



Decision Statement (Reg. 18): Reach Neighbourhood Plan

6 December 2023

Purpose

This Decision Statement has been prepared and published in accordance with Regulation 18(2) of the Neighbourhood Planning Regulations 2012 (as amended). This statement sets out the Council's decision and proposed actions following receipt of the Examiner's Report into the Reach Neighbourhood Plan.

This decision has been taken by the Director, Community as per the Council's Constitution (Part 3(24), version July 2022).

The Reach Neighbourhood Plan (as examined), this Decision Statement and the Examiner's Report are available to view and download from the Council's website¹. Subject to a request in advance, paper copies may be inspected at East Cambridgeshire District Council's Customer Service Centre at The Grange, Ely, Cambridgeshire CB7 4EE during normal opening times. Please refer to the Council's website for details.

Further information about the neighbourhood planning process, including the purpose of the examination and referendum is provided on the Council's website.

Background

The Reach Neighbourhood Area² was designated by East Cambridgeshire District Council in February 2019.

The Reach Neighbourhood Plan (the Plan) and supporting evidence documents, were submitted to the Council by Reach Parish Council on 9 June 2023.

The Council published the Plan for a period of six weeks from 22 June to 3 August 2023. Comments were received from twenty respondents during this period. Following publication, the District Council submitted the Plan for independent examination.

The main purpose of the independent examination is to assess whether or not the Plan satisfies certain "basic conditions" and other legal requirements which must be met before a Neighbourhood Plan can proceed to a local referendum.

The Independent Examination was primarily held in September and October 2022. The Plan was examined by Mr Andrew Ashcroft MRTPI. The examination was carried out through written representations, meaning no public hearing session was required, and included a site visit to the Neighbourhood Area.

Council's Decision

The Independent Examiner's recommendations are set out in the *Examiner's Report*³ which accompanies this Decision Statement.

In his report, the Independent Examiner concludes that, subject to applying a number of *recommended modifications*, the Plan meets the basic conditions for the preparation of a neighbourhood plan.

¹ <https://www.eastcambs.gov.uk/local-development-framework/reach-neighbourhood-plan>

² A map of Reach Neighbourhood Area is available at: <https://www.eastcambs.gov.uk/local-development-framework/neighbourhood-planning>

³ The Examiner's Report is available at <https://www.eastcambs.gov.uk/local-development-framework/reach-neighbourhood-plan>

The Independent Examiner also confirms that he is 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.

Consequently, the Independent Examiner concludes that provided that his recommended modifications are applied, the Reach Neighbourhood Plan would meet the basic conditions and should proceed to a referendum.

The Examiner's recommendations are summarised in Appendix 1 of this statement.

The regulations require the Council to take a decision as to what action to take in response to the recommendations of the examiner, including what modifications to make to the draft plan. The Council has agreed with Reach Parish Council, the *Qualifying Body*, that the Reach Neighbourhood Plan will be modified as per the Examiner's recommendations.

Based on the Examiner's findings and recommendations, the Council is satisfied that the Reach Neighbourhood Plan, where modified as informed by the Examiner's recommendations, meets the basic conditions and is otherwise legally compliant.

Referendum arrangements

Following this decision, the Council will proceed to arrange and hold a referendum. The purpose of the referendum is to enable local people to vote on whether the Council should use the Reach Neighbourhood Plan (once the recommendations of the Examiner have been incorporated) in taking planning decisions.

Where the Reach Neighbourhood Plan is supported by the majority of voters, the plan will thereafter be 'made' by East Cambridgeshire District Council and will form a part of the Development Plan for East Cambridgeshire.

The Independent Examiner is required to consider whether the referendum area should be extended beyond the Reach Neighbourhood Area boundary (the Reach Neighbourhood Area's boundary is coterminous with Reach Civil Parish boundary). The Independent Examiner concluded that such an extension is not necessary. East Cambridgeshire District Council has no reason to disagree and will proceed on that basis.

The referendum will be held within 56 working days of publication of this Decision Statement, as per the statutory requirements. Formal details of the referendum arrangements will be confirmed on publication of the Information Statement in due course. Please keep up to date by viewing our website.

Summary

East Cambridgeshire District Council is satisfied that, subject to applying the modifications recommended by the Independent Examiner, the Reach Neighbourhood Plan meets the basic conditions and other legal requirements and will proceed to referendum.

Attached:

Appendix 1: Summary of Examiner's Recommendations

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The following table provides a summary of the examiner's recommendations. For full details, refer to the Examiner's Report. If there is any conflict between what is summarised below and what is stated in the Examiner's Report, then the content of the Examiner's Report takes precedence.

Table 1: Summary of Independent Examiner's recommendations

Examiner's report paragraph no.	Neighbourhood Plan (submission version) reference	Recommendation
7.21	RCH1 Spatial Strategy	In the first part of the policy replace 'Sustainable development proposals within the Envelope will be supported in principle, subject to being of an appropriate scale and not having an unacceptable impact on:' with 'Sustainable development proposals within the Envelope will be supported where they are of an appropriate scale and do not have an unacceptable impact on:' In the second part of the policy replace 'will only be permitted where it is essential' with 'will only be supported where they are essential'
7.25	RCH3 Housing Mix	In the first sentence replace 'Housing development must' with 'Proposals for housing development should' Replace the second sentence with 'Proposals that deliver homes with one, two or three bedrooms will be supported.'
7.28	RCH4 - New Businesses and Employment	Replace 'will be supported.... built environment' with 'will be supported where there is no unacceptable impact on: • the amenity of residents in the immediate locality by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, other pollution (including light pollution); or • the volume or type of vehicular activity generated; or • the character or appearance of the built environment.'
7.30	RCH5 - Farm Diversification	Replace the policy with: 'Proposals for the use of redundant traditional farm buildings and other rural buildings for employment purposes will be supported where it can be demonstrated that the buildings concerned are no longer viable or needed for agricultural uses.'
7.34	RCH6 - Landscape Quality	Replace the opening element of the policy with: 'As appropriate to their scale, nature and location development proposals should.' In ii delete 'would' In iii replace 'detrimental' with 'unacceptable' In iv replace 'have regard' to 'respond positively'
7.38	RCH7 - Green Infrastructure	Replace the policy with: 'The Plan identifies a Green Infrastructure Network on Map 6 (and as shown on the Policies Map). Proposals which will reinforce, link, buffer and create new green infrastructure, or which would promote, manage, and

		<p>interpret the identified Green Infrastructure Network and enhance its public enjoyment will be supported.</p> <p>Development proposals which would result in the loss or an unacceptable harm to the Green Infrastructure Network will not be supported except where it can be satisfactorily demonstrated that the need for and benefits of the development substantially outweigh any impacts on the Network.'</p> <p>At the end of paragraph 8.18 add: 'The Network includes the identified Local Green Spaces as set out in Policy RCH9. That policy follows the format as set out in the NPPF towards Local Green Spaces. As such any proposals which affect Local Green Spaces will be determined based on the contents of Policy RCH9 rather than Policy RCH7.'</p>
7.46	RCH8 – Biodiversity	<p>Delete the policy.</p> <p>In paragraph 8.15 delete the final sentence.</p> <p>Replace paragraph 8.19 with: 'At a national level, matters have moved on considerably as the Plan has been prepared with mandatory Biodiversity Net Gain set to commence from January 2024 (for major development) and April 2024 (for minor development). The implementation of mandatory biodiversity net gain will be via extensive government legislation and guidance. In this context, it is not considered appropriate for the Plan to repeat such requirements. Nevertheless, the situation will be carefully monitored throughout the Plan period. Whilst national legislation is unlikely directly to affect householder applications the inclusion of an element of biodiversity gain into such proposals, including bird boxes, insect 'hotels', bee blocks, bat boxes and/or hibernation holes will be welcomed.'</p>
7.50	RCH9 - Local Green Spaces	Delete the final sentence of the policy
7.52	RCH10 - Heritage Assets	Replace the opening element of the policy with: 'As appropriate to their scale, nature and location development proposals should'
7.54	RCH11 - Buildings of Local Significance	<p>Replace the first part of the policy with: 'Development proposals should ensure that the retention and protection of local heritage assets and buildings of local significance, including buildings, structures, features, and gardens of local interest, are appropriately secured.'</p> <p>Reverse the order of the second and third parts of the policy.</p>
7.57	RCH12 - Design Considerations	In the third part of the policy replace 'In addition, proposals will be supported where they:' with 'In addition, and as appropriate to their scale nature and location development proposals should be designed so that they:'

		<p>In c. replace 'affect adversely' with 'unacceptably affect'</p> <p>In e. replace 'significantly and adversely' with 'unacceptably'</p> <p>In h. replace 'possible' with 'practicable'</p> <p>Delete i.</p>
7.59	RCH13 - Mitigating the risk of flooding from development	<p>In the first and second part of the policy replace 'shall' with 'should'</p> <p>Replace the third part of the policy with: 'In all locations, sustainable drainage systems for the disposal of surface water should be incorporated into the design and layout of development proposals unless such an approach would be demonstrably unfeasible.'</p> <p>In the fourth part of the policy replace 'Systems' with 'Sustainable drainage systems'</p>
7.62	RCH14 - Sustainable Building	<p>Replace the policy with:</p> <p>'Proposals that incorporate latest best practice in energy conservation will be supported where such measures are an integral element of the design of the buildings and minimise any impacts on the buildings or their surroundings.</p> <p>As appropriate to their scale, nature and location development proposals should:</p> <p>a. maximise the benefits of solar gain in site layouts and orientation of buildings;</p> <p>b. be designed to achieve maximum achievable energy efficiency using a fabric first approach to construction;</p> <p>c. incorporate non fossil fuel-based heating systems;</p> <p>d. incorporate sustainable design and construction measures and energy efficiency measures, such as, where feasible, ground/air source heat pumps, solar panels, thermal and PV systems; and</p> <p>e. make provision for grey water/rainwater, and/or surface water harvesting and recycling.</p> <p>Wherever practicable, development proposals on peat-based fen soils should consider and offset their carbon losses through the incorporation of commensurate carbon offsetting measures.'</p>
7.64	RCH15 - Community Energy Proposals	<p>Replace the second criterion with 'The proposal is of a proportionate scale to its intended purpose; and'</p> <p>In the third criterion replace 'adversely' with 'unacceptably'</p>
7.66	RCH16 - Dark skies	<p>Replace the policy with:</p> <p>'Wherever practicable, development proposals should not incorporate external lighting.</p> <p>Any required external lighting systems should be designed to reduce the consumption of energy by promoting efficient outdoor lighting technologies, keeping the night-time skies dark and reducing glare. The details of lighting schemes should minimise their impact on the environment, light pollution, and any effects on wildlife.'</p> <p>At the end of 10.12 add: 'Policy RCH16 seeks to</p>

		address this important issue. Plainly the policy will need to be applied in a flexible way and take account of highway safety issues, the needs of specific applicants, and security.'
7.68	RCH17 - Protecting Existing Services and Facilities	Replace 'permitted' with 'supported'
7.70	RCH18 - Open Space, Sport, and Recreation Facilities	<p>Replace the opening element of the policy with:</p> <p>'Development proposals for the provision of new sports and recreation open spaces and for enhancement and/ or expansion of existing amenity, sport or recreation open space or facilities (as shown on the Policies Map) will be supported where they comply with other development plan policies.</p> <p>Development proposals which will result in the loss of existing amenity, sport or recreation open space or facilities will not be supported unless:'</p>
7.76	various	Modification of general text (where necessary) to achieve consistency with the modified policies and to accommodate any administrative and technical changes.
7.79	various	Modify all references to the Local Plan to read 'East Cambridgeshire Local Plan 2015 (as amended 2023)'