and highlighted above.

Conclusion

In May 2016 the Rural Community Council for Essex conducted a Housing Needs Survey on behalf of Felsted Parish Council to determine the affordable housing need for the coming 5 years. The survey identified a need for 14

affordable units and 1 starter home, although it noted that this focussed solely on locally-identified need within the Parish of Felsted. It appears these are not catered for within the draft Felsted Neighbourhood Plan.

As such the statement *that Felsted will have met housing needs and supported additional market housing development where it supports provision of Parish amenities and facilitates continuity of residence in the Parish* appear not to provide for the provision of any affordable housing.

The plan seems to exclude any desire for affordable housing within this draft Felsted Neighbourhood Plan.

Yet the draft Neighbourhood Plan includes by reference to Policy HN6 not confined to development boundaries existing elderly residents the opportunity to develop within their residential curtilage subject to a range of controls. This would appear to potentially lead to the additional dwellings outside of development limits and therefore in open countryside whereby policy S7 would apply and other than by limited infilling development should be strongly restricted.

The application for land south of Braintree Road Felsted seeks to provide for the identified shortfall in affordable housing whilst also providing contributions to education provision and towards identified community amenities such as a new village hall as per Felsted Neighbourhood Plan draft policy VA3.

I would welcome the opportunity to discuss the merits of this Sustainable Development proposal further as required.

Kind Regards

Nigel Tedder
Chief Design Officer



www.goholdings.co.uk

[01245 230 515](tel:01245230515)
[07554 350 680](tel:07554350680)

Go Homes Ltd.

Units 4 & 5, Bolding Hatch Business Centre, Bishops Stortford Road, Chelmsford, Essex CM1 4LF

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Representations to Felsted Parish Council

Felsted Neighbourhood Plan (Pre-Submission Draft)

Introduction

GO Homes Limited are a small to medium housebuilder with current land within the Felsted Parish with planning permission for residential development. They acknowledge the time and effort taken by the steering group to produce the pre-submission draft Neighbourhood Plan and that they are seeking to 'contribute to the achievement of sustainable development' and applaud both their vision and commitment.

However, one key aspect that the local community wish to see, i.e. a new modern fit for purpose village hall, has unfortunately not been positively planned for. The need for a new village hall has been clearly expressed during the consultations, yet the Neighbourhood Plan simply seeks to support the delivery of a new village hall.

This support is to direct developer contributions through the Community Trust or S106 monies. Given the Plan is for a 15-year period and the need for a new village hall is required at the earliest opportunity, GO Homes Limited believe a specific site allocation providing land and/or funding towards a new village hall should be promoted.

Site Suggested for Residential Allocation

The land to the south of Braintree Road, Felsted is, in the view of GO Homes Limited, an eminently suitable site for a modest organic extension to the village and also a good location to be considered for the delivery of a new village hall. The site south of Braintree Road was considered appropriate by Uttlesford DC planning officers to provide for a residential development of up to 55 dwellings. This, however, was ultimately refused planning by planning committee and dismissed at appeal with the Inspector noting the 'incongruent form the proposed would take in relation to the wider adjoining settlement'.

Reverting to first principles, GO Homes Limited are of the opinion that a fresh, truly landscape led design approach with density levels reduced by as much as 50%, would lead to an organic scheme with short spurs of development leading from a meandering road pattern that passes through open space formed by the retention of existing trees and the existing footpath network. At this juncture our indicative plan showing the opportunity for residential development for up to 30 homes, public open space along with a site for a new village hall has been prepared and is included for further consideration.

Provision of Affordable Housing

Whilst a policy compliant level of affordable housing would be a requirement, it should be noted that if the local housing needs within Felsted can be shown to have been catered for, the potential to, in lieu of an element of affordable housing, to channel funds towards the new village hall can be considered appropriate subject to provisions within the Neighbourhood Plan.

New Village Hall Provision and Location

The indicative layout provided shows a proposed location for a new village hall to the southern element of the site. This location places the proposed new village hall adjacent to both the existing playing field, the new built multi-utility games area (MUGA) and car park. This groups the facilities together in a sustainable manner.

The edge of settlement location as noted by the Inspector is a sustainable location and would meet the needs of the community.

In Summary

The site is considered to be both sustainable and suitable for residential development based on a design led approach.

GO Homes Limited would engage with portfolio holders on the designs for a new village hall. Presently we are actively involved in the provision of a new village hall in Tendring District for the Elmstead Parish and this experience will ensure the optimum solution for the funding requirements of such a facility.



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Dear South Team
Uttlesford District Council
London Rd
Saffron Walden
Essex
CB11 4ER

Monday, 7th January, 2019

Your ref:

Our ref: UTT/18/3529/OP

Please ask for Stephanie Baxter on [REDACTED]

Dear South Team,

Re: Land South of Braintree Road, Felsted.

Thank you for consulting me on this application.

The above application has requested the delivery of 4 affordable homes for rent with the remaining 8 units converted to a commuted sum of £125,000 per unit, amounting to £1,000,000 to be used to deliver a building that benefits the community.

This suggestion does not comply with the Council's Housing Strategy and would not be supported by the Housing Strategy Team. The Council currently has over 1,000 applicants on the 'HomeOption' housing register of residents in housing need. The 12 homes delivered on this scheme would be allocated to residents off that register.

The Council's requirements are detailed below.

The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 ha or 15 or more units.

The affordable housing provision on this site will attract the 40% policy requirement as the site is for 30 (net) units. This amounts to 12 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

It is also the Councils' policy to require 5% being wheelchair accessible as well as 5% of all units to be bungalows delivered as 1 and 2 bedroom units. This would amount to 2 bungalows across the whole site delivered as 1 affordable units and 1 for open market.

The mix and tenure split of the properties are given below; this mix should be indistinguishable from the market housing, in clusters of no more than 10 with good integration within the scheme and be predominately houses with parking spaces.

SMHAA 2015 Figures	South of Braintree Rd, Felsted UTT/18/3529/OP				
	1 bed	2 bed	3 bed	4 bed	Totals
Affordable Rent	1	4	3	1	9
Shared Ownership	0	2	1	0	3
Grand Total	1	6	4	1	12

I thank you for your time and welcome further discussions at your convenience.
Yours sincerely

Stephanie

Stephanie Baxter MA (Housing)
Housing Enabling Officer



RESPONSE TO FELSTED NEIGHBOURHOOD PLAN CONSULTATION JULY 2019

I am very disappointed that the emphasis in this final Felsted Neighbourhood Plan document has been totally changed in HN5.

Policy HN5 now states:

“Residential development proposals outside the Local Plan Village Development Limits will be supported in the following circumstances:”

In the Regulation 14 draft the HN5 wording was:

“The Plan resists residential development proposals outside Village Development Limits other than:”

This change from ‘resist...other than’ to ‘supported in the following circumstances’ is totally against what I saw/heard to be the wishes expressed by those inhabitants of Felsted’s hamlets (Greens) during the (many) Consultation events I attended.

The Reg. 14 earlier draft gives the correct emphasis to the expressed views.

While this late-in-the-day re-wording by the NP Steering Group may have been done to reframe a ‘negative’ into a ‘positive’, the wording *now* suggests that development in the hamlets *will* be supported by the Neighbourhood Plan (and therefore by the Parish Council) if a developer can find a(ny) way to meet the set criteria.

I do not think that this encouragement of development in these areas is the intention of the Neighbourhood Plan/ Steering Group, but overly open phrasing policies are a developers’/developers’ QC’s dream.

The original wording including ‘resist’ is best, but if there are good (eg planning legislation) reasons that policy wording must be positively phrased, then I would suggest that the inclusion of two words (‘only’) and (‘exceptional’) would make the true intention of HN5 clearer.

ie: HN5: *“Residential development proposals outside the Local Plan Village Development Limits will **only** be supported in the following **exceptional** circumstances:”*

If the wording of HN5 is not re-drafted, I think that the NP is then more likely to allow unwanted (unintended) developments on the edges of Felsted’s current development limits, and in Felsted’s hamlets/Greens, than the new UDC Local Plan alone. As such, I, and I am sure many other people who moved to areas outside (or on the edge of) the development zones precisely because they *are* areas outside the development zone, would be unable to vote to support the Neighbourhood Plan’s adoption.

Submission from: Mrs K Bennett, [REDACTED]

Sirs

Please find below details of sections of the proposed plan which I either object to or require clarification of:

1.2.10 We were not given the power to decide where new housing was to be located, at each step the two sites proposed were Sunnybrook Farm and the Bury Fields. Other housing projects have been turned down by the committee.

3.1.3 This identifies traffic caused by the school as justification for the development at Sunnybrook Farm (please see points relating to 5.3.21 and 5.4.34 below)

5.3.21 Planning contingent on providing parking for the school.

5.4.19 Watch House Green residents have indeed been vocal in their opposition to housing, particularly in light of the fact that the very recent Clifford Smith Drive development is within our hamlet.

5.4.29 How will the land provide a revenue stream? This is not in the slightest bit clear and must be clarified.

5.4.31 UDC do not support this plan as it could lead to coalescence – this is a valid point, no amount of spin (the development is not linear) will change that. This development will join Watch House Green to Felsted village, destroying the hamlet.

5.4.34 Another addition, slipped in amongst 68 pages – how will the car park be used as an ‘additional recreation facility’ for the wider community? This development has been given unwavering support by the SG due to the fact that it will alleviate traffic congestion – nothing more than a car park is needed to do this, certainly not recreational facilities (another vague term) for the wider community.

FEL/HN2, 111. The ‘landscape buffer’ has not been clearly defined as requested in previous correspondence. We cannot give our support to this plan until we are given assurances that the noise pollution, light pollution, pollution from exhaust emissions and the adequate considerations for our visual privacy are detailed. Some foliage is not sufficient to protect us.

Another point of note – 24 new homes is a 300% increase on the number of houses in this area, another reason for my opposition.

I had one-to-one correspondence with the Chairman of the Steering Group in the summer of 2018 and it appears that some of my concerns have been addressed. However, despite a number of emails (including 2 in the last week) my email address has not been included on the mailing list and so I am having to rely on my neighbour to forward any emails relating to the plan. When these emails arrive, I am often immediately put off by the vast number of documents available. I am completely capable of using a computer and yet I still find it a struggle and I am sure many, many residents would also struggle to navigate so many files as well as sifting through 68 pages of technical/legal jargon to put together either a letter of support or opposition. The information may be available to all in a literal sense, but practically many cannot access and therefore give their voice.

Debra Mitchell
Chale



Sent from [Mail](#) for Windows 10