

Former Friends' School, Mount Pleasant Rd, Saffron Walden CB11 3EB

PINs S62A/22/0000002 & UDC UTT/22/1040/PIN

**List of Relevant Policies contained within the Saffron Walden
Neighbourhood Plan**

May 2022

Introduction:

In respect to the Saffron Walden Neighbourhood Plan, it was concluded by officers in paragraph 13.3 of the committee report that no weight should be afforded to the Neighbourhood Plan as highlighted below:

The Saffron Walden Neighbourhood Plan has been prepared in draft and is currently subject to examination. A response was received from the Inspector on 5 October 2021 which identified numerous concerns that includes the potential for the Plan to be withdrawn from examination. A focussed consultation on significant modifications took place between 1 March and 21 March 2022. Given the Inspector's concerns over the emerging Neighbourhood Plan and that its progress through examination is not advanced, it is considered that no weight should be afforded to the emerging Neighbourhood Plan in determining the application.

For this reason, officers did not take into consideration the policies contained within the Saffron Walden Neighbourhood Plan as at the time of assessment.

However, following the completion of the committee report, the Examiner's Report received on 28 April 2022 concluded that the Saffron Walden Neighbourhood Plan meets all the basic conditions and all other requirements and subject to recommended modifications can proceed to Referendum.

The main modifications recommended by the Examiner are currently being prepared made to the Plan prior to issuing a Decision Statement to proceed to a Referendum.

Taking into consideration the final comments made by the Examiner and that the Neighbourhood Plan has further advanced in the process of being 'made', the Council concluded that limited to moderate weight can be provided to the Saffron Walden Neighbourhood Plan.

Below is a list of the most relevant policies contained in the Saffron Walden Neighbourhood Plan that are relevant to the proposals in which the Council consider necessary for the Inspector to provide weight to in the assessment of the application:

- Policy SW1 Policy Site Allocations
- Policy SW2 Protection of Views
- Policy SW3 Site Allocation – Land at Viceroy Coaches, to rear of 10 – 12 Bridge Street
- Policy SW4 Housing Mix on New Developments
- Policy SW5 Affordable Housing
- Policy Affordable Housing
- Policy SW6 Housing Density
- Policy SW7 Design
- Policy SW8 Parking on New Developments
- Policy SW9 Energy Efficient and Sustainable Design
- Policy SW10 Accessible and Adaptable Homes
- Policy SW13 17 Market Hill & 29-31 Church Street
- Policy SW18 High Quality Communications Infrastructure
- Policy SW19 Ecological Requirements for all New Domestic and Commercial Developments
- Policy SW20 Promoting Walking and Cycling
- Policy SW21 Travel Planning

- Policy SW22 Improving Provision of Public Transport
- Policy SW23 Vehicular Transport
- Policy SW25 Playing Fields and Sports Halls
- Policy SW27 Open Space for Informal Recreation
- Policy SW29 Land of Value to the Natural Environment
- Planning SW30 Arts and Cultural Facilities
- Planning SW31 Education
- Planning SW32 Healthcare

The Council below have provided an extract of each of the above policies contained within the submission version of the Neighbourhood Plan that was recently examined and the comments provided by the examiner in relation to the policies in respect to potential modifications for the Inspectors information.

POLICY SW1 SWNP SITE ALLOCATIONS

The housing requirements for Saffron Walden during the plan period will be met through existing emerging allocations in the now withdrawn draft of the Local Plan and planning consents.

SAF1 - as defined in the now withdrawn draft of the Local Plan (see map in paragraph 4.1.7)

- (a) The development provides for a mixed and balanced community to include at least 5% older persons 1 and 2 bed dwellings across tenure;
- (b) Development respects the amenity of the existing dwellings adjoining the site;
- (c) A Transport Assessment will be required to support a planning application and appropriate access arrangements to be agreed and to the satisfaction of the highway authority;
- (d) An Air Quality Assessment will be required to demonstrate the development will have no adverse impact on the Saffron Walden AQMA. The Air Quality Assessment will also need to demonstrate that if there is a potential impact on the AQMA, suitable mitigation measures are put in place;
- (e) A Landscape and Visual Impact Assessment will be required and should inform the design and layout of the site proposals;
- (f) An appropriate ecological survey will be required;
- (g) Development will need to be implemented in accordance with design guidance approved by the Neighbourhood Plan, Uttlesford District Council and other Development Management policies.
- (h) Implementation of the proposals will be regulated by legal obligation in association with the grant of planning permissions;
- (i) 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;

Policy SW1 SWNP Site allocations

SAF3 as defined in the now withdrawn draft of the Local Plan (see map in paragraph 4.1.7 AND Appendix 9)

1. SAF3 is a SWNP site allocation and proposals for up to 10 dwellings will be supported subject to specific requirements which are set out in Policy SW3 Land at Viceroy Coaches, other relevant policies in the Neighbourhood Plan and with the following site-specific requirements:

- (a) The development provides for a mixed and balanced community;
- (b) Development respects the amenity of existing dwellings adjoining the site;
- (c) 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;
- (d) An Air Quality Assessment will be required to demonstrate the development will have no adverse impact on the Saffron Walden AQMA. The Air Quality Assessment will also need to demonstrate that if there is a potential impact on the AQMA, suitable mitigation measures are put in place;
- (e) A Landscape and Visual Impact Assessment will be required and should inform the design and layout of the site proposals;
- (f) Appropriate ecological survey will be required;
- (g) Development will need to be implemented in accordance with design guidance approved by the Council and other Development Management policies.
- (h) Implementation of the proposals will be regulated by legal obligation in association with the grant of planning permissions;
- (i) 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; and
- (j) Development does not have an adverse impact on the setting of the Conservation Area and does not impact upon the Listed building of 12 Bridge Street or the surrounding listed buildings or the Bridge End Garden.

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Policy SW1 SWNP Site allocations

SAF4 as defined in the now withdrawn draft of the Local Plan (see map in paragraph 4.1.7)

2. SAF4 is a SWNP site allocation and proposals for up to 12 dwellings will be supported subject to the proposals complying with other relevant policies in the Neighbourhood Plan and with the following site-specific requirements:

- (a) The development provides for a mixed and balanced community;
- (b) Development respects the amenity of existing dwellings adjoining the site;
- (c) 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;
- (d) An Air Quality Assessment will be required to demonstrate the development will have no adverse impact on the Saffron Walden AQMA. The Air Quality Assessment will also need to demonstrate that if there is a potential impact on the AQMA, suitable mitigation measures are put in place;
- (e) Implementation of the proposals will be regulated by legal obligation in association with the grant of planning permissions;
- (f) 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;
- (g) A Landscape and Visual Impact Assessment will be required and should inform the design and layout of the site proposals; and
- (h) A Contamination report will be required to identify and potential contamination on site and mitigation measures.

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Policy SW1 SWNP Site allocations

Land at Shire Hill

3. Land at Shire Hill as defined by the outline in planning application UTT/17/2832/OP is a SWNP site allocation and proposals for up to 100 dwellings will be supported subject to the proposals complying with other relevant policies in the Neighbourhood Plan and with the following site-specific requirements:

- (a) The development provides for a mixed and balanced community to include at least 5% older persons 1 and 2 bed dwellings across tenure;
- (b) Development respects the amenity of the existing dwellings adjoining the site;
- (c) A Transport Assessment will be required to support a planning application and appropriate access arrangements to be agreed and to the satisfaction of the highway authority;
- (d) An Air Quality Assessment will be required to demonstrate the development will have no adverse impact on the Saffron Walden AQMA. The Air Quality Assessment will also need to demonstrate that if there is a potential impact on the AQMA, suitable mitigation measures are put in place;
- (e) A Landscape and Visual Impact Assessment will be required and should inform the design and layout of the site proposals;
- (f) An appropriate ecological survey will be required;
- (g) Development will need to be implemented in accordance with design guidance approved by the Neighbourhood Plan, Uttlesford District Council and other Development Management policies.
- (h) Implementation of the proposals will be regulated by legal obligation in association with the grant of planning permissions;
- (i) 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;

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Policy SW1 SWNP Site allocations

(j) Development will need to be implemented in accordance with the Master Plan and design guidance approved by the Neighbourhood Plan, Uttlesford District Council and other Development Management policies. Implementation of the Master Plan proposals will be regulated by legal obligation in association with the grant of planning permissions;

(k) The Master Plan needs to make provision for the delivery of a link road between Thaxted Road and Radwinter Road;

(l) The Master Plan needs to provide 0.9ha of safeguarded D1 use 'education' land, to be delivered as a single site of 2.1ha with the land provided by 'Manor Oak' (UTT/13/3467), the link/spine road to be located away from the pedestrian entrance to the school;

(l) A Contamination Report will be required to demonstrate there is no contamination on site due to the nearby landfill site; and

(m) The layout must not site play areas and other public open spaces alongside the link road.

4. This housing requirement is not a ceiling for housing growth. However, the only additional development outside the identified allocations or beyond the development limits which might in principle be acceptable will be:

(a) community-led development;

(b) proposals brought forward by a Community Land Trust group; or

(c) schemes that deliver 100% affordable housing.

In each case the development must be for affordable housing for the reasons described in Section 4.3.

6. Infill development must meet the criteria of other plan policies.

This policy supports the Neighbourhood Plan Objectives 3,4,5

EXAMINER'S COMMENTS

Policy SW1 SWNP Site Allocations

This part of the Plan indicates it brings forward three site allocations. Two of these sites were proposed in the now withdrawn emerging local plan. The third has the benefit of planning permission. There also seems to be reference to a fourth site in the policy but it is not clear to me what this is.

The Plan explains that various calls for sites were carried out by UDC as part of the work on the emerging local plan. Although that local plan has been withdrawn, and cannot

be relied upon, this Plan makes two assumptions. Firstly, that landowners having put forward their sites would still wish to develop those sites. Secondly, that those sites identified as suitable for development during the local plan process were still suitable.

I am concerned that these assumptions were made and that a standalone site selection assessment was not carried out - or at least some review of work carried out on the emerging local plan if this was the starting point – to check its continued validity. The NPPF is clear that sites should be available, suitable and have likely economic viability.³⁴ I discuss this further below.

Secondly, the Plan indicates that 1,460 new dwellings are required between 2011 – 2033, a position which, I understand, has been taken from the now withdrawn emerging local plan which cannot be wholly relied upon. Moreover, this stated position does not reflect the Plan period which is 2021 – 2036. It is therefore not clear to me what the housing requirement figure is for this important market town in Uttlesford's settlement hierarchy.

No indicative figure seems to have been sought from UDC given the lack of strategic housing supply policies as PPG urges.³⁵ Even exceptionally when a housing requirement is determined by the qualifying body itself, this needs to take account of relevant policies, the existing and emerging strategy and characteristics of the Plan area.³⁶ This has not been done to any great extent and I therefore cannot test any figure in this scenario as required by PPG.³⁷

Thirdly, despite a need for a considerable amount of development, the defined development limits for both Saffron Walden and Little Walden have not been reviewed; instead the defined development limits are brought forward from the LP 2005. It might well be that such a review would recommend retaining these boundaries, but this cannot be assumed.

Turning now to the policy, it refers to the now withdrawn local plan. The first part of the policy refers to SAF 1. I am not clear where this site is and the maps on page 27 of the Plan do not assist me. This part of the policy does not set out any numbers and there is a lack of evidence or explanation of key requirements. For example, the evidence to support 5% older persons housing.

The next part of the policy relates to SAF 3, land at Viceroy Coaches. This is a brownfield site in the town centre for up to 10 dwellings. The site is in a sensitive location as it falls within a Conservation Area, is adjacent to a registered park and garden and falls within the Air Quality Management Area. I note the SEA Screening Determination Statement, in turn referring to the SEA for the emerging, now withdrawn, local plan, found a number of negative impacts associated with this site including heritage, fluvial flood risk and surface water. The potential effects of developing the site seem to be left to be dealt with at planning application stage. Had a site assessment process being carried out these issues would have been at the very least picked up.

The next part of the policy refers to SAF 4; again it is not clear to me where or what this site is (although from subsequent correspondence to my Note of Interim Findings this is Jossaumes).

The policy then refers to land north of Shire Hill. In relation to land north of Shire Hill, subject of planning application reference UTT/17/2832/OP, the Plan explains that a spine road was an essential part of the development. The supporting text to the policy states that any subsequent application would need to demonstrate it would not have any adverse impacts and "...must not rely on evidence provided in support of UTT/17/2832/OP." It is not clear to me why the evidence for an extant planning permission cannot be relied upon. Again there is no explanation of some of the key requirements.

However of equal importance, is the basis for these site allocations. Whilst neighbourhood plans give communities power to shape the development and growth of their area, plans should be deliverable. PPG is clear that "proportionate, robust evidence should support the choices made and the approach taken".³⁸ Where neighbourhood plans contain policies relevant to housing supply, these policies should take account of the latest and up-to-date evidence of housing need.³⁹

PPG is clear that if a neighbourhood plan allocates sites for development, an appraisal of options and an assessment of individual sites against clearly identified criteria should be carried out.⁴⁰

Given that three sites were proposed as allocations in the emerging local plan, evidence would have been available as to their suitability for development. The emerging local plan was withdrawn and has no status and so whilst the evidence sitting behind it could have been used, it was, in my view, necessary to at least review that evidence and ensure it was still fit for purpose and that there were no better or alternative sites to consider. It was not sufficient to simply roll forward sites in the withdrawn local plan without such consideration and the fact that no selection or assessment process for the sites was carried out is, in my view, a fatal flaw.

Likewise in relation to the deliverability, I consider that some dialogue with the interested parties would have been useful to ensure that the sites chosen, after an appropriate selection process, were still available and viable to deliver.

I note UDC also expresses concern about the assumptions made in their representation indicating "...the availability, achievability and deliverability of these sites under consideration should have been checked rather basing site selections on assumption." (SIC).

Furthermore it appears that some site allocations in the now defunct local plan have not been rolled forward. It seems some were, and others were not, brought forward. This also required explanation and a proper site selection and assessment process would have addressed this.

There is also no sense of how the Plan period relates to this housing provision. This concern is also expressed by UDC; their representation states "...it would be more appropriate to discuss numbers of dwellings expected to be delivered during the Neighbourhood Plan period i.e. 2021 – 2036."

On a more detailed matter, PPG continues that policies on the size or type of housing required will need to be informed by evidence.⁴¹ As I have explained above, this unfortunately is not the case.

The fourth element of the policy rightly and positively indicates the housing growth is not a ceiling, but then restricts further growth to three scenarios. These are community-led development, development brought forward by a Community Land Trust or for schemes of 100% affordable housing.

These requirements do not take account of national policy and guidance. Whilst the lack of a ceiling or cap is welcomed, this element of the policy is very restrictive; again without explanation or justification. The NPPF states that planning policies should identify opportunities for villages to grow and thrive.⁴² A number of criteria are set out for housing in the rural area including development that represents the optimal viable use of a heritage asset, development that would re-use redundant or disused buildings and enhance its setting and so on.⁴³

With regard to this part of the policy, the NPPF is clear that even on rural exception sites which provide affordable housing to meet identified local needs, some market housing can be provided to help facilitate this.⁴⁴

This part of the policy is also not in general conformity with LP 2005 Policy S1 which allows for development on sites on the edge of the built up area if compatible with its countryside setting. This strategic policy is another reason why it would have been useful to at least review the development limits of the town to see if they were still relevant.

The final part of the policy refers to infill development indicating it must meet the criteria of other policies. There is no indication to say whether infill development is supported or promoted or not. There is no need to indicate any such development should be in accordance with other policies in the Plan as the Plan is read as whole.

In my Note 1 (Appendix 2 to this report), I highlighted these concerns. The TC in their response indicates that the new sites are SAF 3, Viceroy Coaches, SAF 4, Jossaumes and Land at Shire Hall. The TC explain that standalone evidence was not carried out because SAF 3 and SAF 4 were included in a previous 'Call for Sites' and as they are brownfield sites remain valid allocations. The TC advise me that Land at Shire Hall had obtained planning permission and therefore could be included as an allocation.

The TC indicates that as two of the sites are brownfield and one has planning permission they are available for development.

The TC also indicates that the housing figure was taken from the then emerging local plan and at the time of Plan production, there was no need to ask for an indicative figure. However, even if this is the case, the figure relied on, all be it in good faith, was out of kilter with the Plan period.

I have explained above in detail why the position the Plan takes is untenable.

Taking stock of all these issues, I am left with little option but to recommend deletion of this policy. I do not consider it meets the basic conditions and in particular it does not have regard to national policy and guidance or help to achieve sustainable development for the reasons given above.

Given this recommendation, I do not outline other modifications which would be necessary should this section be retained. These, in the main, pertain to inaccuracies in the supporting text and updates to the table on page 26 of the Plan and the maps. Further information on these updates can be found in the representation from UDC.

POLICY SW2 PROTECTION OF VIEWS

Planning applications for development will have to demonstrate that they will not have a detrimental impact on the rural setting of the town by removing or diminishing the views over the town. Applicants will present images of the current views and visual evidence of the impact of the proposed development to allow for a fully informed opinion to be reached by decision-makers. Planning approvals will include conditions that the visual evidence cited in an approval will accurately reflect the reality of the built development.

This policy supports the Neighbourhood Plan Objective 4

EXAMINER'S COMMENTS

Policy SW2 Protection of Views

A number of views have been identified through work on the Heritage and Character Assessment (HCA) as being of importance.

These views should be identified, numbered, described and clearly mapped. A series of maps and photographs on page 35 onwards of the Plan show some views, but it is not clear to me whether these are the same views as those generally identified in the HCA, where precisely these viewpoints are and how they relate to the included photographs.

Whilst then in principle a policy protecting views of importance is to be welcomed, particularly when evidenced through work on a HCA or similar, much more work is needed to be carried out for the policy to meet the basic conditions. At present it does not meet the basic conditions given its lack of clarity and precision; both are needed to ensure the policy provides a practical decision-making framework in order to have regard to national policy and guidance.⁴⁵

I note that UDC in the response to my Note 1 highlight the importance of this policy and the need for the additional work I have identified so that the policy is not recommended for deletion. I further note that the TC indicates this work can be undertaken and

supplied. The issue is that this would have to be done outside the examination process i.e. the Plan would need to be withdrawn. As I have been asked to continue with the examination, then unfortunately I am left with only being able to recommend deletion of the policy.

**POLICY SW3 SITE ALLOCATION - LAND AT VICEROY COACHES, TO REAR OF 10-12
BRIDGE STREET**

The SWNP supports the Local Plan allocation SAF3 but requires the following criteria to be met:

- a) Provision for a mixed community;
- b) Prior approval of a Development Brief which identifies how the development will respect the building line, form and materials of the immediate area and enhance the wider Conservation Area;
- c) The retention or replacement in sympathetic materials of the brick walls of the existing buildings to a height of 2.4m between the site and Bridge End Garden, or a similar consideration must be made to the building line;
- d) The retention and protection of mature trees and hedging within Bridge End Garden;
- e) Should the development provide fewer parking spaces than mandated by the Essex Parking Standards Guide (2009), then:
 - i) The development must provide funding for installation of a Residents' parking scheme and five years of parking permit fees for residents on Freshwell Street and Myddylton Place; and
 - ii) The developer must advise all buyers that excess vehicles must be parked at Swan Meadow car park at their own expense.
- f) Should the development not provide green space or play areas as described by the SWNP, then an equivalent commuted sum will be payable to SWTC.

Note: Contributions described in (e) and (f) above are in addition to any other community contributions required in this plan.

This policy supports the Neighbourhood Plan Objective 4

EXAMINER'S COMMENTS

Policy SW3 Site Allocation – Land at Viceroy Coaches to rear of 10 – 12 Bridge Street

I have explained in my discussion of Policy SW1 why the site allocations in the Plan do not meet the basic conditions.

This policy, specific to this site known as SAF 3 in the now withdrawn emerging Local Plan, should be deleted.

Even if this was not the case, to have two policies on the same site which both set out (different) requirements for development is unnecessary and confusing. In addition, there is no detailed map of the site, the policy sets out requirements for a “mixed community”, but there is no hint as to how a prospective developer might meet this criterion and the policy contains options. Overall this means the policy does not have the required clarity and also deals with issues outside the site boundary.

Furthermore the supporting text contains requirements which cannot be achieved through the planning system such as residents parking permits costs.

POLICY SW4 HOUSING MIX ON NEW DEVELOPMENTS

1. All residential development proposals should include a mix of sizes which reflects local needs but also provides for balanced and vibrant neighbourhoods. Unless supported by more up-to-date local evidence of need, market homes in developments of 10 or more homes will consist of:

- i) At least 10% 1 bedroom homes
- ii) At least 30% 2 bedroom homes
- iii) At least 30% 3 bedroom homes
- iv) Up to 20% 4 or more bedroom homes
- v) With a 10% flexibility allowance that can be added to any of the above categories taking account of local circumstances.

2. For developments solely comprising flats, a significant proportion should be 1 and 2 bedroom flats.

2. The mix of market homes in developments of 9 or fewer homes will take account of local circumstances and the nature of the surrounding area.

3. The housing mix of affordable homes is to be determined by local housing need and policies set out by the planning authority.

4. Developments may not be subdivided into smaller parcels to avoid the housing mix policy.

Note: SW4 (2) does not apply to development by housing charities, which may develop the combination most appropriate to their residents. Such charities will be required to demonstrate the mechanism by which their properties will be and will remain solely for affordable rented accommodation in perpetuity.

This policy supports the Neighbourhood Plan Objectives 1,2,3,5

Policy SW4 Housing Mix on New Developments

EXAMINER'S COMMENTS

The NPPF states that the needs of groups with specific housing requirements should be addressed to support the Government's objective of significantly boosting housing supply.⁴⁶ It continues that the size, type and tenure of housing needed for different groups should be assessed and reflected in planning policies.⁴⁷

This policy encourages a wide range of housing to meet local needs. It refers to a number of different evidence sources in the supporting text. The policy sets out the percentage proportion of house sizes sought, but these which do not appear to reflect the evidence set out in the Plan. I asked a query about this. In response the TC state that the District's waiting list shows the highest social housing need is for 1 bed, then 2 bed, then 3 bed and then 4 bed houses. Indexed demand statistics from Rightmove then show the highest in demand are 2 bed.

UDC indicate that any policy requirements should be backed up by robust up to date evidence and that the requirements may be too restrictive both in the percentages sought and the lack of flexibility regarding changing needs.

I do appreciate the policy seeks a mix of housing sizes and is flexibly written relying on the most up to date evidence available and also has inbuilt flexibility of 10%. However, it is not clear to me where the percentage requirements have come from. Modifications are therefore made to address this concern.

The supporting text is also recommended for modification in three places. The first is in the interests of ensuring language used is inclusive. The second relates to a comment on UDC's Strategic Housing Market Assessment which seems to be without foundation given these types of assessment are carried out to the same standards nationwide. The third relates to an issue about charities not raising their rents or selling properties in the future; this is not something which can be controlled through planning.

With these modifications, I consider the policy will meet the basic conditions; it will have regard to the NPPF in particular by seeking to boost the supply of housing needed for different groups in the community, it will help to achieve sustainable development and especially its social objective of ensuring a sufficient number and range of homes are provided to meet the needs of present and future generations and be in general conformity with the LP 2005.

POLICY SW5 AFFORDABLE HOUSING

1. Developments on sites which provide for 11 dwellings or more, or residential floorspace of more than 1,000 sq. m (combined gross internal area), will be required to provide 40% of the total number of dwellings as affordable dwellings on the application site and as an integral part of the development.
2. In exceptional circumstances, where this cannot be achieved, off-site provision and/or commuted payments in lieu of on-site provision may be supported where this would offer an equivalent or enhanced provision of affordable housing.
3. Affordable housing units will be distributed through the development in appropriately sized, non-contiguous clusters. The tenure mix of affordable housing should reflect the most up to date local housing need as defined by the planning authority.
4. Sites may not be artificially subdivided. Where sites are sub-divided, each subdivision or smaller development will contribute proportionally towards achieving the amount of affordable housing which would have been appropriate on the whole or larger site.
5. Residential proposals which do not meet the Neighbourhood Plan's affordable housing requirement of 40% will only be supported if the proposals are justified by an open book assessment of viability.
6. Where this policy makes the scheme unviable, careful consideration will be given to the overall scheme, and the scheme should be refused unless it strongly meets all the other objectives in the SWNP.

This policy supports the Neighbourhood Plan Objectives 1,2,3,5

Policy SW5 Affordable Housing**EXAMINER'S COMMENTS**

The NPPF states that the needs of groups with specific housing requirements should be addressed to support the Government's objective of significantly boosting housing supply.⁴⁸

Affordable housing can only be sought in sites of ten or more dwellings or 0.5 hectare sites.⁴⁹ The policy recognises a dwelling number threshold but sets this at 11 or more and then introduces a residential floor space threshold in the policy and I am not sure

how this has been derived. A modification is therefore made to correct the dwelling number threshold, remove the floor space threshold and to add in the site size threshold as set out in the NPPF.

The policy requires 40% provision. There is some evidence to support this and I asked UDC for their view on this figure. I am informed that the requirement of 40% aligns with District level evidence.

The policy then seeks to ensure that affordable homes are distributed throughout any scheme. Tenure mix is to be determined by the latest evidence. Artificial subdivision is resisted. The policy is flexibly worded in that it recognises viability considerations.

There is a further modification to make the wording used clearer.

With these modifications, the policy will have regard to the NPPF by seeking to boost the supply of housing needed for different groups in the community, it will help to achieve sustainable development and especially its social objective of ensuring a sufficient number and range of homes are provided to meet the needs of present and future generations and be in general conformity with LP 2005 Policy H9 insofar as it remains relevant.

POLICY SW6 HOUSING DENSITY

1. Densities should be appropriate to site context including location, and scale, character and grain of built form in neighbouring developments. As a rule, this will mean achieving the average net density of:
 - a) 40 dwellings per hectare in urban extensions to Saffron Walden;
 - b) 40 dwellings per hectare in infill sites within Saffron Walden; and
 - c) 35 dwellings per hectare in rural exception sites, should any come forward during the SWNP period.
2. Higher densities will be acceptable if this can clearly be justified to the site context or specific use and where the development proposal complies with the SWNP policy on parking and it is clear that there will be no additional pressure placed on town-centre parking or there are achievable solutions available to the site such as underground parking, which will not impact on the viability of the development such that it cannot meet standard obligations to make the development acceptable in planning terms.

This policy supports the Neighbourhood Plan Objectives 1,2,3,4,5

Policy SW6 Housing Density**EXAMINER'S COMMENTS**

Density is considered in this policy. It sets out that densities should be appropriate to the context of the site and include considerations such as location, scale, character and grain of built form.

The policy sets out average net densities for urban extension sites, infill sites and rural exception sites. There is some evidence for these figures, but not a great deal. However, the policy does permit higher densities if this can be justified on the site's context or specific use, where parking provision is satisfactory or there are other achievable solutions.

The NPPF is clear that planning policies should support development that makes efficient use of land.⁵⁰ It is also acceptable to distinguish between different areas of the Plan area. However, this policy seeks to distinguish between types of development. This seems to me to be without foundation as it is not based on the availability and capacity of infrastructure or services, location in terms of sustainable travel modes for

example or the area's prevailing character or setting. These are all factors referred to in the NPPF⁵¹ in its discussion of achieving appropriate densities.

I have considered whether to modify it, but to do so would simply result in a repetition of the NPPF.

Therefore without sufficient or satisfactory evidence, the policy should be deleted as it does not meet the basic conditions; particularly it does not have sufficient regard to the NPPF and will not help to achieve sustainable development.

POLICY SW7 DESIGN

1. All development in Saffron Walden must contribute positively to the parish's sense of place through a design-led approach underpinned by good design principles and reflecting a thorough site appraisal, and must comply with the other detailed policies, and the Supplementary Design Guide for Saffron Walden should this come forward during the period of the plan.
2. Following the Design and Access Statement or Design Statement will be a condition of approval of outline planning applications.
3. All planning applications for development with the potential to impact on the Conservation Areas and/or heritage assets including listed buildings will be accompanied by a Heritage Statement that describes the significance of the Conservation Area and/or heritage assets and assesses the impact of the development. This includes planning applications outside the Conservation Areas but which will impact on any of the Conservation Areas and/or heritage asset for example because of the generation of additional traffic or the impact on views.
4. Developments and extensions of buildings and spaces must demonstrate that they:
 - a) Display a high level of architectural quality which responds positively to the best of Saffron Walden's context and distinctive character by maintaining and promoting the distinctive local vernacular, by using complementary materials and by ensuring that height and scale is in keeping with neighbouring properties;
 - b) Evidence a positive response to the landscape, local and longer views and the natural and historic environments;
 - c) Integrate well with existing neighbourhoods while seeking, where appropriate, to improve the aesthetic of the immediate area;
 - d) Refer to Secured by Design principles to reduce crime and encourage safer communities;
 - e) Create well connected and accessible new streets which provide for a rich choice of routes, prioritising and encouraging active and sustainable travel. In the case of doubt on this matter the Essex Design Guide or any other locally applicable design guide will be referred to for best practice;
 - f) Have active frontages, particularly at street level, and provide a clear distinction between areas of public and private realm;

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Policy SW7 Building Design

- g) Respond to and enhance the amenity value of an area through consideration of matters such as overlooking, natural light, micro-climate, outlook and amenity space, both for existing neighbours and future residents; and
 - h) Meet the nationally described space standards [Department for Communities and Local Government, Technical Housing Standards, March 2015 (Updated May 2016 and as may be updated in the future)].
5. Infill development will be supported subject to it meeting the following criteria:
- a) Maintains a high level of amenity for occupiers of surrounding properties and provides for the amenity for future occupiers of the proposed development, particularly in terms of noise, privacy, overshadowing and access to daylight;
 - b) Respects the existing street scene;
 - c) Reflects prevailing boundary treatments;
 - d) Provides adequate parking, bin storage and access arrangements; and
 - e) Preserves and enhances Saffron Walden's heritage assets and their setting
6. Any developments which have a relatively large footprint (including car parking facilities) in the scale and context of Saffron Walden will have their impact minimised through appropriately detailed frontages that wrap around the unit.
7. While all residential schemes must contribute positively to the quality of Saffron Walden as a place, any developments of more than 10 dwellings will demonstrate how a scheme does this through a completed Building for Life 12 assessment.
8. All new outline applications will be subject to the creation of a design code at outline planning permission stage, and adherence to the design code at reserved matters and build-out stages will be a condition of approval.
9. Gated communities will not be permitted except in cases where the housing caters for groups of people classed as "vulnerable".

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Policy SW7 Building Design

10. To improve the legibility of street layouts, and wayfinding: streets with spurs will have separate names for the spurs; street numbering will follow a logical pattern; and streets will be named at each corner.

11. Three-storey housing will be acceptable, other than in settlement edge locations, and subject to the building height and form respecting and complementing the buildings and landscape in the immediate vicinity. Buildings higher than this would not normally be supported unless the surrounding buildings and context make them appropriate.

12. Garden and outdoor spaces must conform to the Essex Design Guide guidelines.

13. Street furniture, including lighting, must be designed to be sympathetic to its surroundings, and where possible to propose an improvement to the aesthetics of the area. *Streets for All* should be consulted before changes or additions are made.

14. Minimising Flood Risk: Development proposals will comply with flood risk assessments and management requirements set out in the National Planning Framework and Planning Practice Guidance and the Uttlesford Strategic Risk Assessment to address current and future flood risks from all relevant sources with appropriate climate change allowances. All new development proposals will need to demonstrate that adequate foul water treatment and disposal exists or can be provided in time to serve the development. Policy SW19 deals specifically with Sustainable Drainage Systems.

This policy supports the Neighbourhood Plan Objectives 1,2,3,4,5

Policy SW7 Design

EXAMINER'S COMMENTS

The NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.⁵² It continues that neighbourhood plans can play an important role in identifying the special qualities of an area and explaining how this should be reflected in development.⁵³

It refers to design guides and codes to help provide a framework for creating beautiful and distinctive places with a consistent and high quality standard of design.⁵⁴

It continues that planning policies should ensure developments function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character and history whilst not preventing change or innovation, establish or maintain a strong sense of place and optimise site potential.⁵⁵

Policy SW7 is a long policy with numerous and varied criteria covering a wide range of issues. In essence, the policy seeks to deliver locally distinctive development of a high quality that protects, reflects and enhances local character leading on from LP 2005 Policy GEN2 in particular.

Six modifications are recommended. The first is to change the wording of criterion 2. to ensure there is clarity.

The second is to delete reference to the nationally described space standard. The Government introduced national technical standards for housing in 2015. A Written Ministerial Statement (WMS)⁵⁶ explains that neighbourhood plans should not set out any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. I also note the WMS states that neighbourhood plans should not be used to apply the national technical standard. This is echoed in PPG.⁵⁷

The third is to change criterion 5e); at present it requires infill development to preserve and enhance heritage assets and their setting. This is a high bar to set; higher than the statutory protection for Conservation Areas for example and so a modification is made to make the policy more flexible and in line with national policy and guidance.

The fourth is to enhance clarity in criterion 6. It currently refers to “relatively large footprint” and whilst I understand the intention of this phrase it is open to interpretation.

The fifth is to alter the reference to street naming to the language used in the RTPI’s Dementia and Town Planning Practice Note so there is additional clarity in criterion 10.

Lastly, a criterion about trees is added to ensure the policy has regard to the new NPPF which makes it clear that it is the Government’s intention that all new streets include trees unless this would be inappropriate.⁵⁸

I note that Sport England and Anglian Water welcome this policy.

With these modifications, the policy will meet the basic conditions in that it has regard to the NPPF, is in general conformity with LP 2005 Policy GEN2 and will help achieve sustainable development.

POLICY SW8 PARKING ON NEW DEVELOPMENTS

1. All new developments must provide for parking spaces for residents and visitors as per the Essex Works publication *Parking Standards Design and Good Practice September 2009* or later equivalent.
2. All new developments will demonstrate how they refer to the Essex Design Guide 2018, or later equivalent for layout of vehicle and cycle parking spaces.
3. All dwellings will include electric vehicle (EV) charging points, and the following provision is the minimum:
 - a) For dwellings with driveways, one EV charging point per house with a minimum standard of 7Kwh;
 - b) For dwellings with parking courts, half of the spaces in the parking court to have EV charging points; and
 - c) For commercial developments, EV charging points to be provided at 2% of the total parking spaces.

This policy supports the Neighbourhood Plan Objectives 2,3,4,5

Policy SW8 Parking on New Developments**EXAMINER'S COMMENTS**

The NPPF is clear that if local parking standards are set, policies should take account of the accessibility of the development, the type, mix and use of the development, the availability of, and opportunities for, public transport, local car ownership levels and the need for provision of spaces for charging plug-in and other ultra-low emission vehicles.⁵⁹

The Plan explains that car ownership across Uttlesford District is higher than the national average. It is recognized that the availability of public transport is relatively poor. Much of the area is rural in nature. Therefore there is a high reliance on use of the private car.

The policy therefore refers to the Essex County Council Parking Standards Design and Good Practice document of 2009 and the Essex Design Guide in relation to both standards and design of car parking space and bicycle parking and future proofs any update to these documents.

UDC has adopted the Parking Standards Design and Good Practice. However due to nature of the District, local parking standards have been adopted in addition to the Parking Standards Design and Good Practice for dwellings of 4 or more bedrooms. Reference should be made to this in the policy.

It then details provision of electric vehicles. I raised a query on the details and asked for the rationale and evidence behind the details. The TC referred me to the NPPF, but unfortunately did not point me in the direction of any further detailed rationale. A modification to retain the reference, but remove the detail is therefore made.

A modification is also made to the supporting text to help future proof the requirements.

With these modifications, the policy will meet the basic conditions, particularly helping to achieve sustainable development.

POLICY SW9 ENERGY EFFICIENT AND SUSTAINABLE DESIGN

1. Development proposals are encouraged to demonstrate how they have implemented the principles and requirements set out below, unless the proposal is for non-residential development of 1000m² or more and it achieves a BREEAM Outstanding rating. All development proposals are encouraged to meet paragraph 9, below.
2. Land and building should be reused wherever feasible, and where local character and distinctiveness can be enhanced by so doing.
3. Materials arising through demolition and refurbishment, including excavated soil and hardcore, should wherever possible be reused and recycled within the site.
4. Development is encouraged to prioritise the use of materials and construction techniques that have smaller ecological and carbon footprints, help to sustain or create good air quality, and improve resilience to a changing climate where appropriate.
5. Where technically feasible, green roofs and/or walls should be incorporated into the building to improve water management, provide space for biodiversity and aid resilience and adaptation to climate change.
6. The lifecycle of buildings and public spaces should be considered, including how they can be adapted and modified to meet the changing social and economic needs and how materials can be recycled at the end of their lifetime.
7. Developments should embed waste, recycling and storage areas into and integral part of their design

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Policy SW9 Energy Efficient and Sustainable Design

8. The Energy Hierarchy should be implemented within the design of new buildings, by prioritising fabric first, passive design and landscaping measures to minimise energy demand for heating, lighting and cooling.

9. Development proposals are encouraged to demonstrate, for example through an Energy and Climate Statement, that they will achieve the following:

a) A 19% carbon reduction improvement upon the requirements within Building Regulations Approved Document Part L 2013, or achieve any higher standard than this that is required under subsequent national planning policy or Building Regulations;

b) Provision of on-site renewable energy generation, or, should it become available, connection to a renewable or low carbon community energy scheme, that contributes to a further 20% reduction in the residual carbon emissions subsequent to (a) above.

c) Calculate Indoor Air Quality and Overheating Risk performance for proposed new dwellings, and implement a recognised quality regime that ensures that the 'as built' performance matches this calculation.

10. All newly constructed buildings are encouraged to achieve an estimated water consumption of no more than 110 litres/person/day.

11. Water reuse and recycling and, rainwater harvesting and surface water harvesting should also be incorporated wherever feasible to reduce demand on mains water supply.

12. Community energy schemes will be supported, subject to the design and location being sensitive to local built and natural landscapes and environment.

13. To future-proof the SWNP: If or when the Local Plan, or national planning practice guidance or Building Regulations supersedes these provisions with higher standards or newer technologies, or permits them to be required, development will be required to meet the higher standards and/or use the newer technologies.

This policy supports the Neighbourhood Plan Objectives 2,3

EXAMINER'S COMMENTS

Policy SW9 Energy Efficient and Sustainable Design

As explained in my discussion of Policy SW7, the Government introduced national technical standards for housing in 2015. The WMS⁶⁰ explains that neighbourhood plans should not set out any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings and should not be used to apply the national technical standard. This is echoed in PPG.⁶¹

The Plan acknowledges the position set out above. However the supporting text to the policy explains that the Plan sets out a non-binding policy on construction standards viewed as desirable.

I do not consider that this position meets the stance of the WMS; even if it were to be successfully argued that it does then having a non-binding policy within a development plan seems to me to create a lack of clarity and certainty within the Plan document.

For the above reasons, I recommend Policy SW9 and its supporting text be deleted. If desired it would be possible to include this information as a community aspiration in a separately identified part or appendix of the Plan with appropriate changes to reflect this new status.

POLICY SW10 ACCESSIBLE AND ADAPTABLE HOMES

1. Self-contained ground floor accommodation will be included on developments of over 10 dwellings.
2. Housing designed specifically for older people should demonstrate that they are designed in accordance with HAPPI principles.
3. On developments of more than 10 dwellings, all housing (market and affordable) should meet the Building Regulations Requirement M4(2): Category 2 (Accessible and Adaptable dwellings).
4. On developments of more than 10 dwellings, 10% of market housing and 15% of affordable housing should be required to meet Category 3 M4(3) Wheelchair user dwellings.
5. To future-proof the SWNP: If or when the Local Plan, national planning practice guidance or Building Regulations, supersedes these provisions with higher standards or newer technologies, or permits them to be required, development will be required to meet the higher standards and/or use the newer technologies.
6. Where an open book assessment of viability concludes that policies on accessible and adaptable homes may not be applied, careful consideration will be given to the overall scheme and the scheme should be refused unless it strongly meets all the other objectives in the SWNP.

This policy supports the Neighbourhood Plan Objectives 1,2,5

EXAMINER'S COMMENTS

Policy SW10 Accessible and Adaptable Homes

This policy seeks to provide for an ageing population. There is much to commend this approach, but, similar to the previous policy, the WMS does not allow neighbourhood plans to set such standards. I consider that the inclusion of a "non-binding" policy within the Plan is too confusing.

It would however be possible to include these elements as a community aspiration with appropriate changes to reflect this new status, or potentially to include those elements which do not set or encourage standards within a general design policy. It is not for me to rewrite the Plan, but this could be considered in an early or future review of the Plan.

Given the stance of the Government's national policy and guidance on these matters, I am left with little option but to recommend deletion of the policy and its supporting text.

POLICY SW13 17 MARKET HILL & 29-31 CHURCH STREET

In assessing potential suitable uses that are compatible with the historic nature of the building (part of the old Sun Inn), the following considerations must be borne in mind:

- a) The need to minimise harmful or intrusive intervention, for example, a preference for occupants that use freestanding fittings, pose a low fire risk and do not rely on messy activities (such as heavy use of water internally); and
- b) Compatibility between ground floor and first floor activities, for example, avoiding uses at street level that could adversely affect first floor residential occupation (by being noisy, smelly or unsociable).

This policy supports the Neighbourhood Plan Objectives 1,4,5

Policy SW13 17 Market Hill & 29-31 Church Street**EXAMINER'S COMMENTS**

This policy relates to a Grade I listed building and gives guidelines for its potential reuse.

The first element of the policy seeks to minimise harmful or intrusive interventions and refers to a preference for freestanding fittings, activities that have a low fire risk and are not "messy".

The second element seeks to ensure compatibility between uses on the ground floor and first floors.

Local planning authorities, in determining planning applications, have no powers or responsibilities around fire safety of buildings or materials⁶⁵ and planning gateway one relates to high rise buildings. In some circumstances consultation will take place for example about the access arrangements for fire engines.

However, I have taken the wording of the policy to signal a concern about the compatibility of future uses in this historic building. I therefore recommend some modifications to the wording of the policy to ensure it meets the basic conditions, in particular have regard to the NPPF⁶⁶ and to help achieve sustainable development.

7. DIGITAL CONNECTIVITY

POLICY SW18 HIGH QUALITY COMMUNICATIONS INFRASTRUCTURE

1. All new homes and commercial premises shall include superfast fibre connectivity, being Full Fibre to the Premises/Home (FTTP/H) or equivalent or better successor, which will allow residents and businesses a choice of at least two independent providers.

This policy supports the Neighbourhood Plan Objective 1

EXAMINER'S COMMENTS

Policy SW18 High Quality Communications Infrastructure

Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well being.⁷³ The NPPF continues that planning policies should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.⁷⁴

This policy supports such provision. It therefore meets the basic conditions, particularly having regard to the NPPF and helping to achieve sustainable development. No modifications are therefore recommended.

POLICY SW19 ECOLOGICAL REQUIREMENTS FOR ALL NEW DOMESTIC AND COMMERCIAL DEVELOPMENTS

1. All new development proposals must contain at least 50% green surface space as described in the TCPA guidelines. This can be achieved by including and combining:

- a) Planting of wildlife-friendly specimen trees;
- b) Incorporating wildlife corridors such as hedgerows or ponds through a site;
- c) Private gardens (where the development includes dwellings);
- d) Public open space (which must as a minimum meet the requirements in policy SW27); and
- e) Green roofs

The exception to this policy is development for not-for-profit housing which is re-development of land, and where the overall footprint of the new development is similar to the original development.

2. Sustainable drainage systems will be installed in all developments and will be proportionate and appropriate to the site, where possible to promote the use of multifunctional space to create a healthy environment for people.

3. Sustainable drainage systems will be planted with appropriate plants to encourage a biodiverse habitat, and designed for maximum amenity, using the guidelines and checklists of the CIRIA SuDS Manual 2015 or its successors, and the Essex SuDS Design Guide.

4. Underground SuDS are the least favourable option and should only be used as a last resort, where they will be designed so that ownership of the land above can be transferred to the public sector while the SuDS can remain in private ownership.

5. Water reuse and recycling and rainwater harvesting and surface water harvesting should also be incorporated wherever feasible to reduce demand on mains water supply.

6. It is the preferred option that all new development is connected to the mains sewerage system.

7. Hedgehog holes should be provided in fences to allow for wildlife to increase its range and access to gardens and green spaces in the town. Roosting, nesting and bat boxes should be provided on all new developments.

This policy supports the Neighbourhood Plan Objectives 2,3,4

EXAMINER'S COMMENTS

Policy SW19 Ecological Requirements for All New Domestic and Commercial Developments

The NPPF is clear that planning policies should contribute to and enhance the natural and local environment by, amongst other things, minimising impacts on, and providing net gains for biodiversity.⁷⁵

The policy and supporting text refers to TCPA Garden City Standards for the 21st Century and in particular guide 7 planning for green and prosperous places. My reading of these guides is that they apply to new garden communities. In response to a query on this, the TC has confirmed this is the case, but considers the guidance to be equally relevant to established towns. It may well be that the guidance would be applicable to Saffron Walden, but this needs consideration and explanation. As it stands, the references in the policy or supporting text are not relevant and therefore should be removed.

The policy requires SuDs on all developments. Although I note Anglian Water supports this stance, this position is contrary to current Government guidance which explains that SuDs should be incorporated in major developments unless there is clear evidence that this would be inappropriate.⁷⁶ A modification is therefore made to ensure the policy takes account of national policy and guidance.

A correction is made to the supporting text in referring to the CIRIA SuDs Manual.

Criterion 4. refers to the ownership of land which is not a development and use of land matter. A modification is therefore made to remove this criterion from the policy.

Anglian Water has suggested a modification to criterion 6. which I consider is appropriate given this would ensure that the foul drainage hierarchy is followed to be consistent with national policy and guidance.

With these modifications, the policy will meet the basic conditions in that it will have regard to national policy and guidance and help to achieve sustainable development.

POLICY SW20 PROMOTING WALKING AND CYCLING

1. Development proposals which retain or incorporate safe, attractive and direct walking and cycling routes on site and which appropriately mitigate the impact of additional transport movements in the parish created through the development scheme will be supported.
2. New developments must meet the following criteria:
 - a) Existing footpaths and pedestrian cut-throughs through town are protected irrespective of ownership;
 - b) New footpaths, footways and cycleways are designed and built to a standard that they can be adopted by Essex County Council Highway Authority, or as an exceptional measure by Saffron Walden Town Council via a dedication under Section 30 of the Highways Act. In the event of the latter Saffron Walden Town Council will seek a reasonable funding contribution for future maintenance;
 - c) All new developments are designed to be permeable, in order to encourage and enable pedestrians and cyclists to walk or cycle by the shortest route; and
 - d) Footpaths on new developments conform to recommendations made by Secured by Design – New Homes 2014 or a later equivalent.
3. For developer contributions to any off-site highways schemes or improvements:
 - a) The scheme design will conform with DfT user-hierarchy guidelines, so that it will make provision for pedestrians first, cyclists second, public transportation third, and private vehicles last.
 - b) Until or unless an up to date highways study is carried out, when prioritising schemes selecting schemes for funding, consideration should be given to the Uttlesford Cycling Action Plan or the SWNP infrastructure schemes.
4. All new streets within the development limits of the parish must be designed to keep vehicle speeds at or below 20mph.

This policy supports the Neighbourhood Plan Objectives 1,2,3,4,5

EXAMINER'S COMMENTS

Policy SW20 Promoting Walking and Cycling

This policy seeks to promote walking and cycling. This is in line with the NPPF which states that opportunities to promote walking and cycling and public transport use should be identified from the early stages of plan making and pursued.⁷⁷ It continues

that planning policies should provide for attractive and well-designed walking and cycling networks.⁷⁸ Priority is given to pedestrian and cycle movements within schemes and with neighbouring areas and then access to public transport.⁷⁹

However, some of the detail of the policy is problematic. Firstly, it seeks the retention of routes on site rather than the enhancement. This may well adversely affect the achievement of sustainable development. A modification is made to address this.

Secondly, the next part of the policy seeks to protect existing footpaths and pedestrian cut throughs through town. This may not always be possible, but it also and more importantly may prevent improvements and enhancements coming forward. This element is then recommended for deletion.

Thirdly, reference is made to Secured by Design, but this needs updating.

Fourthly, reference is made in criterion 3. to DFT user hierarchy guidelines, but these do not reflect the hierarchy outlined in the NPPF.⁸⁰ A modification is made to ensure the NPPF's hierarchy is substituted.

Lastly, there is a blanket requirement for all new streets in the Plan area to be designed to keep vehicles speeds at or below 20mph. Whilst reference is made in the Plan to the Manual for Streets and the Essex Design Guide, there is little specific or local justification for such a requirement. There is little option but to delete this criterion. This is not to say that such a requirement would not be appropriate or meet the basic conditions, but rather there is insufficient evidence put forward for it in this version of the Plan.]

With these modifications, the policy will meet the basic conditions, particularly having regard to the NPPF and helping to achieve sustainable development.

POLICY SW21 TRAVEL PLANNING

1. Developer travel plans will be expected to include provision for funding and delivery of sustainable travel initiatives.
2. In all cases the Town Council should be approached and given the opportunity to express an interest in co-ordinating the travel plan.
3. Travel plans must have measurable objectives.

This policy supports the Neighbourhood Plan Objectives 2,3,4,5

EXAMINER'S COMMENTS

Policy SW21 Travel Planning

A travel plan is, according to the glossary in the NPPF, a long-term management strategy for an organisation or site that seeks to deliver sustainable transport objectives and is regularly reviewed.

The NPPF supports the use of travel plans for all developments which will generate significant amounts of movement.⁸¹

Policy SW21 does not distinguish between the types of development which may require a travel plan. It instead focuses on measurable objectives, provision for funding and delivery of sustainable initiatives and the involvement of the Town Council.

Modifications are therefore recommended to ensure that the policy will meet the basic conditions, in particular, the guidance in the NPPF referred to above, and to ensure the policy relates to the development and use of land.

POLICY SW22 IMPROVING PROVISION OF PUBLIC TRANSPORT

1. Developers will be expected enhance public transport services and public transport infrastructure to improve connections and accessibility to key destinations from the location of their site.

This policy supports the Neighbourhood Plan Objectives 1,2,3,5

EXAMINER'S COMMENTS

Policy SW22 Improving Provision of Public Transport

This short policy expects developers to enhance public transport services and infrastructure to improve connections and accessibility to key destinations from the site.

Whilst I accept the desirability of this, the reality is that only obligations 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 can be sought.⁸² A blanket requirement is not appropriate or feasible and may adversely affect the ability of the Plan to help to achieve sustainable development.

The policy is therefore recommended for modification so that it can meet the basic conditions.

POLICY SW23 VEHICULAR TRANSPORT

1. Further developments which are beyond the east of the town's development limits and which will generate additional traffic movements through the town will only be supported if:
 - a) It can be demonstrated that they will not increase congestion by the capacity measures used in the Uttlesford Local Plan Highway Impact Assessment October 2013; and
 - b) It can be demonstrated through an Air Quality Assessment, that the proposed development takes account of, and mitigates as necessary and appropriate, any impacts of air quality on achieving a suitable residential environment and also any impacts of development upon the objectives of the designated AQMA.
2. Development proposals likely to generate HGV vehicle movements through the town centre will be subject to planning conditions restricting the timing of those movements.
3. The provision of charging points for electric vehicles for private, commercial and public transportation electric vehicles will be supported.

This policy supports the Neighbourhood Plan Objectives 2,3,4,5

EXAMINER'S COMMENTS**Policy SW23 Vehicular Transport**

This policy covers four different elements. The first element relates to congestion and air quality for any development beyond the east of the town's development limits.

The second element refers to HGV movements and conditions restricting the timing of those movements. The NPPF is clear that the imposition of planning conditions should only occur where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.⁸³ It is impossible to say whether these tests could be met through on every application and so a modification is made to increase flexibility and ensure that the NPPF's stance on conditions is taken account of.

The third element supports the provision of electric charging points. I note Highways England supports such an initiative, but UDC asks for further clarity. A modification is made to address this.

With these modifications, the policy will meet the basic conditions.

11. OPEN SPACE, SPORTS AND RECREATION

11.2 ALLOTMENTS

POLICY SW24 ALLOTMENTS

1. All new residential development must provide 2m² of allotments per person, either on or off-site. A financial contribution would be acceptable in lieu of land.
2. The allotment land already catalogued in the Uttlesford District Council Open Space Strategy is designated as Local Green Space and shall be protected from development unless accessible, enhanced compensatory provision is made.
3. Additional allotment land identified by the SWNP as Local Green Space for allotments is designated in the table Appendix 6 – Local Green Space allocations and shall be protected from development unless accessible, enhanced compensatory provision is made.

This policy supports Neighbourhood Plan Objectives 2,3,4,5

EXAMINER'S COMMENTS

Policy SW24 Allotments

The NPPF recognises allotments as a way of enabling and supporting healthy lifestyles.

This policy requires all new residential development to provide 2 square metres of allotments space per person, either on or off site. A financial contribution can be made in lieu. However, the Plan points out that Saffron Walden exceeds the amount of allotment space based on the UDC Open Space Assessment Report dated 2019. It is then difficult to justify this requirement without further evidence even though I note UDC's support in principle for this.

Reference is also made to the emerging local plan which had a similar requirement, but has now been withdrawn and this reference should now be removed from the Plan.

Secondly, the policy seeks the designation of allotments in the UDC Open Space Assessment Report as Local Green Spaces (LGS). Although Appendix 5 is referenced, it is not clear to me from the Plan where these spaces are given they are included in a long list of open spaces and they are not mapped clearly in the appendix given there is no key to the maps and again other types of spaces are shown on the maps. The maps are also at a very small scale making accuracy as to the boundaries of the spaces difficult. Even giving the benefit of the doubt and indicating that five allotments are proposed to be designated, the issue is more problematic than an identification and mapping one.

This is because the NPPF explains that LGSs are green areas of particular importance to local communities.⁸⁵

The designation of LGSs should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.⁸⁶ It is only possible to designate LGSs when a plan is prepared or updated and LGSs should be capable of enduring beyond the end of the plan period.⁸⁷

The NPPF sets out three criteria for green spaces.⁸⁸ These are that the green space should be in reasonably close proximity to the community it serves, be demonstrably special to the local community and hold a particular local significance and be local in character and not be an extensive tract of land. Further guidance about LGSs is given in PPG.

However, the policy clearly states that the allotments will be protected from development “unless accessible, enhanced compensatory provision is made”. This then means it would be possible for these spaces to be lost within the Plan period subject to their satisfactory replacement. This indicates to me it is therefore not the spaces themselves which are demonstrably special or hold a local significance but the use as allotments. I suspect the policy has muddled the designation of LGSs with a desire to protect the amount of allotment land available.

Thirdly, the policy seeks the designation of three additional allotments identified outside the Report as LGSs. As before, there is little evidence to support such a designation and in any case the policy allows these spaces to be replaced.

For the reasons given above, I do not consider satisfactory evidence has been put forward to either identify the proposed spaces clearly or to demonstrate how the proposed LGSs meet the criteria in the NPPF satisfactorily.

The policy therefore does not meet the basic conditions and should be deleted.

The next section of the Plan refers to the NPPF and its references need updating.

POLICY SW25 PLAYING FIELDS AND SPORTS HALLS

1. Plans for a multi-sport site with associated sports hall, clubhouse and indoor pool will be supported, subject to the location being accessible by active travel modes and acceptable in planning terms.
2. Developer contributions will be sought to contribute towards sports provision, and the calculation will be subject to the Sport England Playing Pitch New Development Calculator and Sport England's Facilities Calculator or its successor.

This policy supports the Neighbourhood Plan Objectives 1,2,3,4,5

EXAMINER'S COMMENTS**Policy SW25 Playing Fields and Sports Halls**

The first element of this policy supports the provision of a multi-sport site subject to an accessible location. The NPPF seeks to achieve healthy, inclusive and safe places which, amongst other things, enable and support healthy lifestyles.⁸⁹

The second element of this policy seeks developer contributions towards sports provision using Sport England's calculations. I note that Sport England welcome this policy and the references to the calculators and that UDC raise no objection to this approach.

Whilst other approaches could be taken to the provision of sports facilities in the town, the NPPF states that access to a network of high quality open spaces and opportunities for sport and physical activity is important to the health and wellbeing of communities as well as delivering wider benefits to nature and helping to address climate change.⁹⁰ This policy does help to plan positively for such facilities.

The policy meets the basic conditions and no modifications are recommended.

POLICY SW26 COMMUNITY HALLS AND CENTRES

1. Major new developments with a forecast of 1,500 or more inhabitants will require new centres or halls to be provided as part of the development and in line with the Uttlesford benchmark.
2. Smaller developments will be required to secure the extension or other improvement of existing facilities in order to allow them to deal with the expected increase in demands placed upon them, or towards a general fund to be ringfenced and accessed in the future for the creation of new facilities as required and when total funds permit.
3. When 56 High Street is developed, the Scout Hall will be lost, and contributions or land, as appropriate at the time, to replace it, will be required as mitigation.

This policy supports the Neighbourhood Plan Objectives 1,2,3,5

EXAMINER'S COMMENTS**Policy SW26 Community Halls and Centres**

The supporting text to this policy explains that all of the existing local community spaces are well used. The first element of the policy therefore seeks to ensure that major developments with a forecast of 1500 population or more provides a new community centre or hall. Whilst the NPPF supports the positive planning of social, recreational and cultural facilities⁹¹, there must be some basis for setting such a standard in this Plan.

The second part of the policy requires the extension or other enhancement of existing facilities to address the additional demand or to contribute to a fund for new facilities as required.

The NPPF is clear that plans should set out the contributions expected from development.⁹² This includes infrastructure of this type. Planning obligations can only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development and are fairly and reasonably related in scale and kind to the development.⁹³ Where policies set out such contributions it is expected viability has been assessed.⁹⁴

Whilst there is a detailed discussion of the need for such facilities in the Plan area, there is little on the viability and deliverability of such requirements. These requirements would form part of a wider package of infrastructure sought by UDC. I do not consider either element meets the basic conditions.

The last element of the policy refers to 56 High Street indicating that the Scout Hall will be lost and contributions, presumably financial or land, will be needed to replace it. It is not clear to me what this part of the policy addresses and in any case, other policies in the Plan deal with this particular site. This then is unnecessary as it duplicates policies and can be deleted.

POLICY SW27 OPEN SPACE FOR INFORMAL RECREATION

1. All new residential developments must provide 7.61ha per 1,000 people for informal recreation.
2. All new residential developments of more than 50 dwellings must provide a new play area. The design, creation and the location of play areas on developments will be agreed with the Town Council at reserved matters stage. They must be in locations central to the development, well-overlooked and built in durable materials.
3. The amenity greenspace as provided for in the open space requirements must be in a single well-placed location and not divided into small pockets. The “Litmus Test” as described in paragraph 11.5.9 must be considered. It must also be usable; any area which is unusable, sloping or by a road should not be counted towards the greenspace requirements.
4. A fenced and dedicated dog park in Saffron Walden would be welcomed.
5. Community projects to create or regenerate outdoors community amenity space will be welcomed for consideration.
5. Development land may not be divided into separate parcels so as to reduce the overall size of the development and reduce liability for provision for amenity space.
6. The amenity greenspace already catalogued in the Uttlesford District Council Open Space Strategy is designated as Local Green Space. Additional Local Green Space identified by the SWNP is designated in the Appendix 6 – Local Green Space Allocations. All Local Green space shall be protected from development.

This policy supports the Neighbourhood Plan Objectives 2,3,4,5

EXAMINER’S COMMENTS

Policy SW27 Open Space for Informal Recreation

The NPPF specifically refers to open spaces in setting out its social objective in relation to the achievement of sustainable development.⁹⁵ It indicates that planning policy should plan positively for the provision of open space, amongst other things, to provide the social, recreational and cultural facilities and services the community needs.⁹⁶

Access to a network of high quality open spaces and opportunities for sport is important for the well-being and health of communities as well as delivering wider benefits for nature and supporting efforts to address climate change.⁹⁷

The NPPF is clear that any need for open space should be based on robust and up to date assessments.⁹⁸

This policy seeks to achieve a number of things; it firstly sets out a standard for informal recreation based on per head of population. Like the previous policy, there is little information on deliverability or viability.

The second element sets a standard for developments of 50 plus units, requiring the design and location to be agreed with the Town Council. There is no evidence to support the requirement and it would be impractical for all sites to be agreed with the TC when they are not the determining body. Nevertheless some elements of this requirement can be retained as they set out good planning principles. This also applies to the third, fourth, fifth and sixth elements (there are two fifth elements in the policy).

The last element of the policy (criterion 6.) seeks to designate the amenity green space identified in the UDC Open Space Strategy and additional spaces identified as part of work on the Plan as LGSs.

It is not clear which spaces the Plan seeks to designate as LGSs. Appendix 5 contains details of “accessible green space”, playgrounds, parks and gardens and natural/semi-natural green space. These are difficult to discern on the maps in the appendix.

Appendix 6 seems to identify a further 12 areas for designation. There is a table on page 148 of the Plan which sets out the areas against the criteria for designation in the NPPF. There is insufficient information to justify the designations even if these were clear. For example, in seeking to meet the demonstrably special to the local community and local significance criteria, the table indicates “well used” for many of the proposed LGSs.

Whilst I accept that some of the spaces may well be suitable for designation as LGSs and meet the criteria, there is such a lack of clarity and information about the proposed designations, that I cannot reach the conclusion with any degree of certainty that these do meet the criteria in the NPPF.

Even if they did, the NPPF is clear that designating land as LGS should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services and be capable of enduring beyond the end of the Plan period.⁹⁹ Given my earlier comments about the housing strategy put forward by the Plan, I cannot be certain that to designate these spaces would have regard to this part of the NPPF.

Therefore I am left with little option but to delete this element of the policy.

Turning now to the supporting text, this states at paragraph 11.5.11 that green space adjacent to main roads will not be permitted in the future. This is a policy statement which appears in the supporting text and should be modified.

Paragraph 11.5.13 refers to the Town Council's desire to be owners and custodians of suitable open space and sets out requirements. This is not a development and use of land matter.

LAND OF VALUE TO THE NATURAL ENVIRONMENT

POLICY SW29 LAND OF VALUE TO THE NATURAL ENVIRONMENT

1. Sites of value to the natural environment which are close to the town of Saffron Walden and which are of benefit to the community are listed in Appendix 8 and are designated as Local Green Space. Only development which enhances the value and/or increases the overall area of these sites will be permitted within these sites.
2. The creation of a publicly accessible woodland adjacent or very close to the town of Saffron Walden would be supported.

This policy supports the Neighbourhood Plan Objectives 2,3,4,5

EXAMINER'S COMMENTS

Policy SW29 Land of Value to the Natural Environment

Any area of environmental value in the Plan area has been mapped as part of the work carried out on the Plan. These areas are mapped at Appendix 8. I find the small scale of the map difficult to decipher. In addition the supporting text to the policy indicates that there is a table of the areas; I cannot find this in Appendix 8.

The policy designates the areas identified as LGSs. There is no list of the areas and no evidence to demonstrate how they meet the criteria in the NPPF for LGSs.¹⁰¹ The wording of the policy then only permits development which would enhance the value of these sites and /or increases the overall area of the sites. This again does not reflect the stance of the NPPF on LGSs. As a result this element of the policy does not meet the basic conditions and is recommended for deletion.

The second element of the policy supports the creation of publicly accessible woodland. This is an acceptable policy stance given that the NPPF indicates that planning policy should contribute to and enhance the natural and local environment by recognising the benefits of trees and woodland.¹⁰²

Paragraph 11.5.23 refers to conservation covenants; the support given in the Plan amounts to a community aspiration and should be moved to a separate section of the Plan.

12. ARTS AND CULTURAL FACILITIES

POLICY SW30 ARTS AND CULTURAL FACILITIES

1. Proposals for new public art will generally be supported, subject to any site-specific considerations.
2. A community cinema and/or an arts centre would be supported, subject to it being in a town centre location or at or next to the Fairycroft site
3. Contributions from development will be sought towards arts and arts facilities.

This policy supports the Neighbourhood Plan Objectives 1,2,4,5

EXAMINER'S COMMENTS

Policy SW30 Arts and Cultural Facilities

There is little doubt of the importance and contribution the arts make to Saffron Walden; this is described in this section of the Plan.

The NPPF recognises that planning policy should provide the social, recreational and cultural facilities and services that communities need to improve health, social and cultural well being.¹⁰³ Part of its social objective in the achievement of sustainable development is to support communities' health, social and cultural well being.¹⁰⁴

Policy SW30 has three elements. The first element supports public art subject to site-specific considerations. There are no criteria or indication as to what these considerations might be or when public art might or might not be acceptable. There is therefore a lack of clarity in this element and without any criteria it has limited value as a development management tool. As a result it is recommended for deletion.

The second element supports a cinema or arts centre in the town centre or at or near the Fairycroft site. This gives a clear indication for support for such a facility and Fairycroft House is discussed in the supporting text.

The final element seeks contributions from development for arts and arts facilities. As explained elsewhere in this report, developer contributions can only be sought where they meet certain criteria.¹⁰⁵

Plans should set out the contributions expected from development, but this should include setting the level and type and be sure that deliverability is not adversely affected.¹⁰⁶

There is no reference to any such contributions in the supporting text and aside from the identification of gaps in provision, no indication as to what these contributions may consist of. Given this lack of detail or explanation, this element of the policy is too generalised and lacks the required clarity.

The supporting text to this section refers to an All-Party Parliamentary Group on Arts, Health and Wellbeing Inquiry. The document referred to is dated July not June 2017. Paragraph 12.15 offers support for the change of use to an arts centre; this is a statement of policy which is contained in the policy itself and so there is no need to duplicate it here. In addition the use classes changed and so the use classes referred to are out of date.

With these modifications, the policy will meet the basic conditions.

POLICY SW31 EDUCATION

1. Planning application for early years childcare provision will be supported, where the potential provider has assessed that there is a local need.
2. The land allocated in planning applications UTT/13/3467/OP and UTT/17/2832/OP for a primary school must be reserved for educational use, or for community use unless or until required for educational use.
3. Change of use for the Corn Exchange which houses the library will not be supported.
4. Planning applications and provision for a separate 6th Form College, or expansion of Saffron Walden County High School (SWCHS) onto a separate site to allow space for SWCHS to expand will be supported.

This policy supports the Neighbourhood Plan Objectives 1,2,5

EXAMINER COMMENT**Policy SW31 Education**

The NPPF states the importance of having enough school places to meet the needs of existing and new communities.¹⁰⁷ It urges local planning authorities to take a positive approach to this need and to widen choice in education.¹⁰⁸

This policy has four elements. The first offers blanket support for early years provision where there is a local need. Such blanket support may have unintended consequences and lead to otherwise unacceptable development. This would not meet the basic conditions.

The second element requires land in two planning applications (UTT/13/3467/OP and UTT/17/2832/OP) to be retained for educational or community use unless or until required for educational use. A representation on behalf of the landowner of this site explains that the signed S106 agreement relating to UTT/17/2832/OP includes provision for the specified land to be reserved for educational purposes for a fixed period of ten years. In the event the land is not required within that time frame, the land would then be offered to the Town Council for community or open space use. The wording of the policy (and the supporting text) does not accurately reflect this scenario.

The third element relates to the library. The criterion simply resists change of use. There are no criteria to guide developers as to what alternative uses might be appropriate. Whilst I understand the desire to retain this facility, the blanket resistance to any changes of use does not meet the basic conditions as this might scupper the achievement of sustainable development.

The fourth element supports a separate sixth form college and the expansion of the County High School onto a separate site. This again offers blanket support with no criteria to indicate suitable sites or locations. This might inadvertently result in unacceptable development. This lack of clarity and potential to hinder the achievement of sustainable development means this criterion does not meet the basic conditions.

POLICY SW32 HEALTHCARE

1. Planning applications and provision for a community health centre in the town of Saffron Walden will be supported, subject to the following criteria:
 - (a) The site is accessible by public transport;
 - (b) The site is accessible on foot;
 - (c) The site is accessible by car; and
 - (d) Sufficient parking is provided.

2. The creation of a combined community health centre at the current community hospital will be supported.

This policy supports the Neighbourhood Plan Objectives 1,2,5

EXAMINER COMMENT

Policy SW32 Healthcare

The NPPF states that planning policy should take into account and support the delivery of local strategies to improve health, social and cultural well being of the community.¹⁰⁹ This also forms part of the social objective of the achievement of sustainable development in that accessible services reflecting current and future needs are fostered.¹¹⁰

Policy SW32 supports the provision of a health centre in the town subject to four criteria. These are appropriate criteria to ensure that the location of such a facility is accessible to all.

A combined community health centre at the existing community hospital is also supported.

¹⁰⁹ NPPF para 93

¹¹⁰ Ibid para 8