



Decision Statement: Sutton Neighbourhood Plan

20 March 2019

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 Sutton Neighbourhood Plan.

This decision has been taken by the Director (Commercial) as per the Council's Neighbourhood Planning governance arrangements¹.

The Sutton Neighbourhood Plan, the Decision Statement and Examiner's Report will be published on the Council's website². 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 Sutton Neighbourhood Area was designated by East Cambridgeshire District Council in January 2015.

The Sutton Neighbourhood Plan (the Plan) and supporting evidence documents, were submitted to the Council by Sutton Parish Council on 28 November 2018.

The Council published the Plan for a period of six weeks from 29 November 2018 to 17 January 2019. Following the publication period, 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 it can proceed to a local referendum.

The independent examination was held in February and March 2019. The Plan was examined by Mr David Kaiserman BA DipTP MRTPI of Trevor Roberts Associates. The examination was carried out through written representations. No public hearing session was required.

¹ http://www.eastcambs.gov.uk/sites/default/files/agendas/fc080115_P157.pdf

² <http://www.eastcambs.gov.uk/local-development-framework/neighbourhood-planning>

Council's Decision

The examiner concluded that, subject to applying his recommended modifications, the Sutton Neighbourhood Plan makes appropriate provision for sustainable development, has appropriate regard to national policy, and is in general conformity with the strategic policies in the development plan for the local area. The examiner's recommendations are summarised in Appendix 1 of this statement.

In addition, the examiner concluded that there is no evidence to suggest the Plan is not compatible with EU obligations, including human rights requirements.

Provided the Plan is modified in accordance with his recommendations, the examiner considers that the Plan meets the basic conditions and recommends it proceed to referendum.

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 Sutton Parish Council, the Qualifying Body, that the Sutton Neighbourhood Plan will be modified as per the examiner's recommendations.

This Decision Statement is published alongside the 'Referendum Version' of the Sutton Neighbourhood Plan and is available to view and download from the Council's neighbourhood planning webpage³. A paper copy is available for inspection at the Council's Customer Service Centre at *The Grange, Nutholt Lane, Ely CB7 4EE*.

Based on the examiner's findings and recommendations, the Council is satisfied that the Sutton Neighbourhood Plan, as modified in accordance with the examiner's recommendations, meets the basic conditions and is otherwise legally compliant.

Referendum arrangements

Following this decision, the Council will proceed to hold a referendum. The purpose of the referendum is to enable local people to vote on whether, the Council should use the Sutton Neighbourhood Plan in taking planning decisions. Where the Sutton Neighbourhood Plan is supported by the majority of voters, the plan will be 'made' by the Council and form a part of the Development Plan for East Cambridgeshire.

The examiner gave consideration to whether the referendum area should be extended beyond the boundary of the Sutton Neighbourhood Area (which is coterminous with the current Sutton Civil Parish boundary). The examiner concluded that the referendum area should not be extended. The Council will therefore apply the Sutton Neighbourhood Area as the referendum area. A map of the Sutton Neighbourhood Area is provided in Appendix 2.

The referendum is expected to be held in May 2019. However, this is a provisional date, formal details will be confirmed on publication of the Information Statement.

³ <https://www.eastcambs.gov.uk/local-development-framework/neighbourhood-planning>

Implications of Local Plan withdrawal

It is a statutory requirement that neighbourhood plans be "in general conformity with the strategic policies of the development plan for the local area". In the case of the Sutton Neighbourhood Plan, this primarily means the East Cambridgeshire Local Plan, adopted in 2015. The examiner's report concludes that the Sutton Neighbourhood Plan satisfies this requirement.

However, in preparing their Plan, Sutton Parish Council aligned the submitted Plan with the (at the time) emerging Local Plan, thereby reflecting the most up-to-date strategic thinking.

Examination of the draft Local Plan commenced in June 2018. However, on 21 February 2019, East Cambridgeshire District Council resolved to withdraw the draft Local Plan. At this time, examination of the Sutton Neighbourhood Plan had almost concluded, with East Cambridgeshire District Council and Sutton Parish Council already being in receipt of a draft version of the examiner's report for 'fact-checking'.

The submitted Sutton Neighbourhood Plan contains a large number of references to policies in the now-withdrawn Local Plan. As per the examiner's recommendations, the Referendum Version of the plan has been updated to amend and omit these references, as appropriate, thereby ensuring the plan is clear and up-to-date.

In his report, the examiner states that he is "entirely satisfied" that the decision to withdraw the draft Local Plan "has no implications for the Sutton Neighbourhood Plan in terms of meeting the statutory requirements", and that the decision "should not be allowed to prevent or delay its progress towards referendum, if that should be the next step".

Summary

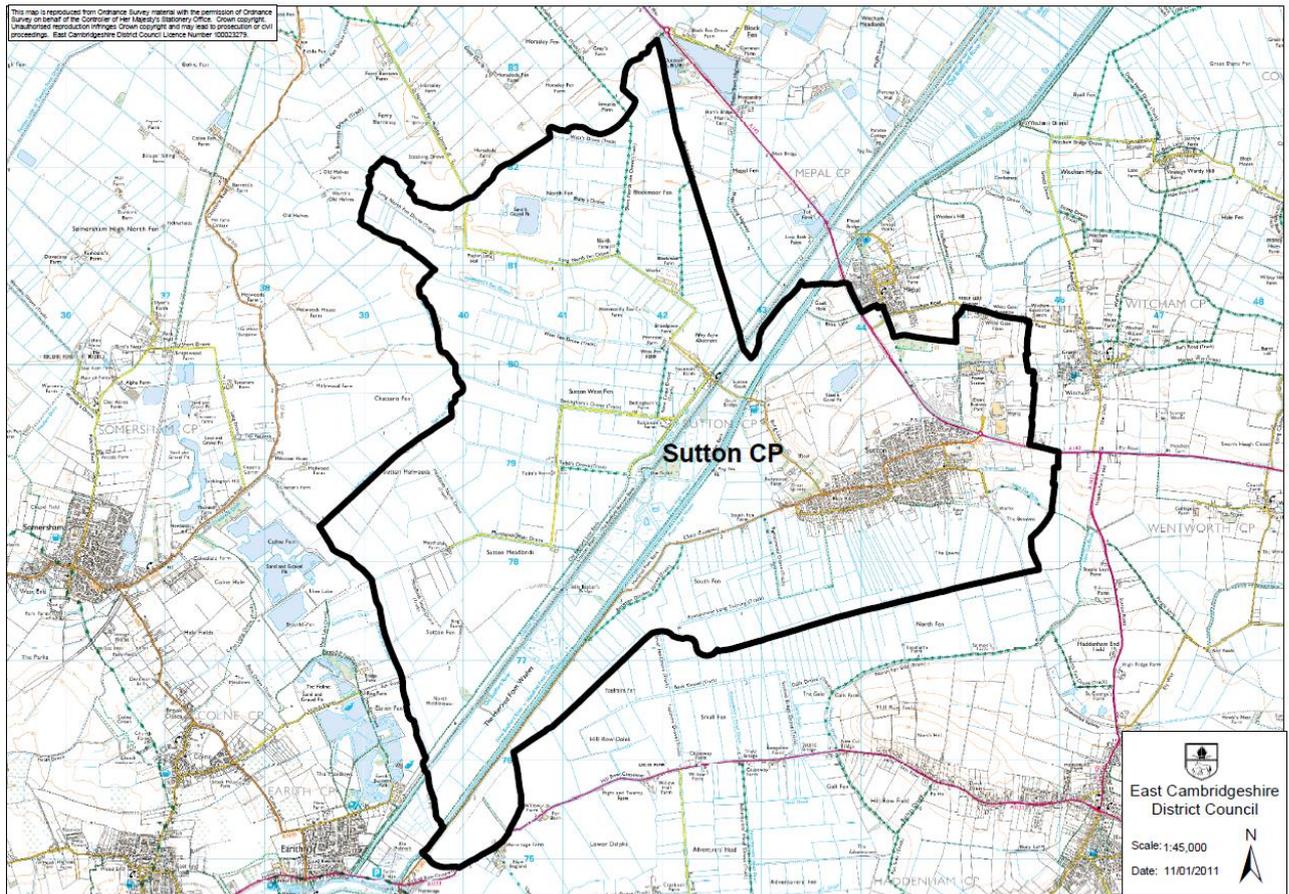
East Cambridgeshire District Council is satisfied that the Sutton Neighbourhood Plan (Referendum Version) meets the basic conditions and other legal requirements and will proceed to referendum.

Appendix 1: Summary of Examiner's Recommendations

A summary of the examiner's recommendations. For full details, refer to the Examiner's Report. References in bold are to the policy or section of the submitted version of the Sutton Neighbourhood Plan.

- **General / throughout document** - recommendations for dealing with the implications of Local Plan withdrawal:
 - the Sutton Neighbourhood Plan should include a short introductory note about the changes to the local planning context which took place after its submission, with examiner's conclusions about the effect of the withdrawal of the replacement Local Plan
 - all references to the replacement Local Plan be removed, including any related maps, other than any particular contextual points which it might be helpful to retain as background.
- **List of contents (and para 6.3)** - include reference to the key to the individual proposals maps and to the inset map
- **Policy NP3** - modify an appropriate map in order to clarify the proposed changes to the village envelope
- **Policy NP3** - include the word "normally" in the second half of the policy
- **Policy NP4** - amend the opening of the policy by replacing "up to" (250 homes) with "approximately"
- **Policy NP5** - update the policy (including the site boundaries) in light of the decision to grant outline planning permission for 53 dwellings
- **Policy NP8** - amend requirement to read "protect and, where practicable, enhance" the assets concerned
- **Policy NP9 and Policy NP11** - amend supporting material to acknowledge that it will generally not be possible to prevent the loss of a facility/premises where development is not involved
- **Policy NP10** - insert the words "in particular" in the policy
- **Policy NP11** - if the intention is to relate to vacant premises this should be stated
- **Policy NP11** - resolve minor discrepancy in references to "retail premises" and "new or extended shops and services"
- **Policy NP12** - minor re-wording

Appendix 2: Map of Neighbourhood Area



Do not scale. Full version available at:

https://www.eastcambs.gov.uk/sites/default/files/Sutton%20Neighbourhood%20Plan%20application%20map_0_0.pdf