

Uttlesford District Council

Chris Collison
Independent Examiner
Planning and Management Ltd

12th September 2019

Dear Mr Collison,

Joint Response to the Independent Examiners letter

Please find attached at Annex A to this letter a response to the questions contained in your letter of the of 3rd September 2019. This response has been prepared jointly by officers of Uttlesford District Council and the Felsted Neighbourhood Plan Steering Group and is signed accordingly.

Your sincerely,

Stephen Miles, Planning Policy Team Leader

.....
For and on behalf of Uttlesford District Council.

Graham Harvey, Chairman

.....
For and on behalf of Felsted Parish Council

Examiner question	Response
<p>1. Policy FEL/HVC5</p> <p>The Parish Council, when commenting on the Regulation 16 representation of Essex County Council, has proposed “paragraph 1” is deleted and replaced with suggested wording. Is it intended the suggested wording should replace the entire policy?</p>	<p>We did not intend for all of the policy to be replaced. However we were happy for the policy to make reference to the ECC standard development management policies.</p>
<p>2. Policy FEL/ICH4</p> <p>Please direct me to any existing evidence that supports the part of the policy that relates to overhead cables.</p>	<p>Pg 46 of the Heritage and Character Assessment, 2017 Aecom. This is in the chapter called Managing Change.</p> <p>Felsted Conservation Area Character Appraisal https://www.uttlesford.gov.uk/media/1919/Felsted-Conservation-Area-Appraisal/pdf/Felsted_CAA_14_Dec_12_Low_res_WEB.pdf Page 8, paragraph 1.38.</p> <p>Page 30, paragraph 1.114 Page 32, paragraph 1.124 Page 36</p>
<p>3. Policy FEL/ICH5</p> <p>Please direct me to any existing evidence that supports the precise boundaries of the cross hatched area on Map 9.</p>	<p>Evidence to support the policy restricting development that would result in coalescence.</p> <p>Coalescence has been an issue for local residents throughout the preparation of the plan. There are two main concerns. Firstly, that coalescence within the Parish would threaten and undermine the character of the individual greens within Felsted. Secondly, that the risk of coalescence with nearby parishes could undermine altogether Felsted as a place with a discrete identity. In particular, there has been concern regarding potential future expansion of Braintree to the east and of Little Dunmow to the west. The growth of both of these settlements could harm local character and identity.</p> <p>This is highlighted throughout the Felsted Heritage and Character Assessment (2017) and also in the consultation statement material. A central theme of the early consultation process focussed on</p>

Examiner question	Response
	<p>Parish Integrity. The examiner is referred in particular to Sections 3.1, 3.2, 3.5, 3.10 and 5 of the Consultation Statement, and Appendices 2, 3, 5 and 7 of the Consultation Statement.</p> <p>With regard to the specific boundary of ICH5, a buffering approach was taken to provide consistency throughout the neighbourhood area. In the Heritage and Character Assessment, areas of open countryside surrounding the parish and in between the individual settlements within the parish are highlighted as being at risk or sensitive to change.</p>
<p>4. Policy FEL/RE2</p> <p>Please direct me to any existing evidence that supports the requirement “from estate agents”.</p>	<p>We do not consider it necessarily a requirement for the evidence to come from estate agents. Our intention is to ensure that there is evidence from a reputable and reliable source that verifies a significant period of marketing has shown there is no longer a demand for the premises in business use.</p> <p>It is acknowledged that the case officer for the proposed change of use would make a judgement on the evidence from the applicant to demonstrate this.</p>
<p>5. Policy FEL/CW1</p> <p>Is it intended that the term “important views and vistas” should refer to the important long distance, short range and glimpsed views, identified in the Felsted Heritage and Character Assessment Report 2017?</p>	<p>Very briefly, yes: this is our intention.</p>
<p>6. Identified Housing requirement</p> <p>a). Several policies of the Neighbourhood Plan, in particular Policies FEL/HN1, FEL/HN2, FEL/HN3, FEL/HN4, FEL/HN5, and FEL/HN6, are relevant to housing supply. The Statement of Common Ground between the District Council and the Parish Council dated 1 May 2019 includes in</p>	<p>Question 6a) Could you please explain the relationship between the appropriate level of growth range, and the provision for new homes made in the Neighbourhood Plan?</p> <p>The growth range provided in the Sites Justification Report has been identified by examining various indicators (e.g. past completion records) to help inform an appropriate range of growth during the plan period 2018 to 2033. It also however identifies supply-side constraints and recommends that any growth target is plan-led. The emerging Local Plan does not provide an appropriate number for</p>

Examiner question	Response
<p>paragraph 2.4 a statement that “The Council (Uttlesford District Council) had no mechanism to provide a target housing number for specific villages such as Felsted....”. The Statement describes the provision for Type A villages in the emerging Local Plan. The Preferred Sites Justification Report, in Section 2.9, draws conclusions on the quantity of housing needed in Felsted Parish. In addition to completions up to 2017/18, an appropriate level of growth in a range 70 to 140 new dwellings in the Plan period is identified. The Neighbourhood Plan seeks to allocate two sites that will accommodate up to 63 new homes, and there is an assumed windfall contribution of 30 additional dwellings. Could you please explain the relationship between the appropriate level of growth range, and the provision for new homes made in the Neighbourhood Plan. In your reply could you please advise me of unimplemented current housing commitments, and refer to the implications of the grant of planning permission, on 20 June 2019, in respect of land north and east of Clifford Smith Drive, Watch House Green (appeal reference APP/C1570/W/18/3210034).</p>	<p>Felsted but the Felsted NP does.</p> <p>The Felsted NP plans for the delivery of 63 new homes on the allocated sites. The NP includes additional policies that would facilitate the delivery of other development:</p> <p>HN4 – appropriate development within the development envelope. HN5 – development outside the development envelope subject to restrictions e.g. rural exception sites etc HN6 – single supplemental dwellings policy</p> <p>A reasonable assumption of numbers that could come forward under these other policies is 30. This is based on past records of windfall development.</p> <p>The NP therefore provides for the delivery of approximately 93 homes which is appropriate given the range of 70 – 140 identified in the Sites Justification Report.</p> <p>In your reply could you please advise me of unimplemented current housing commitments, and refer to the implications of the grant of planning permission, on 20 June 2019, in respect of land north and east of Clifford Smith Drive, Watch House Green (appeal reference APP/C1570/W/18/3210034).</p> <p>In the Felsted NP area there are now the following uncompleted/unimplemented housing commitments:</p> <ul style="list-style-type: none"> - 30 dwellings on land north and east of Clifford Smith Drive, Watch House Green. Unimplemented (Allowed on appeal in June 2019) - 28 dwellings Marenello Unimplemented (Allowed on appeal in May 2019) - 9 dwellings at Gransmore Meadow. Under construction (Allowed on appeal March 2017) <p>Whilst these developments were not what we wanted or expected; it does not change the strategy in our Plan. None of the developments could deliver the community benefits sought and supported by the enabling development allocated in the Plan. The development that has come forward through the appeal process increases the significance and role of having an up to date Neighbourhood Plan in</p>

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	<p data-bbox="831 236 904 264">place.</p> <p data-bbox="831 304 1854 339">Felsted NP Unimplemented Current Housing Commitments 08/2019</p> <table border="1" data-bbox="831 339 2047 1369"> <thead> <tr> <th data-bbox="831 339 1223 411">Application Ref</th> <th data-bbox="1223 339 1621 411">Address</th> <th data-bbox="1621 339 1854 411">No. of Dwellings</th> <th data-bbox="1854 339 2047 411">Comments</th> </tr> </thead> <tbody> <tr> <td data-bbox="831 411 1223 451">1. UTT/17/2397/FUL</td> <td data-bbox="1223 411 1621 451">Post Office Station Road</td> <td data-bbox="1621 411 1854 451">2</td> <td data-bbox="1854 411 2047 451"></td> </tr> <tr> <td data-bbox="831 451 1223 491">2. UTT/17/2628/FUL</td> <td data-bbox="1223 451 1621 491">Sparlings Farm Braintree Road</td> <td data-bbox="1621 451 1854 491">1</td> <td data-bbox="1854 451 2047 491"></td> </tr> <tr> <td data-bbox="831 491 1223 563">3. UTT/16/1106/FUL</td> <td data-bbox="1223 491 1621 563">Andrews House Braintree Road</td> <td data-bbox="1621 491 1854 563">1</td> <td data-bbox="1854 491 2047 563"></td> </tr> <tr> <td data-bbox="831 563 1223 635">4. UTT/18/0784/OP</td> <td data-bbox="1223 563 1621 635">Land East And North Of Clifford Smith Drive</td> <td data-bbox="1621 563 1854 635">30</td> <td data-bbox="1854 563 2047 635">Allowed on Appeal</td> </tr> <tr> <td data-bbox="831 635 1223 707">5. UTT/18/1011/OP</td> <td data-bbox="1223 635 1621 707">Land West of Maranello Watch House Green</td> <td data-bbox="1621 635 1854 707">28</td> <td data-bbox="1854 635 2047 707">Allowed on Appeal</td> </tr> <tr> <td data-bbox="831 707 1223 746">6. UTT/17/1470/FUL</td> <td data-bbox="1223 707 1621 746">Orchard End Braintree Road</td> <td data-bbox="1621 707 1854 746">1</td> <td data-bbox="1854 707 2047 746"></td> </tr> <tr> <td data-bbox="831 746 1223 786">7. UTT/17/2825/FUL</td> <td data-bbox="1223 746 1621 786">Fairfield Hartford End Felsted</td> <td data-bbox="1621 746 1854 786">1</td> <td data-bbox="1854 746 2047 786"></td> </tr> <tr> <td data-bbox="831 786 1223 858">8. UTT/17/1787/FUL</td> <td data-bbox="1223 786 1621 858">Elms Farm Bartholomew Green Lane</td> <td data-bbox="1621 786 1854 858">2</td> <td data-bbox="1854 786 2047 858"></td> </tr> <tr> <td data-bbox="831 858 1223 930">9. UTT/17/1432/OP</td> <td data-bbox="1223 858 1621 930">Edwards House Braintree Road</td> <td data-bbox="1621 858 1854 930">2</td> <td data-bbox="1854 858 2047 930"></td> </tr> <tr> <td data-bbox="831 930 1223 1034">10. UTT/17/1241/OP</td> <td data-bbox="1223 930 1621 1034">Land Between Wytewais and Hawthorns Gransmore Green Lane</td> <td data-bbox="1621 930 1854 1034">1</td> <td data-bbox="1854 930 2047 1034"></td> </tr> <tr> <td data-bbox="831 1034 1223 1106">11. UTT/17/0034/FUL</td> <td data-bbox="1223 1034 1621 1106">Gransmore Meadow Chelmsford Road</td> <td data-bbox="1621 1034 1854 1106">9</td> <td data-bbox="1854 1034 2047 1106">Allowed on appeal</td> </tr> <tr> <td data-bbox="831 1106 1223 1145">12. UTT/16/3616/FUL</td> <td data-bbox="1223 1106 1621 1145">41 Evelyn Road Willows Green</td> <td data-bbox="1621 1106 1854 1145">3</td> <td data-bbox="1854 1106 2047 1145"></td> </tr> <tr> <td data-bbox="831 1145 1223 1217">13. UTT/16/2348/FUL</td> <td data-bbox="1223 1145 1621 1217">Land At 15 Evelyn Road Willows Green</td> <td data-bbox="1621 1145 1854 1217">1</td> <td data-bbox="1854 1145 2047 1217"></td> </tr> <tr> <td data-bbox="831 1217 1223 1297">14. UTT/17/1123/FUL</td> <td data-bbox="1223 1217 1621 1297">Brook Cottage Gransmore Green Gransmore Green Lane</td> <td data-bbox="1621 1217 1854 1297">3</td> <td data-bbox="1854 1217 2047 1297"></td> </tr> <tr> <td data-bbox="831 1297 1223 1369">15. UTT/18/3038/FUL</td> <td data-bbox="1223 1297 1621 1369">Gate Cottage Cock Green Cock Green Road</td> <td data-bbox="1621 1297 1854 1369">1</td> <td data-bbox="1854 1297 2047 1369"></td> </tr> </tbody> </table>	Application Ref	Address	No. of Dwellings	Comments	1. UTT/17/2397/FUL	Post Office Station Road	2		2. UTT/17/2628/FUL	Sparlings Farm Braintree Road	1		3. UTT/16/1106/FUL	Andrews House Braintree Road	1		4. UTT/18/0784/OP	Land East And North Of Clifford Smith Drive	30	Allowed on Appeal	5. UTT/18/1011/OP	Land West of Maranello Watch House Green	28	Allowed on Appeal	6. UTT/17/1470/FUL	Orchard End Braintree Road	1		7. UTT/17/2825/FUL	Fairfield Hartford End Felsted	1		8. UTT/17/1787/FUL	Elms Farm Bartholomew Green Lane	2		9. UTT/17/1432/OP	Edwards House Braintree Road	2		10. UTT/17/1241/OP	Land Between Wytewais and Hawthorns Gransmore Green Lane	1		11. UTT/17/0034/FUL	Gransmore Meadow Chelmsford Road	9	Allowed on appeal	12. UTT/16/3616/FUL	41 Evelyn Road Willows Green	3		13. UTT/16/2348/FUL	Land At 15 Evelyn Road Willows Green	1		14. UTT/17/1123/FUL	Brook Cottage Gransmore Green Gransmore Green Lane	3		15. UTT/18/3038/FUL	Gate Cottage Cock Green Cock Green Road	1	
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	16. UTT/18/1022/FUL	Land Adj AylandsBannister Green	2	
	17. UTT/18/1340/OP	Land At Gransmore House Gransmore Green	1	
	18. UTT/18/3019/FUL	Land at Thorpes Frenches Green	1	
	19. UTT/17/0649/OP	Land Off Stevens Lane Felsted	8	Allowed on appeal
	20. UTT/18/0849/FUL	Mill House Barn Mill LaneHartford End	1	
	21. UTT/18/1200/FUL	Wytewais Gransmore Green Gransmore Green Lane	1	
	Total		100	
<p>b). In my initial letter dated 30 July 2019 I confirmed my intention to undertake the Independent Examination of the Neighbourhood Plan in the context of the most recent National Planning Policy Framework (the Framework) and Planning Practice Guidance (the Guidance). Since the Statement of Common Ground between the District Council and the Parish Council was prepared, Planning Practice Guidance has been revised on 9 May 2019, 26 June 2019 and on 22 July 2019. I request the District Council and Parish Council review the Guidance, and in particular the recent revisions to the sections listed below, and advise me of any update to the Statement of</p>	<p>The granting of planning permission in respect of land north and east of Clifford Smith Drive, Watch House Green implies that these homes can be counted towards the supply of new homes in Felsted.</p> <p>The purpose of the Statement of Common Ground was to resolve our differences with UDC over two potential allocations. Events have now overtaken us in respect to the development of ULP/FEL/02 through the consent granted on appeal in August 2019. UDC in its Reg 16 response accepted that the Sunnybrook Farm site is considered as an enabling development that facilitates community benefit.</p> <p>We consider the statement of Common Ground to now therefore be redundant. We also acknowledge it did not fully reflect the latest Planning Practice Guidance published in May 2019.</p> <p>Consideration of updated PPG:</p> <p>Paragraph 101 (Reference ID: 41-101-20190509) states that the NPPF expects housing requirement figure for NP areas to be set as part of the Local Plan. The emerging Local Plan proposes to allocate</p>			

Examiner question	Response
<p>Common Ground. Should any update to the Statement of Common Ground be made it will be necessary for me to consider any implications for the Submission Neighbourhood Plan, and whether interested parties should have an opportunity to comment.</p>	<p>70 dwellings for the Felsted on 2 sites (not including windfalls) and this should be regarded as what UDC considers an appropriate minimum for Felsted. The NP proposes to allocate 63 dwellings (not including windfalls) on two sites albeit one being an alternative site.</p> <p>Paragraph 102 (Reference ID: 41-102-20190509) states that the LPA can provide indicative housing requirement figure (in the event that Local Plan not yet adopted) in response to FNP requesting one. The emerging Local Plan proposes to allocate 70 dwellings for the Felsted on 2 sites (not including windfalls) and this should be regarded as what UDC considers an appropriate minimum for Felsted.</p> <p>At the time of the preparation of the Plan (which did not have the benefit of the new provisos of the PPG) the LPA could not provide a neighbourhood area an indicative housing requirement figure. There has never been a “housing requirement” for Felsted. However, it should be noted that the emerging Local Plan proposes to allocate 70 dwellings (not including windfall) on 2 sites and this should be regarded as what UDC considers an appropriate minimum for Felsted. At the Local Plan level, the housing requirement is spread across all 19 Type A villages, Felsted is expected to take half of that requirement on its own due to the availability of sites in the village.</p> <p>There were two appeals allowed in Felsted: Maranello and Watch House Green. Felsted was and continues to be under immense pressure from development, and the SG considered it appropriate to submit the NP to try and establish an appropriate plan for Felsted given the wide range of uncertainties surrounding the Local Plan and other matters for Felsted at the time.</p> <p>Paragraph 103 (Reference ID: 41-103-20190509) is not be relevant as UDC have not provided a number. (See above) From the ULP, UDC considers 70 dwellings an appropriate minimum for Felsted.</p> <p>Paragraph 104 (Reference ID: 41-104-20190509), As no indicative housing number has been supplied, then the number provided by the FNP applies. From the ULP, UDC considers 70 dwellings an appropriate minimum for Felsted.</p> <p>Paragraph 105 (Reference ID: 41-105-20190509). The preferred sites justification report sets out the SG’s approach to establishing a housing figure for Felsted, in the absence of a requirement figure or</p>

Examiner question	Response
	<p>indicative figure provided by UDC. This takes account of the toolkit on housing needs assessment, existing and emerging policy framework, spatial strategy, characteristics of the neighbourhood area. The SG has worked proactively with UDC throughout this process. There have been different demands on the Council depending on the point in time, including the pressing need to get an up to date local plan in place. The Preferred Sites Justification Report and the Basic Conditions Statement articulate the complexities of this in detail.</p> <p>The NP does not propose significantly <i>less</i> development than set out in the Local Plan. As stated above, the SG has been at pains to time the submission of the NP correctly. The Neighbourhood Plan was ready for submission in February however was delayed due to a complexity in respect of HRA and discussions between UDC and Natural England. In the meantime, two planning appeals for proposals contrary to the Neighbourhood Plan, and in one instance contrary to the Local Plan, have been lost. This has increased the development pressures of the village and has the risk of undermining the Neighbourhood Plan and the proposals in it altogether. The future of the Local Plan was at risk at one point, too, meaning that the continued lack of a 5 year supply would open up further opportunities for developers in Felsted.</p> <p>PPG Paragraph 009 (Reference ID: 41-009-20190509) We expect the FNP to be adopted before the LP. We fully expect that, when adopted, the LP will complement the work undertaken on the NP.</p> <p>The emerging Local Plan is likely to be adopted later than the Neighbourhood Plan. Given the emerging Local Plan timetable, following the Felsted NP being made UDC is prepared to submit a main modification of the removal of the Local Plan Bury Farm site allocation so as to complement and not supersede the NP allocations.</p> <p>PPG Paragraph 044 (Reference ID: 41-044-20190509) FNP had allocated alternative site. Paragraph 44 confirms this is okay. UDC accepts that the alternative site is an enabling site and when the Neighbourhood Plan is made, a main modification will be submitted to remove the Bury Farm Site from Local Plan site allocations.</p>
7. Policy FEL/HN2	The Figure of 90 comes from discussions with the developers. Indicative schemes from the

Examiner question	Response
a). Please direct me to any existing evidence that supports the figure of “approximately 90” parking spaces.	developers and identification Watch House Green as a problem spot in the Traffic Survey and during the consultations. We were determined that the scheme should provide the maximum number of spaces within a site development boundary that did not unduly impact on coalescence with the village.
b). Please confirm whether or not the parking provision for approximately 90 vehicles includes contingency provision pending future expansion of the Primary School. If this is not the case what number of spaces are required for the contingency and what evidence exists to support such figure.	90 in total, includes the contingency. Note: ECC have been unable to confirm longer term development plans for the school.
c). Is it intended the parking area will be secure by being lockable?	The car park will be owned by the Felsted Community Trust as an asset for the village, leased to the primary school for their use. The carpark is intended to be locked outside hours and similarly secured to allow safe use by pupils when not in use as a car park.
d) In the context of the Framework and the Guidance is it intended part v of the policy should relate to meeting the latest assessment of local housing need including a significant proportion of two- or three-bedroom accommodation suitable for young families, and homes that are suitable for older people which can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs?	Yes. We confirm this is the intention of the policy. Our objectives for the site is for there to be majority smaller homes and homes suitable for older people, single people and young people, subject to the outcome of housing needs surveys.
8 Policy FEL/HN3 In the context of the Framework and the Guidance is it intended part ii of the policy should relate to meeting the latest assessment of local housing need including a significant proportion of two- or	Yes. We confirm this is the intention of the policy. Again, this part of the policy provides flexibility for the applicant of the site, and places a burden on the developer to demonstrate how the site meets local housing needs as part of the planning application.

Examiner question	Response
<p>three-bedroom accommodation suitable for young families and older people?</p>	
<p>9. Policy FEL/HN4 and Policy FEL/HN5 Please provide me with a Map showing each of the Village Development Limits relating to Causeway End, Watch House Green, and Bannister Green at a scale sufficient to identify individual property boundaries.</p>	<p>Three maps provided showing each of the Village Development Limits relating to Causeway End, Watch House Green and Bannister Green and an overview map of the 3 Village Developments Limits.</p> <p> Causeway End Development Limits.p</p> <p> Bannister Green Development Limits.p</p> <p> Watch House Green Development Limits.p</p> <p> Overview of Development Limits.p</p> <p>The Village Development Limits shown on Map 12: Policy Map, reflect those of the adopted Plan 2005. However, the emerging Local Plan proposes to amend the Village Development Limits to take account of proposed allocations and development. Once the Felsted Neighbourhood Plan is made, a further modification to the ULP will be suggested to the Inspectors to amend the development limits to include new development. The reason for this approach in the emerging LP is that new development is part of a village. Residents in these properties will view themselves as part of the village, and will be covered by ‘countryside policies’ if the VDLs are not extended. UDC considers this not to be logical or equitable.</p>

Examiner question	Response
	<p>FNPSG are strongly against this. It provides developers with the opportunity to increase density within the VDL and offers developers an opportunity to constantly ‘creep’ the boundary with ‘exception’ housing. The community is against this. We have policies that support development within the Vdl's but those policies were developed with existing Vdl's in mind. Whilst we have had development foisted on us that we did not want, the density is relatively low and if this site becomes part of the VDL there is an open door for the developer to increase density.</p>
<p>10. Policy FEL/HN6 Please direct me to any existing evidence that supports the 15-year period referred to in paragraph 5.4.63</p>	<p>The period of 15 years was considered as a reasonable measure intended to avoid ‘artificial application’. However, the condition could be that it’s agreed in writing by the local authority on a case by case basis.</p>
<p>11. Policy FEL/HN7 In the context of the Framework and the Guidance is it intended the first two paragraphs should refer to support for new housing development where it provides: - two-bedroom or three-bedroom accommodation suitable for young families; or - homes suitable for older people that can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs; or - other types of accommodation identified in the latest assessment of local housing needs; and/or - affordable housing.</p>	<p>Yes, support will be given to proposals that meet identified needs. Not every site is expected to meet every need. However, each site can contribute to the overall housing mix in the parish. Proposals will be considered on a case by case basis and will take into account needs over time, the character of the location and other material considerations. The policy aims to support proposals that improve housing mix in Felsted to improve local sustainability and to allow residents to stay within the parish should their current property not meet their needs.</p>
<p>12. HRA Could you please confirm the Habitats Regulations Assessment (HRA) Screening and Appropriate Assessment updated 30 May 2019 does not require further updating following the granting of outline planning permission on appeal of the project for up to 30 dwellings on land east and north of Clifford Smith Drive, Watch House Green. (Appeal ref APP/C1570/W/18/3210034)</p>	<p>The May 2019 report takes into account the draft site allocation in the emerging Local Plan.</p> <p>Furthermore, at the point of this application being permitted by appeal (Appeal ref APP/C1570/W/18/3210034), the scheme had been subject to its own appropriate assessment (see paragraphs 19 to 26 of the appeal report) which concludes (following consideration of mitigation measures) no adverse effects to the Blackwater Estuary Special Protection Area. There are therefore no additional impacts to be assessed from this in combination with the FNP.</p>

