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Steering group comments are in italics

Dear Sir/Madam,

**Representations to Newport Neighbourhood Plan, Regulation 14 Consultation
On behalf of Countryside Properties**

On behalf of Countryside Properties (UK) Ltd, Savills (UK) Ltd has been instructed to prepare representations to the Newport Neighbourhood Plan Regulation 14 Consultation.

Countryside is promoting land to the south of Wicken Road (see attached Site Location Plan) through the emerging Uttlesford Local Plan. The site is not identified as a potential allocation in the draft Regulation 19 Local Plan. However, Countryside are of the view that Uttlesford have failed to identify sufficient sites to make a sound plan and consequently must look to identify additional available and deliverable sites.

The Uttlesford Local Plan (ULP) is to create three new settlements. As this will require an element of land value capture to provide totally new infrastructure it will be less profitable for developers who, as in this case, would prefer to carry on building on greenfield next to historic settlements (which the Inspector for the previous iteration of the Local Plan considered an unsustainable policy) where their offsite infrastructure costs are limited. It is therefore considered that Countryside's view of the ULP is based on its own profitability and no supporting evidence is provided.

A planning application (reference UTT/17/2868/OP) for 150 units was submitted and refused by Planning Committee on 17 May 2018, contrary to the recommendation of Officers. It should be noted there were no technical objections to the proposals by any statutory consultee.

All refusals by Planning Committees are against officer recommendation.

Key statutory consultees such as water companies and Education and Health as statutory providers are not able to issue refusals.

Both the Conservation and Landscape officers' reports were unfavourable, and the refusal reasons included damage to landscape and countryside under policy S7.

However it is considered that this Neighbourhood Plan does not present an accurate account of neighbourhood planning matters in Newport. Many of the statements made in the Plan are misleading and are not supported by evidence. Proposed policies are unreasonable and site allocations unsustainable and/or undeliverable. It fails to fully consider the needs of future generations and make a positive contribution towards sustainable development.

There is nothing specific in this paragraph and we do not accept it

The representations are set out under relevant subheadings with reference to particular paragraphs and policies of the Neighbourhood Plan.

Foreword

The Neighbourhood Plan recognises in its first sentence that more homes are needed in the District. However, it goes on to state that their location and type is 'imposed' rather than it being a 'choice'. One of the

key purposes of the planning system is to provide sufficient homes and employment opportunities in the most sustainable locations as advocated by the National Planning Policy Framework (NPPF).

The Neighbourhood Plan should take a positive approach towards new development and recognise that new homes should be located in sustainable locations in accordance with the NPPF.

Agreed – this is the purpose of the Plan

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East..

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The 'Regulation 18' Uttlesford District Council Draft Local Plan

It is noted that the emerging Local Plan is being generated at the same time as the Neighbourhood Plan, however it is not clear within the Neighbourhood Plan whether it will be brought forward in advance of the Local Plan, or after its adoption. This should be confirmed.

The Steering Group has no influence over the timing of the adoption of the Local Plan, which is currently at Regulation 19. It is not possible to give a confirmation, but our Plan will be kept consistent with the emerging Local Plan and we will not delay our Plan for the Local Plan

Green Spaces and Environmental Policies – Air Quality

We strongly object to the Neighbourhood Plan's presentation of air quality matters and the conclusions drawn on this matter. The evidence appears to rely on lifted extracts from various sources without appropriately assessing the evidence behind them. In our view, the Neighbourhood Plan is misleading and the conclusions drawn unjustified.

The air quality section is being amended and updated to include the latest readings. The sources are the UDC readings of NO2 from the tube at Wicken Rd /High Street. There are now 11 months readings and before we move to the next stage a full year will be available. The raw readings have been fully adjusted and confirm the air quality problem and that the average annual mean will be illegal. This confirms from tube readings and traffic forecasts, the statement in the Countryside Traffic and Air Quality Assessment (Markides) that air quality will be illegal

There was a second report from Markides which, in the Steering group's opinion, appeared to be a panic measure by the applicant when it was realised that the breach of limits shown by their own report was being quoted in objections. The second report showing lower figures was a computer model calculation and was 'validated' against the M11 readings (now referred to as Newport M11 in the UDC reports), which is in open countryside 1km away from the village centre and so an irrelevant comparison for validation. In a phone conversation at the time with the UDC Environmental health officer and one of our district councilors we understand this point was agreed.

Markides offered no reason as to why they had produced different reports with different conclusions, and made no reference to the available readings from central Newport. If they were to do modeling, it should, in our opinion, have validated against a similar location, for example in Saffron Walden, as was done for our Neighbourhood Plan. Modelling against another location for the figures in our Plan will not be needed for the updated version as full readings for the average annual concentration will be available

The first Markides report is consistent with the UDC readings. The second late submission from the applicant appears to be false science.

The applicant's approach to the matter of traffic and pollution was flawed. The applicant for example invented non-existent bus and train services, and their initial attempt to minimize traffic volume predictions was rejected by Essex Highways. They were still permitted to use a PICADY traffic model of a type which could not be validated against the photographic count and falsely claimed against parish council evidence that there are largely no queues in Newport.

The consultation by Countryside contained only leading questions of a general nature, and the specific and strong objections submitted were not published - only a sanitized version and a few comments where the applicant was able to offer some ameliorating response. All these matters affect our view of the weight to be given to comments on the Plan consultation.

The statements from the Environmental Health Officer quoted in the Plan were in response to Countryside's

application at Wicken Road and it should be noted that the Officer did not object to the application.

Green Spaces and Environmental Policies – Footpaths and Access to the Countryside

It is noted that there is a requirement for additional green space in the village.

The Plan does not say this.

Policy SCL3 says that ‘Developments will be encouraged to provide green spaces, allotments and play areas in excess of the UDC policy, and also flat areas suitable for ball sports, such as basketball and netball.

Attention is drawn to Countryside’s proposals for land south of Wicken Road, which provides for a significant amount of publically accessible green space to help meet the needs of existing and future residents. The Illustrative Masterplan submitted in support of the application is attached at Appendix 1.

Policy EH2 – Primary School Places

This policy is not supported.

An education authority is a statutory consultee for most major planning applications and thus it is for the authority to advise upon the submission of a planning application whether there are sufficient places in a school to accommodate new pupils, and any monies which should be secured through a S106 or CIL to support schools in the local area. An education authority has a statutory legal duty to provide school places for all children and thus, whilst schools might be at times at capacity (pupil generation and the number of pupils in any year is not constant and varies year by year), children will never be denied a school place.

In accordance with paragraph 204 of the NPPF, planning conditions should only be imposed where they are necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects.

The imposition of a condition requiring confirmation from the education authority that places are available prior to occupation is wholly unreasonable, unjustified and duplicates statutory provisions. The need for education places is addressed prior to the issuing of a decision on a planning application, and such further consultation is onerous and unnecessary.

The wording of the policy is being adjusted to make it more precise. In their response the Education Authority say ‘Objective 1 is supported but the supporting text is inaccurate and the policy accordingly considered to be unworkable’. We believe the alterations will make it workable. It is noted that if local primary school places are available, as they are required to be, this policy would not be called upon. It should also be noted that it does not place any restriction on the granting of permission, or on construction of houses, and applies only to primary school places, not secondary or early years.

Housing Allocation Policies – Village Identities

It is noted in paragraph 5 of this chapter that ‘developments so far approved or built since the date of the last Local Plan in 2011 will deliver almost no infrastructure or facility improvements’. All major development proposals have provided the necessary infrastructure to meet identified needs and have been subject to a S106 Agreement. For example, the recently approved London Road scheme (UTT/15/1869/FUL) secured financial contributions towards education and NHS (as requested by the respective bodies), and land has been provided for new allotments and a mixed use building. New developments cannot be expected to provide for new infrastructure which is not needed or wanted by the Local Authority or County Council.

Indeed, when Countryside met with the Parish Council to discuss their proposals for an application on land to the south of Wicken Road in 2016, the Parish Council informed Countryside that Newport did not need any new infrastructure or community facilities.

The parish council comment in the meeting was specific to this application ie meaning that the site is considered so unsuitable that no offerings of other facilities would justify the application.

The commercial unit in UTT/15/1869/FUL is not a free facility for the village. It is a commercial operation. S106 use was restricted by the government in April 2015. The result here has been a reduction in developer contributions. For example a pre 2015 permission for 15 houses on Whiteditch Lane had s106 educational contributions. Post 2015 the developer obtained a replacement application for 20 houses and was not then required to make any education contribution. This is why we support CIL and consider s106 as not able to deliver the general improvements which could be obtained from CIL

It should also be noted that whilst the Traffic Assessment for the application concluded it is not possible to upgrade the local road network, in the context of the application submitted, the local road network did not need upgrading to accommodate the proposed development.

The TA did not say that the local road network did not need upgrade. It said the junction would be operating at above normally accepted capacity in the morning peak. There must have been a consideration that there was a problem otherwise the TA would not have made the comment that nothing can be done. If nothing can reasonably be done then that is a refusal reason.

Housing Allocation Policies – HA5 Site Allocations

It is difficult to fully understand the community consultation feedback without sight of the questions. It is noted that the surveys are not provided on the Newport Neighbourhood Plan website. We request that the actual questions asked are made available. We reserve our right to comment further on this matter.

The questions are shown on the left hand side of the community consultation feedback tables in the Plan. In addition a full copy of the questionnaire results has been forwarded to Savills

It is noted that land to the east of the railway line (13NEW15) is referred to as being a brownfield site, when it is in fact greenfield.

This wording is in the survey question only. We understand that a quarry is not classified as greenfield and it is not referred to as such in the policy or in the site assessment document.

Chalk Farm Lane (Site 13NEW15) and Chalk Farm Quarry (Site NEW1), Newport

Whilst we welcome the Council's acknowledgement of a need to provide new homes in Newport, we object to the allocation of both sites as they not considered sustainable or deliverable.

As alluded to above, both sites are greenfield.¹ The sites are isolated from the built area, and are located some distance from the settlement boundary defined in both the adopted and emerging Local Plans. Development of both sites is contrary to the NPPF, the adopted Uttlesford Local Plan 2005 and the emerging Local Plan which seek to encourage development within or on the edge of settlements, and avoid new development in isolated locations.

The Plan notes that the Site 13NEW15 was assessed by UDC as being 'suitable for up to 30 homes.' This is misleading. Overall, UDC concluded "the allocation of the site would introduce development in an isolated location in the countryside. The site is therefore considered unsuitable for residential or employment development as development of this site would not contribute to sustainable development."

UDC has agreed that their assessment of the site was materially flawed. The assessment failed to note close proximity to the station (did not say there was a station at all) and therefore failed to include this in the sustainability of the location. This is recorded in the minutes of the UDC Cabinet meeting in June 2018. Landscape comments in the assessment appear to us to be copied from another site and are factually incorrect

The access to both sites is also considered unsuitable. It currently comprises a poorly surfaced single track road with no footway. Regardless of whether or not the track and adjacent land are available in terms of landownership, it is considered that the costs of upgrading the road to adoptable standards will render both allocations unviable.

The Plan needs to identify sites which are deliverable, available, suitable and achievable. Land south of Wicken Road represents the most sustainable site in the village. Whilst it was recently refused by planning committee, this was contrary to the Officer's recommendation and there were no technical objections to the application by any statutory consultees.

We disagree that the Wicken Rd site is 'the most sustainable site in the village'

The Wicken Rd site is disconnected from the village and was rejected on significant damage to countryside contrary to the 2005 Plan policy S7. The replacement Local Plan policy SP10 is in our opinion even stronger than S7. NEW 1 is closer to the station than the Wicken Rd site and 13New15 is closer to most facilities than the Wicken Rd site. The quarry sites would not go as far south as current permitted development along London Rd.

Concerning access the comments fail to distinguish between the roads to the two site allocations. To the south the road is a recent construction, built to support heavy trucks, and benefits from already having a junction onto the Widdington Rd (and unlike Wicken Rd, would not feed traffic into the village centre). Upgrading this would be within the viability of a 150 house development. The road to the smaller quarry to the north would need surfacing up to where it is tarmaced just south of the station. Up to the former gas works it was built by the railway company and will therefore have 'modern' foundations. Again no highway junction is needed. There is room for passing places and there would be no need for a full width road with a footway. A comparison is that the Highways Authority have never raised any objection to many applications on Whiteditch Lane (currently 77 houses/applications with more awaited) which is a single track byway with no footway or lighting and poor visibility on a blind sunken bend and which is collapsing under the weight of construction traffic following two developers getting restoration conditions removed. In contrast Chalk Farm Lane is straight with good visibility and would be taking less than half the traffic.

House sizes and affordable housing

We strongly disagree with the statement at paragraph 5 of this chapter that house size mix is not commented upon by the Local Authority. As part of any detailed planning application or reserved matters application, a developer will be required to provide a mix of housing in accordance with a Council's policy and/or evidence base. Should a developer fail to adhere to the mix agreed, enforcement action can be taken. The Plan provides no evidence that developers provide a mix which differentiates to that approved, and it is entirely inappropriate to suggest otherwise.

Paragraph 5 on page 69 is the text referred to. This neither says nor infers that developers build a mix which is different to that approved. It is assumed that the phrase being disagreed with is 'local experience is that the rest of the house size mix is not commented upon'. However, having seen many local applications it is commonplace for developers to promote their application as providing the 40% affordables and for this to be in the officer's report, but although the mix is always shown we do not recall seeing any reference that the housing mix in an application matches council policy. This was the case with the officer report for the indicative mix for UTT/17/2868/OP,

UDC does not hold complete records of the mix of units completed as there is no requirement to do so

This is what is stated on page 69. However a local authority is free to keep whatever extra information it may require. UDC has no records to demonstrate that across the district in total its policy is working.

¹ See definition of previously developed land in NPPF Glossary



Policy HD4 House Sizes

We object to the proposed requirement for at least 10% of new homes to be one bedroom. Whilst Countryside is committed to providing a mix of homes on all its development sites including one bedroom properties, the housing mix should be determined in accordance with the identified need set out within the SHMA and implemented in Local Plan policy. The Council has provided no evidence to justify such a high proportion of new homes.

Policy TR1 Extension of speed limits and footways

Whilst Countryside support the principle of upgrades to make new developments safe and accessible, Policy TR1 is not feasible.

Extensions to speed limits are complex and it is not something which is controlled or implemented through the planning system. Amendments to orders which control speed limits can only be made by the Local Highway Authority.

The Steering Group discussed this policy with the officer responsible for local highways projects, including speed limit alterations. The officer was supportive of the policy and is currently working on applications to extend a limit which we believe should and could have been funded from a planning permission. The policy is about funding, not control or implementation. We are informed that the full cost is about £10k to move a speed limit.. Implementation would remain as now via the Local Highways Panel and the Highways Authority

Policy SCL2 Levy

Countryside support in principle the requirement to fund sports and leisure facilities subject to need and compliance with CIL Regulation 123.

However, the financial contributions proposed in policy SCL2 are considered unrealistic and could render schemes unviable and result in a reduction in the amount of affordable housing which can be delivered. The contributions proposed are also not supported by appropriate evidence.

The evidence for the contributions is from the CIL calculations in the 'Uttlesford Open Space, Sport Facility and Playing Pitch Strategy (2012) and is fully explained on p97. The Strategy is referenced in the ULP regulation 19.

Countryside provide no evidence that for example a payment of £6k on a four bedroom house would make development unviable. A nearby Countryside development in Essex currently has 4 bed houses at between £572k and £775k. The Plan also says that 'The levy will not apply to Affordable Homes'.

We trust that our representations will be taken into account when preparing the Plan. If you would like to discuss a potential allocation of land south of Wicken Road in further detail, please do not hesitate to contact us.

Yours sincerely

**Rosanna Metcalfe BA (Hons) MSc MRTPI
Associate**