

Ashdon Neighbourhood Development Plan 2020-2036

**A report to Uttlesford District Council on the Ashdon
Neighbourhood Development Plan**

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Executive Summary

- 1 I was appointed by Uttlesford District Council in April 2022 to carry out the independent examination of the Ashdon Neighbourhood Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood area on 1 June 2022.
- 3 The Plan is an exceptionally good example of a neighbourhood plan. It is beautifully written and presented. It has also been produced in a timely fashion. It includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. It adds value to the policies in the adopted Local Plan.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report, I have concluded that the Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
13 July 2022

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Ashdon Neighbourhood Development Plan 2020-2036 ('the Plan').
- 1.2 The Plan was submitted to Uttlesford District Council (UDC) by Ashdon Parish Council (APC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012, 2018, 2019 and 2021. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It seeks to provide a context in which the neighbourhood area can maintain its attractive character and appearance.
- 1.6 Within the context set out above, this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by UDC, with the consent of APC, to conduct the examination of the Plan and to prepare this report. I am independent of both UDC and APC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted should proceed to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Section 8 of this report.

Other examination matters

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 Having addressed the matters identified in paragraph 2.6 of this report I am satisfied that all of the points have been met.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the SEA/HRA Screening report.
- the Design Code.
- the Housing Needs Survey.
- the Assessment of Important Views.
- the Character Assessment.
- the Local Green Spaces Assessment.
- the Landscape Appraisal.
- the representations made to the Plan.
- APC's responses to the clarification note.
- the adopted Uttlesford Local Plan 2005.
- the National Planning Policy Framework (July 2021).
- Planning Practice Guidance.
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 1 June 2022. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I concluded that the Plan could be examined by way of written representations. I was assisted in this process by the comprehensive nature of the representations and the professional way in which the Plan has been developed.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012, APC prepared a Consultation Statement. It is proportionate to the neighbourhood area and its policies. It is a very good example of a document of this type. In particular, it sets out its key findings in a concise report which is underpinned by a series of more detailed tables and appendices.
- 4.3 The Statement records the various activities which were held to engage the local community and the feedback from each event. It also provides specific details on the consultation processes that took place on the pre-submission version of the Plan (September to October 2021). It provides the details of the responses to that version of the Plan in Appendix 7. This analysis contributes significantly to the legibility of the relevant information and helps to describe how the Plan has progressed to the submission stage (as set out in Appendix 8 of the Statement).
- 4.4 The Statement sets out details of the range of consultation events that were carried out in relation to the initial stages of the Plan. They included:
- the stall at the Church open day (September 2019);
 - the publicity about the Plan at the Safari Supper (September 2019);
 - the launch event (October 2019);
 - the survey of schools, community spaces and local businesses (October 2019 to 2020);
 - the focus group meetings (March 2020);
 - the questionnaire delivered to every house in the parish (Winter 2020/21); and
 - the ongoing use of the dedicated website, the Parish Council's website and Facebook to raise and maintain awareness about the Plan.
- 4.5 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation. From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. UDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Consultation Responses

- 4.6 Consultation on the submitted plan was undertaken by UDC. It ended on 30 May 2022. This exercise generated representations from the following organisations:

- Essex County Council
- Natural England
- National Highways
- Saffron Walden Town Council
- National Grid
- UDC
- Historic England
- Bidwell and Son
- Essex Bridleways Association

4.7 I have taken account of all the representations in preparing this report. Where it is appropriate to do so, I refer to specific representations in the assessment of the Plan against the basic conditions.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Ashdon. Its population in 2011 was 893 persons living in 373 households. The parish is located in the north-west corner of Essex, closely bordered by the counties of Cambridgeshire to the north and Suffolk to the east. Ashdon is located about four miles to the northeast of Saffron Walden. The parish was designated as a neighbourhood area on 1 May 2019.
- 5.2 The built part of the parish is made up of several historic settlements in a rural landscape setting. The settlement is concentrated in Ashdon village core and in Church End. There are also a series of historic 'Ends' some of which have been incorporated into the Ashdon village core (Rogers End and Holden End) and some of which retain their distinct identity – Water End, Steventon End and Knox End. Throughout the Parish there are several historic sunken lanes, some adjoining Ashdon village core (Kates Lane, Rectory Lane and Dorvis Lane), one adjoining the Church End settlement (Fallowden Lane) and some further afield (Puddlewharf Lane and New House Lane). There are also scattered farmsteads and other dwellings on the main road into the Parish from Saffron Walden (the Walden Road).
- 5.3 The remainder of the parish is attractive open countryside. The wider landscape is influenced by the topography which consists of rounded hills and slopes and steep in places where the River Bourne has incised the valley over time. Ashdon village and Water End are located on the steeper valley sides along the River Bourne. Holden End and Rogers End are located in a wide valley floor with gentle valley sides.

Development Plan Context

- 5.4 The development plan for the neighbourhood area is affected by the current progress which UDC is making in pursuing an up-to-date local plan. The adopted plan is the Uttlesford Local Plan 2005. In April 2021 UDC decided to withdraw the draft Uttlesford Local Plan 2019. UDC is now working to deliver a new Local Plan by summer 2024.
- 5.5 The Basic Conditions Statement helpfully lists the strategic policies of the 2005 Local Plan and identifies the extent to which policies in the submitted neighbourhood plan relate to those policies. This is a good way of identifying the extent to which APC has responded to the existing development plan in preparing its own Plan. The following policies in the Local Plan have been particularly important in underpinning the policies in the submitted Plan:

- S3 Other Development Limits
- S7 The Countryside
- GEN2 Design
- GEN7 Good Neighbourliness
- GEN7 Nature Conservation
- ENV1 Development within Conservation Areas
- H3 New houses within development limits

- 5.6 Plainly the dated nature of the development plan and the withdrawal of the emerging 2019 Local Plan has created specific challenges for APC in preparing a neighbourhood plan. Nevertheless, I am satisfied that it has taken a practical approach to this issue. In particular, it has taken care to ensure that the Plan has regard to the most recent version of the NPPF (2021).
- 5.7 Within this wider context I am satisfied that the submitted Plan seeks to add value to the development plan in general terms and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.
- 5.8 In the round, the Plan has been carefully prepared to be in general conformity with the strategic policies in the development plan and to provide distinctive parish-based policies to complement the established strategic approach.

Visit to the neighbourhood area

- 5.9 I visited the neighbourhood area on 1 June 2022. I approached it from the north via the A1307 and Bartlow. This helped me to understand its position in the wider landscape in general, and its accessibility to the strategic road network in particular.
- 5.10 I spent time in each of the separate built up parts of the parish. As part of the visit, I spent particular time looking at the following elements of the Plan:
- the proposed important views;
 - the proposed local green spaces; and
 - the conservation areas.

6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped in the preparation of this section of the report. It is an informative and well-presented document.
- 6.2 As part of this process I must consider whether the submitted Plan meets the basic conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan in the area;
 - be compatible European Convention on Human Rights (ECHR); and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

I assess the Plan against the basic conditions under the following headings.

National Planning Policies and Guidance

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework 2021 (NPPF).
- 6.4 The NPPF sets out a range of land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Ashdon Neighbourhood Development Plan:
- a plan-led system - in this case the relationship between the neighbourhood plan and the Uttlesford Local Plan (2005);
 - building a strong, competitive economy;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - taking account of the different roles and characters of different areas;
 - highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
 - conserving heritage assets in a manner appropriate to their significance.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.6 In addition to the NPPF, I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination, I am satisfied that the submitted Plan has had regard to national planning policies and guidance subject to the recommended modifications in this report. It sets out a positive vision for the future of the neighbourhood area. It includes a series of policies that address a range of development and environmental matters. It proposes the designation of a series of local green spaces and a package of policies to safeguard the character and appearance of the built and the natural environment of the parish. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.8 At a more practical level, the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted, the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan sets out a spatial strategy (Policy ASH1) and includes a policy for farm diversification (Policy ASH16). In the social role, it includes a policy on village services and facilities (Policy ASH12) and on housing mix (Policy ASH2). In the environmental dimension, the Plan positively seeks to protect its natural, built and historic environment. It has policies on landscape character (Policy ASH4), settlement gaps (Policy ASH5), the conservation areas (Policy ASH6) and design (Policy ASH7). This assessment overlaps with the details on this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in the wider Uttlesford District in paragraphs 5.4 to 5.8 of this report.

- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted development plan. Subject to the recommended modifications in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

Strategic Environmental Assessment

- 6.13 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required. In order to comply with this requirement, UDC/APC undertook a screening exercise on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan.
- 6.14 The resulting report (January 2022) is thorough and well-constructed. It concludes that it will be unlikely that any significant environmental effects will arise from the implementation of the Plan. It reaches this conclusion given that the key thrust of the Plan is focused on protecting historic assets and landscape quality. In addition, it acknowledges that the Plan does not make site allocations but supports development within and adjacent to development limits and in the countryside in line with Local Plan and NPPF policies.

Habitats Regulations Assessment

- 6.15 The screening exercise also undertook a Habitats Regulations Assessment (HRA) of the Plan. It concludes that the submitted Plan is unlikely to have significant effects on a European site. The report is very thorough and comprehensive. In particular, it assesses the likely effects of the implementation of the policies in the Plan on protected sites within or in close proximity to the neighbourhood area as follows:
- Eversden and Wimpole Woods Special Area of Conservation (19.6 km away); and
 - Devil's Dyke Special Area of Conservation (26.3km away).
- 6.16 The HRA concludes that the neighbourhood plan will not give rise to likely significant effects on European sites, either alone or in combination with other plans or projects, and that Appropriate Assessment is not required.
- 6.17 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations (as now transposed into national legislation).

Human Rights

- 6.18 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no

evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR

Summary

- 6.19 On the basis of my assessment of the Plan in this section of my report, I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the neighbourhood area. The wider community and APC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (Section 41-004-20190509) which indicates that neighbourhood plans must address the development and use of land. A series of Community Actions supplement the land use policies.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan.
- 7.6 For clarity, this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial parts of the Plan (Sections 1 to 5)

- 7.8 The Plan as a whole is very well-organised and presented. It is supported by a series of excellent photographs. It is clear that the Plan has been prepared with much attention to detail and local pride. It makes an appropriate distinction between the policies and their supporting text. The combination of the supporting text in the Plan, and the various supporting documents provide an extensive range of information to justify the approach taken in the policies. In summary it is a first-class example of a neighbourhood plan. If it is eventually made, it will comfortably sit within the wider development plan context.
- 7.9 The initial elements of the Plan set the scene for the policies. They are proportionate to the neighbourhood area and the subsequent policies. The Introduction is well-considered. In particular it identifies the way in which a neighbourhood plan empowers a local community on planning matters. The table in paragraph 1.8 very clearly summarises the key milestones in the plan preparation process in the parish.
- 7.10 Paragraph 1.6 properly identifies the neighbourhood area (Map 1). Whilst the front cover of the Plan provides details about the Plan period, it would be appropriate if it was also captured in the text of the Plan

At the end of paragraph 1.6 add: 'The Plan period is 2020 to 2036'

- 7.11 Section 2 provides information about the neighbourhood area and its history. It provides interesting and comprehensive details which help to set the scene for the eventual policies. Map 2 is particularly informative in the way in which it sets out a contour profile for the parish.
- 7.12 Section 3 comments about the key issues which have been addressed in the Plan. They include:
- Housing;
 - Community and Community Spaces and Facilities;
 - Traffic and Sustainable Transport; and
 - Flooding.
- 7.13 Section 4 sets out the broader planning policy context within which the Plan has been prepared. It comments about both national policy (the NPPF) and local policy.
- 7.14 Section 5 sets out a SWOT analysis for the parish. This analysis then translates into the vision, and objectives for the Plan. It makes a strong functional relationship between these various matters. The vision for the Plan is:
- ‘Over the Plan period Ashdon will evolve whilst retaining and enhancing its natural and historic rural environment and continue to be inhabited by a vibrant sustainable community’*
- 7.15 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy ASH1 Spatial Strategy

- 7.16 This policy sets out a spatial strategy for the parish. It establishes development limits to identify the extent of land needed to meet the development requirements of the parish. Development outside the development limits will only be supported where it meets national and local planning policies.
- 7.17 The policy will contribute to the delivery of each of the three dimensions of sustainable development by concentrating new development where it is most closely related to the economic and community facilities in the parish. The development limits are identified in a sensitive way and reflect the existing concentrations of built development in the parish. The policy meets the basic conditions.

Policy ASH2 Housing Mix

- 7.18 This policy comments that housing development must contribute to meeting the existing and future needs of the village. It adds that a mix in the size and type of housing is desired, and should take account of the 2015 West Essex and Herts Strategic Housing Market Assessment needs for Uttlesford or any later published data. The current Assessment seeks a majority of 2- and 3-bedroom homes.
- 7.19 The policy is underpinned by data and is non-prescriptive in its nature. It will contribute towards delivering the social dimension of sustainable development. It meets the basic conditions.

Policy ASH3 Affordable housing on rural exception sites

- 7.20 Section 7 of the Plan comments about affordability issues in the parish and APC's wish to allow people to secure access to local housing. This detail translates into a bespoke policy about affordable housing schemes on rural exception sites.
- 7.21 The policy comments that proposals for the development of small-scale affordable housing schemes, including entry level homes for purchase and starter homes (as defined by paragraph 72 of the NPPF) on rural exception sites outside the Development Limits will be supported where there is a proven local need. Other elements of the policy provide more practical guidance on how it would be applied in the development management process.
- 7.22 I am satisfied that the policy takes an appropriate approach to this important matter. In particular it takes a balanced approach towards the demonstration of need and provides a degree of flexibility for market housing to be included in such proposals where such an approach is required to ensure that affordable housing schemes are commercially viable.
- 7.23 I recommend a detailed modification to the wording in the penultimate paragraph of the policy so that the wording used is consistent throughout the policy. Otherwise, the policy meets the basic conditions. It will contribute towards the delivery of the social dimension of sustainable development.

In the penultimate paragraph of the policy replace 'permitted' with 'supported'

Policy ASH4 Protecting Ashdon's Landscape Character

- 7.24 This policy seeks to ensure that development proposals take account of the close functional and physical relationship between the wider landscape and built development. The Assessment of Important Views identifies important views in the parish. They consist of important views from public vantage points, either within the built-up area or into or out of the surrounding countryside. They are appropriately identified on the Policies Map.
- 7.25 The policy comments that proposals must demonstrate how the landscape characteristics of the site and its vicinity have been considered in preparing development proposals. It also comments that proposed development should not detract from and look to enhance the key landscape and built development features of those views as identified in the Neighbourhood Plan Assessment of Important Views document. The policy also makes an appropriate distinction between the impact of development on views both within and outside the defined Development Limits.
- 7.26 The policy captures the nature of the landscape in the parish in a detailed and sensitive fashion. The Assessment of Important Views is an excellent document in its own right and provides a healthy evidence base to the approach taken in the policy. I looked at several of the views during the visit and their importance was self-evident. The views from the Windmill (View 25) were well-worth the exercise involved in the walk from the village.

- 7.27 I recommend a modification to the title of the policy so that it more fully captures the detailed approach taken. Otherwise, it meets the basic conditions. It will contribute towards the delivery of the environmental and social dimensions of sustainable development.

Replace the title of the policy with: 'Protecting Ashdon's Landscape Setting and Important Views'

Policy ASH5 Settlement Gaps

- 7.28 The Plan identifies a series of settlement gaps. They are proposed in the Plan in order to retain the separation between the various elements of built development in the parish (and known locally as Ends). They are shown on the Policies Map.
- 7.29 The policy comments that development proposals should demonstrate how they would not result in the erosion of the identified settlement gaps.
- 7.30 In general terms, I am satisfied that the policy takes an appropriate approach to this matter. The different elements of the built parts of the parish are clear and distinctive. In addition, they reflect the wider character of the parish and the retention of the gaps will be an important element of the planning of the village within the Plan period. However, I recommend that the policy is reconfigured so that it more clearly defines the settlement gaps and then sets out a policy to ensure that development proposals have regard to their scale and nature. Otherwise, the policy meets the basic conditions. It will contribute towards the delivery of the environmental dimension of sustainable development.

Replace the policy with:

'The Plan identifies settlement gaps which separate the distinct settlements (the Ends). They are shown on the Policies Map.

Development proposals shall, where appropriate, demonstrate how they would safeguard the settlement gaps and not cause their erosion.'

Policy ASH6 Conservation Areas

- 7.31 This policy sets out a comprehensive approach towards development proposals which may affect the two conservation areas in the parish (Ashdon and Church End). It makes a healthy link with the Ashdon Conservation Area Appraisal and Management Proposals (2013). The policy has two related parts. The first comments generally about development proposals in the two conservation areas. It includes five distinctive criteria with which development proposals are expected to comply. The second relates to proposals relating to the demolition of non-listed buildings in the conservation areas.
- 7.32 The policy takes a very positive approach to this issue. I am satisfied that it has regard to national policy. I recommend a detailed modification to the wording used in the penultimate paragraph of the policy to bring the clarity required by the NPPF. Otherwise, the policy meets the basic conditions. It will contribute towards the delivery of the environmental and social dimensions of sustainable development.

In the penultimate paragraph of the policy replace ‘will be expected to’ with ‘should’

Policy ASH7 Design Considerations

- 7.33 This policy sets out the Plan’s approach to design. It takes a distinctive approach and is underpinned by the work undertaken on the Ashdon Design Code.
- 7.34 The policy has two related elements. The first comments that proposals for new development must reflect the local characteristics and circumstances and create and contribute to a high quality, safe and sustainable environment. The second comments that planning applications should demonstrate how they satisfy the requirements of the design principles in the Ashdon Design Code, as appropriate to the proposal. The policy also includes a series of specific considerations which must be met by development proposals.
- 7.35 The policy is an excellent local response to Section 12 of the NPPF. The local community has developed a detailed and distinctive approach to design.
- 7.36 I am satisfied that the criteria are distinctive to the parish. I recommend a modification to the wording of the part of the policy which addresses this matter so that it can be applied in a proportionate way. Plainly not all of the criteria will be relevant to every development proposal. I also recommend detailed modifications to some of the criteria to bring the clarity required by the NPPF. Otherwise, the policy meets the basic conditions. It will contribute towards the delivery of the environmental dimension of sustainable development.

Replace ‘In addition, proposals will be supported where’ with ‘In addition, and as appropriate to their scale, nature and location, proposals will be supported where’

In b delete ‘and where appropriate enhancement’

In f delete ‘as appropriate’

Policy ASH8 Light Pollution

- 7.37 This policy celebrates the dark skies environment of the parish and the positive feedback on this aspect of local life from residents.
- 7.38 The policy comments that any future outdoor lighting systems should have a minimum impact on the environment, minimising light pollution and adverse effects on wildlife, subject to highway safety, the needs of particular individuals or groups, and security. It also comments that development proposals should reduce the consumption of energy by promoting efficient outdoor lighting technologies, keeping the night-time skies dark and reducing glare.
- 7.39 I recommend that the first sentence of the policy is deleted and repositioned into the supporting text. This will make a better distinction between the wider policy and its supporting text. This approach takes account of APC’s response to the clarification

note. Otherwise, the policy meets the basic conditions. It will contribute towards the delivery of the environmental dimension of sustainable development.

Delete the first sentence of the policy

Reposition the deleted first sentence of the policy to the end of penultimate sentence of paragraph 8.32

Policy ASH9 Flood Risk

- 7.40 The policy addresses flood risks in the village. As the Plan comments, there is a long history of flooding in Ashdon, mainly associated with the River Bourne as it flows through the village. Flood Zones 2 and 3 run through the centre of Ashdon. The Plan comments that the topography of the river valley is such that surface water run-off and ground water saturation run directly into the watercourse in the base of the valley. There are numerous springs, some running all year and others flowing as the water table rises.
- 7.41 The policy itself has two principal parts. The first comments that proposals for new development, or the intensification of existing development, in Flood Zones 2 and 3 should be accompanied by a Flood Risk Assessment and will not be permitted, unless the applicant has satisfied the safety requirements in the Flood Risk National Planning Policy Guidance (and any successor). The second comments that proposals for all new development will be required to submit schemes appropriate to the scale of the proposal detailing how on-site drainage and water resources will be managed so as not to cause or exacerbate surface water and fluvial flooding elsewhere. The policy also comments that proposals should, as appropriate, include the use of above-ground open sustainable drainage systems.
- 7.42 The policy takes a proportionate approach to this matter. It is properly underpinned by the Uttlesford Strategic Flood Risk Assessment 2016. In general terms I am satisfied that the policy has regard to national policy. However, I recommend that some elements of the policy are relocated to the supporting text. This will ensure a better relationship between the policy itself and the explanation about the details required for planning applications and how the policy would be used on a day-to-day basis. Otherwise, it meets the basic conditions. It will contribute towards the delivery of the environmental dimension of sustainable development.

In the first paragraph delete ‘These include.... sewer flooding’

Delete the second paragraph

At the end of paragraph 9.5 add:

‘Policy ASH9 addresses these important matters. It comments that development proposals will not be permitted, unless the applicant has satisfied the safety requirements in the Flood Risk National Planning Policy Guidance (and any successor). These include the ‘sequential test’; where needed the ‘exception test’ and also a site-specific flood risk assessment that addresses the characteristics of flooding and has tested an appropriate range of flood event scenarios (taking climate change

into consideration). This should address as a minimum: finished floor levels; safe access and egress; an emergency flood plan; identification and provision of surface water exceedance routes; flood resilience/resistance measures; any increase in built or surfaced area; and any impact on flooding elsewhere, including sewer flooding. In a more general sense development proposals should exhibit the three main principles of flood risk, in that, they should be safe, resilient and should not increase flood risk elsewhere.'

Policy ASH10 Biodiversity and Habitats

- 7.43 This policy celebrates the rich biodiversity in the parish. It is helpfully described in Section 9 and shown on Map 14.
- 7.44 The policy sets out a comprehensive approach to biodiversity and habitats. Its overall approach is that development proposals should avoid the loss of, or substantial harm to, important trees, hedgerows, wildlife corridors and other natural features including the chalk stream and ponds. It includes detailed commentary about mitigation and improvements to biodiversity which will secure a measurable net gain as part of the wider design of the development proposal.
- 7.45 The policy is a first-class local response to national policy on this matter. I recommend a detailed modification to the third paragraph of the policy to bring the clarity needed by the NPPF. Otherwise, it meets the basic conditions. It will contribute towards the delivery of the environmental dimension of sustainable development.

In the third paragraph of the policy replace 'It is expected that the mitigation proposals will form' with 'Mitigation proposals should form'

Policy ASH11 Chalk Streams Protection

- 7.46 This policy comments about the chalk streams (the River Bourne and its tributaries) in the parish. It is a very specific policy which has been designed to safeguard a distinctive and important feature of the parish.
- 7.47 The policy comments that proposals that would result in additional surface water run-off into the chalk streams will not be supported unless accompanied by a watercourse and surface water drainage appraisal and commensurate measures which will avoid and mitigate contamination of the watercourse.
- 7.48 I am satisfied that the policy is both appropriate and distinctive to the parish. I recommend a detailed modification to ensure that there is a difference between the approach towards the avoidance of any contamination to the watercourse and any mitigation which may be required as an outcome of the drainage appraisal. Otherwise, it meets the basic conditions. It will contribute towards the delivery of the environmental dimension of sustainable development.

Replace 'which will avoid and mitigate contamination of the watercourse' with 'which will avoid and/or mitigate contamination of the watercourse'

Policy ASH12 Village Services and Protection

- 7.49 This policy celebrates the various village services. I saw their significance during the visit to the parish.
- 7.50 The policy has two related parts. The first part comments that proposals that would result in the loss of services and facilities (or premises last used for such purposes) and which support the local community will only be permitted where they meet a series of criteria. It takes account of changing circumstances and viability considerations. The second part comments that proposals for the enhancement of the existing services and facilities will generally be supported subject to there being no significant adverse impact on the natural and historic environment, infrastructure and the amenity of residents.
- 7.51 I am satisfied that the policy is appropriate and distinctive to the parish. In particular, the first part acknowledges that circumstances may change within the Plan period both generally and in relation to the viability of community facilities in particular. I recommend two modifications to the policy to bring the clarity required by the NPPF. The first ensures that the two elements of the policy use the same language. The second deletes the unnecessary use of 'generally' in the second part of the policy. In any event that part of the policy identifies a series of considerations which would be assessed in determining proposals for the enhancement of existing community facilities. Otherwise, the policy meets the basic conditions. It will contribute towards the delivery of the social dimension of sustainable development.

In the first part of the policy replace 'permitted' with 'supported'

In the second part of the policy delete 'generally'

Policy ASH13 Local Green Spaces

- 7.52 This policy proposes the designation of a series of local green spaces (LGSs). They are shown on the Policies Map. The proposed LGSs reflect the character and the nature of the parish and the way in which green spaces form important parts of the local environment. In most cases, they are either traditional open recreation areas or incidental green spaces within the built-up elements of the parish. The policy is underpinned by the excellent Local Green Spaces Assessment Report.
- 7.53 The supporting text comments about the tests in the NPPF for the designation of LGSs. The LGS Assessment Report provides detailed commentary on the way in which APC considers that the various proposed LGSs meet the criteria for such designation in the NPPF. I looked at the proposed LGSs when I visited the neighbourhood area.
- 7.54 A detailed representation was received to the proposed designation of Donkey Field as a LGS by Bidwell and Son. It is a field in agricultural use in the southern part of Ashdon village. A footpath runs through the proposed LGS. The representation comments that the field is in private ownership and its current use as a meadow is part of a DEFRA Countryside Agreement which runs until January 2026.

- 7.55 I looked carefully at this proposed LGS during the visit. I saw the attractive way in which it sat between Church Hill and Radwinter Road and provided an open and attractive green space on the edge of the village. I also saw the use of the attractive footpath.
- 7.56 I have taken account of the representation by Bidwell and Son. However, I am satisfied that the proposed LGS has been appropriately identified and designated. In particular Planning Practice Guidance comments that LGSs can be in private ownership (ID: 37-019-20140306) and that the designation of land as LGS neither places any obligations on the owner concerned (ID: 37-020-20140306) nor requires that their management is altered (ID: 37-021-20140306).
- 7.57 On the basis of all the information available to me, including my own observations, I am satisfied that the proposed LGSs comply with the three tests in the NPPF. In several cases they are precisely the types of green spaces which the authors of the NPPF would have had in mind in preparing national policy.
- 7.58 In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 101 of the NPPF. Firstly, I am satisfied that their designation is consistent with the local planning of sustainable development. They do not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. Indeed, they are an established element of the local environment and, in most cases, have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed local green spaces would not endure beyond the end of the Plan period.
- 7.59 The policy lists the proposed LGSs. The national policy implications of LGS designation are set out in paragraph 10.11 of the supporting text of the Plan. I have considered this approach carefully. On the one hand, the approach towards proposed development in LGS is now well-established. On the other hand, it is important that every neighbourhood plan is self-contained in terms of its policies. As such, I recommend a modification so that the policy directly explains the policy implications of LGS designation and in doing so takes the matter-of-fact approach in the NPPF.
- 7.60 I also recommend that the supporting text is expanded so that it sets out the way in which development proposals affecting the designated LGSs would be assessed on a case-by-case basis by UDC. In particular UDC will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the 'very special circumstances' required by the policy.
- 7.61 Otherwise the policy meets the basic conditions. It will do much to contribute to the delivery of the environmental and the social dimensions of sustainable development. In many cases the proposed LGS help to define the character of the neighbourhood area.

**Insert an additional paragraph at the end of the policy to read:
‘Development proposals within the designated local green spaces will only be supported in very special circumstances’**

At the end of paragraph 10.11 add: ‘Policy ASH13 follows the matter-of-fact approach in the NPPF. In the event that development proposals come forward on the local green spaces within the Plan period, they can be assessed on a case-by-case basis by Uttlesford District Council. In particular, it will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the ‘very special circumstances’ required by the policy’

Policy ASH14 Public Rights of Way

- 7.62 This policy sets out to safeguard and, where practicable, to enhance the rights of way network in the parish. I saw the importance of the existing network during the visit in general, and the recreational opportunities which it provided in particular.
- 7.63 The policy itself has two related parts. The first comments that any new development on or adjacent to an existing Public Right of Way or which is clearly visible from a Public Right of Way must consider the appearance of the proposal from the Right of Way and incorporate green landscaping to reduce any visual impacts. The second comments that enhancements or extensions to the network, for example through improving accessibility or connectivity, will be supported and may be required where a scheme is likely to increase usage.
- 7.64 I am satisfied that the approach taken in the policy is appropriate to the parish. The importance of the footpath network is self-evident. I have taken account of UDC’s comment on the policy and APC’s response on this matter in the clarification note. On the balance of the evidence, I recommend that the first part of the policy is modified so that it requires that any landscaping responds to the specific relationship between the development itself and the right of way concerned. Otherwise, the policy meets the basic conditions. It will do much to contribute to the delivery of the environmental and the social dimensions of sustainable development.

In the first part of the policy replace ‘and incorporate green landscaping to reduce any visual impacts’ with ‘and, as appropriate to the relationship between the development and the Public Right of Way, incorporate green landscaping to reduce any visual impacts’

Policy ASH15 Protected Lanes

- 7.65 The policy takes account of protected lanes in the parish. Their scale and nature are described in the supporting text (Section 11).
- 7.66 The policy comments that proposals that would have an adverse environmental impact upon protected lanes including eroding their character will not be supported. It also comments that proposals which would give rise to a material increase in the amount of traffic using the protected lanes will not be permitted.

- 7.67 I am satisfied that the approach taken in the policy is appropriate. It reflects the rural character of the parish. I recommend a detailed modification to the policy so that the wording used is internally consistent. Otherwise, the policy meets the basic conditions. It will do much to contribute to the delivery of the environmental and the social dimensions of sustainable development.

In the final sentence replace ‘permitted’ with ‘supported’

Policy ASH16 Farm Diversification

- 7.68 This policy seeks to allow the diversification of farms and farm buildings. It comments that proposals for new business development in redundant farm buildings will be supported where the proposal would not have an unacceptable impact on residential amenity, heritage assets and the highways network.
- 7.69 The policy has regards to national planning policy (Section 6 of the NPPF). It meets the basic conditions.

Community Aspirations

- 7.70 The Plan includes a series of Community Aspirations. They are non-land use issues which have naturally arisen as the Plan was prepared.
- 7.71 National policy indicates that such matters should be incorporated within a separate section of the Plan so that they are clearly distinguished from the land use policies. In this case, they are included within the thematic parts of the Plan.
- 7.72 I have considered this matter very carefully. On the balance of the evidence, I am satisfied that the approach taken is appropriate. I have reached this view for three related reasons. The first is that the approach taken generates a natural flow and structure both for the Plan and for the lay reader. The second is that the Aspirations generally supplement the approach taken where there is an associated land use policy. The third is that the Aspirations are shown in different coloured boxes to the policies.
- 7.73 I am satisfied that the Aspirations are both appropriate and distinctive to the parish. The following are particularly noteworthy:
- CA3 – Verge Management
 - CA7 – Village Shop
 - CA8 – Reopening the pub
 - CA12 – Increase the protection of Lanes

Other Matters – General

- 7.74 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of the recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. Similarly, changes may be necessary to paragraph numbers in the Plan or to accommodate other administrative matters. It will be appropriate for UDC and APC to

have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies and to accommodate any administrative and technical changes.

Other Matters – Specific

- 7.75 Essex County Council has made a series of helpful comments on the Plan. APC has also helpfully provided its responses to the comments.
- 7.76 The incorporation of the matters raised by the County Council into the Plan would extend its coverage to good effect. Nevertheless, the matters raised are not necessary to ensure that the Plan meets the basic conditions. Neighbourhood plan legislation has given considerable flexibility to qualifying bodies to include the issues which they see fit to feature in their plans. As such it is beyond my remit to recommend modifications to the Plan so that it is expanded beyond the scope as chosen by APC.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2036. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community to safeguard the character and setting of the neighbourhood area.
- 8.2 Following the examination of the Plan, I have concluded that the Ashdon Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report, I recommend to Uttlesford District Council that subject to the incorporation of the modifications set out in this report the Ashdon Neighbourhood Development Plan should proceed to referendum.

Other Matters

- 8.4 I am required to consider whether the referendum area should be extended beyond the neighbourhood area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by Uttlesford District Council on 1 May 2019.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth manner.

Andrew Ashcroft
Independent Examiner
13 July 2022