

## **Appendix 4: Schedule of Additional Modification Recommendations**

The Neighbourhood Planning (General) Regulations 2012 (as amended) requires in Regulation 18 for the local planning authority to outline what action to take in response to the recommendations of an Examiner made in a report under paragraph 10 of Schedule 4A to the 1990 Act (as applied by Section 38A of the 2004 Act) in relation to a neighbourhood plan. The Regulations provide that where the Council disagrees with the Examiner's report to re-consult and this provision is engaged in this instance for the following reason:

Having considered each of the recommendations made by in the Examiner's report and the reasons for them, the Council, with the consent of Newport Quendon & Rickling Parish Councils, has decided to accept the majority of the Examiner's modifications to the draft Plan except for Policy NQRHA1 Coherence of Villages criterion 5 (Neighbourhood Development Plan Submission Version) (or criterion b in the modified policy Neighbourhood Development Plan Modified Version). However, the recommended Examiner's modifications to Policy NQRHA1 and criterion 5 would create confusion for applicants and would result in a policy that is not clear and unambiguous, this is would not meet the basic conditions and would be contrary to paragraph 41-041-20140306 of the PPG as well as not being in accord with the Local Plan Policy S7 -Countryside.

For this reason, additional modifications are proposed. Table 1 below outlines the alterations made to the draft Plan under paragraph 12(6) of Schedule 4B to the 1990 Act (as applied by Section 38A of 2004 Act) in response to the Examiner's recommendations or in the form of additional recommendations and the justification for this.

**Table 1**

**NQRNDP=** Newport Quendon & Rickling Neighbourhood Plan **UDC =** Uttlesford District Council

<b>NQRNDP Policy/ Page numbers and Paras in brackets are those in the Examiner's Report</b>	<b>Examiner's Modification Recommendation</b>	<b>UDC/NQRNDP Consideration/ justification or alternative modification</b>
<b>Policy NQRHA1 Coherence of Villages</b>	<b><i>Delete the first paragraph and the second paragraph</i></b>  <b><i>Delete the second bullet point</i></b>	UDC/NQRNDP accept the majority of the Examiner's Recommendations on Policy NQRHA1 but <u>do not accept</u> the examiner's recommended modification on <u>bullet point 5</u>

	<p><i>In the third bullet point replace “(see maps section)” with “(see maps 13 and 14)”</i></p> <p><i>In bullet point 5, delete “significant”</i></p> <p><i>At the end of the sixth bullet insert “including some market housing necessary to secure the viable delivery of the affordable homes”</i></p> <p><i>Indent bullet points 4- 6 and insert the following bullet points</i></p> <ul style="list-style-type: none"> <li>• <i>Residential conversion of redundant or disused rural buildings, which will enhance their setting</i></li> <li>• <i>Subdivision of an existing dwelling</i></li> <li>• <i>Construction of new houses of exceptional design meeting the criteria set in paragraph 79e) of the NPPF</i></li> <li>• <i>Conversion of existing buildings and the erection of well-designed new buildings for business uses.</i></li> </ul>	<p>(bullet 5 in the submitted plan but relabelled criterion b below).</p> <p>Alternative modifications are proposed by deletion of some policy wording of the bullet point 5 in order to address issues of clarity and to ensure the policy meets the Basic Conditions.</p> <p>The Council's reasons and proposed modifications are set out in <b>Appendix A</b> and <b>Appendix B</b> below.</p>
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## **APPENDIX A: Council consideration of examiner's recommendation: Policy NQRHA1 Coherence of Villages (Submission Version NP *bullet point b*)**

### ***Basic Conditions and the National Planning Policy Framework***

- 1.1 The Council proposes to make modifications which differ from that recommended by the examiner. It is considered that these modifications are required in order to secure that the draft Neighbourhood Plan meets the basic conditions of neighbourhood planning, as enabled by section 12(6)(a) of Schedule 4B of the Town and Country Planning Act 1990.
- 1.2 In particular, the Council considers that the examiner's recommended modifications to Policy NQRHA1 (bullet point 5 or criterion b in modified policy) of the Newport Quendon & Rickling Neighbourhood Plan would mean that the Plan does not have regard to Local Plan Policy S7 – The Countryside and advice contained in guidance issued by the Secretary of State, as required by Section 8(2)(a) of the aforementioned Act.
- 1.3 At the Fact Checking stage the Newport Quendon & Rickling Steering Group raised a major concern to the Examiner regarding the proposed modification with particular reference to bullet b). The Steering Groups' concern was that the phrase "*immediately adjoining*" any cluster could be interpreted to support development ad infinitum, outside of development limits. This would be unreasonable, and contrary to the adopted Local Plan Policy S7. Nor is this being not consistent with the definition of 'infill' and introduces ambiguity and a lack of clarity such that the policy would not be capable of being applied consistently and clearly when determining planning applications.

### ***Infill development***

- 1.4 This criterion as modified by the examiner would read "Small scale infill development within or immediately adjoining significant existing clusters of development." would create confusion for applicants and would result in a policy that is not clear and introduces a level of ambiguity, this is would not meet the basic conditions and would be contrary to paragraph 41-041-20140306 of the PPG. This criterion as modified by the examiner would read "Small scale infill development within or immediately adjoining significant existing clusters of development;". The lack of clarity and ambiguity does not relate to the

examiner's modification but to the fact that infill development is described as 'within or immediately adjoining existing clusters of development.' This criterion as modified by the examiner would read "Small scale infill development within or immediately adjoining significant existing clusters of development;". The lack of clarity and ambiguity does not relate to the examiner's modification but to the fact that infill development is described as 'within or immediately adjoining existing clusters of development'. By also referencing 'adjoining land' the draft policy as worded is not clear and is unambiguous. This lack of clarity would mean that the policy would not be capable of being applied consistently and clearly when deterring planning applications. The alternative modifications proposed in **Appendix 4** have been prepared in consultation with the Newport Quendon & Rickling Neighbourhood Development NDP Steering Group. It is considered that the amendments proposed would still enable the NDP to meet the Basic Conditions under which it was examined.

- 1.5 Infill development is particularly and inherently prone to raise issues of prejudicial impact to the form and character of the settlement, if not properly managed. Again, Uttlesford District Council considers that the issue of infill proposals, particularly the issue of gaps between development, should be reflected within the policy wording to ensure that it contributes to sustainable development in accordance with the NPPF.
- 1.7 'Infilling' is relatively clearly stated as being within clusters (indeed defined in the Adopted Local Plan para 6.14), the removal of the locational criteria for the definition of clusters requires the definition of infilling to be revisited for greater clarity. So, to continue to word 'infill' as '*Small scale infill development within or immediately adjoining existing clusters of development*' would be both imprecise and not in accordance with the development plan wording.
- 1.9 It is agreed that the description 'significant' clusters is undefined, so justifying its deletion as recommended by the Examiner , but by having no definition of a cluster leaves a vacuum which would not be capable of being applied consistently and clearly when determining planning applications thus not meeting the Basic Conditions as well as being constantly challenged by applicants/appellants.

## **Proposal by Uttlesford District**

- 1.10 As a result of the concerns with the ambiguity in the policy following the examiner's recommended modification to Policy NQRHA1 (criterion bullet point 5) of the Neighbourhood Plan, as discussed above, Uttlesford District Council has proposed modification to Policy NQRHA1(criterion b). This is set out in Appendix B below.
- 1.11 The proposed modification (and the reasoning is outlined above) and will be subject to a seven-week period of consultation, whereby representations can be made.

### **NQRHA1 – Coherence of the villages – as modified by the Examiner**

Development of sites within the Newport Development limits will be supported if of a scale and setting relating well to the village, with good vehicle access and where safe, convenient pedestrian and cycle access is in place providing good connectivity from residential areas to the village centre and the railway station and bus stops.

Further development outside of the development limits shown in the Development Limits maps (see maps 13 and 14), will be not be supported other than:

- a. Development appropriate for a countryside location, defined as agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside;
- b. Small scale infill development within or immediately adjoining significant existing clusters of development;
- c. Affordable housing on rural exception sites to meet an identified local need which cannot be met in any other way including some market housing necessary to secure the viable delivery of the affordable homes;
- d. Residential conversion of redundant or disused rural buildings, which will enhance their setting;
- e. Subdivision of an existing dwelling;

- f. Construction of new houses of exceptional design meeting the criteria set in paragraph 79e) of the NPPF;
- g. Conversion of existing buildings and the erection of well-designed new buildings for business uses.

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## **APPENDIX B: Council Proposed Additional Modification – Policy NQRHA1 Coherence of Villages**

Refuse examiner's recommended modification to NQRHA1 bullet point 5.

Proposed alternative modifications to the policy wording, is as set out below, in order to address issues of clarity and to ensure the policy meets the Basic Conditions.

### Examiner's modification

*“Small scale infill development within or immediately adjoining existing clusters of development”.*

### Proposed Additional Modification

The proposal is that the criterion is amended by deletion of ‘or immediately adjoining’:

Proposed bullet criterion to read:

***“Small scale infill development within existing clusters of development”.***

### Proposed Additional Modification

In order to provide clarity and avoid ambiguity about what constitutes a cluster, the proposed definition of ‘clusters’ proposed to be included in the Plan Glossary is as follows:

***Cluster - A grouping of at least 5 dwellings at an individual site, or hamlet, and separated from the villages.***