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| Committee | Full Council |
| Month | November 2021 |
| Report Title | Saffron Walden Neighbourhood Plan (SWNP) Review the Examiner's Initial Comments |

Saffron Walden Neighbourhood Plan Examination Note of Interim Findings from the Examiner to the Town Council and Uttlesford District Council

This letter seeks to respond to the queries raised by Ann Skippers, Independent Examiner for Saffron Walden Neighbourhood Plan. In her interim findings, Ms Skipper does not necessarily request specific responses to the queries raised but rather for the Town Council to consider one of two options being:

- (1) To continue with the examination, acknowledging a number of queries have been raised which will result in modifications and/or deletion of policies or
- (2) to withdraw the Neighbourhood plan.

In considering a response to the options posed, it was appropriate to review the queries raised by Ms Skippers. Whilst therefore a specific response to the queries is not required, it is appropriate to address these as they form and shape the Town Council's decision of whether to continue with the examination or to withdraw the plan.

For ease of reference, the queries from Ms Skipper are shown below in italics with a response from SWTC underneath, note the numbers given below do not align with the original letter from Ms Skippers.

Query 1

Policy SW1 (SWNP Site Allocations) makes a number of site allocations. However, it relies wholly on work carried out on the now withdrawn emerging Local Plan. There is no standalone work or at the very least a review to check the validity of this untested evidence. It is not clear to me why some sites in the emerging Local Plan have come forward whilst others appear not to.

Response 1

The table showing the site allocations is admittedly drawn in a way that invites misunderstanding. The ONLY new sites that are allocated are in this section of the table.

| Land south of 11ptons, Inaxted Road U11/18/2820/1 UL | | |
|--|---|--------------|
| Sites allocated by the SWNP | | 122 |
| Reg19 Policy SAF 3 | Land at Viceroy Coaches, to rear of 10-12 Bridge Street | 10 |
| Reg 19 Policy SAF 4 | Jossaumes, Thaxted road | 12 |
| | Land at Shire Hill UTT/17/2832 | 100 |
| Total number of dwellings in Saffron Walden 2011 - 2025 * | | 1,100 |

Standalone evidence was not carried out because Viceroy Coaches and Jossaumes were included in the previous Call for Sites, being brownfield sites, they are and were valid allocations.

Shire Hill was not included in the (then) emerging local plan, but it had at the time of preparing the SWNP obtained planning permission. UDC advised it could therefore be included as a site allocation.

Query 2:

Furthermore, there is no evidence, given the assumptions made, that the sites selected are still available, suitable and are likely to be economically viable

Response 2:

The Land at Viceroy Coaches and Jossaumes remain undeveloped and brownfield and are therefore still opportunities to provide a net gain in housing numbers, in sustainable town centre locations.

Land at Shire Hill had outline permission at the point of submission of the NP. UDC advised that it could still be included as a site allocation. It has since come forward for reserved matters, confirming that it is still available for development.

Query 3:

Secondly, there is no clarity over the housing figure requirement the Plan is to meet. It does not appear that UDC have been asked to provide a housing figure and so there is noway of knowing whether the Plan meets its housing requirement.

Response 3:

The figure was taken from the (then) emerging local plan and that was the best evidence to use at the time of the SWNP preparation and submission.

In the time in which the last emerging local plan was still emerging and before it was withdrawn, the site allocations in the local plan provided a housing requirement for SW. In that timeframe it was not necessary to ask UDC to provide a number. If UDC had provided a number different to that in the local plan, the local plan would be undermined by this fact. It is therefore highly unlikely that UDC would have sought to undermine its local plan by providing a different housing number to a neighbourhood plan group.

The day it was withdrawn, the housing requirement number for all of Uttlesford was technically scrapped and the UDC planning policy team had to start from scratch commissioning a new housing requirement number. It is not clear how a number could be produced for SW in that period without any evidence basis.

In the absence of UDC not being able to provide a number the most recent best-evidence was used.

Query 4:

Thirdly, and this is related to the second point above, the Plan does not satisfactorily deal with its Plan period which runs from 2021 – 2036 in relation to housing supply.

Response 4:

At the time, the plan dealt with the plan period. Since submission different developments

have come forward and the revised emerging local plan will provide a revised housing requirement.

Query 5:

Fourthly, even if the approach of the Plan and the proposed site allocations were to be found to meet the basic conditions, there is insufficient evidence to support some of the key requirements in the site allocation policies. An example of this is the 5% older persons 1- and 2-bedroom dwellings required for SAF 1.

Response 5:

We note this is an erroneous typo, and should read SAF3 in the NP. Notwithstanding that error, we can address this issue in any further detailed review of policies

Query 6:

Taking all these points singly and together, means that it is likely I would have little option but to delete the relevant policies and section of the Plan resulting in a Plan that would not deal with housing supply or contain any site allocations.

Response 6:

We believe that sufficient evidence is held and would wish to discuss this further.

Query 7:

Policy SW2 (Protection of Views). A number of views have been identified through work on the Heritage and Character Assessment (HCA) as being of importance. These views should be identified, numbered, described and mapped.

A series of maps and photographs on page 35 onwards of the Plan show some views, but it is not clear to me whether these are the same general views as identified in the HCA, where these viewpoints are and how they relate to the photographs or the work carried out on the HCA. Much more work would need to be carried out for the policy to meet the basic conditions. This work may mean that consultation would have to be redone. However, if the work is not carried out, this policy is likely to be recommended for deletion.

Response 7:

This piece of work can be undertaken and supplied in support of the views.

Query 8:

There are likely to be a significant number of recommended modifications. The two examples above give a flavour of the reasons why. At the present time, eight policies are likely to be recommended for deletion (these include what I regard to be key policies in the Plan, for example in relation to the identification of Local Green Spaces), 11 policies are recommended for modification and you will see a list of queries on a number of other policies in the next heading on this note "other issues" which may result in modification or even deletion to these policies.

In the main the deletions of, and modifications to, policies are either due to a lack of sufficient and/or appropriate evidence to support them and/or to ensure they have regard to national policy and guidance, particularly in relation to the necessary clarity and precision needed to provide a practical framework for decision-making.

Given this, and the number of queries below on other policies, I would like to give the TC and UDC an opportunity to consider the best way forward.

Response 8:

We are not sure what the problems are with the policy on local green spaces and neither do we know the other policies for modification or deletion; we would welcome the opportunity to discuss this further so that we may address any queries. We suggest it is best to have a NP of some sorts (possibly with amended or withdrawn policies) rather than no NP at all.

Query 9:

Policy SW4 (Housing Mix on New Developments). There is a lot of supporting text for this policy, but the policy requirements do not seem to reflect the supporting evidence. I invite comments on this from both the TC and UDC.

Response 9:

Uttlesford's housing waiting list shown that the social housing need is highest for 1-bedroom homes (then 2-, 3- and 4-bedroom houses). Followed by the indexed demand statistics from Rightmove showing 2-bedroom houses are the highest in demand.

The Uttlesford social housing waiting list shows that all dwelling sizes are needed therefore policy SW4 confirms that development proposal should include a mix of sizes which reflects the local needs.

Need further response from UDC on this point

Query 10:

*Policy SW5 (Affordable Housing). **Does UDC have any comments** about the requirements set out in this policy; are they appropriate?*

Response 10:

UDC have been asked for comments.

Query 11:

Policy SW8 (Parking on New Developments). Please could the rationale/evidence for the electric vehicle charging points requirements be explained?

Response 11:

Per the July 2021 NPPF Paragraph 107 policies should take into account the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

This is reiterated in the 2019 and 2018 NPPFs both in paragraph 105

Query 12:

Policy SW14 (Shopfront Design) refers to a Shopfront Design Guide being produced by UDC. Please could UDC confirm whether this has now been adopted and if so, please provide a copy?

Response 12:

Unfortunately, the shopfront design guide has not been adopted by Uttlesford; we will adopt the shopfront design guide as proposed as an integral part of the NP.

Query 13:

Policy SW19 (Ecological Requirements for All New Domestic and Commercial Developments) the policy refers to TCPA guidelines, but I think these relate to new communities; is this correct? Please could you provide a copy of the guidelines referred to;

Response 13:

Policy SW19 does refer to new developments and the TCPA Guidelines can be found [here](#) and principle 9 is quoted in SWNP paragraph 8.8. Whilst the TCPA may specifically refer to new developments, it is equally relevant to established towns.

This principle will need to be discussed with Uttlesford to confirm if and if so when it may be adopted.

Query 14:

please explain what is meant by not-for-profit housing which is redevelopment of land and the rationale for the footprint provision in the exception;

Response 14:

The rationale for this was to allow a community land trust or other not-profit organisation to come forward with proposals for housing outside the plan sites. It was written such so as not to exclude organisations which did not fall under the CLT umbrella but which nonetheless have the same objectives.

Query 15:

please check the date of the latest CIRIA SuDs Manual;

Response 15:

The latest SUDS guide is dated 2015, which is attached. The SWNP refers to CIRIA SUDS Manual 2015 or its successors.

Query 16:

are the requirements in the CIRIA SuDs Manual and the Essex SuDs Design Guide referred to in criterion 3. the same?; if not, how should this requirement in the policy be reconciled?

Response 16:

They are the same; the Essex Design Guide refers to the CIRIA manual in its section 'Planning for SuDS'

<https://www.essexdesignguide.co.uk/design-details/flood-management/local-principles/>

Query 17

Section 10 (Transport Infrastructure) refers to a number of documents in relation to highway impact and the air quality management area.

please provide the source documents so I can readily find the source of the evidence quoted;

Response 17:

Air Quality Protection Plan 2017-2022 [here](#) (pages 11 and 12) – and attached

Highways Impact Assessment [here](#) – and attached

ECC SW Traffic Study Update 2017 - Attached

Query 18:

the Air Quality Action Plan seems to contain more than the seven measures referred to in the supporting text; why have only seven been referred to?

Response 18:

We focused on seven of the 22 measures from the AQAP because the AQAP identified them (in paragraph 4.5 of the AQAP) as being the key priority measures, and because they also aligned with the overall objectives of the SWNP.

We reasoned that highlighting where the SWNP and UDC shares the same ambitions would reflect the positive and collaborative approach between all levels of local authority that the SWNP aimed to achieve, and would ultimately help get the measures done. This approach is endorsed by the Director of Public Services.

Query 19:

Policy SW20 (Promoting Walking and Cycling) refers to Secured by Design New Homes 2014; is this the latest version? The supporting text refers to 2019.

Response 19:

SWNP Paragraph refers to Secured by Design by New Homes 2014, whilst producing the SWNP it would have been the latest version.

The supporting text in paragraphs 10.2.8 and policy SW20 point 2, both refer to the 2014 document.

Secured by Design – New homes 2014, can be found [here](#) – and attached.

A Secured by Design - Homes document dated 2019 has now been produced [here](#) and attached.

SWNP Policy SW20 point 2 explains that footpaths on new developments conform to recommendations made by Secured by Design – New Homes 2014 or a later equivalent. In this case it would be the Secured by Design - Homes document dated 2019.

There may be a typo on this (2014 or 2019), which we will remedy in any future response

Query 20:

Paragraph 10.3.5 refers to a review report carried out by Dr. Corke; the link is not working for me so please can a copy of this report be provided?

Response 20:

Walden Bus Report Document attached (as a separate document)

Query 21:

Policy SW23 (Vehicular Transport). The policy refers to the Uttlesford Local Plan Highway Impact Assessment October 2013; is this document the most recent and the most appropriate assessment to use?

Response 21:

This document is the most recent assessment to use.

The SWNP wanted to base the traffic element on a professional study of the baseline situation in Saffron Walden. The team wanted data on the traffic volumes to understand how traffic

moves through and within the town.

This in fact was not unreasonable; simultaneously UDC was using the 2013 HIA as background evidence for the Local Plan that was in progress at the time.

Given that it was at the time being used by the LPA, it contained the most up-to-date data available to planners. A new traffic modelling report will be carried out for the new local plan, but is a long way from delivery. Therefore the 2013 HIA remains the most up to date collection of data for the SWNP. An update was written in 2017 and the two have been and must be read together (see para 10.1 of the SWNP), however the 2017 report makes no modifications to the original data.

The document is the most appropriate assessment to use

The 2013 HIA is an assessment of the likely impact of the committed and planned development in SW. It measured baseline traffic flows and found that some were near or at capacity. It modelled future traffic flows with development and assessed the impact on junctions of unmitigated development.

Firstly, the 2013 assessment counted the number of dwellings put forward in the Uttlesford Local Plan (now withdrawn)

Table 2-3: Saffron Walden ULP Housing Developments

| Site Name & Location | No. of Dwellings | | |
|---|------------------|-----------|-----------|
| | 2012-2018 | 2019-2026 | 2012-2026 |
| Saffron Walden 1: Land between Radwinter Road and Thaxted Road and land to the south of the Lord Butler Leisure Centre and west of Thaxted Road | 0 | 800 | 800 |
| Saffron Walden 2: Former Willis and Gambier Site, Radwinter Road | 60 | 0 | 60 |
| Saffron Walden 3: Land to the West of Debden Road | 20 | 0 | 20 |

Second, the 2013 assessment added in committed development

Figure 2-7: Committed Development Sites in Saffron Walden

Table 2-8: Saffron Walden Committed Developments: Dwellings

| Site Name & Location | No. of Dwellings | | |
|------------------------------|------------------|-----------|-----------|
| | 2012-2018 | 2019-2026 | 2012-2026 |
| Bell College South Road | 37 | 0 | 37 |
| McCarthy & Stone, South Road | 27 | 0 | 27 |
| Friends School | 45 | 0 | 45 |
| Friends School (RSL) | 31 | 0 | 31 |
| Lt Walden Road | 15 | 0 | 15 |
| 8 Station Road | 10 | 0 | 10 |
| Ashdon Road | 130 | 0 | 130 |
| Paxtons Depot | 12 | 0 | 12 |
| Thaxted Rd (Kiln Court) | 23 | 9 | 32 |
| Former Gas Works Thaxted Rd | 9 | 0 | 9 |
| 8-10 King Street | 16 | 0 | 16 |
| Emson Close | 9 | 0 | 9 |

Third, the 2013 report modelled the baseline capacity of junctions *with development and without mitigation*

- 0 No capacity issues in either peak hour (values shown in black)
- 1 One or more arms approaching capacity in either of the peak hours (values shown in orange)
- 2 One or more arms at or exceeding capacity in either of the peak hours (values shown in red)

Table 7-1: Summary of Saffron Walden Junction Capacity Status

| | Junction | 2012 | 2018 | | 2026 | |
|-----|--|------|-----------|-----------------|-----------|-----------------|
| | | Base | Committed | Committed + ULP | Committed | Committed + ULP |
| 1 | B185 Thaxted Rd / B1053 Radwinter Rd | 0 | 1 | 1 | 2 | 2 |
| 2 | B184 Thaxted Rd / Peaslands Rd | 0 | 0 | 0 | 1 | 2 |
| 3 | Mount Pleasant Rd / Debden Rd | 0 | 0 | 0 | 0 | 1 |
| 4 | B1052 London Rd / Debden Rd | 0 | 1 | 1 | 2 | 2 |
| 5 | B184 High St / B184 George St | 0 | 1 | 1 | 2 | 2 |
| 6 | B184 High St / Castle St | 0 | 0 | 0 | 0 | 0 |
| 7 | B184 High St / Church St | 2 | 2 | 2 | 2 | 2 |
| 8 | B184 Audley Rd / B184 High St | 1 | 1 | 1 | 2 | 2 |
| 9 | B184 East St / Fairycroft Rd / Cates Cnr | 0 | 0 | 0 | 0 | 0 |
| 10 | B1052 London Rd / Borough Ln | 0 | 0 | 0 | 1 | 1 |
| 10b | B1052 Newport Rd / Audley End Rd | 1 | 2 | 2 | 2 | 2 |

Forth, the 2013 report modelled the future capacity of the junctions *with development and with mitigation*

Table 7-4: Saffron Walden Junction Capacity Analysis Summary: Final

| | Junction | 2026 | | | |
|-----|--|-----------|-----------------|------------------------|--------------------------|
| | | Committed | Committed + ULP | With Eastern Link Road | With Mitigation Measures |
| 1 | B185 Thaxted Rd / B1053 Radwinter Rd | 2 | 2 | 2 | 0 |
| 2 | B184 Thaxted Rd / Peaslands Rd | 1 | 2 | 2 | 0 |
| 3 | Mount Pleasant Rd / Debden Rd | 0 | 1 | 2 | 2 |
| 4 | B1052 London Rd / Debden Rd | 2 | 2 | 1 | 1 |
| 5 | B184 High St / B184 George St | 2 | 2 | 2 | 2 |
| 6 | B184 High St / Castle St | 0 | 0 | 0 | 0 |
| 7 | B184 High St / Church St | 2 | 2 | 2 | 2 |
| 8 | B184 Audley Rd / B184 High St | 2 | 2 | 1 | 2 |
| 9 | B184 East St / Fairycroft Rd / Cates Cnr | 0 | 0 | 0 | 0 |
| 10 | B1052 London Rd / Borough Ln | 1 | 1 | 1 | 0 |
| 10b | B1052 Newport Rd / Audley End Rd | 2 | 2 | 2 | 2 |

Fifth, and finally, the 2013 report concludes:’ *“The analysis suggests that if all the [proposed] measures were implemented, some of the key junctions in the Saffron Walden Road network would be likely to accommodate the additional traffic resulting from the ULP [Uttlesford Local Plan] developments. However, three junctions in the town would continue to operate over capacity, and it has not been possible to identify further enhancements due to highway land constraints. These are: High St/George St; High St/Church St; Mount Pleasant Rd/Debden Rd”.*

: *“In addition to the identified mitigation measures, it is recommended that demand management methods are investigated in order to reduce overall traffic flows in the town. Activities such as travel planning [...] would help to improve awareness of alternative travel modes and encourage a shift towards non-car modes of travel and reduce traffic congestion in town”.*

This conclusion explains that even with the mitigation measures being in place, because of the built form of the town and associated constraints, it would be impossible to modify all junctions, and that the resultant traffic flows with development would mean that a number of junctions would remain at or over capacity. The 2013 HIA concludes that the only way to deal with the remaining under-capacity of junctions to deal with the flow of traffic from the proposed development would be demand management.

Since the report:

(1) 730 of the 880 ULP dwellings came forward.

(2) All 373 of the committed development came forward.

(3) A further and unmodelled 287 dwellings came forward. 167 (*Land at Ashdon Road Commercial Centre*) + 85 (*Land north of Little Walden Road*) + 35 (*Lime Avenue*)

(4) i.e. The report modelled the impact of an additional 1,253 dwellings on the road network. In fact 1,390 dwellings came forward.

(5) None of the mitigation measures modelled by the report came forward.

(6) Therefore logically, the junctions must currently be operating at best as per the final column of table 7.1 reproduced above, or at worst they will be less efficient still (because of the unmodelled development.

(7) Given (6), it is reasonable to assume that the conclusions put forward in the report, and the recommendations to encourage demand management and active travel remain true today.

Therefore, it is appropriate for the SWNP to use this report for the purposes of a) understanding current junction capacity in a scientific way, and b) use as an evidence base for active travel.

Summary

The proposed Neighbourhood Plan documents the issues raised by residents of Saffron Walden and is an accurate reflection of the needs, aspirations and desires of town residents for the future of their town. Through extensive consultation, the plan identifies specific, desirable measures which seek to improve the quality of life for both now and the future. It seeks to protect the rich heritage of the town whilst enabling appropriate and sympathetic growth and development.

The plan contains location specific constraints (such as all the one-way through streets going past listed buildings), previous things not to repeat, and active travel ambitions. *At worst* just keeping these for local context and then falling back on the Essex Design Guide plus the NPPF is better than no plan at all.

The Saffron Walden Neighbourhood Plan was always an ambitious document, seeking to offer the very best outcomes for the town and its residents. The amendment or deletion of some policies will not detract from the essence of the plan; it will still be reflective of local issues and concerns and seek to address these in a suite of statements and policies.

Whilst the external examiner raises a number of specific matters in her interim findings, neither the Town Council or Uttlesford District Council are informed of specific amendments or deletions to individual policies. It is anticipated that by continuing with the examination process, these specific concerns will be addressed with opportunity for SWTC and the NP Working Group to respond further.

It is worth noting that this document is still a work in progress and comments are required from Uttlesford District Council. Therefore, once a decision is made whether to continue with the plan the examiner will be issued with a final response which will include the comments enclosed.

Recommendation

To await further advice from the external examiner regarding specific queries to policies and for SWTC and UDC to address these further. Subject to this, to proceed with the external examination of the plan as presented.