

Reach Neighbourhood Plan

Response by Reach Parish Council to the Examiner's Clarification Note

Explanatory note by East Cambridgeshire District Council:

Attached is Reach Parish Council's response to the Examiner's Clarification Note. Towards the start of the response, the Parish Council refer to two planning applications. Rather than uploading those planning application details on the Reach Neighbourhood Plan Examination webpage, the full details of those two planning applications (including location plans, block plans and appeal decisions) can be found at this webpage <https://pa.eastcambs.gov.uk/online-applications/> and by inserting the relevant application reference numbers provided by the Parish Council (namely 15/01558/OUT and 21/01315/FUL) into the 'search' box.

Reach Neighbourhood Plan

Examiners Clarification Note Response

Policy RCH1

With reference to paragraph 5.3 of the draft Neighbourhood Plan, there have been two planning applications at 16 Chapel Lane since the Local Plan was adopted in April 2015.

15/01558/OUT | Construction of two dwellings and private access drive

North View House, 16 Chapel Lane, Reach, Cambridge CB25 0JJ.

Received 22 December 2015. Refused 11 May 2016. Appeal Dismissed 20 March 2017.

Site Location Plan, Proposed Block Plan and Appeal Decision appended to this response

21/01315/FUL | Construction of wooden summer house and wooden shed, both on concrete slabs

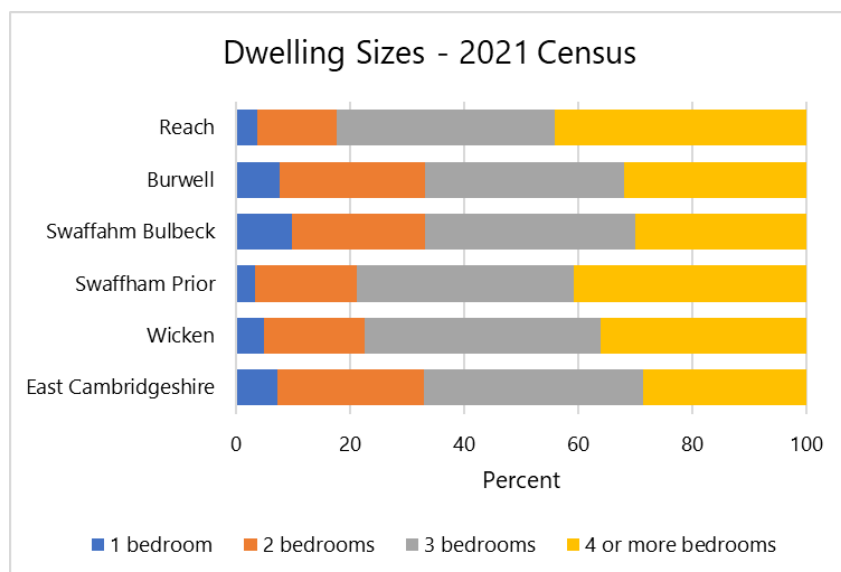
North View House, 16 Chapel Lane, Reach, Cambridge, CB25 0JJ

Received 6 September 2021. Approved 1 November 2021

Site Block Plan appended to this response

Policy RCH3

There does appear to be an anomaly between the policy and the data in paragraph 6.7. Since the Plan was submitted, data from the 2021 Census has been published which confirms that Reach does, as stated, have a relative deficit in on and two-bedroomed dwellings when compared with surrounding villages and the District as a whole. The chart below illustrates this.



The Examiner may consider it necessary to amend the policy to reflect the evidence provided in paragraph 6.7 and the recently published 2021 Census data.

Policy RCH8

The policy acknowledges that it would become redundant when the provisions of the Environment Act 2021 are implemented. While it is acknowledged that the implementation of the Act has moved on since the Plan was submitted, most development in the Neighbourhood Area is expected to fall into the “small sites” category, where developments will currently not be required to meet a biodiversity net gain until April 2024. Even when the Act is fully operational, elements of the policy would still be relevant in terms of how planning applications would be considered and appropriate measures that would be supported for householder applications.

Policy RCH9

There is mixed evidence as to the appropriateness of including the final sentence in the policy. In earlier neighbourhood plans prepared by our consultants, the sentence relating to permitted development rights has been introduced at examination stage, whereas others just refer to the NPPF. Given that the policy only applies to development that requires planning consent, the final sentence would seem to be superfluous.

Policy RCH11

The Parish Council agrees that making the third paragraph the first would improve the structure of the policy.

Policy RCH12

The Examiner’s supportive comments are noted. No response required

Policy RCH14

It is noted that the District Council declared a Climate Emergency in October 2019, prior to the Parish Council carrying out the Pre-Submission Consultation on the Neighbourhood Plan. The District Council did not make any comments on this policy at the time, which is unfortunate as it would have enabled such suggested changes, had the Parish Council agreed to them, to be consulted on at the Regulation 16 Submission Consultation.

Whilst the Parish Council does not object to the wording suggested by the District Council, it is for the Examiner to determine whether such amendments are backed up by evidence (eg the requirements of criterion b.) and whether paragraph 35 of the Framework is satisfied by such suggestions, especially given the requirements have not been subject to consultation.

It is noted that the District Council has suggested that, should the Examiner reject both the submitted policy and the wording suggested by them, an opportunity is provided for the District Council to further refine the Policy. The Parish Council does not believe that the regulations concerning the examination of neighbourhood plans allows for this suggestion.

Representations




The Parish Council provides a response to all the representations received at the Regulation 16 Consultation stage below.

In response to the specific matters raised by the Examiner concerning the revision of the Development Envelope, many of these are addressed in the Consultation Statement submitted alongside the Neighbourhood Plan. In relation to the Development Envelope at 16 Chapel Lane, the Consultation Statement (on page 34) notes in response to C Halpin that “The area that has been removed was refused planning permission for 2 dwellings in 2016 and a subsequent appeal to the Secretary of State was dismissed in 2017 due to it being contrary to policies in the adopted Local Plan and the National Planning Policy Framework. In particular it was considered by the Planning Inspector that development would “harm the views into the settlement and its intrinsic natural setting.”

the Parish Council has nothing further to add and believes that this matter is best dealt with through the examination of the Plan. The planning appeal decision that has led the Parish Council to define the Development Envelope identified in the Plan is referred to above and attached to this response.

In terms of consultation, the Examiner’s attention is drawn to page 6 of the submitted Consultation Statement and, in particular, the fact that a copy of the Neighbourhood Plan was delivered to every household and known business in the parish. The Examiner will be aware that such an approach is above and beyond the minimum requirements of the regulations concerning consultation. All comments received during the Regulation 14 consultation have been recorded in Appendix 5 of the Consultation Statement and Appendix 4 notes the outcome of specific questions in relation to the Plan and its policies. A petition was submitted during the Regulation 14 consultation by C Halpin. As noted on page 107 of the Consultation Statement, due to Data Protection legislation, the petition was not included in the Statement as there is no evidence that those signing it were made aware that their signatures (or for that matter addresses) would be shared and potentially published. Nevertheless, the text of the petition was discussed along with the other responses to the consultation.

Of the 56 people that responded to whether they supported Policy RCH 1, the policy that defines the Development Envelope, 73% responded “Yes” (page 13 of the Consultation Statement.)

3. Do you support Policy RCH1 – Spatial Strategy?				
Answer Choices			Response Percent	Response Total
1	Yes		73.21%	41
2	No		21.43%	12
3	No opinion		5.36%	3
			answered	56
			skipped	1

In relation to the Policies Map, where the Development Envelope is defined, 72% of respondents confirmed that they supported the Policies Map.

The Parish Council is satisfied that the Plan has been prepared within the Regulations concerning consultation.

Parish Council’s response to comments received at Regulation 16 Consultation stage

Body/Person	Parish Council response
1) Claire Acklam	This person did not comment at the Regulation 14 Pre-Submission Stage The comments are noted.
2) Nicholas Acklam	This person did not comment at the Regulation 14 Pre-Submission Stage The comments are noted.
3) Steve Boreham	This person commented at the Regulation 14 Pre-Submission Stage The further comments are noted.

4) Nathan and Natasha Bridgeman	Natasha Bridgeman commented at the Regulation 14 Pre-Submission Stage The further comments are noted.
5) Cambridgeshire County Council, Public Health Directorate	This organisation did not comment at the Regulation 14 Pre-Submission Stage The comments provide commentary on the policies of the Plan and do not appear to seek changes. The comments are therefore noted.
6) The Coal Authority	The Coal Authority were consulted but did not comment at the Regulation 14 Pre-Submission Stage Comments are noted.
7) East Cambridgeshire District Council	Comments were submitted at the Regulation 14 Pre-Submission Stage Policy RCH1 – the support for the policy is noted Policy RCH2 – the comments are noted Policy RCH8 – The policy acknowledges that it would become redundant when the provisions of the Environment Act 2021 are implemented. While it is acknowledged that the implementation of the Act has moved on since the Plan was submitted, most development in the Neighbourhood Area is expected to fall into the “small sites” category, where developments will currently not be required to meet a biodiversity net gain until April 2024. The Examiner is therefore asked to consider whether it remains necessary to retain the Policy until all the provisions of the Act relating to delivering net gain in biodiversity are brought into force. Policy RCH9 - the support for the policy is noted Policy RCH11 – The comments are noted but the Parish Council does not believe that the policy should be more prescriptive for fear of exclusion of an appropriate means. Policy RCH14 – The comments and suggested amendments to the policy are noted. Whilst the Parish Council does not object to the wording it is for the Examiner to determine whether such amendments are backed up by evidence (eg the requirements of criterion b.) and whether paragraph 35 of the Framework is satisfied by such suggestions, especially given the requirements have not been subject to consultation. It is noted that the District Council has suggested that, should the Examiner reject both the submitted policy and the wording suggested by them, an opportunity is provided for the District Council to further refine the Policy. The Parish Council does not believe that the regulations concerning the examination of neighbourhood plans allows for this suggestion. Strategic Policies conformity – The comments are noted Other obligations – the comments are noted
8) Environment Agency	The Environment Agency submitted comments at the Regulation 14 Pre-Submission Stage Nothing further to add.
9) Claire Halpin	This person commented at the Regulation 14 Pre-Submission Stage In relation to Public Consultation , the submitted Consultation Statement demonstrates that it has met the requirements as set out in the Localism Act 2011.

	In relation to comments on the Plan, the Parish Council has nothing further to add and believes that this matter is best dealt with through the examination of the Plan.
10) Historic England	Historic England submitted comments at the Regulation 14 Pre-Submission Stage Nothing further to add.
11) Isleham Parish Council	The Parish Council did not comment at the Regulation 14 Pre-Submission Stage Comments are noted.
12) Charles Moseley	This person commented at the Regulation 14 Pre-Submission Stage Nothing further to add.
13) National Highways	National Highways did not comment at the Regulation 14 Pre-Submission Stage Comments are noted.
14) Natural England	Natural England commented at the Regulation 14 Pre-Submission Stage Nothing further to add.
15) Norfolk County Council	Norfolk County Council did not comment at the Regulation 14 Pre-Submission Stage Comments are noted.
16) David Parr	This person did not comment at the Regulation 14 Pre-Submission Stage and therefore a detailed response is provided against the paragraph numbers of the comments. 1. Comments are noted. 2. The Plan is written as if it is the adopted Plan. Therefore Map 4 is correct in terms of the intended outcome of the Plan and has been supported in the comments made by the District Council. 3. Two Development Envelopes in the Plan would not be appropriate. This would not occur when a Local Plan is prepared. 4. The Consultation Statement has demonstrated that the consultation has met the requirements for engagement as set out in the Localism Act. The Regulation 14 Pre-Submission Consultation has fully met the requirements. Paragraph 4.1 of the Consultation Statement notes "Given the constraints on holding public events at the time it was decided to print and distribute a copy of the Neighbourhood Plan to every household and known business in the parish. An explanatory letter was attached to the Plan to summarise the process and content." This far exceeds the minimum requirements of the Act. 5. The comments are noted and, ultimately, it is for the Independent Examiner to determine whether the Plan in relation to the Development Envelope changes meet the Basic Conditions, which are set out in the Reach NP Basic Conditions Statement which was submitted with the Neighbourhood Plan.

17) Bryan Pearson	<p>This person commented at the Regulation 14 Pre-Submission Stage</p> <p>Local Democracy - The Consultation Statement has demonstrated that the consultation has met the requirements for engagement as set out in the Localism Act. The Regulation 14 Pre-Submission Consultation has fully met the requirements. Paragraph 4.1 of the Consultation Statement notes "Given the constraints on holding public events at the time it was decided to print and distribute a copy of the Neighbourhood Plan to every household and known business in the parish. An explanatory letter was attached to the Plan to summarise the process and content." This far exceeds the minimum requirements of the Act.</p> <p>Dubious decision making – The Parish Council is the Qualifying Body for the preparation of the Plan and has made the ultimate decisions in terms of the content of the Plan at Regulation 14 Pre-Submission Consultation stage and the amendments to the Plan ahead of it being submitted to the District Council. The petition contained names, addresses and signatures of those that had signed but did not contain any evidence to seek permission for these details to be widely published. The Parish Council could not support the publication of the petition as it believes it would breach GDPR regulations.</p>
18) Dafila Scott and Tim Clutton-Brock	<p>Dafila Scott commented at the Regulation 14 Pre-Submission Stage</p> <p>Nothing further to add.</p>
19) Andrew Trump	<p>This person commented at the Regulation 14 Pre-Submission Stage</p> <p>Nothing further to add.</p>
20) Robert Wood	<p>This person commented at the Regulation 14 Pre-Submission Stage</p> <p>Nothing further to add.</p>