

Uttlesford District Council

**Stebbing
Neighbourhood Development
Plan 2019-2033**

Independent Examiner's Report

By Ann Skippers BSc (Hons) MRTPI FHEA FRSA AoU

11 February 2022

Contents

	Summary	3
1.0	Introduction	4
2.0	The role of the independent examiner	4
3.0	The examination process	6
4.0	Neighbourhood plan preparation	7
5.0	Compliance with matters other than the basic conditions	8
6.0	The basic conditions	9
	<i>National policy and advice</i>	9
	<i>Sustainable development</i>	10
	<i>The development plan</i>	11
	<i>Retained European Union (EU) obligations</i>	12
	<i>European Convention on Human Rights (ECHR)</i>	14
7.0	Detailed comments on the Plan and its policies	15
	Chapter 1 Introduction, Policy Context, Core Objectives and Vision	15
	Chapter 2 Context – Setting the Scene	16
	Chapter 3 Consultation	17
	Chapter 4 Heritage and Conservation (Policy STEB1)	17
	Chapter 5 Landscape, the Countryside and the Natural Environment (Policies STEB2, STEB3, STEB4, STEB5, STEB6, STEB7, STEB8)	19
	Chapter 6 Housing and Design (Policies STEB9, STEB10, STEB11, STEB12, STEB13, STEB14)	28
	Chapter 7 The Economy (Policies STEB15, STEB16, STEB17, STEB18)	34
	Chapter 8 Community and Wellbeing (Policies STEB19, STEB20, STEB21)	36
	Chapter 9 Transport (Policy STEB22)	38
	Chapter 10 Housing Allocations (Policies STEB H1, H2, H3, H4, H5, H6)	39
	Chapter 11 The Policies Map and Schedule of Neighbourhood Plan Policies	43
	Chapter 12 Projects	43
	Chapter 13 Implementation, Monitoring and Review	44
	Appendices	44
8.0	Conclusions and recommendations	45
	Appendix 1 List of key documents	46

Summary

I have been appointed as the independent examiner of the Stebbing Neighbourhood Development Plan.

Stebbing is a dispersed Parish consisting of a number of small built-up areas along the line of Stebbing Brook set in undulating countryside. The village of Stebbing has a Conservation Area and boasts 152 listed buildings including the unusual Church of St Mary the Virgin, which is Grade I listed. This tranquil, rural and historic setting contrasts with the village's location only a few miles from Cambridge, Chelmsford and Stansted Airport. It has a primary school, pub and village shop supporting the population of around 1300 according to the Census 2011.

The Plan contains a number of policies covering a variety of topics from design, views and Local Green Spaces. It includes six site allocations. Many of the policies seek to add local detail to local planning authority level policies or cover issues which are particularly pertinent to the Parish, but would not be included in a local plan. The Plan is accompanied by an extensive evidence base which is a good resource and all the supporting documents are clear and easy to read.

It has been necessary to recommend some modifications. In the main these are intended to ensure the Plan is clear and precise and provides a practical framework for decision-making as required by national policy and guidance. These do not significantly or substantially alter the overall nature of the Plan.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to Uttlesford District Council that the Stebbing Neighbourhood Development Plan can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers MRTPI
Ann Skippers Planning
11 February 2022



1.0 Introduction

This is the report of the independent examiner into the Stebbing Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

I have been appointed by Uttlesford District Council (UDC) with the agreement of the Parish Council, to undertake this independent examination.

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over thirty years experience in planning and have worked in the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and professional experience to carry out this independent examination.

2.0 The role of the independent examiner

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The basic conditions¹ are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, retained European Union (EU) obligations²
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

¹ Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

² Substituted by the Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018/1232 which came into force on 31 December 2020

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.³ It states that:

- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

The examiner is also required to check⁴ whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.⁵

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case UDC. The plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

³ Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

⁴ Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

⁵ The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

3.0 The examination process

I have set out my remit in the previous section. It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).⁶

Planning Practice Guidance (PPG) confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.⁷ Often representations suggest amendments to policies or additional policies. Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

PPG⁸ explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.⁹

After consideration of all the documentation, I decided that it was not necessary to hold a hearing.

In 2018, the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) published guidance to service users and examiners. Amongst other matters, the guidance indicates that the qualifying body will normally be given an opportunity to comment upon any representations made by other parties at the Regulation 16 consultation stage should they wish to do so. There is no obligation for a qualifying body to make any comments; it is only if they wish to do so. The Parish Council chose to make some comments and I have taken these into account.

The Government published a new National Planning Policy Framework (NPPF) on 20 July 2021, a day after the six week period of Regulation 16 stage consultation had started. Given that the NPPF is a key document issued by the Secretary of State against which the Plan is examined, the consultation period was extended for a short period to give all interested parties, UDC and the Parish Council an opportunity to consider whether the new NPPF had any implications for the Plan.

I am very grateful to everyone for ensuring that the examination has run so smoothly and in particular Demetria Macdonald at UDC.

I made an unaccompanied site visit to familiarise myself with the Plan area on 22 January 2022.

⁶ PPG para 055 ref id 41-055-20180222

⁷ Ibid

⁸ Ibid para 056 ref id 41-056-20180222

⁹ Ibid

Where modifications are recommended they appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics***.

Given that the Plan refers to the NPPF in places, these references will need to be updated to refer to the more recent NPPF. I have made modifications to address this where I can, but it would be useful to make sure all references have been picked up.

As a result of some modifications consequential amendments may be required. These can include changing section headings, amending the contents page, renumbering paragraphs or pages, ensuring that supporting appendices and other documents align with the final version of the Plan and so on.

I regard these as primarily matters of final presentation and do not specifically refer to such modifications, but have an expectation that a common sense approach will be taken and any such necessary editing will be carried out and the Plan's presentation made consistent.

- **Update any references to the NPPF throughout the Plan including its appendices as necessary**

4.0 Neighbourhood plan preparation

A Consultation Statement has been submitted. It meets the requirements of Regulation 15(2) of the Neighbourhood Planning (General) Regulations 2012.

Work began on the Plan in 2016. A Steering Group was established consisting of both residents and Parish Councillors. An initial questionnaire was launched in July 2016 with just three questions to kickstart the engagement process. Contact was made with local groups and organisations as well as local businesses who were approached with a dedicated questionnaire.

Regular meetings of the Steering Group took place throughout the process and minutes taken with regular reports to the Parish Council. A dedicated website was set up as well as a Facebook page, regular newsletters and articles in the Parish magazine.

In April 2017, a detailed and comprehensive questionnaire was hand delivered to residents and businesses and collected by hand. Publicity banners were used to advertise this stage and a launch event held. An enviable response rate of over 95% was secured.

A drop-in exhibition was held to feedback the results of the questionnaire in July 2017.

A fourth public event/exhibition was held in December 2017 to outline draft policy ideas.

A further questionnaire focusing on a proposed green wedge and Local Green Spaces was undertaken in December 2017.

Pre-submission (Regulation 14) consultation took place between 1 October – 7 December 2020. This was launched on social media and advertised in the Parish magazine delivered to every household. Online and paper copies were available.

Submission (Regulation 16) consultation was carried out between 19 July – 28 September 2021. This included a further two week period to give all interested parties an opportunity to consider whether the new NPPF, published by the Government a day after the consultation period had started, had any implications for the Plan.

A total of 20 representations were received. Whilst I make reference to some responses and not others, I have considered all of the representations and taken them into account in preparing my report.

5.0 Compliance with matters other than the basic conditions

I now check the various matters set out in section 2.0 of this report.

Qualifying body

Stebbing Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is satisfactorily met.

Plan area

The Plan area is coterminous with the administrative boundary for the Parish. UDC approved the designation of the area on 8 June 2016. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. This is helpfully confirmed in the Basic Conditions Statement. The Plan area is shown on page 5 of the Plan.

Plan period

The Plan period is 2019 – 2033. This is clearly stated on the Plan's front cover, in the Plan itself and confirmed in the Basic Conditions Statement. This requirement is therefore satisfactorily met.

Excluded development

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement. This is also helpfully confirmed in the Basic Conditions Statement.

Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.¹⁰

In this instance, there is a separate chapter in the Plan which covers non-planning aspirations which ties in with the guidance above and this approach is therefore acceptable.

6.0 The basic conditions

Regard to national policy and advice

The Government revised the National Planning Policy Framework (NPPF) on 20 July 2021. This revised Framework replaces the previous National Planning Policy Framework published in March 2012, revised in July 2018 and updated in February 2019.

The NPPF is the main document that sets out the Government's planning policies for England and how these are expected to be applied.

In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the delivery of strategic policies in local plans or spatial development strategies and should shape and direct development outside of these strategic policies.¹¹

Non-strategic policies are more detailed for specific areas, neighbourhoods or types of development.¹² They can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment as well as set out other development management policies.¹³

¹⁰ PPG para 004 ref id 41-004-20190509

¹¹ NPPF para 13

¹² Ibid para 28

¹³ Ibid

The NPPF also makes it clear that neighbourhood plans should not promote less development than that set out in strategic policies or undermine those strategic policies.¹⁴

The NPPF states that all policies should be underpinned by relevant and up to date evidence; evidence should be adequate and proportionate, focused tightly on supporting and justifying policies and take into account relevant market signals.¹⁵

Policies should be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area including those in the NPPF.¹⁶

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at www.gov.uk/government/collections/planning-practice-guidance which is regularly updated. The planning guidance contains a wealth of information relating to neighbourhood planning. I have also had regard to PPG in preparing this report.

PPG indicates that a policy should be clear and unambiguous¹⁷ to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the planning context and the characteristics of the area.¹⁸

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.¹⁹ It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.²⁰

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how the Plan has responded to national policy and guidance. A table²¹ sets out how the Plan aligns with the (previous) NPPF.

Contribute to the achievement of sustainable development

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development.

The NPPF confirms that the purpose of the planning system is to contribute to the

¹⁴ NPPF para 29

¹⁵ Ibid para 31

¹⁶ Ibid para 16

¹⁷ PPG para 041 ref id 41-041-20140306

¹⁸ Ibid

¹⁹ Ibid para 040 ref id 41-040-20160211

²⁰ Ibid

²¹ Basic Conditions Statement Table 2 on page 12

achievement of sustainable development.²² This means that the planning system has three overarching and interdependent objectives which should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.²³ The three overarching objectives are:²⁴

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The NPPF confirms that planning policies should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account to reflect the character, needs and opportunities of each area.²⁵

Whilst this has formed part of my own assessment, the table in the Basic Conditions Statement cross references how each Plan policy helps to achieve sustainable development as outlined in the (previous) NPPF.²⁶

General conformity with the strategic policies in the development plan

The development plan consists of the Uttlesford Local Plan (LP 2005) was adopted on 20 January 2005. UDC has helpfully provided a list of the LP 2005 policies which are considered to be strategic.

A Compatibility Assessment was also adopted by UDC in September 2012 for development management purposes which considered the compatibility of the LP 2005 with the NPPF published in 2012. By coincidence I carried out that assessment on behalf of UDC. I have also referred to this document in making my assessment of the relevance of the policies in the LP 2005, but have considered the more recently published NPPF.

²² NPPF para 7

²³ Ibid para 8

²⁴ Ibid

²⁵ Ibid para 9

²⁶ Basic Conditions Statement unnumbered Table on page 21

Where I do not refer to any LP 2005 policies in my discussion of each Plan policy, I have concluded that there are none of direct relevance; either because they are not regarded as strategic by UDC or because their level of compatibility with the most recent NPPF means that the NPPF gives guidance as to the stance the Plan should take.

In addition the UDC website cites two changes since adoption; the first is that some boundary changes have been made to conservation areas; the second is that an amendment to parking standards has been made in 2009.

The Essex Minerals Local Plan 2014 and the Essex and Southend-on-Sea Waste Local Plan 2017 also make up the current development plan for the area.

Whilst this has formed part of my own assessment, Table 3 in the Basic Conditions Statement refers to the relevant LP policies.²⁷

Emerging Local Plan

The draft Uttlesford Local Plan 2019 was withdrawn by Councillors and it was agreed to start work on a new plan at an extraordinary council meeting on 30 April 2020. This decision was taken in response to the Inspector's letter of 10 January 2020 and the independent Peer Review report from the East of England Local Government Association of 23 March 2020.

In March 2020, the Government announced that all authorities will be required to have an up to date Local Plan in place by December 2023. Work has begun on the new Local Plan, but is at an early stage at the time of writing.

There is no legal requirement to examine the Plan against emerging policy. However, PPG²⁸ advises that the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which the Plan is tested.

Furthermore Parish Councils and local planning authorities should aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging Local Plan and the adopted development plan with appropriate regard to national policy and guidance.²⁹

Retained European Union Obligations

A neighbourhood plan must be compatible with retained European Union (EU) obligations. A number of retained EU obligations may be of relevance for these purposes including those obligations in respect of Strategic Environmental Assessment, Environmental Impact Assessment, Habitats, Wild Birds, Waste, Air Quality and Water matters.

²⁷ Basic Conditions Statement Table 3 on page 16

²⁸ PPG para 009 ref id 41-009-20190509

²⁹ Ibid

With reference to Strategic Environmental Assessment (SEA) requirements, PPG³⁰ confirms that it is the responsibility of the local planning authority, in this case UDC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It states that it is UDC who must decide whether the draft plan is compatible with relevant retained EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

Strategic Environmental Assessment and Habitats Regulations Assessment

The provisions of the Environmental Assessment of Plans and Programmes Regulations 2004 (the 'SEA Regulations') concerning the assessment of the effects of certain plans and programmes on the environment are relevant. The purpose of the SEA Regulations, which transposed into domestic law Directive 2001/42/EC ('SEA Directive'), are to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes.

The provisions of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), which transposed into domestic law Directive 92/43/EEC (the 'Habitats Directive'), are also of relevance to this examination.

Regulation 63 of the Habitats Regulations requires a Habitats Regulations Assessment (HRA) to be undertaken to determine whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects. The HRA assessment determines whether the Plan is likely to have significant effects on a European site considering the potential effects both of the Plan itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, an appropriate assessment of the implications of the Plan for that European Site, in view of the Site's conservation objectives, must be carried out.

A Screening Determination Statement of January 2021 has been prepared by UDC. This in turn appends a SEA and HRA Screening Report of 29 September 2020. Although it is titled SEA Screening Determination it also covers HRA matters. Dealing with SEA first, the Screening Determination Statement concludes that the Plan does not require a SEA.

Consultation with the three statutory bodies was undertaken on the Screening Report. All three statutory consultees (Historic England (HE); Natural England (NE) and the Environment Agency (EA) agreed with the conclusions.

I have treated the Screening Report and the Screening Determination Statement to be the statement of reasons that the PPG advises must be prepared and submitted with the neighbourhood plan proposal and made available to the independent examiner where it is determined that the plan is unlikely to have significant environmental effects.³¹

³⁰ PPG para 031 ref id 11-031-20150209

³¹ Ibid para 028 ref id 11-028-20150209

Taking account of the characteristics of the Plan, the information put forward and the characteristics of the areas most likely to be affected, I consider that retained EU obligations in respect of SEA have been satisfied.

Turning now to HRA, a HRA Screening of 29 September 2020 has been undertaken by UDC. The nearest European site is the Blackwater Estuary Special Protection Area (SPA) and Ramsar site. A small part of the Plan area falls within the 22km Zone of Influence (Zoi) for this European site. The Zoi was established through work by Essex local planning authorities on the Essex Coast Recreation Disturbance and avoidance Mitigation Strategy (RAMs). The RAMs has been adopted by UDC.

The screening exercise indicated a need for Appropriate Assessment (AA). The AA is dated 29 September 2020 and has been carried out by UDC. The AA concludes that the Plan will have no adverse effects either alone or in combination with other plans and projects; this is based on the RAMs commitments. NE was consulted and agreed with this conclusion.

On 28 December 2018, the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) was substituted by a new basic condition brought into force by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 which provides that the making of the plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.

Given the distance from, the nature and characteristics of the European site and the nature and contents of the Plan, I consider that the prescribed basic condition relating to the Conservation of Habitats and Species Regulations 2017 is complied with.

Conclusion on retained EU obligations

National guidance establishes that the ultimate responsibility for determining whether a plan meets EU obligations lies with the local planning authority.³² In undertaking work on SEA and HRA, UDC has considered the compatibility of the Plan in regard to retained EU obligations and does not raise any concerns in this regard.

European Convention on Human Rights (ECHR)

The Basic Conditions Statement contains a short statement in relation to human rights.³³ Having regard to the Basic Conditions Statement, there is nothing in the Plan that leads me to conclude there is any breach or incompatibility with Convention rights.

³² PPG para 031 ref id 11-031-20150209

³³ Basic Conditions Statement page 23

7.0 Detailed comments on the Plan and its policies

In this section I consider the Plan and its policies against the basic conditions. As a reminder, where modifications are recommended they appear in **bold text** and where I suggest specific changes to the wording of the policies or new wording these appear in ***bold italics***.

The Plan is presented to a high standard and contains 28 policies. It has photographs throughout the Plan which give it a distinctive flavour. Policies are clearly identifiable. The Plan starts with a helpful and comprehensive contents section. A foreword from the Chair of the Parish Council then follows.

Chapter 1: introduction, Policy Context, Core Objectives and Vision

This section sets out the background to, and context for, the Plan, including the planning policy context at District level. It refers to setting up of the Steering Group leading on the Plan's preparation and the engagement carried out, usefully signposting further documents for more detail.

I note there are various references to the proposed West of Braintree Garden Community (WoBGC). Whilst I appreciate that the proposed development was a key factor in the local community pursuing a neighbourhood plan, it is now the case that the Garden Community is no longer a proposal which affects the Plan area given the withdrawal of the draft Uttlesford Local Plan 2019 in 2020 which I referred to earlier in my report. I do consider it would be useful to retain some information about the context for the Plan given its importance to the local community. However, thereafter I consider references to the WoBGC should be removed from the Plan to avoid confusion and help with clarity. I therefore make a single modification to delete all references, direct and indirect from the Plan to the WoBGC. It may well be that this modification results in consequential amendments throughout the Plan and I consider these to be minor editing matters.

The Plan's vision is:

- In 2033, Stebbing will be a vibrant rural parish, with a strong sense of community, which has protected and enhanced its distinctive village, surrounding hamlets, ancient woodlands and agricultural character.
- Stebbing will be a parish which is proud to have retained, and be known for, its historical character, wealth of heritage assets and beautiful, tranquil landscape offering an abundance of open views and wildlife habitats.
- Housing development will be in keeping with the character of the Parish, positively contributing to its immediate surroundings

- Housing development will place particular emphasis on organic growth through small developments and affordable properties.
- Transport, telecommunications and social facilities will have been improved and be more widely available for all residents, young and old.

The vision is supported by 14 core objectives. All the objectives are articulated well, relate to the development and use of land and will help to deliver the vision. However, one refers to ad hoc future strategic development and I consider, in the interests of clarity, some revision to this objective is necessary.

The chapter explains that each section of the Plan covers a different topic. Planning policies are in blue boxes and non-planning aspirations clearly identified at the end of each topic chapter.

Some natural updating needs to be done in the light of the new NPPF published in July 2019 as I have previously mentioned.

There is one correction; the date of designation of the Plan area is 8 June 2016.

- **Delete all references, direct and indirect to the West of Braintree Garden Community in the Plan and on any maps contained in the Plan with the exception of paragraphs 1.3, 1.4 and 1.5 on page 4 of the Plan**
- **Delete the words “...from any future ad-hoc major strategic development proposals” from core objective iv.**
- **Update references to the NPPF as needed (including paragraphs 1.6, 1.7, 1.9, 1.11 and 1.23)**
- **Correct “6th June 2016” in paragraph 1.19 on page 9 of the Plan to “8th June 2016”**

Chapter 2: Context – Setting the Scene

This chapter of the Plan describes the Parish and its characteristics.

There is one typo to correct and there are two paragraphs numbered 2.14.

- **Correct “Apendix B” in paragraph 2.9 on page 18 of the Plan to “Appendix B”**
- **Check paragraph numbers run consecutively and make any necessary changes**

Chapter 3: Consultation

This section summarises how the Plan has been produced and the key issues highlighted by the local community.

Chapter 4: Heritage and Conservation

Policy STEB1: Respecting Stebbing's Heritage – Design and Character

The supporting text gives a flavour of the richness of the heritage of the village and wider Parish. There are 152 listed buildings including the Grade I, Church of the Virgin Mary and three Scheduled Monuments. The village of Stebbing is a Conservation Area (CA).

Two independent studies were commissioned to support the Plan; a Heritage Assessment prepared by Grover Lewis Associates and a Landscape Sensitivity and Capacity Appraisal prepared by the Landscape Partnership.

The NPPF is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.³⁴ In relation to designated heritage assets such as listed buildings or CAs, it continues³⁵ that great weight should be given to the assets' conservation when considering the impact of development on the significance of the asset.

In relation to non-designated heritage assets, the NPPF is clear that the effect of any development on its significance should be taken into account and that a balanced judgment will be needed having regard to the scale of any harm or loss and the significance of the heritage asset.³⁶

Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes which have heritage significance, but do not meet the criteria for designated heritage assets.

This policy seeks to ensure that this rich heritage is recognised. It covers a number of different aspects. The first element of the policy seeks to ensure development preserves and positively contributes to Stebbing's character. This is a high bar to set; higher than the statutory protection for CAs for example and so a modification is made to make the policy more flexible and to have regard to national policy and guidance.

³⁴ NPPF para 189

³⁵ Ibid para 199

³⁶ Ibid para 203

The first bullet point refers to the Stebbing CA and the Stebbing Green Character Area. The latter is a proposed designation in the Plan.

This proposed designation is supported by the Heritage Assessment which describes the historic character of Stebbing Green as “...remarkably unspoiled giving the...listed buildings considerable group value”.³⁷ It continues that the “...special historic character of Stebbing Green with its distinctive openness is worthy of designation as a conservation area”.³⁸ Whilst this latter point is not for now, this does illustrate the distinct character and qualities of Stebbing Green. The intactness of the buildings set in large plots and fronting a wide verge of former common land is also a point referred to in the Landscape Sensitivity and Capacity Appraisal. I saw the looseness of Stebbing Green with the brook, open grass verges with dwellings set back for myself at my visit. I consider it is worthy of such a designation and that the area defined on Map 17 is logical and appropriate.

The policy should be clear that it designates the area. Whilst the policy does not differentiate between the Stebbing CA and the new Stebbing Green Character Area, this is appropriate given the wording of the criterion. There is an additional correction to make in relation to the Map number.

The second bullet point relates to development outside the CA.

The third bullet point refers to all types of heritage assets and cross-references Appendix B of the Plan. This contains details of both designated and non-designated assets. The criterion refers to setting and with some modification to remove duplication and enhance clarity, it is appropriate. A modification is also made to add some words to Appendix B is made to ensure that the appendix is future proofed.

The last criterion refers to trees and hedgerows. This has regard to the NPPF’s emphasis on trees in particular.³⁹

With these modifications, the policy will have regard to the NPPF, be in general conformity with LP 2005 Policy ENV1 and help to achieve sustainable development thereby meeting the basic conditions.

- **Add the words “, *whenever possible*,” before “...contribute positively...” in the first sentence of the policy**
- **Amend the first bullet point to read: “In the *Stebbing* Conservation Area and the *Stebbing* Green Character Area, as *designated by this policy and* shown on the Policies Map (Map 17), by recognising...”**
- **Amend the third bullet point to read: “Where they conserve or enhance and are sympathetic to the *heritage* asset (as listed in Appendix B) and its setting,**

³⁷ Heritage Assessment page 46

³⁸ Ibid

³⁹ NPPF paras 131, 174

as well as *its wider context and location within the historic core of the village.*”

- **Add a sentence to Appendix B that reads: “*The information in this appendix is correct at the time of writing the Plan. Up to date information on heritage assets should always be sought from Historic England or other reliable sources of information.*”**

Chapter 5: Landscape, the Countryside and the Natural Environment

Some natural updating is needed to the NPPF references.

- **Update the reference to the NPPF in paragraph 5.11 on page 41 of the Plan**

Policy STEB2: Green Infrastructure and Development

This policy seeks to conserve and enhance green infrastructure. It is widely recognised that this can provide a network of multi-functional green and blue spaces alongside other natural features that delivers a variety of benefits including health and wellbeing as well as environmental.

The NPPF indicates that policies should aim to achieve healthy, inclusive and safe places and that this includes the provision of safe and accessible green infrastructure.⁴⁰ In addition, the NPPF recognises that green infrastructure can help with planning for climate change.⁴¹

The policy is a local expression of this and goes further in referring to net gains for biodiversity,⁴² recognising the role of Sustainable Urban Drainage Systems (SuDs)⁴³ and the importance of networks amongst other things. It is flexibly worded.

A representation has suggested adding specific reference to equestrians in this policy and in others in the Plan. My understanding is that there are four types of right of ways, known collectively as highways, which have different access rights. For example footpaths can be used for walking, running, mobility scooters and powered wheelchairs; bridleways for the same uses as footpaths but with the addition of horse riding and bicycles. Therefore the references in the Plan to public rights of way include by default bridleways. However, there is no harm in specifically referring to equestrians to make this clear and to be inclusive.

⁴⁰ NPPF para 92

⁴¹ Ibid paras 153, 154

⁴² Ibid para 174

⁴³ Ibid paras 167, 169

The policy meets the basic conditions by having regard to the NPPF and helping to achieve sustainable development.

- **Change the phrase in bullet point two of the policy to read: “Improve the connectivity between wildlife areas and green spaces through green corridors and/or improvements to the Public Rights of Way, and cycle, *footpath and equestrian networks.*”**

Policy STEB3: Identified Woodland Sites and Wildlife Sites

The NPPF is clear that policies should contribute to and enhance the natural and local environment through protection in line with their statutory status or identified quality of the area concerned and by recognising the intrinsic character and beauty of the countryside.⁴⁴ It specifically refers to the importance of trees and woodland.⁴⁵ With regard to ancient woodland, the NPPF resists its loss or deterioration unless there are wholly exceptional reasons.⁴⁶

This policy seeks to protect ancient woodlands, important woodlands and local wildlife sites of high biodiversity value. The areas are shown on Map 6.

I consider the policy has regard to the NPPF through its identification of valued and important woodlands in the Plan area alongside the local wildlife sites and its stance on protection and enhancement. It is in general conformity with LP 2005 Policy ENV7 and will help to achieve sustainable development, particularly its environmental objective. The policy is clearly worded and links to Map 6. It therefore meets the basic conditions and no modifications to it are recommended.

Policy STEB4: Local Green Space

Eight areas of Local Green Space (LGS) are proposed. These are shown on Map 9 on page 46 of the Plan and then individually on the pages after.

The NPPF explains that LGSs are green areas of particular importance to local communities.⁴⁷

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.⁴⁸ It is only possible to designate LGSs when a plan is prepared or updated and

⁴⁴ NPPF para 174

⁴⁵ Ibid

⁴⁶ Ibid para 180

⁴⁷ Ibid para 101

⁴⁸ Ibid

LGSs should be capable of enduring beyond the end of the plan period.⁴⁹

The NPPF sets out three criteria for green spaces.⁵⁰ 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.

I saw each of the proposed spaces at my site visit.

1. **Mill Lane Recreational Ground and Cricket Field.** This forms part of a larger area identified in the Conservation Area Appraisal and Management Proposals document as an important open space in the Stebbing CA. It is valued for its historic importance and recreational use. The area is used for various village events. It is a well-defined area with a cricket pavilion and children's play area.
2. **Alcott Field** (Recreational Area and Football Field) is valued for its recreational facilities and function.
3. **Pulford Field** (Recreational Area and Football Field) is valued for its recreation opportunities, especially football.
4. **Village Allotments** (The Potton Memorial Allotment) is valued for the opportunity to grow fruit and vegetables and has a waiting list.
5. **Field opposite Stebbing Primary School** is valued for its historic importance and is popular with walkers who enjoy the views across the site. It is adjacent to the Mill Lane Recreation Ground and Cricket Field, but lies mainly outside the CA with only a small element falling within the CA. I note that the Heritage Assessment considers the space to form part of the setting of the CA and that its parkland character contributes to its significance indicating it is "...clearly part of the historic Stebbing Park".⁵¹ It is contiguous with the Mill Lane Recreational Ground and Cricket Field.
6. **Field opposite The Downs** is enjoyed for the views by walkers and other recreational users as well as its historic importance. I saw at my visit the site affords views.
7. **The Wildflower Meadow, Stebbing Green** (Daphne Rogowski Bequest) is an open space for residents to enjoy. It is particularly valued for its tranquility and managed as a flower meadow and used as an outdoor education nature area.
8. **Field at Bran End** is used for informal recreation by local residents as there is a public right of way (PROW) crossing the site and it is valued for its wildlife.

⁴⁹ NPPF para 101

⁵⁰ Ibid para 102

⁵¹ Heritage Assessment page 53

In my view, all but one of the proposed LGSs meet the criteria in the NPPF satisfactorily.

The space which I consider does not satisfactorily meet the criteria at this point in time is the Field at Bran End. This has been a difficult and finely balanced judgment to make and one I have carefully considered.

I have reached this conclusion because although one of the reasons the space has been put forward is informal recreation, the representation on behalf of the landowner is clear there is no permission for such a use. The PROW that runs across the site will not be affected one way or the other by whether or not the space is designated as a LGS and so the space can be continued to be enjoyed on this basis.

The second reason why the space has been put forward is the richness of species and wildlife. Various species of plants, butterflies and birds have been recorded on the site and entered into a national database. For their part, the landowner has submitted an ecology report. This is a desk-based study. It concludes that the southern part of the site is likely to be of significant ecological value, but that the northern part of the site (incidentally where the landowner is seeking to develop) is likely to be more constrained.

Given the status of LGSs, it is essential that plan-makers can clearly demonstrate that the requirements of the NPPF are met. Whilst I consider this matter to be finely balanced, in light of the objection and information submitted by the landowner, I consider that insufficient evidence has been submitted to satisfactorily support the designation at the present time. This is not to say the site is not suitable for designation, simply that there is insufficient and compelling evidence before me now.

I have also considered whether part of the site could be designated through a modification. The southern part of the site does, to my mind, meet the threshold for LGS designation. However, it would be difficult to define a boundary with any certainty and this would not have been subject to any consultation.

A modification is therefore made to delete the Field at Bran End from Policy STEB4.

In line with PPG advice,⁵² I have also considered whether there would be any additional benefit in designating Mill Lane Recreational Ground and Cricket Field as a LGS given it falls within the Stebbing CA. I consider there is benefit because the LGS designation demonstrates the particular value this space has for the local community and offers a different type of protection.

All the retained LGSs are demonstrably important to the local community, are capable of enduring beyond the Plan period, meet the criteria in paragraph 102 of the NPPF and their designation is consistent with the local planning of sustainable development and investment in sufficient homes, jobs and other essential services given the housing figures for this local area and other policies in the development plan and this Plan.

⁵² PPG para 011 ref id 37-011-20140306

Turning now to the wording of the policy, the NPPF indicates that policies for managing development within a LGS should be consistent with those for Green Belts. Following a Court of Appeal case with regard to the lawfulness of a LGS policy in a neighbourhood plan (*Lochailort Investments Limited v. Mendip District Council and Norton St Philip Parish Council*, [2020] EWCA Civ 1259), I consider it necessary to delete any wording that sets out how development proposals should be managed. The restrictions on development with regard to LGS designation will continue to apply through the NPPF. This will ensure that policies for managing development within a LGS are consistent with those for Green Belts. This approach helps to ensure that the policy meets the basic conditions and is lawful.

The plans shown in the LGS: Policy STEB3 Assessment document for the Mill Lane Recreational Ground and Cricket Field and Alcott Field differ from those in the Plan itself for the Mill Lane Recreation Ground and Cricket Field, Alcott Field. It should be noted that it is the areas shown in the Plan which will be the designated areas.

Minor modifications are made to the policy and the supporting text to update the references to the more recently published NPPF.

Subject to the above modifications, Policy STEB4 has regard to national policy, contributes towards sustainable development, particularly the environmental objective and is in general conformity with strategic policy thereby meeting the basic conditions.

- **Delete h) Field at Bran End from Policy STEB4, delete any references to this space from the Plan and the inset map on page 48 and the designation shown on the Policies Map**
- **Delete the last paragraph of the policy which begins “Development proposals which would result in the loss...” from the policy**
- **Change the reference to “...paragraphs 99-101...” in the policy to “...paragraphs 101 – 103... “**
- **Change the reference to “...paragraphs 99-101...” and “...paragraph 100...” in paragraph 5.12 on page 41 of the Plan to ““ ...paragraphs 101 – 103... “ and “...paragraph 102...” respectively and correct a typo in the same paragraph; “isignificance” should be “significance”**

Policy STEB5: Protection of Green Wedge

The Plan explains that land between Stebbing Green and Boxted Wood was identified through work on the independently produced Landscape Appraisal as important to protect the openness and setting and character of Stebbing Green, a hamlet, and the setting of Boxted Wood, an ancient woodland. There would also be some benefit for areas identified in the Historic Environmental Record.

The NPPF requires the planning system to contribute and enhance the natural and local environment including protecting and enhancing valued landscapes and recognition of the intrinsic character and beauty of the countryside.⁵³

The NPPF resists development resulting in the loss or deterioration of irreplaceable habitats such as ancient woodlands unless there are wholly exceptional reasons and suitable compensation exists.⁵⁴

The area is shown on Map 6 on page 34 of the Plan. It has been reduced in size on the advice of UDC from that recommended in the Landscape Appraisal.

I saw at my visit that this area is distinguishable from surrounding land and the remainder of the Parish and I consider that the area has been appropriately designated. It is supported by both the independent Landscape Appraisal which emphasised the importance of the setting of Stebbing Green noting the open, arable valley side and the setting of Boxted Wood, an ancient wood and Heritage Assessment which considers the setting of Stebbing Green and its distinctive character.

UDC and others have raised concern over the need for this policy. Some have indicated that the policy was predicated on the WoBGC proposal which now no longer applies to the Plan area. I can understand these concerns; it seems to me that the principal rationale for the policy during the early stages of plan-making was likely to be the proposed WoBGC. I note, for example, that the Landscape Appraisal refers to the separation between the settlements and the proposed WoBGC; this ties up with the sense that the policy was first predicated because of the proposal WoBGC. However, given that the proposed WoBGC now no longer applies to the Plan area, the policy cannot be said to be thwarting the planning or delivery of major strategic development that no longer applies.

The strategic context in the future is not for me to speculate on at this point in time; whilst the garden community development may still be on the table from some points of view, it is not in any plan which I need to take account of in this examination.

In addition I am referred to the other policies of the LP 2005 which protect the countryside as being sufficient for such protection and there is a view that Policy STEB5 will be more restrictive than those LP 2005 policies.

However, green wedges, green buffers or areas of special local landscape character are a common designation in neighbourhood plans. Such designations recognise local landscape character and the importance of individual settlement identities as well as often being used as an anti-coalescence tool. They are designated at the neighbourhood level scale as non-strategic policies and are unlikely to appear in Local Plans which tend to deal with larger areas of more strategic importance. It will supplement and complement LP 2005 policies insofar as they are applicable.

⁵³ NPPF para 174

⁵⁴ Ibid para 180

It is not of an area that would be regarded as strategic in nature in itself nor is the policy trying to shape strategic policy at District level as the direction of that is at an early stage.

So whilst this policy may have started off life as a local response to the proposed WoBGC, that is not now its purpose. It cannot be an anti-coalescence policy as, as one representation points out, there is nothing to coalesce with. I consider the policy, with some modifications, does have validity both in landscape and heritage terms and that it has been justified sufficiently for the reasons discussed above.

Turning now to the wording of the policy, I consider it should be amended to reflect the nature of the green wedge and to remove what might be regarded as controversial or prejudged outcomes. This will mean that it does not prevent development per se, but seeks to ensure any development within this area is appropriate given the qualities and function of the identified area.

The supporting text refers to the land being retained in agricultural use. Whilst this might be the most likely scenario, there is little justification for such a statement. Therefore a modification is made to remove this from the supporting text.

With these modifications, the policy will take account of the NPPF's stance on contributing to and enhancing the natural and local environment and recognising the intrinsic character and beauty of the countryside.⁵⁵ It will be in general conformity with the LP 2005, and be a local expression of particularly Policy S7 and help to achieve sustainable development.

▪ **Revise the policy to read:**

“The area between Stebbing Green, New Pastures Lane, Boxted Wood and the Braintree District Council boundary, as shown on Map 6 and the Policies Map (Map 17), is designated as a Green Wedge. *Any development within the Green Wedge should respect the open and undeveloped nature of the open valley side to preserve or enhance the setting and distinctive character and appearance and individual identities of the Stebbing Green Character Area, Boxted Wood, the listed heritage assets and Historic Environmental Record sites.*

Development proposals will only be supported in the Green Wedge if they are accompanied by a Landscape and Visual Impact Assessment and a Heritage Impact Assessment that demonstrate:

- **how the predominant open nature of the landscape is retained;**
- **that there is no harm to the setting of Stebbing Green**
- ***there is no loss or deterioration of Boxted Wood unless there are wholly exceptional reasons and suitable compensation exists as described in the NPPF; and***

⁵⁵ NPPF para 174

- that there is no harm to *heritage assets*.”
- Remove the words “...to be retained in use as agricultural land...” from criterion ii. in paragraph 5.16 on page 49 of the Plan

Policy STEB6: Protected Open Gaps

The Plan identifies two open gaps between Bran End and Church End and Stebbing village. These are shown as “important open gaps” on Map 17 on page 81 of the Plan. It would be helpful to have consistency of terminology to avoid any issues arising in the future about clarity. Modifications are made in the interests of clarity to address this point.

Work carried out for the Landscape Appraisal identifies that one of the proposed gaps provides a break between Bran End and Stebbing and that the other provides an important break in settlement between Church End and the High Street.

I saw at my site visit that the separate identities of these three areas is important and I consider that the important open gaps are needed to ensure that the setting and individual characters of the three areas are respected.

The policy is clearly worded; it does not prevent development per se but requires any development proposals to demonstrate how the open nature of the important open gaps are retained and how each individual area’s character, setting and identity is protected.

With these modifications, I consider the policy will meet the basic conditions as it has regard to the NPPF and its emphasis on an understanding and evaluation of each area’s defining characteristics and special qualities as well as a reflection of local aspirations.⁵⁶ It is in general conformity with LP 2005 policies adding local detail and will help to achieve sustainable development.

- Change the title of the policy from “Protected Open Gaps” to “*Important Open Gaps*”
- Add the word “*Important*” before “...Open Gaps if they are accompanied...” in the second sentence of the policy
- Change the words “...Protected Open Gaps...” to “...*Important Open Gaps*...” in paragraph 5.2 on page 31 of the Plan

⁵⁶ NPPF para 127

Policy STEB7: Important and Protected Views

This policy identifies 13 key views which are important to defining and reinforcing the sense of place and local distinctiveness.

These are shown on Map 8 on page 45 of the Plan and supported by evidence in the Landscape Appraisal. I am satisfied, based on the evidence provided and my site visit, that the views selected are appropriate given the character and setting of the Parish.

The wording of the policy does not prevent any development per se, but rather seeks to ensure that development does not have a detrimental impact on the views. I consider this to be an appropriate and sufficiently flexible approach.

The policy has regard to national policy and guidance by recognising the intrinsic character and beauty of the countryside and promoting and ensuring any development is sympathetic to local character including landscape settings,⁵⁷ is in general conformity with, and add a local layer of detail to LP 2005 and help to achieve sustainable development. It therefore meets the basic conditions and no modifications are recommended.

Policy STEB8: Blackwater Estuary SPA and Ramsar site/Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (Essex Coast RAMs)

The Plan explains that a small area of the Plan area, shown on Figure 4 on page 51 of the Plan, falls within the Zone of Influence (ZOI) for the Blackwater Estuary SPA and Ramsar site and Essex Estuaries SAC.

Local planning authorities in the Greater Essex area undertook work on a Recreational disturbance Avoidance and Mitigation Strategy (RAMs) to address the impact of increased recreational disturbance arising from new housing on Habitats sites. The RAMs provides a mechanism for Local Planning Authorities to comply with their responsibilities to protect habitats and species in accordance with the Conservation of Habitats and Species Regulations 2017.

The Essex Coast RAMs Supplementary Planning Document was adopted by UDC on 9 September 2020.

The policy is a safeguarding measure in case any windfall development comes forward. NE has suggested a modification to the policy because the RAMs has now been adopted. I agree this would help with clarity and note the Parish Council are also content with this modification. Subject to this modification, the policy will meet the basic conditions.

⁵⁷ NPPF para 174

- **Reword the policy to read:**

“Proposals for new dwellings within the zone of influence of the Blackwater Estuary SPA and Ramsar site will be subject to a financial contribution towards avoidance and mitigation measures as specified in the adopted Essex RAMs Supplementary Planning Document, to ensure the development will have no adverse effect on the integrity of the European site.”

Chapter 6: Housing and Design

There is some updating in the supporting text to reflect the latest NPPF.

- **Update the reference to “...paragraph 66...” of the NPPF in paragraph 6.3 on page 53 of the Plan to “...paragraph 67...”**

Policy STEB9: Design Principles and Location of New Development

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.⁵⁸

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.⁵⁹

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.⁶⁰

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.⁶¹

Policy STEB9 is a long policy covering a variety of issues.

Taking each in turn, the first part of the policy deals with development within the defined development limit, infill sites and allocated sites.

⁵⁸ NPPF para 126

⁵⁹ Ibid para 127

⁶⁰ Ibid para 128

⁶¹ Ibid para 130

Two issues arise; the first is that development is only supported if it makes a positive contribution to character. This is a high bar and one which is more onerous than that covering development in Conservation Areas. A modification is therefore made to ensure the policy meets the basic conditions, particularly the achievement of sustainable development.

The second issue is that the reference to Building for Life 12 should be updated to reflect the most recent design tool which was updated in 2020.

I turn now to the second element of the policy which covers development in the countryside. This in turn refers to LP 2005 Policy S7. LP 2005 Policy S7 refers to development in the countryside. I find LP 2005 Policy S7 to only be partially consistent with the more recent NPPF which takes a more flexible approach. Policy STEB9 itself recognises it builds upon LP 2005 Policy S7 which remains one of UDC's strategic policies. For these reasons I consider the reference to LP 2005 Policy S7 to be acceptable.

Policy STEB9 provides a list of types of development which will be acceptable in principle in this location. The NPPF also refers to the development and diversification of agricultural and other land-based rural businesses as well as sustainable tourism and leisure developments and the retention and development of accessible local services and community facilities which does not appear to be included in the list.⁶² A modification is therefore made to ensure the policy has regard to the NPPF by the inclusion of these other categories of development.

Another criterion refers to the proviso in the NPPF on isolated homes in the countryside. This needs an update to refer to the more recent NPPF and to reflect the language in that NPPF.

Finally, the last criterion requires an update to the more recent NPPF.

With these modifications, the policy will have regard to the NPPF's stance on supporting a prosperous rural economy and achieving well-designed places, be in general conformity with, and updates, LP 2005 Policies S7 insofar as it remains relevant and GEN2 and help to achieve sustainable development.

- **Change criterion b) of paragraph 1 of the policy to read: “they *respect and preserve the existing character of the village and local area* or make a positive contribution...” [retain as existing to end of criterion]**
- **Update the reference “Building for Life 12” in paragraph 1 of the policy to “*Building for a Healthy Life (BHL)*”**
- **Add three new criteria to paragraph 2 of the policy that read:**

⁶² NPPF para 84

- *“ The development and diversification of agricultural and other land-based rural businesses;*
 - *Sustainable rural tourism and leisure developments which respect the character of the countryside;*
 - *Accessible local services and facilities”*
- **Update criterion seven in part 2 of the policy to read: “Construction of new houses of exceptional *quality* meeting the criteria set in paragraph 80e) of the NPPF;”**
 - **Change “...NPPF 2019.” in the last criterion of part 2 in the policy to “...NPPF 2021.”**

Policy STEB10: Meeting Local Needs

The NPPF is clear that the Government’s objective of significantly boosting the supply of housing should be supported and that the needs of groups with specific housing requirements are addressed.⁶³ Within this context, the size, type and tenure of housing needed for different groups in the community should be addressed and reflected in planning policies.⁶⁴ This includes the provision of affordable housing, housing suitable for families or older people and those wishing to build their own homes.⁶⁵

Nationally, PPG states that the need to provide housing for older people is critical and offering a choice of accommodation to suit changing needs can help independent living for longer.⁶⁶ In addition, UDC’s Housing Strategy indicates that the District has an ageing population which is also predicted to increase. The Rural Community Profile prepared by the RCCE also shows a higher than the England average percentage of people over 65 in the Parish.

The Plan refers to the now withdrawn local plan which set out a housing mix across the District based on UDC’s Strategic Housing Market Assessment (SHMA).

Policy STEB10 sets out a requirement for any new housing development over two units to include a mix of housing to reflect local needs. It offers particular support to low cost market housing and homes suitable for young families or older people. The supporting text refers to support for First Homes.

There is no apparent rationale for the two unit threshold in the policy, but given that the Plan’s vision supports small developments subject to a modification referring to viability, this is an appropriate approach.

⁶³ NPPF para 60

⁶⁴ Ibid para 62

⁶⁵ Ibid

⁶⁶ PPG para 001 ref id 63-001-20190626

UDC has suggested an amendment to the wording and this has been accepted by the Parish Council. I consider this would align with the language used in the NPPF.

The policy also refers to the Building Regulations Part M4 standards. The Government introduced national technical standards for housing in 2015. A WMS⁶⁷ 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; instead these must be contained in local plans. However, I do not read the Plan as seeking to set any standards, but simply to refer to the types of housing sought. This also aligns with UDC's Housing Strategy which refers to these standards. In this particular scenario then, this element of the policy is acceptable.

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.

- **Add a new sentence at the end of the policy that reads: “*Development schemes will be considered on a site by site basis and take account of the latest available evidence and market conditions.*”**
- **Replace the phrase “low cost market housing” in the policy with “*discounted market housing*”**

Policy STEB11: Affordable Homes

The Plan refers to the now withdrawn ULP which set out the percentage of affordable housing required based on UDC's SHMA. I note that UDC's Housing Strategy requires 40% affordable housing provision on market-led sites.

Policy STEB11 therefore sets out a requirement in line with the most up to date UDC policy and discourages off-site contributions because this is regarded as not benefitting the local Plan area. This has regard to the NPPF which indicates that affordable housing is expected to be provided on-site unless off-site provision or appropriate contribution in lieu can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.⁶⁸

The threshold set out in the policy does not reflect the threshold set out in the NPPF. Major development is defined in the NPPF's glossary as 10 or more houses. It also includes a reference to site size which should also be incorporated into the policy. A modification is therefore made in this respect.

⁶⁷ Written Ministerial Statement 25 March 2015

⁶⁸ NPPF para 63

With this modification, 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.

- **Change the second sentence in the first paragraph of the policy to read: “This requires development on sites of 10 dwellings or more or on sites of 0.5 hectare or more to provide...” [retain as existing to end]**

Policy STEB12: Sustainable Design and Construction

This policy refers to sustainable design and construction techniques including energy efficiency, Passivhaus standards, waste generation and disposal and water consumption.

The NPPF supports meeting the challenge of climate change and supports a transition to a low carbon future.⁶⁹ However, it indicates that any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards.⁷⁰

The Government introduced national technical standards for housing in 2015. A Written Ministerial Statement (WMS)⁷¹ 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. The WMS also states that neighbourhood plans should not be used to apply the national technical standard. This is echoed in PPG.⁷² The policy applies to all new development not just housing.

This policy seeks the incorporation of sustainability measures and whilst it is worded loosely rather than prescriptively, I consider it should only apply to non-residential development because of the Government’s stated position recited above.

With this modification, the policy will meet the basic conditions in that it is a policy which supports measures to help with the resilience of communities to climate change impacts in line with the NPPF,⁷³ is in general conformity with LP 2005 Policy GEN2 which is partially consistent with the NPPF and will help to achieve sustainable development.

- **Add the words “non-residential” before “...new development...” in the first sentence of the policy**

⁶⁹ NPPF para 152

⁷⁰ Ibid para 154

⁷¹ Written Ministerial Statement 25 March 2015

⁷² PPG para 001 ref id 56-001-20150327

⁷³ NPPF para 153

Policy STEB13: Managing Flood Risk and Drought Mitigation

This policy seeks to reduce the potential for flooding to occur and to mitigate against drought events. It seeks to achieve this by a number of things including through the provision of Sustainable Drainage Systems (SuDs) and tree planting to reduce run-off. The NPPF is clear that inappropriate development in areas at risk of flooding should be avoided.⁷⁴ It continues that development should incorporate SuDs unless there is clear evidence this would be inappropriate.⁷⁵ The other measures referred to in the policy will also help to achieve the aims of the NPPF in relation to climate change and flooding.

I consider the policy has regard to the NPPF, is in general conformity with LP 2005 Policy GEN3 which I regard as partially consistent with the more recent NPPF and helps to achieve sustainable development thereby meeting the basic conditions.

There is an update to the supporting text in relation to the most recent NPPF.

- **Change the reference to “...paragraph 178...” of the NPPF in paragraph 6.19 on page 58 of the Plan to “...paragraph 183...”**

Policy STEB14: Renewable Energy

This policy encourages renewable energy schemes subject to satisfactory impact on the landscape, heritage assets, local residents and natural and biodiversity importance.

The NPPF is clear that the planning system should support the transition to a low carbon future and, amongst other things, support renewable and low carbon energy and associated infrastructure.⁷⁶ It encourages plans to take a proactive approach.⁷⁷ The NPPF⁷⁸ also supports community-led schemes including those taken forward through neighbourhood planning.

The policy is a local expression of the NPPF's drive to meet the challenge of climate change and can be viewed as a positive strategy⁷⁹ adding detail at the local level and will help to achieve sustainable development. The policy meets the basic conditions and no modifications are recommended.

⁷⁴ NPPF para 159

⁷⁵ Ibid para 167

⁷⁶ Ibid para 152

⁷⁷ Ibid paras 153, 155

⁷⁸ Ibid para 156

⁷⁹ Ibid paras 153, 155

Policy STEB15: Supporting the Local Economy – Small Scale Employment Space

Policy STEB15 supports Class E uses subject to a number of criteria. The criteria include effect on the local highway network and parking. The policy also covers home working and what is termed larger scale employment space.

The NPPF supports a prosperous rural economy enabling the sustainable growth and expansion of all types of businesses in rural areas as well as the development of local services and community facilities.⁸⁰

In itself the policy supports the economy and takes a common sense approach to commercial, business and service uses given the nature of the Plan area. It also supports home working and given the pandemic and changes to working practices recently seen, this is also appropriate. It therefore seems to me to support the direction of the NPPF and what sustainable development and growth might mean in this Plan area.

Class E covers a wide range of uses including retail, food and drink, fitness, crèches and some uses including industrial processes which can be carried out in a residential area without detriment to its amenity.

I consider the policy needs some reworking to make sure it is clear, to remove ambiguity over what might be permitted in the countryside and close to the settlement boundary or what might be regarded as small-scale or larger scale or conversions and to ensure it is ordered better to help with flow and sense. An addition to the supporting text is also suggested in this regard.

With these modifications, the policy will have regard to the NPPF and help to achieve sustainable development.

- **Revise the policy to read:**

“Development proposals which provide expanded or new small scale floorspace for Class E commercial, business and service use, will be supported where they will not cause detriment to the amenity of the surrounding area including the effect of additional traffic on the local highway network, satisfactory access and satisfactory parking and servicing provision.

New dwellings are encouraged to provide space and facilities for home working. Extensions to existing dwellings, or conversion of outbuildings or construction of small scale annexes within the curtilage of the dwelling, which provide facilities for home working will be supported provided the proposals

⁸⁰ NPPF para 84

are consistent with other relevant policies in this Neighbourhood Plan.”

- Add a new paragraph to the supporting text that reads: *“For the purposes of Policy STEB15, small scale means limited in size and extent. It is not considered appropriate to set thresholds as this may be too restrictive or limit economic development in the area. Small scale not only relates to size, but also to the type and scale of the operation. Proposals will therefore be dealt with on a case by case basis.”*

Policy STEB16: Communications

Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being.⁸¹ 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.⁸²

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 STEB17: Farm Diversification/Improvement

The NPPF supports the development and diversification of agricultural and other land-based rural businesses.⁸³

The Plan recognises the importance of agricultural land in the Parish. The policy supports farm diversification and improvement where this would enhance the farm’s sustainability or employment opportunities subject to their impact on the landscape character and heritage.

The policy meets the basic conditions as it has regard to national policy and will help to achieve sustainable development. No modifications are therefore recommended.

Policy STEB18: Tourism

The Plan explains the area is popular with walkers, cyclists, horse riders and others who enjoy the countryside. A number of events have been successfully held.

⁸¹ NPPF para 114

⁸² Ibid

⁸³ Ibid para 84

This policy supports the development of tourism which is in line with the NPPF which supports sustainable rural tourism and leisure developments which respect the character of the countryside.⁸⁴

The policy meets the basic conditions by having regard to the NPPF and helping to achieve sustainable development. No modifications are therefore recommended.

Chapter 8: Community and Well-being

Policy STEB19: Protection and Provision of Open Space, Sports Facilities and Playing Pitches

Policy STEB19 seeks to protect recreation, sport and play facilities alongside three areas of recreation/sport identified on Map 17 on page 81 of the Plan (which are also proposed LGSs). The policy protects these facilities from any development other than ancillary development or development improving the facility. It also protects public rights of way. Lastly, it requires new development to make appropriate provision in accordance with UDC's requirements.

There is a potential internal conflict with the three areas identified as proposed LGSs. This is because the development permitted on those areas by this policy may conflict with the policy for managing development on LGSs. Therefore given I have found these proposed LGSs do meet the LGS criteria set out in the NPPF,⁸⁵ and assuming that is the more important policy for the local community, they should be removed from this policy. This modification will also help with ensuring the policy catches all appropriate facilities now and in the future.

The NPPF supports the retention of sports venues and open spaces amongst other things as part of its support for prosperous rural economies.⁸⁶ It supports policies that aim to achieve healthy, inclusive and safe places including sports facilities, allotments and high quality public spaces.⁸⁷

The NPPF specifically refers to open spaces in setting out its social objective in relation to the achievement of sustainable development.⁸⁸ 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.⁸⁹

⁸⁴ NPPF para 84

⁸⁵ Ibid paras 101, 102, 103

⁸⁶ Ibid para 84

⁸⁷ Ibid para 92

⁸⁸ Ibid para 8

⁸⁹ Ibid para 93

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.⁹⁰

The NPPF advises that existing open space, sports and recreational buildings and land should not be built on unless the facility is surplus to requirements or they would be replaced by equivalent or better provision or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the former or existing use.⁹¹

Policy STEB19 is therefore more restrictive than national policy and whilst the Plan explains the importance of the facilities to the community, there is little justification for the more restrictive policy in this particular Parish. Therefore a modification is made to ensure the policy has regard to the NPPF.

There is a welcome reference to PROW to include the enhancement of the network. This takes account of the NPPF's stance on PROWs which is to both protect and enhance them.⁹²

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

- **Delete the words “...as shown on the Policies Map (17)...” from the policy**
- **Add a new sentence after the first sentence of the policy that reads: “*Facilities should not be built on unless there is a clear surplus to requirements, the facility would be replaced by an equivalent or better provision in an equally accessible location to the local community or the development is for alternative sports and recreation provision, the benefits of which clearly outweigh the current or previous use.*”**
- **Delete Mill Lane Recreation Ground and Cricket Field, Alcott Field and Pulford Field from the Policies Map [so that this policy does not apply to any areas identified as Local Green Spaces]**

Policy STEB20: Protection of Leisure and Community Facilities

As part of its support for a prosperous rural economy, the NPPF supports the retention and development of accessible local services and community facilities.⁹³ The NPPF

⁹⁰ NPPF para 98

⁹¹ Ibid para 99

⁹² Ibid para 100

⁹³ Ibid para 84

promotes the provision of facilities and services that the community needs encouraging planning policies to plan positively for such provision.⁹⁴

This policy seeks to retain local facilities, but sets out criteria where such a loss may be permitted. These include viability, replacement facilities and impact. The policy then supports the provision of new, extended or replacement facilities subject to a number of criteria. These include accessibility, effect on the local highway network and landscape character.

This policy has regard to the NPPF and helps to achieve sustainable development. The policy therefore meets the basic conditions and no modifications are recommended.

Policy STEB21: Health and Medical Care

This policy supports specialist housing and care homes and healthcare facilities, subject to criteria.

The NPPF supports housing for older people including those with support or care needs⁹⁵ as well as the provision of health facilities.

The policy has regard to the NPPF will help achieve sustainable development thereby meeting the basic conditions. It is not therefore necessary for me to recommend any modifications.

Chapter 9: Transport

Policy STEB22: Promoting Sustainable Transport

The NPPF is keen to ensure that transport issues are considered from the earliest stages of plan-making so that, amongst other things, opportunities to promote walking, cycling and public transport use are taken.⁹⁶

Policy STEB22 seeks mitigation for any significant traffic impacts that arise from new developments, encourages sustainable transport choices including safe pedestrian routes to key facilities, protects and enhances footpaths, bridleways and byways, encourages electric charging and the provision of cycle storage and refers to the need for travel plans or assessments as appropriate.

⁹⁴ NPPF para 93

⁹⁵ Ibid para 62

⁹⁶ Ibid para 104

It seems to me that this policy has particular regard to the NPPF, is in general conformity with LP 2005 Policy GEN1 and will help to achieve sustainable development. It meets the basic conditions and it is not necessary for me to recommend any modifications to it.

Chapter 10: Housing Allocations

It is useful for me at this juncture to set out the background to the housing context. The Plan explains the now withdrawn draft Local Plan led the Parish Council to ask UDC for an indicative housing figure. This was duly provided by UDC in July 2020 (Appendix C of the Plan) and is 25 dwellings for the period 2019 – 2033. Given extant permissions, the indicative figure has already been met and exceeded.

Despite this position, the Parish Council decided to allocate a number of sites for development.

However, before I consider the sites, I must consider the housing figure. Housing requirement figures for neighbourhood plan areas are not binding as neighbourhood planning groups are not required to plan for housing. However, where an indicative figure is provided, as in this case, PPG advises it will need to be tested at examination.⁹⁷

In this case, there is no up to date strategic housing policy at UDC level as LP 2005 and its Policy H1 covered the period 2000 -2011. UDC withdrew an emerging local plan in 2020 and whilst work is being carried out on a new local plan, it is at an early stage. There is a shortage in housing supply in the District and I cannot see how this will change until a new local plan is in place.

It is therefore important to recognise the contribution that the Plan makes to housing supply. The indicative figure of 25 units has already been exceeded in the early part of the time period for the Plan. Furthermore the Plan has made provision for additional site allocations totaling an additional 20 units.

PPG is clear that neighbourhood planning bodies are encouraged to meet their housing requirement and where possible to exceed it.⁹⁸ Where a housing requirement figure is to be exceeded then proactive engagement with the local planning authorities concerned is needed.⁹⁹ This is to assess whether the scale of additional housing numbers is in general conformity with strategic policies and whether, for example, the scale of the proposed increase would have a detrimental impact on the strategic spatial strategy, or whether sufficient infrastructure is proposed to support the scale of development and whether it has a realistic prospect of being delivered in accordance

⁹⁷ PPG para 104 ref id 41-104-20190509

⁹⁸ Ibid para 103 ref id 41-103-20190509

⁹⁹ Ibid

with development plan policies on viability.¹⁰⁰ UDC has not objected to the strategy put forward in this Plan.

Given this position, I do not consider it necessary to delve deep into the housing figures. I have considered the matter as part of the examination. I conclude that the scale of housing put forward is appropriate at the current time based on the information before me. My reasoning includes the excess over and above the indicative figure provided by UDC during the early part of the Plan period, the additional units supported through the site allocation policies, the evidence available to me at local planning authority level, the other policies in the Plan which do not inhibit windfall development and the lack of objection from UDC.

I now consider the sites. The sites came through two 'calls for sites' issued by UDC in 2015 and 2018, a specific Parish 'Call for Sites' as part of work carried out on this Plan and suggestions put forward by the local community.

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.¹⁰¹

A number of site options were explored using the information in UDC's Strategic Land Availability Assessment (SLAA) and evidence produced for the Plan such as the Landscape Appraisal. The remaining 21 sites were then independently assessed by Urban Vision through the Locality technical support programme.

Although the SLAA has now been withdrawn by UDC, I consider its findings valid at the time the Plan was produced. In any case the independent assessment carried out by Urban Vision is locally specific and remains valid.

Those performing well were subject to liaison with land owners. One site fell outside the process at this point with two others not pursued; one due to heritage considerations, the other as permission was granted for development subject to a S106 agreement.

Six sites were selected and are subject to Policies STEB H1 – H6. Before I look at the site specifics, I now deal with other issues raised through representations.

Representations indicate that neighbourhood plans should wait until strategic policies are in place. PPG is clear that neighbourhood plans can be developed before or at the same time as a local planning authority is producing its local plan.¹⁰² PPG is clear that draft neighbourhood plans are not tested against the policies in an emerging plan, but that the reasoning and evidence behind the local plan process can be of relevance.¹⁰³ It gives the example of up to date housing need evidence indicating this is relevant to the

¹⁰⁰ PPG para 103 ref id 41-103-20190509

¹⁰¹ Ibid para 042 ref id 41-042-20170728

¹⁰² Ibid para 009 ref id 411-009-20190509

¹⁰³ Ibid

question of whether a housing supply policy contributes to the achievement of sustainable development.¹⁰⁴ Where a neighbourhood plan is brought forward before an up to date local plan is in place, PPG advises that the parties should agree the relationship between the adopted and emerging plans.¹⁰⁵

It is important to minimise conflicts because any conflict between plans must be resolved in favour of the policy contained in the last document to become part of the development plan.¹⁰⁶

A representation indicates that the sites are not suitable for development. However, there is nothing before me to confirm this; the sites assessment is a comprehensive document produced by Locality consultants.

Whilst I appreciate the nature of the sites would mean they are all small sites (and therefore fall below the threshold for providing affordable housing for example), the NPPF recognises that small sites can make an important contribution and often are built out relatively quickly¹⁰⁷ and encourages neighbourhood planning groups to allocate such sites.¹⁰⁸

I have identified that the nature of the Parish is of smaller settlements. The NPPF supports sustainable development in rural areas which would support local services and it specifically recognises that development in a smaller settlement may support services in a nearby village.¹⁰⁹

Therefore I consider that the selected sites which are the preferred options of the local community and which reflect the Plan's vision do have regard to the NPPF and help to achieve sustainable development.

Other sites have been put forward. This is commonly the case, particularly when there is an absence of an up to date strategy at District level. Both sites are subject to current planning applications and appeals and therefore it is not appropriate or necessary for me to comment on each. In relation to my role, I can only consider whether the policies put forward in the Plan meet the basic conditions. For the reasons discussed in this report, I do not see a need for any further (or alternative) sites to be allocated in the Plan at this point in time.

A representation has also raised concern about infrastructure provision and traffic generation. Given the small scale of each individual site and their characteristics and the totality of the housing numbers put forward in the Plan, I consider that any concerns in this regard can be properly dealt with at the detailed planning stage and there is nothing before me to suggest that individually or cumulatively the proposed site

¹⁰⁴ PPG para 009 ref id 411-009-20190509

¹⁰⁵ Ibid

¹⁰⁶ Ibid

¹⁰⁷ NPPF para 69

¹⁰⁸ Ibid para 70

¹⁰⁹ Ibid para 79

allocations would have an adverse impact on the local highway network or local services and infrastructure.

Policies STEB H1 – H6

All the site allocation policies are accompanied by a clear map as well as an indication of the number of dwellings. Each policy contains criteria for appropriate development of the sites concerned.

I saw at my visit that whilst each site falls outside of settlement boundaries, these are out of date because the LP 2005 and its Policy H1 are of some age. As a result, in order to meet current and future housing needs, development will almost inevitably have to take place beyond existing settlement boundaries. Whilst the Plan has not chosen to review these, I am satisfied that all the sites accord with the prevailing linear character and appearance of the settlements and development of them would not intrude into the open countryside. In fact, two of the sites are brownfield in nature or have some development on them. I am also informed¹¹⁰ that Site H1 now has the benefit of outline planning permission.

In relation to Site H5, a representation expresses concern that it conflicts with one of the identified important open gaps and that the gap should be extended. There is some evidence for this in the Landscape Appraisal which recognises this parcel of land and the surrounds provides a break in the streetscape. The policy is clear that only part of the site is developable and given there are various buildings on the site for its current use, the development of part of the site will not lessen the impact of the identified gap in Policy STEB6.

NE in their representation point out that much of the Plan area falls within a ZOI for Hatfield Forest, a Site of Special Scientific Interest (SSSI) and a National Nature Reserve (NNR). NE explain that Hatfield Forest has experienced rapid and unsustainable growth in visitor numbers over the last 10 – 15 years which is putting it under pressure and there is evidence that the area is being damaged.

A mitigation strategy has been developed by NE and sent to the local planning authorities within the ZOI in June 2021. It does not appear as if this document has been adopted as yet. However, the mitigation strategy takes the form of a package of on-site Strategic Access Management Measures (SAMM) to which new housing development projects contribute.

NE consider that the proposed site allocations present a cumulative risk of harm and that this should be acknowledged in the Plan although NE does not specify how this should be achieved.

¹¹⁰ Through the PC's comments on the Regulation 16 representations

I consider that it would not be helpful or necessary to delay the Plan moving forward until the mitigation strategy has been adopted. I note that the SEA and HRA Screening Report of September 2020 did not identify any likely significant effects on this particular issue. NE did not raise any issue in their reply to that consultation. Looking at it pragmatically, if the sites came forward as planning applications the issue would be dealt with on a case-by-case basis as part of the development management process.

Therefore I propose to recommend a modification to add to each site allocation policy which recognises their location within the ZOI and the need for the issue to be considered in a bespoke way until such time as NE and UDC have a better approach. This will ensure that the Plan can proceed, but that the issue raised by NE can be addressed.

I consider all the sites are appropriately allocated and represent sustainable growth in the Parish. I consider that Policies STEB: H1, H2, H3, H4, H5 and H6 meet the basic conditions by helping to boost the supply of housing thereby having regard to the NPPF and helping to achieve sustainable development.

- **Add a new bullet point to Policies STEB H1 – H6 inclusive that reads: *“The site falls within the Zone of Influence (ZOI) for Hatfield Forest SSSI and NNR. All residential development within the ZOI will need to deliver all measures (including any strategic measures or financial contributions) identified through site specific assessments or otherwise to mitigate any recreational pressure impacts.”***

Chapter 11: The Policies Map and Schedule of Neighbourhood Plan Policies

Map 17 on page 81 of the Plan is the Policies Map. I have made some recommendations in respect of the Policies Map earlier in this report. Otherwise it is a useful visual representation of the policies in the Plan.

There is then a table detailing all the policies in the Plan.

Chapter 12: Projects

This section contains details of projects that are not related to the development and use of land so cannot form part of the planning policies, but nonetheless are important issues which arose during engagement with the local community.

Chapter 13: Implementation, Monitoring and Review

This section explains that the Plan will be monitored. At present it is not mandatory to monitor or review neighbourhood plans, but I regard this as good practice and therefore welcome this.

Developer contributions are also referred to re the delivery of the Plan. A reference to the NPPF needs updating to the current version.

- **Update the reference to “...paragraph 56...” of the NPPF in paragraph 13.3 on page 84 of the Plan to “...paragraph 57...”**

Appendices

A number of appendices follow.

Appendix A is a table of relevant strategic policies at UDC level.

Appendix B is a schedule of heritage assets. It would be useful to add a paragraph to direct readers to the most up to date information so this is future proofed.

Appendix C is a letter from UDC outlining the indicative housing requirement.

Appendix D is a glossary and list of abbreviations. References to the NPPF 2019 should be updated to the most recent version of the NPPF. Other updates needed are to the definition of Building for Life and use classes.

Appendix E is a list of and links to evidence documents.

Appendix F is an equality impact statement.

Appendix G is acknowledgements.

- **Add a sentence to Appendix B that reads: “*The information in this appendix is correct at the time of writing the Plan. Up to date information on heritage assets should always be sought from Historic England or other reliable sources of information.*”**
- **Update references to the NPPF in the glossary as necessary including definition for affordable housing, Local Green Space**
- **Update reference to “Building for Life” to “Building for a Healthy Life”**

- **Update reference to A1 and B2 in the definition of Use Classes as both have now been revoked**

8.0 Conclusions and recommendations

I am satisfied that the Stebbing Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to Uttlesford District Council that, subject to the modifications proposed in this report, the Stebbing Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion.

I therefore consider that the Stebbing Neighbourhood Development Plan should proceed to a referendum based on the Stebbing Neighbourhood Plan area as approved by Uttlesford District Council on 8 June 2016.

Ann Skippers MRTPI

Ann Skippers Planning

11 February 2022

Appendix 1 List of key documents specific to this examination

Stebbing Neighbourhood Development Plan 2019 – 2033 Reg 16 Draft v4b: July 2021

Basic Conditions Statement June 2021

Consultation Statement Regulation 15 undated

Strategic Environmental Assessment (SEA) Screening Determination Statement January 2021 (UDC)

Heritage Assessment relating to the emerging Stebbing Neighbourhood Plan GLA-261-v02 August 2017 (Grover Lewis Associates)

Stebbing Conservation Area Appraisal and Management Proposals March 2010 (UDC)

Housing Strategy 2021 -2026 October 2021 (UDC)

West Essex and East Hertfordshire Strategic Housing Market Assessment July 2017 (Opinion Research Services)

West Essex and East Hertfordshire Strategic Housing Market Assessment Affordable Housing Update July 2017 (Opinion Research Services)

Landscape Character Assessment September 2006 (Chris Blandford Associates)

Landscape Sensitivity and Capacity Appraisal and Appendices March 2017 (The Landscape Partnership)

Stebbing – The Prospect for Survival 1975 (The Stebbing Society)

Housing Needs Survey March 2015 (RCCE)

Local Wildlife Sites (EWT)

Extant planning permissions in Stebbing Parish

Rural Community Profile October 2013 (RCCE)

Local Green Space Designation: Policy STEB3 Assessment (Appendix E: EB17)

Andrew Airsfield information

Stebbing – Site Appraisals April 2019 (Urban Vision Enterprise CIC)

Uttlesford Local Plan adopted January 2005

Essex Design Guide (ECC)

Parking Standards Design and Good Practice September 2009 (ECC and EPOA)

The SuDs Manual (CIRIA)

Other information found on www.stebbingneighbourhoodplan.co.uk