
Moreton, Bobbingworth & the Lavers Parish Council

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11th April 2019

Dear Nigel

Neighbourhood Plan Examination

Further to your e-mails dated 8th and 25th March please find below our comments on the Regulation 16 responses and our response to your request for further clarification on certain points.

Regulation 16 Responses

Following discussion, with other Neighbourhood Plan Steering Committee members, we would make the following comments in response to the Regulation 16 Response letters from the Statutory Consultees.

1. **Epping Forest District Council.** You are already in receipt of our comments on this matter
2. **National Grid**

Whilst we have no over-ground Gas Infrastructure in our parish, gas pipelines do run underground across the parish. These underground gas pipelines run across farmed fields and are nowhere near any of the village or any of our settlements. Unless our entire parish was removed from the Green Belt, there would be no likelihood of any developments near the gas pipelines.

3. Environment Agency

They have stated that *“It is important that your Plan also considers whether the flood risk issues associated with these sites can be safely managed to ensure development can come forward. Without this understanding we are unsure how your Plan can demonstrate compliance with the NPPF”*.

The Neighbourhood Plan Steering Committee does not consider this to be a sensible comment about the potential non-compliance with NPPF for the following reasons:

- a. no sites have been identified in our proposed Neighbourhood Plan
- b. we are not a planning authority – and this is surely a matter for the planning authority to consider when an application is presented.

4. Essex County Council

We do indeed have a special need for car parking, which differs from EEC parking standards. This was very carefully considered and consulted on during the preparation of the proposed Neighbourhood Plan. Our only village, Moreton (population of about 300), has one very narrow street, bends and a single lane bridge across a brook. Parking is a severe problem already as residents park on one side the road, leaving only a single narrow lane - and twice a day the village is totally grid-locked by parents dropping off 200 primary school children in the morning and picking them up again.

There is no public transport available that could be used by school children or commuters. In our rural parish cars are the only option for parents and workers.

The other communities which comprise our parish (High Laver, Little Laver, Magdalen Laver and Bobbingworth) have no village centres. They are spread-out rural communities with narrow winding country lanes and no pavements. Cars that cannot be pulled off the road for safe parking present a danger.

Hence, our insistence that there is a need for adequate car parking spaces in any potential new development

Response to Request for Clarification

5. European Obligations (Sweetman Judgement) (for EFDC)

I understand that Tai Tsui is on annual leave this week, but the Parish Council has been copied in on the response from Natural England which states that a Habitat Regulations Assessment is not required. A copy of their response is attached to this document.

6. Policy MBL 1.2 Affordable Houses on Exceptions Sites

The above policy is covered by Statutory Instrument 2009, No 2098 Housing England (Right to Enfranchise) (Designated Protected Areas) (England) Order 2009. It is supported by the following documents within our evidence base:

2-7 HMG Rural Strategy

5-4 Affordable Housing Designated Protected Areas

5 -5 Affordable Housing Justification

This policy differs from other affordable housing within EFDC's Local plan as it relates to housing on *rural exception sites*. EFDC has a separate policy on these sites. Please let me know if you would like me to forward a copy for ease of reference.

7. Policy MBL 2.1 – Home Working

Subsidiary is used in this policy in that the business use is of secondary importance serving to aid or support working from home and is intended to prevent the development of residential space primarily for employment or business use. However, on reflection we believe this would be clearer if the word "secondary" was substituted in place of subsidiary with the primary use being residential.

8. Policy MBL 2.3 – Agricultural land

"In Production" is used in the dictionary sense of agricultural land being used to produce food and is supplemented by Policy MBL 2.4 "In the interests of sustainability" .

Having looked at this phrase again following your question we feel that it would give greater clarity if "in production" was amended to read "livestock rearing and for the production of crops". This then concurs with the terminology used within various Government documents as well as the RICS.

It was considered to be a very important issue by the Planning team, following the work on gathering evidence on local population growth and housing needs, which in turn lead research into global population growth and the realisation of the impending urgency to protect food production for a sustainable future.

This is contained in our Evidence Base:

5.1 Population & housing

5.2 World Population Growth.

9. Policy MBL 4.1 – Traffic

The sentence of "*Development which is hazardous to road safety, results in congestion or has potential to damage the highway and its borders will be resisted. Proposals affecting just the A414 will be determined on their merits regarding traffic impact.*" was the recommendation by the previous examiner – (Recommendation 19.) A copy of the previous examination report is attached.

As we were clearly keen to get our plan passed, we adopted some of the recommendations even though they did not make a lot of sense to us.

Previous to the amendments by the examiner, our Policy MBL 4.1 read as follows:

"No new development – residential or business – should lead to a significant amount of extra traffic, especially large vehicles, on our rural lanes."

This original policy wording seemed a lot more pertinent to our neighbourhood plan.

Our initial resident's consultation resulted in many issues being raised concerning highways, which are the responsibility of the County Council and beyond the scope of a Neighbourhood Plan. We had to respond by acknowledging we had noted residents' concerns and where we could, within our remit, we would endeavour to ameliorate the situation.

We submit the following extract from our document 'Shaping our Future'.

While our consultation did not explicitly cover traffic management, many people took the opportunity when completing the survey to express concerns over heavy goods vehicles (HGVs), verges, sat-nav shortcuts, potholes, weight restrictions, and the speed and volume of traffic. Residents are also concerned about the poor state of repair of Moreton Bridge, and the damage caused by vehicles to our Byways. These issues are outside the remit of a Neighbourhood Plan. However, as a continuing project, the Parish Council will work with the Highway Authority, English Heritage and other bodies and stakeholders on such issues, including:

*Supporting and lobbying for weight and speed restrictions where appropriate;
Reducing the impact of large vehicles on our country roads;
Trying to protect some of our local byways by changing their status to stop motor vehicles using them to avoid them being damaged so they remain useable for walkers and riders;
Repairing, protecting and maintaining Moreton Bridge.*

Our residents are worried about:

The use of roads by heavy goods vehicles to access businesses and farms;
Damage by heavy vehicles to Moreton's iconic bridge (*a listed structure within the Moreton conservation area*);
Speeding along narrow country lanes;
The general state of the roads, including potholes;
Damage to byways by reckless driving of 4 x 4 vehicles;
Traffic routed through the Parish by satellite navigation.

We were also guided by our **Evidence Base 4.5 Moreton Bridge & 4.6 Byway Damage** (*Subsequent to consultation and the PC raising the issue of Moreton Bridge & two Byways, with Essex Highways they have repaired the bridge & both byways*) However there is risk of further damage to these lanes. Similar damage is caused by vehicles on our narrow lane verges.

10. Policy MBL 4.2 Parking

We referred to **Essex County Council Parking Standards Design and Good Practice September 2009**

This document is a very full and detailed design standard document but primarily covers major urban housing, commercial & retail premises; it has no evidence or guidance on parking in rural locations.

We established only two elements in section - **2 Guidance** of the Standard:-

2.1 The Application of Parking Standards 2.1.1 whilst this document has grouped parking standards into Planning Use Classes, *there will inevitably be some developments that will not fall into any of the categories. In such cases parking provision will be considered on the developments own merit. However, the onus will fall to the developer to demonstrate that the level of parking provided is appropriate and will not lead to problems of on street parking on the adjacent highway network.* This will usually be demonstrated through a Transport Assessment (TA) or Transport Statement (TS).

2.2.4 Consideration must be given to “parking” and its relationship to the built environment which it serves. The form and function of the parking can have a determining influence on the successfulness of the development design concept.

While we fully understood our neighbourhood Plan must comply with EU, Government, and local planning authorities policies, we believed in the absence of any overriding policies, we would be free to install our own policies in response to our public consultation.

We were again guided by our **Evidence Base 4.6 Byway Damage** as described in point 6 above. The comments made in 6 above apply equally to Parking Standards and Good Practice.

Our Parking policy was prompted by our **Evidence base 4.1 Public Transport** (dated January 2014) in fact the current transport situation has diminished significantly and a village within our parish has serious parking problems on a daily basis.

11. Policy MBL 4.3 – Public Rights of Way

This is a National Wildlife Trust initiative, which the Parish Council agreed to support several years ago. During the course of our development of our Neighbourhood Plan our Bobbingworth 24 acre nature reserve won an award for creating a Living Landscape and Green Corridor in our district.

The definition of a Green Corridor is “a thin strip of land for sufficient habitat for wildlife, often within an urban environment, thus allowing the movement of wildlife along it.”

The link below to the Wild Life Trust further supports this.

<https://www.wildlifetrusts.org/about-us/vision-and-mission/living-landscapes>

12. Policy MBL 5.1 Renewable energy installations

This policy emanated in part from Policy MBL 2.3 Agricultural Land by providing protection from the installation of Solar Energy Farms on good quality agricultural land, to the detriment of sustainable food production in the future.

We have no other evidence than our Evidence Base:

5.1 Population and Housing – 5.2 World Population

If you have any further queries, please do not hesitate to contact me

Yours sincerely,

Julia Milovanovic

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Parish Clerk