



Regulation 14 Representations to the Newport Quendon & Rickling Neighbourhood Plan Neighbourhood Plan

By Sworders

On behalf of Mr and Mrs D Hill

June 2018

*Steering group responses in italic,
subsequent update in red*

Introduction:

These representations are made on behalf of Mr and Mrs D Hill, who are Newport residents and owners of land affected by the policies in this Neighbourhood Plan. Whilst we support the principle of Neighbourhood Planning and the efforts made by the Steering Group, we do have a number of major concerns regarding the onerous restrictions placed upon land within Mr and Mrs Hill's ownership through some of the policies in this Plan. Specifically policies EN7, HA1 and HA3. We also have concerns regarding some of the policies which will place unreasonable burdens on applications for planning permission and or/conflict with national or emerging local policy. These policies are EN1, EN2, EN6, HA4, HA5 and HA6. Our concerns are listed below in policy order as they appear in the Neighbourhood Plan.

Policy EN1:

We object to this policy which is not in conformity with national regulations. The objectives for Nitrogen Dioxide set out in this policy are more onerous than the National Air Quality Objectives as set out in the Air Quality Standards Regulations 2010.

Policy EN1 requires designation of an Air Quality Management Area (AQMA) if the results show levels above 35 $\mu\text{g m}^3$ annual mean, or 175 $\mu\text{g m}^3$ 1 hour mean on more than 18 times a year, whereas the National Air Quality Objectives set these at 40 $\mu\text{g m}^3$ annual mean, or 200 $\mu\text{g m}^3$ 1 hour mean.

No evidence is presented to demonstrate why the objectives for air quality in the Neighbourhood Plan are more stringent than the national targets.

This policy also lacks flexibility in the event that national targets and/or EU Limit values change. The Uttlesford District Council Regulation 19 Pre-Submission Plan Policy EN19 which relates to Air Quality instead requires account to be taken of "*guidance current at the time of application*" which is a more flexible approach and reduces the likelihood of the policy becoming out of date.

Amendments to the policy include reference the limits as 'currently published' in the same way as is



done in the Local Plan.

The 35 µg m3 is in a statement by the UDC Environmental Health officer. The concept is that action must be taken before pollution reaches the illegal level and not wait until it is already illegal. The 175 is no longer referenced in the policy

Policy EN2:

This policy is unclear; it appears to require a Transport Assessment and Air Quality Assessment for proposals that lead to any increase in congestion anywhere in the village. This conflicts with the local Validation Lists which only require Transport Assessments and Air Quality Assessments where there are likely to be “*significant*” additional vehicle movements.

Furthermore, it requires mitigation to bring levels of predicted pollutants “*back to pre-development levels*” which exceeds the requirements for mitigation in emerging Local Plan Policy EN19.

*We think this is clear. It starts ‘Major development proposals...’ (pace the ‘**significant** additional vehicle movements’) and is sensible given that current data suggest that the centre of the village is already close to legal limits before the bulk of existing permissions are built let alone occupied.*

EN2 is qualified by reference to EN1. It is therefore specific to Newport as an area already near illegal levels.

Policy EN6:

We support the objective of this policy to protect and enhance footpaths and seek improvements in connection with new development. However, we object to the following element:

“Development resulting in an adverse impact on existing footpaths and rights of way, including degradation of rural views and views towards the villages and landmarks such as churches, will not be supported.”

This is negatively worded which is contrary to NPPF paragraph 184 which requires Neighbourhood Plans to plan positively.

The paragraph refers to the now superseded 2012 NPPF, which requires Neighbourhoods to ‘plan positively to support [the Local Plan]’. This has been done. The relevant policies in the Local Plan to which this Plan is in conformity are EN1 & C1. Wording the policy as ‘Development not resultingwill be supported ‘ would be illogical as it would imply that all such development would be acceptable



Recommendation EN7:

This policy and supporting text is drafted assuming the Ellis Trust own the entirety of the Local Wildlife Site and have shown a willingness to include it in the Community Land Trust (CLT). However, part of the site is privately owned by Mr and Mrs D Hill.

The landowners have not been approached regarding the proposals set out in this policy, including the aspiration for public access. The NPPG (Paragraph: 080 Reference ID: 41-080-20150209) states that when preparing a Neighbourhood Plan, the qualifying body should engage and consult those living and working in the neighbourhood area and those with an interest in or affected by the proposals and talk to land owners and the development industry.

It is assumed that the Neighbourhood Plan Steering Group are aware that this proposal is undeliverable without consultation and agreement with the landowners, hence it is a recommendation, as opposed to a policy and is not accompanied by a conformity statement.

As a recommendation, this is aspirational. This aspiration is independent of ownership issues. Consultation regarding the Neighbourhood Plan has been carried out according to the guidelines. The steering group was misinformed about ownership and the Plan will be amended. The area owned by the Hills will be excluded.

Policy HA1:

This policy is being revised.

We object to this policy which is overly restrictive of development and therefore contrary to NPPF paragraph 14 the presumption in favour of sustainable development and paragraph 184 which requires Neighbourhood Plans to plan positively.

The requirement to 'plan positively to support [the Local Plan]' is noted and endorsed. However, this does not obviate the responsibility on the Neighbourhood Plan to indicate which land is more- or less-suitable for development. Indicating, with reasons, why land may not be regarded as suitable does not constitute 'negative wording contrary to NPPF(2012) para 184.

This objection also relates to Map 3 "Newport outside Cam Valley". Map 3 contains no key and coupled with the wording of the fourth bullet point of Policy HA1, it is not clear whether the pink shaded area represents the area "Outside Cam Valley" on which development will not be permitted or if the area of restraint is all that area not shaded pink. The following paragraphs are based on the assumption that the area shaded pink on Map 3 is the area in which development will not be permitted.

Specifically, we object to the third and fourth bullet points of Policy HA1 which effectively constrain all types of development to the north, south and west of Newport.

The restrictions placed by these two bullet points are extremely onerous, unjustified and fail



to have regard to the national policy presumption in favour of sustainable development. The areas of land covered by these policies are extensive; for example, “*outside of the Cam valley*” includes all land to the west of Newport as far as the M11 and areas “*along the B1383 north or south of the villages*” appear to have no defined limit at all.

As the east of Newport is constrained by the presence of the Historic Park and Garden, the flood zone and policy HA3, restricting development to the north, south and west effectively puts a moratorium on all development outside of the current development limits, despite the apparent support for sustainable development contained in the first two bullet points of this policy.

Agreed. The marked areas are outside Local Plan ‘development limits’. It is not reasonable to infer that because there are Historic Parks, other areas outside of development limits are therefore made more suitable. For some locations the opposite applies where development would interfere with the views for example of Shortgrove, which is a Capability Brown landscape

The policy states that “*development*” and “*further development*” in these various locations “*will not be permitted*”. Without specifying what type of development will be restricted or permitted, this wording will therefore prevent all development. This is exceptionally onerous and would afford the land greater protection than Areas of Outstanding Natural Beauty (AONB), Local Green Space (LGS) and Green Belt designations, in which certain types of development are considered appropriate and development is permitted in certain circumstances.

As drafted, the policy would prevent all forms of development, including agricultural buildings and operations which would place a disproportionate burden on landowners and severely restrict their ability to continue to use the land as part of their agricultural unit. For example, they may wish to lay an area of hardstanding or erect a new agricultural building. This is contrary to paragraph 28 of the NPPF which supports “*all types of business and enterprise in the rural area, both through conversion of existing buildings and well designed new buildings*”. Mr and Mrs Hill are owners of a significant portion of the land designated as “*outside of the Cam valley*” and have not been informed of the designation; given the unprecedented restriction this policy would place on the land, the landowners ought to have been notified ahead of finding this out via the public consultation.

Furthermore, there appears to be no justification provided for the blanket restriction on all types of development in these areas. The Neighbourhood Plan itself contains no reference to land “*outside of the Cam valley*” save for this policy and Map 3 and contains no explanation for the designation. There is nothing within national policy or guidance, or in the Adopted Local Plan or emerging Local Plan which suggests that such an onerous requirement is necessary or appropriate.

Policy SP10 of the emerging Local Plan discusses Protection of the Countryside and includes, inter alia, In the countryside, the only development that will be permitted is for the following uses: agriculture horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside.

The wording of HA1 will be amended to clarify precisely what might be permitted, as detailed in SP10.



Further detail *will be given of the reasons why development other than that detailed in SP10 will not be supported in this area*

Policy HA3:

We object to this policy which is negatively worded and therefore contrary to NPPF paragraph 14 the presumption in favour of sustainable development and paragraph 184 which requires Neighbourhood Plans to plan positively.

See above

Our reasons for objecting to this policy are the same as those relating to policy HA1; the restriction is extremely onerous, unjustified and fails to have regard to the national policy presumption in favour of sustainable development. The wording will effectively prevent all types of development in these areas.

The ‘presumption in favour of sustainable development’ is not a licence to build anything, anywhere, as long as it can be claimed as sustainable. A presumption applies in the absence of compelling argument one way or the other; it does not trump those arguments.

Specifically regarding *“the fields separating the developed area to the south of Wicken Rd from the newly developed area to the north of Bury Water Lane; the land referred to is already restricted by the “outside of the Cam valley” designation. We do not consider that either of these policies are justified.*

The justification for the policy is stated in the policy and the preamble to it. ‘To retain the close connection with, and views of, open countryside:’

Policy HA4:

We object to this policy which is negatively worded and therefore contrary to NPPF paragraph 14 the presumption in favour of sustainable development and paragraph 184 which requires Neighbourhood Plans to plan positively.

See above

This policy also conflicts with Policy EN2. Policy HA4 seeks to prevent all development which is likely to lead to additional traffic congestion at the Wicken Road B1038 – High Street B1383 junction. Conversely, Policy EN2 requires development leading to increased congestion at the Wicken Road B1038 – High Street B1383 junction to be accompanied by a Transport Assessment and Air Quality Impact Assessment and incorporate mitigation. These two policies combine to make it unclear to the decision maker how to determine applications.

If a proposed development contributes to worsening Air Quality at the junction in question it would be unsustainable. The guidance to the ‘decision maker’ thus all points in the same direction. HA4 as written may effectively duplicate the air quality policies. The wording will be reconsidered



Policy HA5 Chalk Fam Lane and Chalk Farm Quarry:

We have concerns that these two allocations are unsustainably located, are within a Minerals Safeguarding Area and have unsuitable and/or undeliverable accesses.

The sites are in an unsustainable location remote from the village centre. They are east of the railway line and therefore conflict with Policy HA3 (places a blanket restriction on all types of development). Access via either Debden Road or Widdington Road will result in poor connection and sustainability. As such, allocation of these sites does not comply with Basic Condition d. which requires a Neighbourhood Plan to contribute to the achievement of sustainable development.

The attractiveness of both sites is that they are in fact close to the centre of the village (& in particular the railway station) for pedestrian traffic, accessible to vehicles to the largest site without needing to access the centre of the village and will not generate significant visual intrusion. On this basis, these sites are superior to most recent development in the village and greenfield sites currently the subject of applications

These site allocations have been removed from the Plan

Policy HA6:

We question whether the Neighbourhood Plan can simply “adopt” a draft policy from the Regulation 18 Local Plan. The Local Plan policy is yet to go through Regulation 19 consultation and Examination, so may not be eventually adopted in its Regulation 18 form.

The Regulation 19 Pre-Submission Plan has amended Policy C1 from the Regulation 18 version reproduced in the Neighbourhood Plan, so Policy HA6 is already no longer in conformity with it.

The general point of ‘adopting’ a draft policy is precisely because it might change, and the fact that the Neighbourhood Plan went to consultation before the Local Plan meant that it was judged appropriate at that time to persevere with an actual wording rather than to pin a policy to something fluid over which our Plan has no control. This procedure was agreed in a meeting with UDC officers.

The wording of Policy C1 in the Regulation 19 Pre-Submission Plan is now less negatively worded, with phrases such as “No material harm is caused to...” replaced with “It preserves or enhances...”.

We object to Policy HA6 which is negatively worded and therefore contrary to NPPF paragraph 14 the presumption in favour of sustainable development and paragraph 184 which requires Neighbourhood Plans to plan positively.

See earlier comments regarding the NPPF(2012)