



**Public Participation on a Development Plan
Document
Consultation on Proposals for a Draft Local Plan
8 June 2012 – 23 July 2012**

**Report of Representations,
Officer Comments and Recommendations
on**

**Development Management Policies
Design
Protection of the Countryside
Historic and Natural Environment
Parking
Community Facilities**

LDF Working Group 14 September 2012

CHAPTER 36 – DESIGN

Policy DES1 - Design

Summary of Representations

15 representations were received in response to this policy. 4 representations supported the policy with the remainder raising objections.

Saffron Walden Town Council are concerned that there is lack of evidence in the plan that the development proposed will respect the character of the town and how it will meet Accessible Home Standards.'

A **developer and The Home Builders Federation** are concerned that meeting all of the standards set out within the policy could delay development and make some unviable. It is suggested that the criteria to meet Lifetime home standards and Lifetime Neighbourhood standards be deleted and each case to be assessed on a site by site basis.

Uttlesford Area Access Group are concerned there is no strategy specifically aimed at achieving social inclusion. It is suggested that UDC reiterate its support of the Social Model of Disability as a key principle in ensuring that no members of our community, or visitors, are disabled as a consequence of avoidably shortcoming in the design and management of the built environment. They feel there should be explicitly set out design standards to ensure good design in all future developments. UAAG welcome the references made to lifetime home and wheelchair housing standards, however, they takes the view that all such references should be specifically defined, e.g. Habinteg, BSI, JRT, (or the in-house SPD) and as the most 'current' version.

English Heritage feel it would be appropriate to include more specific reference to the importance of the historic environment in the context of new design.

Great Dunmow Town Council and Great Dunmow Neighbourhood Plan Steering Group feel that the policy needs to be more detailed and the plan overall has inadequate policies to secure a high standard of urban design. and reference should be made to the Dunmow Design Statement and the Essex Design Supplement, They question whether the statement regarding on foot or by cycle should be included within this policy and suggest this statement needs strengthening with specific standards for footways, cycle ways and traffic calming measures.

An **individual** suggests that reference should be made to the use of sustainable materials and energy saving measures. It is suggested more emphasis should be put on creative and regional design that is important in the character of the district.

National Planning Policy Framework

Core planning principle is always to seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Good design is a key aspect of sustainable development and is indivisible from good planning. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Important to plan positively for high quality and inclusive design for all development. Development should function well and add to overall quality of the area over its lifetime, creating attractive and comfortable places to live, work and visit. It should respect local character and history whilst not discouraging appropriate innovation. It should create safe and accessible environments where crime and disorder, or the fear of crime, do not undermine quality of life or community cohesion.

Sustainability Appraisal June 2012

The policy no longer seeks to safeguard important environmental features on site which the existing local plan policy did. However, it does ensure that development is appropriate to the local context and does not negatively impact on the character of the surrounding landscape. It also would assist in maintaining the historic environment by requiring the design to be in conformity with the local setting and respect the character of towns and villages, and is likely to create cumulative significant positive impacts if supported by policy HE1 and local design guidance.

This policy specifically refers to the need for design to be adaptable for climatic mitigation, however it could go further and include measures on how development can be adaptable to climate change.

The design criteria in this policy which aims to promote walking and cycling as preferable means of travel between places of work, residential and leisure is supported. It contributes positively to promoting accessibility by seeking to provide an environment that is suitable and accessible for all potential users and helps reducing social exclusion for all members of society by ensuring that the design of developments provides access for all potential users irrespective of age, gender or disability. They also seek to incorporate crime prevention design techniques into new development and design them to Lifetime Neighbourhood standards. It is positive that it sets an expectation that all new dwellings be built to Lifetime Homes standard. It also establishes a requirement that 5% of dwellings should be wheelchair accessible in all developments of 10 units or more. This policy stipulates that development should use sustainable material which would relate to the efficient use of resources. There are no negative impacts.

Officer Comments

There will be a masterplan for all the allocated sites which sets out the design of the development and how the new housing will meet Accessible Home Standards. In preparing the masterplan developers will analysis the impact the development will have on the historic core and propose measures which will minimise any possible impact.

The reference to the lifetime home and accessible homes standards will not be deleted as this is an important part of good design which helps ensure housing is suitable for all. Its importance within the policy is supported by the findings of the Sustainability Appraisal.

It is not felt necessary to include specific reference to Lifetime Home models as these can change. However, it is felt the policy can be amended to ensure the current standards are used.

The historical context of a development will be delivered by considering the layout, built form and open spaces as required by the policy.

Policies should be flexible and consideration for the use of cycle and pedestrian links will be looked at in detail on a site by site basis as the contribution a site can make towards this will vary dependant on location and size.

It is not necessary to include reference to neighbourhood plans as any that are formally adopted will hold the same weight as the Local Plan. It is considered that this policy will be strengthened by amending the policy taking into account the issue raised regarding climate change measures in the Sustainability Appraisal.

Officer Recommendation

Amend policy:

Policy DES1 – Design

New development will be approved if it respects the historic character of towns and villages within the district and specifically within the locality of the development, including their layout, built form, open space, views and landscape setting.

The Council will assess detailed proposals to make sure the following issues have been addressed:

Siting and Layout: The design should be based on an appraisal of the site and its wider setting, be designed to the latest Lifetime Neighbourhood standards and reflect the relevant design guidance approved by the council.

Density, scale, form and massing: The density, scale, form, massing and height of a development must be appropriate to the local context of the site and to the character of the surrounding streetscape/landscape.

Design and materials: The detailing and materials of a building must be of high quality and appropriate to its context. New development should employ sustainable materials, building techniques and technology where appropriate.

Accessibility: The development should meet the highest standards of accessibility and inclusion for all people regardless of disability, age or gender. New dwellings should be built to the latest Lifetime Homes standard. In developments of 10 units or more 5% should be designed to Wheelchair Accessible Home standards. The design should also promote accessibility by linking places to each other so that people can move easily between homes, shops and services, preferably on foot or by cycle.

Crime prevention: The design and layout of development should be safe and secure, with natural surveillance. Measures to reduce the risk of crime and anti-social behaviour must not be at the expense of overall design quality.

Adaptability: Developments should be capable of adapting to changing circumstances, in terms of occupiers, use and climate change. In particular, homes should be adaptable to changing family circumstances or ageing of the occupier.

Climate change - Development must embrace the use of high quality design including sustainable, renewable resources of energy and low-emissions technology, and enhance Green Infrastructure.

DES2 - Development at Stansted Airport

5 representations were received in response to this policy. All representations supported the policy.

National Planning Policy Framework

Sustainability Appraisal June 2012

This policy will have significant positive impacts on the character of the landscape surrounding Stansted Airport by stating that new development should respect the countryside setting and landscape. This policy will have positive impacts on maintaining heritage assets as the policy seeks to ensure that new development is appropriate to their location, of a high quality and respects the setting of the surrounding area. An indirect positive impact from

this policy is that good design and landscaping will attract and stimulate development and investment within the Airport boundary.

Officer Recommendation

No change

CHAPTER 37 - PROTECTION OF THE COUNTRYSIDE

Policy C1 – The Stansted Airport Countryside Protection Zone.

Summary of Representations

6 representations were received on this policy. **Takeley Parish Council** and 3 individuals supported the policy

2 developers/landowners objected to the policy. They consider it inflexible, unnecessary and not according with the principles of positive planning set out in the NPPF. One developer considers that proposals in the zone should be assessed individually on their potential to cause coalescence. SP12 and C1 are not effective or justified and are therefore not sound. Another developer considers that the CPZ around Takeley is now bisected by the new A120 changing the characteristics of the area. Retaining the CPZ to the south of the road restricts the delivery of sustainable development. It is suggested that the CPZ boundary should be redrawn to follow the northern boundary of the A120 which provides a clear, logical and defined boundary within the landscape. If the policy were to be retained, it is considered that the sentence 'new building will generally lead to coalescence' should be deleted from the supporting text as it is too generalised, the question of coalescence being dependent on specific site context.

National Planning Policy Framework

Local Planning Authorities are required to set out the strategic priorities for the area in the Local Plan including conservation and enhancement of the landscape (paragraph 156).

Sustainability Appraisal June 2012

Retention of this policy would continue to provide additional protection to the countryside around the airport and it is likely to have a significant cumulative

impact when supported by strategic policy relating to the protection of the countryside.

There are no negative impacts

Officer Comments

The Countryside Protection Zone is a strategic designation which prevents the urbanisation of the countryside around Stansted Airport. The NPPF encourages local authorities to set out policies which deal with local issues. The policy aims to restrict development and specifically states that new buildings should not lead to coalescence, it is therefore not felt necessary to delete new buildings from the policy.

It is considered that sufficient development land can be allocated without the need for relaxing the policy up to the A120.

Officer Recommendation

Retain policy – No change

Policy C2 – Protection of Landscape Character.

Summary of Representations

18 representations were made relating to this policy. Half of the representations, including **Saffron Walden Town Council**, support the policy but consider that it has been ignored in relation to the residential sites being proposed, specifically in Saffron Walden and Great Dunmow. Other representations support the policy but consider that it should protect footpaths and agricultural land. Another hopes that the protected lanes will be clearly identified and that those around Takeley have been retained as they are distinctive and historic features of the parish.

Great Dunmow Town Council and **Great Dunmow Neighbourhood Plan Steering Group** object to the policy. They consider that the landscape setting of the market towns should be specifically referred to. On the whole the policy is considered too generic and essentially too broad in scale to be used as a basis for decision-making. The threshold of impact is in most cases too high. It is not considered possible to accurately or consistently apply the criterion, b, of maintaining "panoramic" views for instance. It would be more useful to identify local landscapes of value and to require a methodology for the assessment of impact on landscape character.

The Upper Chelmer Heritage and Landscape Group considers that reference should be made to the emerging Living Landscape Project for the Upper Chelmer. The aim of the project is to protect and enhance the landscape biodiversity and heritage through community engagement. One **developer/landowner** considers that the policy should consider specific support and encouragement for proposals which facilitate improvements/enhancements to historic parks through restoration, improve public access and improve management. Another **developer** is concerned that policy C2 should not conflict unwarrantedly with the need to deliver new strategic housing and employment sites. For instance, criterion c. requires no

material harm to the historic settlement pattern. It is not clear if this section is referring to settlements identified as having a historic core or the settlement pattern of the whole district. In any event, it would be appropriate to preface this statement with words such as: 'Subject to the new strategic housing and economic development needs identified in the Local Plan' They also consider that a more appropriate form of wording would be for the criterion to require development to 'respect' aspects such as historic setting and landscape character as opposed to not materially harm. This would be a more positive response to landscape character, which undoubtedly will change in areas identified to deliver the development needs of the district.

National Planning Policy Framework

Paragraph 170 states "Where appropriate, landscape character assessments should also be prepared, integrated with assessment of historic landscape character, and for areas where there are major expansion options assessments of landscape sensitivity"

Sustainability Appraisal June 2012

This policy would make landscape character a specific consideration when assessing development proposals both within settlement boundaries and beyond them. The policy seeks to avoid harm to historic landscapes, landscape patterns, woodland areas, hedgerows, individual trees and vistas across the district which have important landscape value.

This policy provides protection of the integrity and character of the historic environment within the district which may have a far wider area of influence than features already designated. Historic landscapes comprise features of historical importance therefore by protecting these landscapes this policy would maintain these assets. This policy specifically seeks to avoid harm to existing historic settlement patterns, historic landscape character, historic parks and gardens, historic lanes as well as protect open vistas to historic buildings and landmarks.

There are no negative impacts

Officer Comments

Protection of agricultural land is covered in policy SP12 – Protection of the Countryside.

Protected lanes are recognised as an important feature to the landscape and will be shown on the proposals map.

The Conservation Area Appraisals note important view points and the Landscape Character Assessment identifies views of the plateaux and open

views to important buildings and landmarks and these will be taken into account when dealing with planning applications.

There is general reference to the Living Landscape initiative in relation to policy HE4. It is not clear what stage the Upper Chelmer Project has reached.

Point C discusses the historic settlement pattern which refers to both settlements and the District as a whole. It is not felt necessary to go into further detail as it is a policy which is aimed to cover all aspects of the district.

All sites have been assessed against the evidence base and all issues have been identified. Judgements have had to be made against national and local planning policies and the evidence base. It is inevitable that development of any scale will have an impact on the landscape; however, the allocated sites will be designed so that effect can be lessened with the use of landscaping and good design.

Officer Recommendation

Retain policy. Policy and text unchanged.

Policy C3 – Re-use of Rural Buildings.

Summary of Representations

11 representations were made relating to this policy. 9 in support of the policy, the remainder raising objections.

Takeley Parish Council are concerned that access roads to these buildings are narrow land and suggest including 'providing there is adequate access'.

A **developer** suggests the policy to be expanded to include support for the comprehensive redevelopment of rural sites where these are in appropriate locations and where these can lead to specific landscape/visual enhancement.

Businessmen and individuals request that the criteria for an independent assessment when assessing the non- viability of uses be removed as it may not address all possible uses and cannot judge market demand.

National Planning Policy Framework

Economic growth is supported in rural areas to create jobs and prosperity and a positive approach to sustainable new development should be taken. The sustainable growth and expansion of all types of business and enterprise in rural areas through the conversion of existing buildings is supported. In the Green Belt, the NPPF supports the extension or alteration of a building provided that it does not result in disproportionate additions over and above

the size of the original building and it specifically refers to the re-use of buildings as being not inappropriate provided they preserve its openness and the purposes of including land within it.

Sustainability Appraisal June 2012

This policy will have positive impacts on biodiversity and character of the landscape where the proposed policy stipulates that development will only be permitted where it protects or enhances the character of the countryside and its biodiversity value. In those incidents where rural buildings have a historic designation or local value, it would be preferable to keep them in use regardless of specific function to avoid disrepair. This policy allows a change of use to residential as a 'last resort', however the policy could include buildings of a historic value as part of the criteria determining the viability of re-use.

This policy promotes accessibility to local employment opportunities for rural areas through seeking to re-use rural buildings for commercial purposes in the first instance. This policy will have small positive impacts on this SA objective where rural buildings can be re-used for residential purposes where this represents the only viable option. This policy supports sustainable employment provision for rural areas through seeking to re-use rural buildings for commercial purposes in the first instance.

Officer Comments

It is considered that part 2d of the policy along with Core Strategy policy is sufficient to prevent inappropriate traffic along country roads.

It is not considered necessary to expand the policy further to include landscape/visual enhancement as the policy already covers such sites.

The option of an independent assessment to judge the viability of employment use will be retained. The Council has to approve the company and this assessment has the potential to cover issues that marketing would miss.

The issue raised in the Sustainability Assessment regarding the re-use of listed buildings is noted and the supporting text will be amended to cover this. However, it is not felt necessary to change the policy as it will not be looked at in isolation and policy HE2 deals with development of listed buildings.

Officer Recommendation

Amend Paragraph 37.8 to include point raised in Sustainability Appraisal.
Policy unchanged

Buildings in the countryside, including listed buildings, outside the defined development limits of settlements, are an integral part of both the landscape and the local economy. It is therefore important to facilitate their reuse but in a manner which makes a positive contribution to both the rural landscape and the rural economy. The first part of the policy determines a series of priorities in terms of the preferred use of rural buildings and the second addresses the

quality and character of the building. The implications of the policy are that not all buildings will necessarily be appropriate for some form of beneficial use.

Policy C4 – Change of Use of Agricultural Land to Domestic Garden.

Summary of Representations

7 representations were made in relation to this policy. 4 comments received were in support of the policy. Great Dunmow Town Council and the Great Dunmow Neighbourhood Plan Steering Group are concerned that the policy is incapable of clear practical and consistent applications and may lead to sporadic extension of the development limits.

National Planning Policy Framework

The NPPF is silent.

Sustainability Appraisal June 2012

This policy seeks to control changes to land use in order to preserve the character and appearance of the countryside. Where change of use is permitted the impact is mitigated through the specifications set out within the policy.

Agricultural land is an economic resource and it is uncertain what impact this policy will have on protecting it from being changed to non-agricultural use. The policy states that in most cases changes of use will involve unworkable corners of fields but this implies that the policy also allows for the loss of workable areas of field.

Mitigation: The policy wording should provide criteria defining the circumstances in which a change of use will be considered to ensure that workable areas of agricultural land are protected. The policy should also have regard to the cumulative impact that individual applications for change of use in the same locality would have on the amount of remaining agricultural land. Definition of an unworkable corner would also assist in setting the criteria.

Officer Comments

The suggestion of a criteria based policy in the Sustainability Appraisal is not considered necessary after talking to development management officers they feel this would make the policy too rigid and the current policy, which is similar to the proposed one, works well and appeals are being won. The extension of a residential curtilage would not lead to a change in the development limits. Permitted development rights are removed to make sure that the built form does not creep beyond the development limits.

Officer Recommendation

No change to policy or supporting text.

CHAPTER 38 - HISTORIC AND NATURAL ENVIRONMENT

Policy HE1- Design of Development within Conservation Areas

Summary of Representations

English Heritage strongly supports Policy HE1 but adds that it would be more appropriate to include more specific references to particular issues and the evidence base within this policy reflecting local issues relating to the management and conservation of the historic environment.

The policy is supported by 3 individuals and 1 other person adds that standards of development in Conservation Areas should be exceptionally high and this should be reflected in the policy.

Great Dunmow Town Council and the **Great Dunmow Neighbourhood Plan Steering Group** have raised similar points. These are; that the features and attributes referred to in the policy are not comprehensive and to rely on the word “includes” is unsafe; reference to the Great Dunmow Town Design Statement and the Conservation Area appraisal should be in the policy and not the supporting text; the policy should support and facilitate the enhancement of the public realm; it is not clear to what extent the policy will control all installations of renewable energy equipment.

Essex County Council recommend that the authority should reference the Historic Environment Characterisation report that has been done for the District as this provides coverage of the Historic built, historic landscape and archaeological deposits of the District and would complement the work landscape assessment carried out by Chris Blandford Associates. As the Historic Environment Characterisation report is a strategic assessment of the District it is recommended that this is identified at the start of the Historic Environment Section as a tool that can be used both to assess the significance and provide an overview of the historic Environment of an area similar to the description at the start of the landscape section.

One person has raised the issue of Newport being selected as a pilot for the Government front runners on neighbourhood planning when there is no reference to this in the Local Plan but this is not relevant to this policy.

National Planning Policy Framework

Chapter 12 of the Framework deals with conserving and enhancing the historic environment. The chapter deal with historic assets as a whole and does not refer specifically to Conservation Areas. Local Authorities need to take into account:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- the desirability of new development making a positive contribution to local character and distinctiveness; and
- opportunities to draw on the contribution made by the historic environment to the character of a place.

In addition paragraph 95 requires Local Authorities to actively support energy efficiency improvements to existing buildings.

Sustainability Appraisal June 2012

This policy will assist in the protection of the historic landscape by preventing development which may detract from the character or integrity of designated areas. It will have a significant positive impact on the protection and enhancement of the district's heritage assets by preventing the loss of culturally important buildings and ensuring the characters of historic areas do not lose their quality and reasons for being designated. The inclusion of the additional information on renewable energy installations within Conservation Areas provides greater clarity for the type of equipment accepted. This has the potential to increase the amount of locally based renewable energy schemes being developed within historic settlements and assist in reducing contributions to climate change.

Officer Comments

Local issues relating to the management and conservation of the historic environment will be referred to elsewhere in the plan e.g. in the objectives and Strategic Policy SP13 – Protecting the Historic Environment. The text supporting Policy SP13 could be expanded to make clearer what the local issues are as identified in the relevant evidence base including the Historic Environment Characterisation Report as requested by the County Council.

The Council has approved a number of design statements - it would not be appropriate to list them all in the policy. There is reference to the Conservation

Area Appraisal in the supporting text (para 38.3). It would not be appropriate to identify all potential features in the policy but reference could be made to the Conservation Area Appraisals in the policy since any particular features of importance will be identified in these.

Some types of renewable energy equipment will be permitted development. This is set out in separate regulation which does not need to be repeated in the Local Plan. Where planning permission is required the criteria in the policy which reflect English Heritage guidance will be applied. Design of development within the public realm is addressed in Policy SP4 – Retail Strategy and Policy DES1 – Design.

Officer Recommendations

Taking into account the representations and other issues the following changes are suggested to this policy:

Policy HE1 - Design of Development within Conservation Areas

Development will be permitted where it preserves ~~or~~ *and* enhances the character and appearance of the essential features of a Conservation Area, as identified in the Conservation Area Appraisal and including plan form, relationship between buildings, the arrangement of open areas and their enclosure, grain or significant natural or heritage features. Outline applications will not be considered. Development involving the demolition of a structure which positively contributes to the character and appearance of the area will not be permitted.

Development involving the installation of renewable energy equipment ~~will generally be acceptable if all-~~ will be permitted if the following criteria are met:-

- a. there is minimal visual impact;**
- b. it is not located on principal elevations;**
- c. it does not damage key views in, out or within the Conservation Area, including very visible secondary elevations;**
- d. there is no loss in the overall character or historic interest of the Conservation Area; and**
- e. there is no cumulative impact through the installation of different types of equipment within the same property or group of properties leading to a loss of special interest of the Conservation Area.**

Policy HE2 - Development Affecting Listed Buildings

Summary of Representations

English Heritage strongly support policy HE2 but feel it would be appropriate to consider including more specific references to particular issues and the evidence base within these policies, reflecting local issues relating to the management and conservation of the historic environment.

There is support for the policy from 3 individuals.

Great Dunmow Town Council and Great Dunmow Neighbourhood Plan Steering Group consider the policy is sound in principle but is lacking in criteria and should be expanded to provide a sound basis for decision-making in the absence of detailed guidance. The point or implications of the second part, relating to conversion is not clear. It is not clear what is implied by "might not normally be granted". This aspect of the policy must be clarified. It is not clear whether a different set of criteria to those relating to listed building consent are being put forwards in the second half of the policy. Installation of renewable energy is only one type of energy efficiency, which includes for instance double-glazing and wall insulation. There is a danger of creating an inconsistency. Nevertheless it will increasingly be necessary to find ways of upgrading the energy performance of listed buildings. Clear and detailed guidance would assist.

One other person feels the proposed changes should be shown to enhance the building, show how it will help the long term future of the building and there should be an emphasis on the quality of design.

One person considers that the stock of rural buildings for employment use would be more effectively safeguarded by tightening the wording of Policy HE2 to safeguard the stock for employment opportunities. This would also protect listed buildings from the more intrusive physical changes of residential conversion to the character, appearance and setting of a Listed Building. They also seek clarification of the word "appropriate" in the second paragraph of the Policy.

National Planning Policy Framework

Chapter 12 of the Framework deals with conserving and enhancing the historic environment. The chapter deal with historic assets as a whole and does not refer specifically to Listed Buildings. Local Authorities need to take into account:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- the desirability of new development making a positive contribution to local character and distinctiveness; and

- opportunities to draw on the contribution made by the historic environment to the character of a place.

In addition paragraph 95 requires Local Authorities to actively support energy efficiency improvements to existing buildings.

Sustainability Appraisal June 2012

This policy would significantly contribute to the preservation of Listed Buildings by rejecting development that may negatively impact on the quality and appearance of these heritage assets. The policy also allows for the safeguarding of listed buildings by allowing in exceptional circumstances renovation and works related to a change in use providing they preserve the historic nature of the building. The inclusion of additional information on renewable energy installation for Listed Buildings provides greater clarity for the type of equipment accepted. This has the potential to increase the amount of locally based renewable energy schemes being developed within historic settlements; of which there are a large number in the district and assist in reducing contributions to climate change.

Officer Comments

Local issues relating to the management and conservation of the historic environment will be referred to elsewhere in the plan e.g. in the objectives and Strategic Policy SP13 – Protecting the Historic Environment. The text supporting Policy SP13 could be expanded to make clearer what the local issues are as identified in the relevant evidence base.

Re-use of rural buildings is covered in Policy C3 which makes it clear that the first preference for the conversion of rural buildings is for non-residential use. The wording of the second paragraph is the same as the wording of Policy ENV 3 in the current local plan. However, the wording of the policy could be changed to clarify the position and new supporting text included

In relation to renewable energy additional explanation and some examples could be added to the supporting text.

Officer Recommendations

Taking into account the representations and other issues the following changes are suggested to this policy and the supporting text:

Include new paragraph:

Proposals for the conversion of a listed building may result in a form of development which would not normally be allowed e.g conversion to a dwelling outside development limits. Such a proposal may be approved if the applicant can demonstrate that the conversion scheme is the most appropriate way to secure the future of the listed building and the conversion

can be carried out in a sympathetic manner without damage to the fabric, setting or architectural and historic interest of the building.

Amend paragraph 38.7 to read:

Some measures to improve the energy efficiency of a Listed Building can be done without the need for consent e.g. loft insulation. Others e.g. double glazed units will require Listed Building Consent. Any renewable energy equipment within the curtilage of the building or which is fixed to the building e.g. solar panels or which might affect the structure of the building e.g. air source heat pump will require Listed Building Consent and/or planning permission in most cases. If you are considering.....etc

Policy HE2 - Development affecting Listed Buildings

Development affecting a Listed Building should be in keeping with its scale, character and surroundings. Demolition of a Listed Building, or development proposals that adversely affect the setting, and alterations that impair the special architectural or historic interest of a Listed Building will not be permitted.

In cases where planning permission might not normally be granted for a change of use ~~for the conversion of Listed Buildings to alternative uses~~, favourable consideration may be accorded to conversion schemes which incorporate works that represent the most appropriate way of preserving the Listed Building and its architectural and historic characteristics and its setting.

Development involving the installation of renewable energy equipment on a Listed Building will ~~generally be acceptable if all~~ be permitted if the following criteria are met:-

- a. locations other than on a Listed Building have been considered and dismissed as being impracticable;
- b. there is no irreversible damage to significant parts of the historic fabric;
- c. the location of the equipment on the Listed Building would not detract from its character or appearance;
- d. the impact is minimised through design, choice of materials, colours etc.

Policy HE3 - Scheduled Monuments and Sites of Archaeological Importance

Summary of Representations

English Heritage strongly support this policy but suggest it would be appropriate to consider including more specific references to particular issues and the evidence base within these policies, reflecting local issues relating to the management and conservation of the historic environment.

The policy is also supported by 3 individuals.

Great Dunmow Town Council and Great Dunmow Neighbourhood Plan Steering Group support the policy in principle but feel it is necessary to clarify the criteria. It is not clear who will define "nationally important" assets. The fact that they may be of such value may not be readily apparent when an application is submitted. Developers should be required to fund the necessary pre-application survey and any agreed preservation or recording work, in accordance with English Heritage guidance. It is unclear under what practical circumstances renewable energy equipment would be needed on a scheduled ancient monument. There should be a presumption against such an installation. The policy should make reference to Scheduled Monument Consent.

Essex County Council consider that the section on renewable energy within Policy HE3 should be discussed with English Heritage and the wording agreed with them. It should also state that any development within a scheduled monument would require scheduled monument consent via English Heritage.

One person feels the Council should not allow development of any kind on a Scheduled Ancient Monument because Scheduling means it is of national importance and should be protected.

National Planning Policy Framework

Chapter 12 of the Framework deals with conserving and enhancing the historic environment. The chapter deals with historic assets collectively and does not refer to Scheduled Monuments and Sites of Archaeological Importance specifically. Local Authorities need to take into account

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- the desirability of new development making a positive contribution to local character and distinctiveness; and
- opportunities to draw on the contribution made by the historic environment to the character of a place.

In addition paragraph 95 requires Local Authorities to actively support energy efficiency improvements to existing buildings.

Sustainability Appraisal June 2012

This policy would assist in the protection of the district's nationally important heritage assets by setting out clear guidelines on the circumstances when mitigation would be required and by preventing development until measures for preservation of the asset are taken. It does not make reference to locally important archaeological assets and their settings, scheduled or not.

This policy could be strengthened by including the Council's approach to protecting all or more specifically locally important archaeological assets. Reference was made to this in the existing Local Plan policy but subsequently removed for this policy.

The inclusion of additional information on renewable energy installation for archaeological assets provides greater clarity for the type of equipment accepted has the potential to increase the amount of locally based renewable energy schemes being developed in the district and assist in reducing contributions to climate change.

Officer Comments

Local issues relating to the management and conservation of the historic environment will be referred to elsewhere in the plan e.g. in the objectives and Strategic Policy SP13 – Protecting the Historic Environment. The text supporting Policy SP13 could be expanded to make clearer what the local issues are as identified in the relevant evidence base.

Some ancient monuments are buildings e.g. Priors Hall barn, where there might be a requirement for some renewable energy equipment. It would not be appropriate to have a presumption against installation of renewable energy equipment on a scheduled ancient monument as there may be cases where there would be no adverse impact.

Reference should be made to the need for Scheduled Monument Consent in supporting paragraph 38.9. This paragraph should be reworded and reordered as suggested below. Nationally important assets will normally be scheduled but not exclusively and some nationally important assets will only be revealed by survey so it is important that the policy is flexible enough to respond to these different circumstances.

It is implied in the policy that the developer will be expected to fund the survey work but it could be stated in the supporting text at the end of Paragraph 38.11.

Officer Recommendations

Taking into account the representations and other issues the following changes are suggested to the Policy HE3 and the supporting text.

Amend Para 38.9 to read:

There are 73 Scheduled Monuments in the District, shown on the proposals map. Any work which might affect a scheduled monument either above or below ground level, will require consent from English Heritage. Within Uttlesford District approximately 4064 sites of archaeological interest are recorded on the Historic Environment Record (HER) maintained by Essex County Council. These sites are not shown on the proposals map and enquiries should be made to the County Archaeologist. The Historic Environment records represent only a fraction of the total. Many important sites remain undiscovered and unrecorded. Archaeological sites are a finite and non-renewable resource so it is important to make sure that they are not needlessly or thoughtlessly destroyed.

Add the following sentence to the end of Para 38.11

The developer will be expected to fund the pre-application survey work and any agreed preservation or recording work.

Policy HE3 Scheduled Monuments and Sites of Archaeological Importance.

Where nationally important archaeological assets, whether scheduled or not, and their settings, are affected by proposed development there will be a presumption in favour of their physical preservation in situ. The Council will seek the preservation in situ of archaeological assets unless the need for the development outweighs the importance of the asset.

In situations where there are grounds for believing that sites, monuments or their settings would be affected, developers will be required to arrange for an archaeological field assessment to be carried out before the planning application can be determined to allow an informed and reasonable planning decision to be made.

In circumstances where preservation is not possible or feasible, then development will not be permitted until satisfactory provision has been made for a programme of excavation and recording before the development starts.

Development involving the installation of renewable energy equipment within Scheduled Monuments will generally be acceptable be permitted if all the following criteria are met:-

- a. **there are no reasonable off site alternatives;**
- b. **impact on important fabric is limited and reversible;**
- c. **the development involves the least damaging type of technology;**
- d. **there is no loss of special interest; and**
- e. **where freestanding equipment is proposed there is no detrimental**

impact on the setting of the Monument.

Policy HE4 – Protecting the Natural Environment

Summary of Representations

Natural England supports the inclusion of networks of natural habitat in this policy but would add that this needs to be improved. They advise that the protection of Green Infrastructure (GI) and networks of natural habitats merits special consideration via the identifying and protecting and enhancing of a district wide GI network rather than reacting to planning applications which may affect existing networks. They suggest that a District network be drawn up using the wealth of nationally and locally designated sites in the district identified in the plan to be protected and enhanced in its own right. The importance of protecting habitat networks is well documented from its importance as a vital tool for considering climate change to bringing people closer to nature. They advise that great gains can be made at a local level in considering the identification of areas to create multifunctional GI for local people to access and enjoy the benefits of the natural world. If well designed these areas can provide recreational activities and green travel initiatives such as cycling opportunities alongside opportunities to quietly enjoy and experience nature. They can greatly help biodiversity by providing the potential for habitats and species to thrive. They can also be designed where opportunities exist to link up wildlife habitats such as ancient woodland to provide help for habitats and species to adapt to climate change and aid genetic exchange and the viability of populations into the future. This is also applicable to the open spaces policy INFI and highly applicable to strategic policies 17 and 18. They advise that the multifunctional Green Infrastructure element could also be incorporated here. The recent NPPF cites the importance of protecting the natural world and networks of natural habitat. Indeed Natural England advises that LPAs identify opportunities for multifunctional green infrastructure in LDFs. Gains can be made by working strategically with neighbouring local authorities. This also must be reflected in the spatial strategy which currently lacks this important aspect. This accords with NPPF in which paragraph 117 states that Planning Policies should plan for biodiversity at a landscape scale across Local Authority boundaries... Identify and map components of the local ecological networks including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them....

Natural England consider that the protection of Sites of Special Scientific Interest (SSSIs) could be made more robust. The current wording allows for potentially damaging developments to proceed. They advise that this policy should be more strongly worded to affect these nationally important sites. The policy should highlight the special case of SSSIs as they currently are not distinguished in the policy. The policy cites the potential adverse effect on nationally designated sites and Natural England advise that this cannot readily be mitigated for via compensation as cited in this policy. Compensation should always as cited in the policy be a last resort after avoidance and mitigation.

Sites of Scientific Interest (SSSIs) have been recognised for the valuable habitats and species they contain which are of national importance. This habitat therefore cannot be replaced by compensation and one habitat elsewhere cannot simply replace protected habitat within a SSSI. Natural England therefore advises that greater strength is afforded to the protection of SSSIs at policy level. It is of key importance that the protection of statutory and non-protected wildlife habitats and species is robustly afforded at policy level. Once adequate policy is in place it paves the way for the execution of a plan which can effectively account for wildlife and biodiversity through the lifetime of the plan. We support the ancient woodland policy which states: Although not protected by national legislation development resulting in the loss or deterioration of irreplaceable habitats such as ancient woodland will be refused. We would also refer you to Natural England's standing advice on ancient woodland for more information on this irreplaceable habitat.

The **Environment Agency** support the policy but consider it could be more explicit on the need to enhance biodiversity where possible and not just mitigate for the loss. They suggest the addition of the following wording: "In the absence of alternative sites development proposals must include adequate mitigation and enhancement measures" This addition should ensure the Policy accords with the NPPF, particularly paragraph 109.

Friends of the Earth (SW and District), Save Walden Town Centre, We are Residents and two individuals feel that the draft policy falls short of the requirements of the NPPF, paragraphs 109 et seq., which require that "The Planning System should contribute to and enhance the natural and local environment". The equivalent 2010 consultation policy, DC10, had requirements that "New development should not result in a reduction of the biodiversity value of sites or the priority habitats defined in the BAP" and that "Development will be required to contribute to a network of biodiversity sites, green infrastructure and open spaces which link communities". No explanation is given as to why these provisions have been removed, and we believe they should be reinstated. One of the respondents has further commented that the Draft Local Plan fails to adequately address the NPPF guidance; it seeks no gains for biodiversity, it sets out no ecological networks, it does not plan at landscape scale for biodiversity; it does not promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan; The only part of the NPPF guidance that the Draft Local Plan addresses is para 118, which speaks about development impacts upon biodiversity - a negative approach not a positive one. The mere fact that it is so difficult to find any policy content directed towards biodiversity in the Draft Local Plan is a measure of the inadequacy of approach. This issue should not be hidden away but should be dealt with as a major theme, and with Chapter Headings and Policies titled clearly to flag up its importance. With this level of commitment there is no prospect of the Government achieving its target to halt the overall decline of biodiversity by 2020.

Sustainable Uttlesford consider that this policy should be strengthened and called Protecting and Enhancing the Natural Environment. They feel this would make the policy stronger as they consider that the Protection of sites and species and improving biodiversity are equally important.

Geo Essex are very pleased that geodiversity interests have been incorporated into the Draft Local Plan. In the second sentence of para 38.14 the words "and geodiversity" should be inserted after the word "biodiversity". In the Appendix 1 - list of Policies and Plan Notations the draft plan rightly refers to Local Wildlife Sites and Local Geological sites as the two types of non-statutory nature conservation sites. However under the policy designations heading "Local Geological Sites are not listed. GeoEssex would be pleased to forward details of the 18 proposed Local Geological Sites for adding to the proposals map in due course.

Countryside Properties are concerned that the wording of HE4 could impact unduly upon development on allocated sites, compromising the delivery of the plan. The reference in paragraph 2 of the policy to consideration of alternative sites should significant harm be identified is not appropriate, particularly in relation to sites allocated for development through the plan process. Countryside therefore proposes that the policy is reworded to take account of these points. It might also be possible to make the text simpler and clearer.

An individual has requested that the wording be changed from "should not" to "will not". Should is not strong enough to ensure protection of the natural environment. Development cannot take precedent over the natural environment. All development must have a commensurate increase in biodiversity either within or outside the development. There is a significant need to increase biodiversity both for resident's welfare, and for its intrinsic value.

National Planning Policy Framework

The Framework requires the planning system to minimise impacts on biodiversity and provide net gains in biodiversity where possible, contributing to halting the overall decline in biodiversity, including the establishment of coherent ecological networks.

Sustainability Appraisal June 2012

The SA recommendation on the earlier iteration of this policy at Issues and Options stage to make reference to nationally and locally important sites in addition to those specifically identified in the Essex Biodiversity Action Plan have been incorporated into this preferred policy. The result is that this policy now has a significant positive impact on the SA objective to retain, enhance and conserve the biodiversity, the water environment and the character of the landscape.

The policy seeks to protect nationally and locally designated sites of biodiversity or geodiversity value as well as protected species and species on the Red Data List and their habitats. Where conservation of existing habitats

and species are not possible mitigation measures are required and refusal will be made if no suitable mitigation can be provided. The policy also makes provision for the enhancement of biodiversity and geodiversity on new development sites and provides examples.

This policy supports the increase of green spaces which positively contributes to peoples' wellbeing and promotes social inclusion by linking communities with a green network.

This policy supports the objective to promote the efficient use of resources and ensure the necessary infrastructure to support sustainable development by increasing the amount of biodiversity and contributions to green infrastructure through on site provision or development contributions to new open spaces.

Officer Comments

In relation to the comments about developing protecting and enhancing networks of natural habitats made by Natural England and others the Council considers that the wording in this policy and others within the plan sets out achievable aims. A green infrastructure plan which shows linkages being developed in rural areas away from areas where development is proposed is unlikely to be delivered.

In relation to SSSI's there is enough weight in the policy to be able to refuse development which might have an adverse effect on an SSSI where mitigation and/or compensation is unlikely to be a suitable option. Paragraph 38.14 could be changed to help make the reasons for this clearer.

As set out in the policy master plans and proposals for the development sites will be expected to show linkages between open spaces and features within the development and those outside the site.

Reference to geodiversity should be included in Paragraph 38.14. Local Geological Sites will need to be shown on the proposals map as mentioned in Para 38.12 In the absence of a proposals map. Appendix 1 was intended to show the Policies and Notations from the current Local Plan which would be carried forward into the new plan.

The Policy title should be changed to include enhancement as well as protection.

The advice in Para 2 of the Policy is consistent with advice in Para 118 of the NPPF which suggests that it would be appropriate to ask developers to demonstrate that alternative sites with less harmful impacts are not available.

The policy wording should be amended to take out the words "should not" and make the policy clearer.

Officer Recommendations

Amend the wording of Paragraph 38.14 to read:

Sites of Special Scientific Interest and National Nature Reserves have the maximum degree of protection from development because the type and/or quality of habitat means it is unlikely that it can be replaced elsewhere or its loss compensated for. ~~However~~ Locally designated sites also make a significant contribution to the biodiversity and geodiversity of the district.....etc

Amend the Title of Policy HE4 to read:

Policy HE4 – Protecting and Enhancing the Natural Environment

And the first sentence of the policy to read:

Development will be permitted where it does should not result in a reduction of the biodiversity or geodiversity value of nationally or locally designated sites or the habitats defined in the Essex Biodiversity Action Plan.

Policy HE5 – Traditional Open Spaces and Trees

Summary of Representations

The policy is supported by one individual. Another supports the policy with the proviso that village greens and village commons subject to proposals have to be consulted widely and specifically to the parish population concerned.

Great Dunmow Town Council and Great Dunmow Neighbourhood Plan Steering Group say policies which rely on the word "need" which is not defined and strictly incapable of adequate definition are unsafe. The phrase 'traditional open space' is also undefined and hence will not form a strong basis for decision-making. There should be a stronger presumption against loss. The policy should make reference to the possibility of the designation of Locally Important Green Spaces within Neighbourhood Plans

One respondent has requested that the policy is tightened up to read "there is no other possible location and development outweighs amenity value". One individual feels that no development can be permitted which would result in the loss of open spaces, village greens, important green spaces, or groups or specimen trees - there is no reason to build on such areas under any circumstance. Another is concerned about floodlit pitches being allowed in the countryside.

National Planning Policy Framework

Paragraph 74 states that existing open space should not be built on unless an

assessment has been undertaken which has clearly shown the open space is surplus to requirements of the loss resulting from the development would be replaced by equivalent or better provision.

Sustainability Appraisal June 2012

This policy seeks to retain all traditional open spaces and trees which are of importance within development limits. This is both beneficial to biodiversity, and to the character of the landscape or local historic environment the feature is in. The policy extends its protection by making provision for the conservation of small important open spaces beyond those that are identified in the proposal map.

The retention of open spaces such as village greens, commons and mature gardens will assist in the conservation of historic environments particularly within Conservation Areas. Commons and gardens also provide public amenity which supports well being and enables local residents to access greenspaces.

This policy seeks to protect open spaces which are a part of the green infrastructure within towns and villages. Green infrastructure which includes parks, open spaces, playing fields, woodlands, allotments and private gardens are important as they provide both social and environmental benefits. These were identified through the Open Space, Sport Facility and Playing Pitch Strategy 2012 however it is important to be flexible so that any subsequent studies can also contribute to the identification of open spaces and deficiencies in provision. The supporting text should allow flexibility so that it refers to the most recent study when considering applications.

Officer Comments

A policy which seeks to prevent development would be contrary to guidance in the NPPF. Any proposal which involves loss of open space needs to be considered in a balanced way. It might be that improvements to the remainder of the space can be secured as part of the development which would result in an overall gain for the community. Agree that reference should be made to any other relevant studies in the supporting text as identified in the Sustainability Appraisal and neighbourhood plans and Conservation Area Appraisals.

Proposals for floodlit sports pitches would be considered in relation to other policies in the plan including INF3 and EN5.

Officer Recommendations

Amend Para 38.19 to say:

The Uttlesford Open Space, Sport Facility and Playing Pitch Strategy 2012 identified open spaces in the District's towns and villages and if there were deficiencies in provision. Reference should be made to this or any subsequent

study when considering applications affecting open space. Locally important open spaces may also be identified in Neighbourhood Plans, other community led plans or Conservation Area Appraisals.

CHAPTER 39 – PARKING

Policy TA1 - Vehicle Parking Standards

Summary of Representations

10 representations were received to this policy. 7 representations supported the policy with the remainder raising objections.

Individuals suggest the parking standards be reassessed and the number of spaces per dwelling increased due to the high dependency on cars in the district. **Great Dunmow Town Council and Great Dunmow Neighbourhood Plan Steering Group** suggest the inclusion of 'or other standards as adopted in a Neighbourhood Plan.

National Planning Policy Framework

Any locally set parking standards should take into account the development's accessibility, its type, mix and use, the availability of and opportunities for public transport, local car ownership levels and an overall need to reduce the use of high-emission vehicles.

Sustainability Appraisal June 2012

Although this policy seeks to provide adequate parking to avoid obstruction of the road network it does support the use of private vehicles which is a source

of CO2 emissions. The current approved vehicle parking standards, "Parking Standards, Design and Good Practise" January 2010 contains a minimum parking standard at origin which also encourages private vehicle use. This impact may change when other standards are approved. However, the actual policy and supporting text could go further to support this SA objective by acknowledging that parking for other private transport modes in addition to the car are also required and that developments will need to consider these. This is referred to in the current approved vehicle parking standards but should be directly mentioned in the policy. The policy should ensure that in addition to car parking, developments support use of other private transport modes such as cycles and powered two wheelers through provision of parking and facilities for them. The policy and supporting text only refer to car use which has a negative impact on air quality. The policy should ensure that in addition to car parking, developments support use of other private transport modes such as cycles and powered two wheelers through provision of parking and facilities for them. The current parking standards require new developments to make parking provision for more sustainable forms of travel in addition to the private car, such as cycles and powered two wheelers, in order to encourage their use. This supports this SA objective however this issue should be clearly set out within the actual policy so that applicants are aware of what may be required at the outset. The policy should ensure that in addition to car parking, developments support use of other private transport modes such as cycles and powered two wheelers through provision of parking and facilities for them. There is a high car dependency in Uttlesford due to the rural nature of the district. By providing the appropriate number of parking spaces to meet the need and encouraging good design principles will ensure that access both to and within the development is safe and viable for many. The use of the current parking standards ensures that all members of the community have inclusive access to facilities. However this is not discussed within the actual policy. The policy should therefore acknowledge within the text that parking provision for new development should consider the needs of all potential users and strive to provide inclusive access. The policy should ensure that developments consider parking provision for all potential users including those with disability.

Officer Comments

The parking standards the Council use are applied county wide. It is not the intention of the Council to produce their own standards. Neighbourhood plans have to be in conformity with the Local Plan and should therefore have the same parking standards as those adopted by the Council.

Officer Recommendations

No change to policy

Policy TA2 - Car Parking Associated with Stansted Airport

7 responses were received regarding this policy, 6 in support, 1 objection.

An individual suggests that commuters should have access to airport parking.

National Planning Policy Framework

When planning for ports, airports and airfields that are not subject to a separate national policy statement, plans should take account of their growth and role in serving business, leisure, training and emergency service needs. Plans should take account of this Framework as well as the principles set out in the relevant national policy statements and the Government Framework for UK Aviation.

Sustainability Appraisal June 2012

The character of local villages and the countryside would be retained if car parking for the airport is restricted to being within set airport boundaries.

Officer Comments

The issue regarding allowing commuters the right to use Airport parking is not a planning consideration.

Officer Recommendation

No change to policy

CHAPTER 40 – COMMUNITY FACILITIES

Policy INF1 – Protection and Provision of Open Space, Sports Facilities and Playing Pitches.

Summary of Representations

17 representations were received in response to this policy. 8 representations supported the policy with the remainder raising objections.

Sport England broadly supports the policy considering it consistent with the evidence base and the NPPF. However some amendment to the wording are suggested to ensure the policy makes provision for circumstances where it has been demonstrated that there is a surplus of facilities and circumstances where the development is for alternative sports/recreational provision and the needs for which outweigh the loss. The policy should also be amended to make explicit that provision for new sports facilities, playing pitches, allotments and natural/semi natural greenspace is identified in site allocation policies to give such provision the same status as green space which is covered by the second paragraph of the policy.

Essex County Council recommends an amendment to the wording to ensure educational needs are appropriately considered and that there is an exemption if it can be demonstrated that there is no future need for the facility and the disposal will facilitate alternative investment in community or a public service.

One representation although supporting the policy considers that the Council may have difficulties in achieving the objectives in a practical way because in some instances the current town and parish boundaries, the position of the settlement within those boundaries, the topography of the local area and the availability of suitable land will all have an impact upon the ability to provide new amenity green-space, sports facilities, playing pitches and allotments. It is hoped that Uttlesford District Council will provide the necessary support and constructive assistance in ensuring that additional amenity green-space, sports facilities, playing pitches and allotments will be forthcoming in parallel with the proposed new housing. Another representation supporting the policy considers that developers need to make a greater provision for children and young people.

Great Dunmow Town Council and **Great Dunmow Neighbourhood Plan Steering Group** object to the policy because it makes no reference to sports facilities and pitches in relation to new development. The policy should refer to the need to fund the maintenance and management of new facilities and the involvement of local people in such maintenance.

The **Saffron Walden Allotment and Leisure Gardeners Association** object to the supporting text and policy as there is no indication of the shortage of allotment sites and the long waiting lists that exist.

A number of **individuals** consider that the policy is too limited in scope and should refer to the provision and preservation of public footpaths. Another representation considers that the policy should protect village public houses.

Representations from **developers** suggest that the policy needs to be more precise as to the manner in which the standards will be applied, how account will be taken of existing open space and the mechanism that will be used for future management and maintenance. It is also considered that a financial contribution may be more appropriate at times such as to improve the quality of existing open space or facilities as opposed to providing more open space or facilities. It is suggested that the supporting text should explain how the Open Space; Sport Facility and Playing Pitch Strategy 2012 has informed the Policy and its status in the decision making.

National Planning Policy Framework

Paragraph 70 states that planning policies should plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments.

Sustainability Appraisal June 2012

Impacts are significantly positive for this policy where it seeks to provide new facilities as part of the new development or make a financial contribution to provide facilities off site. It also seeks to address existing deficiencies in provision in the local area by stating that it must be taken into consideration by

new development when determining appropriate provision. This supports the aim of everyone having access to open space. The policy also provides standards to ensure facilities are of the appropriate scale to support development.

This policy seeks to provide open space, sports and recreation facilities alongside housing developments in the first instance as a response to an increase in population. This provides important supporting development for residential developments.

There are no negative impacts

Officer Comments

It is considered that the policy will be strengthened by amending the policy to take into account the comments of Sport England and Essex County Council and Great Dunmow Town Council. This also takes into account the comment of linking the provision of facilities to the proposed new housing.

The supporting text can be amended to state that there are deficiencies in allotments.

The thresholds in the policy are based on recent evidence set out in the Open Space; Sport Facility and Playing Pitch Strategy 2012.

Footpaths are protected by other legislation and the strategic policies SP6 and SP15 require the provision of footpaths as part of development
The protection of public houses is covered by Policy RET2.

Additional text is proposed explaining how the standards will be applied. The provision for a financial contribution is stated in the text and it is proposed this should be repeated in the policy. Additional text is proposed summarising the findings of the 2012 Strategy.

Officer Recommendation

Amend text and policy

Suggested Text and Policy INF1

As there is already a deficiency in the amount of public open space and the number of playing pitches, sports facilities and allotments, this policy is concerned with protecting the playing fields, open spaces, allotments and sports facilities which already exist and making sure sufficient amenities and facilities are provided in the future. The policy protects not only facilities which are still in active use but also those, by reason of ownership for example, are not in active use. It also applies to development that would prejudice the use of land as playing fields, open space, allotments, or sports facilities.

If replacement facilities are proposed these must be at least as good as those lost in terms of location, quantity, quality, and management arrangements. They must also be made available before development of the existing site begins.

In order to establish whether the need for a facility still exists or not, an assessment of current and future needs will need to be submitted demonstrating that there is an excess of playing fields in a locality and the catchment of the facility, or that the site has no special significance to sport or recreation.

The Council needs to make sure that enough open space, sports facilities and playing pitches will be provided to meet the future needs of the District. The needs of the District have been identified in the Uttlesford Open Space; Sport Facility and Playing Pitch Strategy 2012. The strategy found that there are only 3 public parks and gardens within Uttlesford and all are located within Saffron Walden. Most settlements are within 400m of an amenity greenspace. Deficiencies in quantity occur predominantly in the towns and main villages. There is an irregular pattern of natural and semi-natural greenspace across the district and there is a poor level of provision in many parishes. Deficiencies in quantity occur predominately in the rural parishes. There is a dispersed pattern of provision for children and young people and the majority of parishes contain at least one play area. Deficiencies in quantity occur predominantly in the towns and main villages. A large proportion of the District is within 4km of their nearest allotment site. There are areas in the north-west, north-east and small areas along the south-east and south-west boundaries of the district which have no provision. There is also a deficiency at the centre of the District around Takeley and the Priors Green development. There are sufficient sports halls and swimming pools within the district. Although there is no quantitative deficiency of athletics tracks, synthetic turf pitches, indoor bowls greens, indoor tennis courts demand for such facilities should be kept under review. In relation to outdoor bowls greens, outdoor tennis courts, squash courts, golf courses, health and fitness centres and village and community hall use for sport, existing provision could be improved and refurbished as appropriate. To meet the needs of the increase in population arising from the development additional sports facilities are required in all types apart from indoor tennis where additional demand is insufficient to justify specialist provision. There are a sufficient number of adult football pitches and mini soccer pitches and cricket pitches across the district but a deficiency in junior football pitches and rugby pitches to meet current needs. To meet the needs of the increase in population arising from the development additional junior football, mini-soccer, cricket and a rugby pitch would be required.

New development will be required to make an appropriate provision, either on site or financial contributions to provide facilities off-site, of publicly accessible green space or improvement of existing accessible green space in accordance with the following standards and specific

allocation policies. The level of provision required by the policy is based on the population arising from the development based on the bedroom sizes of the dwellings. This provision will take into consideration surpluses and deficiencies and condition of the different types of open space within the vicinity of the site.

The provision for new sports facilities, playing pitches, allotments and natural/semi natural greenspace is identified in site allocation policies.

Policy INF1 – Protection and Provision of Open Space, Sports Facilities and Playing Pitches

Development will only be permitted if it would not involve the loss of open space for recreation, including allotments, playing pitches or sports facilities, except if

- replacement facilities will be provided that better meet local educational and recreational needs and outweigh the loss; and which will be made available before development of the existing site begins; or
- it can be demonstrated that disposal will facilitate alternative investment in community or a public facilities; or
- if an assessment of current and future needs demonstrates that there is an excess of open space for recreation, including allotments, playing pitches or sports facilities in the locality and the catchment of the facility, or
- that the site has no special significance to sport or recreation.

New development will be required to make appropriate onsite provision or financial contributions to off site provision (taking into consideration surpluses and deficiencies and condition of the different types of open space within the vicinity of the site) for publicly accessible green space or improvement of existing accessible green space in accordance with the following standards and specific requirements identified in relevant site allocation polices. Financial support for the continued maintenance of the facility will be secured by condition of planning permission or planning obligation.

Type of Provision	Level of Provision- Hectares per 1000 people	Threshold for on-site provision	Threshold for off-site provision
Amenity Greenspace	0.8	All development of 10 dwellings or over	All developments under 10 dwellings and development of 10 dwellings or over where on site provision is not possible
Provision for	0.2	All development	All development

children and young people (LAPS, LEAPS and NEAPS)		of 10 dwellings or over	under 10 dwellings and development of 10 dwellings or over where on site provision is not possible
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Policy INF2 – Provision of community facilities beyond development limits.

Summary of Representations

11 representations were received in relation to this policy. 5 representations support the policy.

The **NHS North Essex** says that it is unclear from the supporting text and policy whether healthcare facilities would be included in community facilities. If they are to be included it would be inappropriate to require the level of justification required by the policy. To comply with the current policy, it appears that NHSNE would need to seek approval from the Council for its own strategy and programmes before planning permission would be granted for new or enhanced facilities which is considered inappropriate. Therefore, it is requested that clarification is provided as to whether healthcare facilities are including within the scope of this policy. If they are included, it is requested that the policy is amended to exclude healthcare facilities.

Essex County Council recommends that the policy should be extended to educational and childcare facilities.

Great Dunmow Town Council and **Great Dunmow Neighbourhood Plan Steering Group** suggest that the policy is reworded to ensure that the facilities covered by this policy are truly community facilities and not private ones and the definition of recreational facilities is made clear to exclude noisy and intrusive activities for instance

There is support that the policy includes places of worship.

A site specific objection has been made to the carrying forward of Adopted Policies SW7 and LC6 and specifically the inclusion of a community centre on the site west of Little Walden Road, Saffron Walden. This is not considered to be a suitable site as community activities are more appropriately located in the town centre; nor is there considered to be a need for such a facility.

National Planning Policy Framework

Paragraph 70 states that policies should plan positively for the provision of community facilities.

Sustainability Appraisal June 2012

This policy will have a positive impact on improving the population's health and promote social inclusion through providing appropriate community facilities in rural areas beyond development limits. This adheres to notions of social inclusion.

This policy will have a positive impact on providing housing to meet existing and future needs through providing appropriate community facilities in rural areas beyond development limits to support the local population and housing developments.

This policy will have a significant positive impact on promoting the efficient use of resources and ensure the necessary infrastructure to support sustainable development through providing appropriate community infrastructure in rural areas beyond development limits to support the local population and housing

There are no negative impacts

Officer Comments

It is considered appropriate that this policy should cover healthcare facilities and educational and childcare facilities. It is not considered necessary to differentiate between facilities as to how the policy is applied.

In relation to the comments made by NHSNE, it is not considered that the council would need to approve their strategy and programmes but the NHSNE could use these documents to demonstrate the need for the facility.

The supporting text makes the intention of the policy clear and it is not considered necessary or appropriate to specify that facilities cannot be provided by private companies.

In relation to Land West of Little Walden Road, there is a current application which does not include community centre. It is likely that the application will be determined prior to pre-submission consultation of the local plan and therefore the policy can be amended to reflect any permission granted.

Officer Recommendation

Amend text and policy

Suggested Text and Policy INF2

Applications to provide and/or improve community facilities in the District will be favourably considered, providing the scale of the development is proportionate to the size of the catchment population it

serves. Community facilities include buildings such as village or community halls, youth clubs, places of worship, education and childcare facilities and healthcare facilities.

In order to establish whether the need for a facility exists or not, a statement setting out the requirements of current and future users and demonstrating that no available buildings meet these requirements will need to be submitted.

Policy INF2 - Provision of community facilities beyond development limits

Community facilities will be permitted if all the following criteria are met:

- a. the need for the facility can be demonstrated;
- b. the need cannot be met on a site within the boundaries development limits; and
- c. the site is well related to the settlement.

Policy INF3 – Provision of outdoor sport and recreational facilities beyond development limits.

Summary of Representations

6 representations were received on this policy. 3 representations supported the policy.

Sport England objects to the policy. It is assumed that a positive approach will be taken on the provision of facilities within development limits but it is unclear from the policy if this is the case. This should therefore be addressed to avoid misinterpretations when the policy is used. The policy is unclear whether 'boundaries' relates to boundaries of the site that an existing facility is located on or the boundaries of the settlement and whether these are the same as development limits referred to in the policy. The policy should therefore be amended to provide clarity on this to avoid ambiguity when the policy is used. Part (b) of the policy is not consistent with Government policy in the NPPF which does not advocate a sequential test for sports facilities/playing fields/recreation. This is also inconsistent with the wording of paragraph 40.8 of the plan which states that outdoor sports facilities are acceptable outside of development limits without qualification. Furthermore, the approach would be inconsistent with Government Green Belt policy in paragraph 89 of the NPPF which confirms that outdoor sport/recreation facilities are an appropriate Green Belt use and by definition the majority of sites within the Green Belt in Uttlesford will be outside of development limits. Paragraph 81 of the NPPF also requires LPAs to plan positively to enhance the beneficial use of Green Belts such as looking to provide opportunities for outdoor sport and recreation. Furthermore, the policy is unclear on what the

approach is towards new and improved sports facilities on existing sites outside of development limits/boundaries (e.g. new pavilions on existing sports grounds in the countryside) where it will clearly be impractical and inappropriate to apply a sequential test. To address these concerns, it is requested that criterion (b) of policy INF3 be deleted and the policy be amended to provide clarity on what the policy approach is on sites both within and outside development boundaries (if this separation can be justified as outdoor sport and recreation uses are acceptable in principle in the countryside) and what the approach is towards new/enhanced facilities on existing sites. Sport England would advocate that the policy be worded positively towards new/enhanced facilities for which there is a need (regardless of location) as this would be consistent with policy in the NPPF (especially paragraphs 70, 73 and 81) and be responsive to the Council's evidence base which identifies a need for additional and improved outdoor sports facilities. If a more restrictive approach is proposed to sports facilities on sites outside of settlements limits this will need to be clearly justified in the plan as no explanation or justification is currently provided.

The **Environment Agency** comments that sports facilities can often be proposed in flat floodplain areas, which may or may not be suitable. The ancillary development of changing rooms, fencing and stands etc. could then have a detrimental impact on the floodplain regime. Care must be taken in the suitability of such a development and its future aspirations

One representation objects as the policy is not stringent enough to protect the countryside and facilities need to be within the existing development limits.

Another representation supports the policy and considers it important to develop village amenities that can be accessed for all, especially school children. Newport as a key village should be allocated land around Chalk Pit lane to develop office, retail and business premises and develop a community centre as a business development centre by the railway station.

National Planning Policy Framework

Paragraph 70 states that policies should plan positively for the provision of sports venues.

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There will be uncertain impacts on the objective of retaining, enhancing and conserving the biodiversity, the water environment and the character of the landscape resulting from this policy, where it makes provision for outdoor sport and recreational facilities to be permitted within the countryside. Despite this, this SA objective is adequately covered in policies C2 – Protection of Landscape Character and HE4 – Protecting the Natural Environment, which apply to all development proposals.

There will be positive impacts as a result of this policy where new facilities will be allowed beyond development limits. This enables facilities to be located in

accessible locations that can expand to meet the requirements of any potential new housing in the area.

There will be significant positive impacts as a result of this policy where new facilities will be allowed beyond development limits. This enables facilities to be located in accessible locations to meet the health requirements of new and existing communities in the area.

There will be positive impacts as a result of this policy where new facilities will be allowed beyond development limits. This enables facilities to be located in accessible locations to support existing communities and can expand to meet the requirements of new any potential new housing in the area.

There are no negative impacts

Officer Comment

Applications for development within development limits are covered by Policy SP1. It is agreed that the word 'boundaries' needs to be replaced with 'development limits'.

It is important that facilities are located in sustainable locations. It is therefore considered appropriate that locations within development limits, which are therefore close to centres of population and public transport, should be considered first.

The policy does not specifically exclude Green Belt sites and proposals will be considered against national guidance on Green Belt.

It is considered that the policy should refer to new or replacement facilities.

Development in the floodplain will be considered against Policy SP9.

It is not practical for all sport and recreational facilities to be provided within development limits. By the very nature of the development and the amount of land needed it is likely that most development will take place beyond development limits. Such developments tend to involve minimal built form and therefore will not significantly detract from the open nature of the countryside.

Issues around development in Newport will be considered in the site allocation policies.

Officer Recommendation

Amend text and policy

Suggested Text and Policy INF3

The provision of new or replacement outdoor sport and recreational facilities is considered acceptable beyond development limits.

Policy INF3 - Provision of outdoor sport and recreational facilities beyond development limits.

Beyond development limits new or replacement outdoor sports and recreational facilities, including associated buildings such as changing rooms and club-houses will be permitted if all the following criteria are met:

- a. the need for the facility can be demonstrated;
- b. the need cannot be met on a site within the boundaries development limits; and
- c. the site is well related to the settlement.

New Policy

Summary of Representations

NHSNE requests the inclusion of an additional Development Management Policy relating to Health Impact Assessments.

All residential developments have an impact on healthcare services and facilities and this is especially the case for specialist accommodation for older persons and Use Class C2 developments (residential institutions). Similarly, the design of new developments can have a positive impact on health by promoting healthy living. The extent of these impacts needs to be assessed to ensure that adequate and appropriate healthcare services continue to be provided for the whole community. It is suggested that a policy be included setting a threshold for the submission of a Health Impact Assessment. The addition of this policy will ensure that impacts on the provision of healthcare services arising as a result of proposed growth will be assessed appropriately and can be mitigated in a timely manner to allow for the creation and maintenance of sustainable communities throughout the District.

National Planning Policy Framework

Para 171 states “Local planning authorities should work with public health leads and health organisations to understand and take account of the health status and needs of the local population (such as for sports, recreation and places of worship), including expected future changes, and any information about relevant barriers to improving health and well-being”

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Not applicable

Officer Comment

The Council is awaiting further information from NHSNE on suggested policy wording. Officers will then recommend whether a new policy or another approach is the best way forward in relation to Health Impact Assessments.

Officer Recommendation

To follow