



# **Sutton Neighbourhood Plan 2017-2036**

**A report to East Cambridgeshire District Council**

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Independent Examiner**

**March 2019**

## Executive Summary

I was appointed by East Cambridgeshire District Council on 18 December 2018, with the agreement of Sutton Parish Council, to carry out the independent examination of the Sutton Neighbourhood Plan.

The examination was completed solely on the basis of the written representations received, no public hearing appearing to me to have been necessary. I made an unaccompanied visit to the area covered by the Plan on 22 January 2019.

Sutton is the fifth largest village in East Cambridgeshire, with a current population of around 4000, which is intended to increase significantly over the next 20 years or so. Subject to a small number of recommendations, I have concluded that the Sutton Neighbourhood Plan meets all the necessary legal requirements at this stage of its preparation, and consequently am pleased to recommend that it should proceed to referendum.

The Plan was prepared in a way which was intended to align it closely with an updated East Cambridgeshire Local Plan, the existing version of which was adopted in 2015. That Plan was in the course of public examination at the same time as the Sutton Neighbourhood Plan, but was subsequently withdrawn by the District Council: the **preamble** to this report explains the implications of this decision for the Neighbourhood Plan.

## Contents

- Preamble
- Introduction
- Procedural matters
- A brief picture of the Neighbourhood Plan area
- The Basic Conditions
- Other statutory requirements
- National policy
- The Development Plan for the area
- The consultation exercise (Regulation 14)
- General observations about the Plan
- Representations received (Regulation 16)
- The policies:
  - Policy NP1: Local Green Spaces
  - Policy NP2: Protecting and maintaining features of Landscape and Biodiversity Value
  - Policy NP3: Sutton Development Envelope
  - Policy NP4: Land north of The Brook and west of Mepal Road
  - Policy NP5: Land east of Garden Close
  - Policy NP6: Land north of Mill Field, Mepal Road
  - Policy NP7: Housing Mix
  - Policy NP8: Preserving the Historic Characteristics of Sutton
  - Policy NP9: Protecting existing Services and Facilities
  - Policy NP10: Elean Business Park
  - Policy NP11: Retail Premises
  - Policy NP12: Sport and Recreation Facilities
- Conclusions on the basic conditions
- Formal recommendation.

## Preamble

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 Sutton, this primarily means the East Cambridgeshire Local Plan (ECLP), adopted in 2015. My report concludes that the Sutton Neighbourhood Plan (SNP) satisfies that requirement.

However, in preparing their Plan, the Parish Council sought, commendably and in good faith, to align the submitted SNP with the most up-to-date strategic thinking, as set out in a review of the ECLP, which was designed to cover the period from 2016 to 2036. An examination of Part 1 of the replacement Local Plan opened on 19 June 2018, but on 21 February 2019, East Cambridgeshire District Council resolved to withdraw it (for reasons which it is not necessary to set out here). It should be noted that I had by this time sent my report on the submitted SNP to the Council for fact-checking.

The submitted SNP contains a large number of references to policies in the draft replacement Local Plan, as well as to related contextual material. To that extent, therefore, it has been overtaken by events (which clearly could not have been anticipated by the Parish Council). I am entirely satisfied, however, that ECDC's decision to withdraw the replacement Local Plan has no implications for the SNP in terms of meeting the statutory requirements and my role as examiner, and that this should not be allowed to prevent or delay its progress towards referendum, if that should be the next step.

In addition to the detailed recommendations which I make in the body of my report, and generally to aid public understanding, ***I recommend that:***

- ***the Sutton Neighbourhood Plan should include a short introductory note about the changes to the local planning context which took place after its submission, together with my conclusions about the effect of the withdrawal of the replacement Local Plan;***
- ***in the final version of the SNP, 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).***

***It also follows that all references to the replacement Local Plan in the body of my report should be ignored.***

## Introduction

1. This report sets out the findings of my examination of the Sutton Neighbourhood Plan (the SNP), submitted to East Cambridgeshire District Council (ECDC) by Sutton Parish Council in November 2018. The Neighbourhood Area for these purposes is the same as the Parish boundary.
2. Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to help local communities shape the development and growth of their area, and the intention was given added weight in the National Planning Policy Framework (NPPF), first published in 2012 but revised in July 2018, which continues to be the principal element of national planning policy. Detailed advice is provided by national Planning Practice Guidance (PPG) on neighbourhood planning, first published in March 2014.
3. The main purpose of the independent examination is to assess whether or not the Plan satisfies

certain “basic conditions” which must be met before it can proceed to a local referendum, and also whether it is generally legally compliant. In considering the content of the Plan, recommendations may be made concerning changes both to policies and any supporting text.

4. In the present case, my examination concludes with a recommendation that, subject to certain detailed amendments, the Plan should proceed to referendum. If this results in a positive outcome, the SNP would ultimately become a part of the statutory development plan, and thus a key consideration in the determination of planning applications relating to land lying within the SNP area.
5. I am independent of the Parish Council and do not have any interest in any land that may be affected by the Plan. I have the necessary qualifications and experience to carry out the examination, having had 30 years’ experience as a local authority planner (including as Acting Director of Planning and Environmental Health for the City of Manchester), followed by over 20 years providing training in planning to both elected representatives and officers, for most of that time also working as a Planning Inspector. My appointment has been facilitated by the Independent Examination Service provided by Trevor Roberts Associates.

#### **Procedural matters**

6. I am required to recommend that the Sutton Neighbourhood Plan either
  - be submitted to a local referendum; or
  - that it should proceed to referendum, but as modified in the light of my recommendations; or
  - that it not be permitted to proceed to referendum, on the grounds that it does not meet the requirements referred to in paragraph 3 above.
7. In carrying out my assessment, I have had regard to the following principal documents:
  - the submitted SNP
  - the SNP Consultation Statement
  - the SNP Basic Conditions Statement
  - the SNP Strategic Environmental Assessment Screening Report
  - the representations made to the SNP under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended)
  - selected policies of the adopted development plan for East Cambridgeshire and of the emerging replacement Local Plan
  - relevant paragraphs of the National Planning Policy Framework (March 2012)
  - relevant paragraphs of the national Planning Practice Guidance (March 2014 and updates)
  - certain elements of the evidence base for the SNP, as required.
8. I carried out an unaccompanied visit to the Plan area on 22 January 2019, when I looked at the overall character and appearance of the Parish, together with its setting in the wider landscape, and at those areas affected by specific policies in the Plan.
9. There is a general assumption that neighbourhood plan examinations should be carried out on the basis of written representations only. Having considered all the information before me, including the representations made to the submitted plan, I have been satisfied that the SNP could be examined without the need for a public hearing (and it should be noted that there were no representations to the contrary).

## A brief picture of the Neighbourhood Plan area

10. Sutton is a village in East Cambridgeshire about six miles west of Ely. Its core takes a broadly linear form, running for over a mile east-west along the low ridge which sits above the large expanse of the surrounding low-lying, intensively-farmed fenlands. This physical form frequently affords extensive views, especially to the south. The surrounding open fields, bisected by a dense network of numerous drainage ditches and river courses, contributes to its particular character.
11. Within the village itself, there are many buildings from the eighteenth and nineteenth centuries (and some with much older origins), the eastern end of the ridge being dominated by the fine parish church of St Andrews. The central part of the village is a designated conservation area, and this contains most of the 17 listed buildings in the Parish. There is a very wide range of house types (both in terms of design, orientation to the highway and use of materials), and a striking characteristic of the more modern development in the village is the preponderance of culs-de-sac, as infill sites have been exploited both north and south of the B1381. The more recent developments (such as the western part of the Bellairs) appear to have been built to a higher density than those of around 20-30 years ago. Farm buildings are dotted about the surrounding landscape, but with the exception of the small hamlet of Sutton Gault to the north-west, there are no other settlements within the Parish. The total estimated population (as recorded in paragraph 2.7 of the Neighbourhood Plan) was 4,040 in 2015.
12. Within the village itself there are several small businesses, while across the busy A142 to the northeast there is a large industrial / trading estate, which is also the location of the Elean straw-fired power plant. There is one shop / post office, a doctors' surgery, a pub (with a second at Sutton Gault) and one or two food establishments. The local primary school is large and, according to the Plan, expanding: I was able to see from my visit that it forms part of a "hub" of community facilities on the edge of open land to the north of the village centre, including the Brooklands Centre, multi-use sports area, the Community Room and the Pavilion which, with The Glebe adjacent to the church, provides meeting rooms and other social facilities. Paragraph 2.17 of the Plan records the wide range of activities supported locally. In common with many rural communities, public transport is limited to infrequent day-time bus services (to Ely and Cambridge), which means that there is a heavy reliance on the car for access to work and services.

## The Basic Conditions

13. I am not required to come to a view about the 'soundness' of the Plan (in the way which applies to the examination of local plans); instead I must principally address whether or not it is appropriate to make it, having regard to certain "basic conditions", as listed at paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The requirements are also set out in paragraph 065<sup>1</sup> of the Planning Practice Guidance. I deal with each of these conditions below in the context of the SNP's policies but, in brief, all neighbourhood plans must:

- have regard to national policy and guidance (Condition a);
- contribute to the achievement of sustainable development (Condition d);
- be in general conformity with the strategic policies in the development plan for the local area (Condition e);
- not breach, and otherwise be compatible with, EU obligations, including human rights

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<sup>1</sup> Reference ID: 41-065-20140306

- requirements (Condition f);
  - comply with any other prescribed matters.
14. A further basic condition (which came into force on 28 December 2018) seeks to ensure that the making of the plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
15. The Basic Conditions Statement (BCS) is dated November 2018. It begins by listing in some detail the various legal requirements, concluding that each is satisfied. This is followed by an appraisal of how well the SNP's objectives and policies relate both to the core principles of the NPPF and its 13 sustainability themes<sup>2</sup>, and their three components (economic, social and environmental). A similar exercise follows in relation to the strategic policies of the development plan. The BCS concludes with broad assertions about compatibility with European Union obligations and Human Rights legislation.
16. This document is a well laid out, comprehensive and accessible summary of these key tests, and I will refer to specific elements of it as necessary when considering the detailed provisions of the Plan.

### **Other statutory requirements**

17. A number of other statutory requirements apply to the preparation of neighbourhood plans, all of which I consider have been met in this case (and many of them are dealt with in the BCS). These are:
- that the Parish Council is the appropriate qualifying body (Localism Act 2011) able to lead preparation of a neighbourhood plan;
  - that what has been prepared is a Neighbourhood Development Plan, as formally defined by the Localism Act; that the plan area does not relate to more than one Neighbourhood Area; and that there are no other neighbourhood plans in place within the area covered by the plan;
  - that the plan period must be stated (which in the case of Sutton is 2017 to 2036); and
  - that no "excluded development" is involved (this primarily relates to development involving minerals and waste and nationally-significant infrastructure projects).
18. I have also borne in mind the particular duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of "preserving or enhancing the character or appearance" of any conservation area.
19. A screening report is required in order to determine whether a neighbourhood plan needs to be accompanied by a Strategic Environmental Assessment (SEA), under the terms of the Environmental Assessment of Plans and Programmes Regulations 2004. It is the qualifying body's responsibility to undertake any necessary environmental assessments, but it is the Local Planning Authority's responsibility to engage with the statutory consultees.
20. ECDC duly carried out a screening exercise, and their statement (dated July 2018) accompanies the documents submitted for examination. This notes that many of the considerations which are relevant to this process have previously been taken into account as part of both the adopted and submitted Local Plan exercises, including a Habitat Regulations Assessment. It is also noted that

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<sup>2</sup> paragraph 18ff

the SNP is broadly aligned with the submitted replacement Local Plan in terms of the sites proposed for development and the overall growth assumptions. Responses were received from Historic England, Natural England and the Environment Agency and the statement concludes that, as a result of these and the Council's own assessment, an SEA is not required.

21. It is a requirement under the Planning Acts that policies in neighbourhood plans must relate to "the development and use of land", whether within the Plan area as a whole or in some specified part(s) of it. I am satisfied that that requirement is met.

## National policy

22. National policy is set out primarily in the National Planning Policy Framework (NPPF)<sup>3</sup>, a key theme being the need to achieve sustainable development. The NPPF is supported by Planning Practice Guidance (PPG), an online resource which is continually updated by Government. I have borne particularly in mind the advice in the PPG<sup>4</sup> that a policy in a neighbourhood plan should be clear and unambiguous, concise, precise and supported by appropriate evidence.

## The Development Plan for the area

23. The current development plan for the area includes the East Cambridgeshire Local Plan 2015 (ECLP), which covers the period from 2011 to 2031. Policy GROWTH 1 makes provision for 11,500 dwellings in East Cambridgeshire and GROWTH 2: makes it clear that the majority of this is intended to occur within the three market towns of Ely, Soham and Littleport. While the ECLP does not allocate a specific target for new dwellings in Sutton over the Plan period, it does envisage the village's continuing growth both on suitable infill sites within the defined settlement boundary and on a new site, allocated in the Plan, for ("initially") 50 houses on land north of The Brook. Outside the village envelope, housing would normally be restricted to essential dwellings for agricultural workers or for affordable housing (ECLP Policies HOU4 and HOU5).
24. In a letter to the Parish Council in November 2018, ECDC explained that they are currently unable to demonstrate a five-year supply of available housing land across the District, and that (in accordance with NPPF paragraph 11) they consider relevant policies of the ECLP to be out of date. They have therefore embarked upon a review of the Local Plan, designed to cover the period from 2016 to 2036, and an examination of Part 1 opened on 19 June 2018. A web-search carried out at the time of writing shows that this is entering its final stages.
25. The draft of the new plan does not identify a specific housing requirement for settlements such as Sutton, which is identified for planning purposes as a "Large Village"<sup>5</sup>, but it allocates for development three sites within the Sutton Neighbourhood Area designed to provide a net increase of at least 75 dwellings over and above the growth anticipated in the 2015 Local Plan. One of these sites is at Brick Lane, Mepal<sup>6</sup> (a smaller village to the north of the A142), but the SNP at paragraph 8.10 states that this would not contribute towards meeting the housing needs of Sutton village, and so no further guidance is provided about how it might be developed. The

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<sup>3</sup> My examination has taken place after the introduction of the current version of the National Planning Policy Framework, which was published on 19 February 2019. However, paragraph 214 of the new NPPF makes it clear that the policies in the previous Framework apply for the purpose of examining plans submitted on or before 24 January 2019, which is the case here. All references in this report to NPPF paragraph numbers therefore relate to the *original* (2012) version.

<sup>4</sup> Reference ID: 41-041-20140306

<sup>5</sup> draft Policy LP3

<sup>6</sup> reference MEP.H1



other two sites are identified in the emerging Local Plan as SUT.H1 and SUT.H2 (SNP refs: NP4 and NP5 respectively), and the SNP allocates an additional, small site at the northern edge of the village (NP6).

26. Having taken into account recent monitoring information, ECDC advised the Parish Council that over the plan period the Neighbourhood Area should provide for a minimum of 150 dwellings, to be found from a mixture of allocations and windfalls. ECDC conclude by welcoming the fact that the submitted SNP would exceed that figure.
27. Basic Condition (e) requires neighbourhood plans to be “in general conformity with the strategic policies of the development plan for the area”: this clearly means the adopted development plan. However, I bear in mind the advice at paragraph 009 of the PPG<sup>7</sup>, which says: “Although a draft neighbourhood plan or Order is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.” It is clear that the SNP fully embraces the growth planned for in the draft of the new ECLP. Paragraph 8.2 records that 18.1% of this (or some 1965 dwellings) would be distributed among the larger villages and states that the SNP (taken as a whole) proposes to make provision for at least 300 new homes during the period 2017 to 2036.

### **The consultation exercise (Regulation 14)**

28. This regulation requires the Parish Council to publicise details of their proposals “in a way that is likely to bring [them] to the attention of people who live, work or carry on business in the area”, and to provide details of how representations about them could be made. Regulation 15 requires the submission to the Local Planning Authority of a statement setting out the details of what was done in this respect, and how the qualifying body responded to any matters which arose as a result of the consultation process.
29. The Consultation Statement is dated November 2018. It starts by explaining that initial thinking about a neighbourhood plan for the area started in 2014, the earlier Parish Plan having covered the period from 2008 to 2012. There is no need for me to set out here the work which was subsequently carried out fully to engage with all parties, including ECDC: the document is a very full account of the various processes the Neighbourhood Plan Working Party undertook from the end of 2014 up until the launch of the draft SNP in March 2018. The statement is a fully-illustrated complete record of the consultations which took place in the lead-up to the submitted version of the Plan, together with the Working Party’s responses where appropriate, and I am more than satisfied that the requirements of Regulation 15(2) have been met.

### **General observations about the Plan**

30. The following comments may be helpful in understanding the way I have approached my report on the Plan and the observations and recommendations which I make upon it:
  - the Plan Working Party have, in full consultation with the local community at large, efficiently identified the issues and objectives that they wish to include in the Plan, and this entirely reflects the aims of the “localism” agenda;
  - the recommendations I make concentrate on the policies themselves, since that is what the basic conditions relate to;

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<sup>7</sup> Reference ID: 41-009-20160211

- the Plan properly focuses on land use policies, reflecting Planning Practice Guidance;
- I have addressed the policies in the order that they appear in the submitted plan and have briefly set out my views about each of them, irrespective of whether or not any modification is thought necessary;
- my recommendations for changes to the policies and any associated or free-standing changes to the text of the Plan are highlighted in ***bold italic print***.

31. The Plan document is extremely clearly and logically presented, enabling a straightforward understanding of the way in which it aims to reflect the needs and priorities of the Parish. It begins with a foreword by the SNP Working Group (which I note includes two ECDC elected members and was assisted by a planning consultant) and an introduction to the statutory processes. This is followed by a summary of the extensive programme of community engagement, beginning in earnest in January 2015, which led to the pre-submission of the Plan published for consultation in July 2018. Amendments were made to reflect some of the representations received.
32. The introductory material continues with a description of Sutton and its geographical, historic and social context. This includes a comprehensive account of the way the area relates to the wider locality, including how recent demographic and economic changes have affected the Parish. There is then an explanation of the statutory planning framework and of the key factors at national level which must inform the preparation of a neighbourhood plan. A clear explanation is given (at paragraph 3.2ff) of the current local planning context, in particular focusing on the fact that the statutory East Cambridgeshire Local Plan (2015) is in the process of being reviewed, and that this has some important implications for Sutton. I note that paragraph 3.8 commits the Parish Council to undertaking monitoring and review of the Plan in the future, as circumstances dictate.
33. Following the process of community engagement, the Working Party concluded that the key issues raised could be grouped under six topic areas, usefully drawing attention to the fact that a number of the matters raised would be more appropriately addressed through the mechanism of “community actions” rather than land-use planning policies (I note here that these aspiration-type statements are sensibly placed alongside the Plan’s policies, suitably differentiated by colour-coding: this enables a comprehensive picture to be obtained of the range of actions open to the local community to deal with matters of concern and interest). Section 4 of the Plan provides a full account of the six topic areas: biodiversity and the natural environment; housing and the built environment; local services and amenities; business, retail and employment; traffic and transport; and sport, recreation and leisure. These are then developed into a Vision for Sutton, supported by seven Objectives. The Vision reads as follows:

*“Sutton should be a Parish where its unique character is appreciated and cherished, the quality of the environment is maintained and continues to improve, the opportunities presented to all, young and old, to live and prosper continue to be enhanced, and the life led by its residents remains a healthy and happy one.”*

34. The Objectives (to summarise them) are to:
- protect the natural assets of the area and enhance the opportunities for local people to enjoy them;
  - ensure that all new development focuses on meeting residents’ needs;
  - ensure that new housing is supported by necessary infrastructure and has proper regard to

the character of the village;

- seek protection and support for local services;
- seek to support local business and enterprise;
- ensure that new development facilitates improvements for pedestrians and cyclists and, where possible, public transport; and
- seek to retain and improve open space and leisure assets.

35. Sections 7-12 of the Plan then set out the detailed policies and (where relevant) related community action points. These are followed by a helpful glossary of terms and two appendices – the first describing the community engagement events and the second listing the buildings of local interest (being an extract from ECDC’s February 2017 Register). Overall, the Plan document is attractively set out, with generous use of plans (which are commendably clear) and photographs, making it very user-friendly and easy to navigate.

36. It would be helpful if the list of contents (and perhaps paragraph 6.3, which introduces the policy sections of the Plan) included reference to the key to the proposal map and to the inset map, both of which appear at the end of the document, ***and I make such a recommendation***.<sup>8</sup>

### **Representations received (Regulation 16)**

37. A total of nine representations were received at this stage of the process, seven being from public bodies:

- East Cambridgeshire District Council record the fact that the SNP has been prepared at the same time as the replacement Local Plan and that it clearly draws on the emerging LP evidence base, especially in relation to housing provision. Since the SNP has been prepared in accordance with the 2012 version of the NPPF, there is no housing “target” for Sutton; however (as I have set out earlier in my report) the Parish Council sought an indicative figure from ECDC in November 2018, which was given as “a minimum of 150 dwellings”: the District Council note that the SNP provisions as currently drafted would actually exceed this guideline figure. ECDC commend the Parish Council on its recognition of the need to deliver housing growth in this area, and confirm that the adopted approach would not undermine the intended strategic spatial distribution at District level. ECDC consider all the other policies in the SNP to be broadly aligned with the strategic policies of both the adopted and emerging Local Plans; that relevant EU obligations are met; and that it is capable of meeting the basic conditions and other relevant legal obligations.
- Cambridgeshire County Council Growth and Development Team have considered the SNP, in particular Policies NP3 and NP4, from the point of view of its impact on educational services, and offer their support.
- Haddenham Parish Council find the SNP an impressive and comprehensive piece of work.
- Historic England reiterate their support and wish to congratulate those involved in the preparation of the Plan.
- Natural England had no specific comments to make.

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<sup>8</sup> I have noted a small discrepancy on the inset map, which should be corrected. The land covered by Policy NP6 (north of Mill Field) is inaccurately shown as “NP5”.

- National Grid have no significant assets within the SNP area.
- The Environment Agency have no concerns about the Plan, but offer a number of operational comments which have no implications for my examination.

38. The two other representations were from Gladman Developments Ltd and Bidwells on behalf of Linden Homes Midlands. I will deal with these when addressing policies NP3, NP4, NP7 and NP8.

## The Policies

### Policy NP1 – Local Green Spaces

39. This policy relates to seven parcels of land which the Plan seeks to designate as Local Green Spaces (LGS). For planning purposes, such areas are defined in the NPPF at paragraph 76: “Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space, local communities will be able to rule out new development other than in very special circumstances”. Paragraph 77 of the NPPF goes on to say that LGS designation will not be appropriate for most green areas or open space, and should only be used where three criteria are met, namely:

- *where the green space is in reasonably close proximity to the community it serves;*
- *where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife; and*
- *where the green area concerned is local in character and is not an extensive tract of land.*

40. I visited each of these areas of land (all of which are clearly identified in the policy by way of maps), and having done so, have no reason to query either the approach to designation adopted by the Plan or the value of the individual parcels. The policy itself helpfully states that permitted development rights are unaffected by the high level of protection to be afforded to these areas of land. I am satisfied that the policy meets the basic conditions.

41. Alongside Policy NP1, the Plan includes two planned areas of community action designed to create an informal nature reserve and improve and promote footpaths in the locality.

### Policy NP2: Protecting and maintaining features of landscape and biodiversity value

42. Complementing the Local Green Space strategy, Policy NP2 requires development proposals to retain existing features of landscape and biodiversity value and, where practicable, to enhance them. Where loss of or damage to these sites is considered unavoidable, the benefits of the development must be shown to outweigh the loss, and appropriate compensatory measures put in place. This measured approach clearly supports that set out in the NPPF (for example at paragraphs 109 and 118) and at Policy ENV7 of the adopted Local Plan.

### Policy NP3: Sutton development envelope

43. Planning Practice Guidance (paragraph 044<sup>9</sup>) states that neighbourhood plans may in principle allocate additional housing sites to those identified in the local plan. The SNP reflects that discretion by aligning itself closely with current strategic thinking, adopting a positive and forward-looking approach to the provision of housing within the Parish which meets broad national planning expectations, while also resulting in the statutory requirement (Basic Condition e) clearly being met. As noted in my summary of the housing requirements under both the adopted and emerging East Cambridgeshire Local Plans, the SNP seeks to provide for at least 300 new homes between 2017 and 2036, to be achieved partly by new allocations and partly by “windfall” sites coming forward within the defined development envelope over that period.
44. Policy NP3 makes it clear that there is a presumption in favour of new residential development within the village envelope, subject to its being of an “appropriate scale” (not defined, but a matter which can clearly be considered on a case-by-case basis), and not having an unacceptable impact on residential amenity, the physical environment, the provision of services and the highway network. Outside the envelope, the only development which would be permitted in principle is that which can demonstrate a need to be located in the countryside, something which accords with both the adopted and emerging Local Plans.
45. The Plan would benefit from some clarification here. It is not immediately obvious either from the maps or the relevant supporting text precisely what changes are being proposed to the village envelope as defined in the adopted Local Plan, including how these have been influenced by planning permissions recently granted. I have in mind particularly sites SUT. H1, SUT. H2 and the land covered by Policy NP6. ***I recommend that some text be included which explains the position.***
46. In their representations, Gladman suggest that there needs to be sufficient flexibility in the SNP to minimize potential conflict with the emerging Local Plan, and to “future-proof” it in the event that ECDC might not be able to demonstrate a five-year land supply at some point. To this end, they say that Policy NP3 should include wording to state “that development adjacent to the village boundary would also be considered”, such development being seen as sustainable by definition.
47. I see no reason for such an addition to the policy, which is clear in its present formulation. In any event, planning applications would of course have to be determined on their merits, with matters such as the land supply situation being given appropriate weight in line with national policy. It is plainly not the case, as Gladman suggest, that Policy NP3 fails to have regard to national policy and guidance; however, in order to better reflect the reality of the situation, ***I recommend that the word “normally” be inserted in the second half of the policy: “Land outside the Development Envelope is defined as countryside where development will normally only be allowed for agriculture.....”etc.***

### Policy NP4: Land north of The Brook and west of Mepal Road

48. This is the first of three policies which in part reflect specific allocations for new housing proposed in the emerging ECLP. The purpose of all three is set out in paragraph 8.4: “This Plan supports those allocations but adds further detail to the local plan policies to reflect the ambitions of the local community as expressed during the preparation of the Neighbourhood

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<sup>9</sup> Reference ID: 41-044-20160519

Plan". This is a clear expression of the positive approach to neighbourhood planning set out in paragraphs 001-004 of Planning Practice Guidance.

49. The preamble to Policy NP4 explains that the adopted ECLP (Policy SUT1) allocates land north of The Brook for 50 new homes, while acknowledging that there is potential for additional development in the area (paragraph 8.5). Policy SUT.H1 of the emerging Local Plan gives substance to this by allocating a larger area for "in the region of" 250 dwellings, subject to a number of detailed requirements such as provision for open space, a detailed travel plan and meeting primary education needs. A key requirement is the preparation of a "concept plan" as part of any planning application (SNP Policy NP4 requires the development of the land in accordance with a "concept statement", described in the accompanying Figure 1 as a concept plan<sup>10</sup>). As well as being an important requirement of the Local Plan, it is national policy for new development, especially of this scale, to be adequately supported by both physical and social infrastructure.
50. Linden Homes control the land which is the subject of this policy. While generally supporting the SNP, and Policy NP4 in particular, they request an increase in the indicative yield from the 250 figure to "up to 427 homes, subject to further discussions....". Their reasons for seeking this change are based on the fact that, while the adopted Local Plan proposed a figure of 50 new dwellings on the original, smaller, site, planning permission was granted on appeal in September 2018 for a development of 77 dwellings. According to Linden, this scheme, which is intended to form the first phase of the larger proposal, would equate to a density of around 26.7 dwellings per hectare. They calculate that the remainder of the site would, if built out on a similar basis, provide a further 350 units. While accepting that the final yield would depend on discussions with the Council, they consider that this modification would satisfy the relevant range of national and (emerging) local planning objectives.
51. It would clearly not be appropriate for me to reach any conclusions of my own about the development management implications of adopting for the remainder of the enlarged site the same density as that associated with the recent planning permission. That figure might, in due course, become a material consideration for any future applications, but that will no doubt be one of the matters which will arise during the discussions to which Linden refer. I am mindful of the careful wording in the second half of the policy, dealing with the Concept Statement: this makes it clear that the eventual capacity of the site will be informed by progress on both physical and social infrastructure. For this reason also, I consider it unhelpful to take pre-emptive action of the kind implied by Linden's request.
52. I am satisfied that Policy NP4 meets the basic conditions as it stands; however, in order to provide an element of flexibility, ***I recommend that the opening of the policy read "The site is allocated for / i) approximately [instead of "up to "] 250 homes.....".***
53. Gladman say that they are unconvinced of the need for the SNP to duplicate sites already allocated in the emerging Local Plan (ie those under Policies NP4 and NP5), pointing out that the new NPPF, at paragraph 16(f), says that such duplication should be avoided.
54. I do not give a great deal of weight to these concerns, for three reasons. Firstly, as already indicated (footnote 3 above), the SNP does not fall to be considered against the 2018 version of

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<sup>10</sup> I am satisfied that this minor difference in terminology can be accepted without change: Figure 1 shows very little detail, and I would expect the requirement of Local Plan Policy SUT.H1 to be met with a more worked-up concept document at the appropriate time.

the NPPF; secondly, there is no requirement for the Plan to be assessed in relation to the provisions of a draft local plan; and, thirdly, and in any event, Policies NP4 and NP5 do not simply re-state the terms of draft Local Plan Policies SUT.H1 and SUT.H2, but re-cast them in terms which the Neighbourhood Plan Working Group presumably favour. Such an approach fully accords with the 2012 NPPF at paragraph 16, where it states that the presumption in favour of sustainable development “will mean that neighbourhoods should:

- *develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; (and)*
- *plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan...”*

55. Gladman also object to these policies on the grounds that the SNP relies (for all three of the proposed allocations) on the evidence base underpinning the emerging Local Plan, rather than providing its own. I see nothing in national policy which would support this criticism. PPG paragraph 40<sup>11</sup> states:

*While there are prescribed documents that must be submitted with a neighbourhood plan or Order, there is no “tick box” list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan or the proposals in an Order.”*

56. In my opinion, the Sutton Neighbourhood Plan has full regard to these requirements.

#### **Policy NP5: Land east of Garden Close**

57. This greenfield site is allocated for 25 houses in the emerging Local Plan (Policy SUT.H2). The SNP confirms the allocation, while adding a number of requirements, including that they are all required to be low-density single-storey dwellings. Figure 2 is a concept plan showing the intended development site boundary, important trees and hedges to be retained and important views to be safeguarded.

58. Paragraph 8.7 explains that a planning application for up to 53 dwellings on this site was refused by ECDC (January 2018), and that an appeal has been lodged. ECDC have informed me subsequently that the appeal was allowed on 18 January 2019 and that outline permission has now been granted. In addition, the Council have confirmed the substance of the note at the bottom of page 29 of the Plan, to the effect that ECDC itself resolved in November 2018 to grant outline planning permission for 53 dwellings on an enlarged site which includes that covered by Policy NP5. It is clear from paragraph 8.8 that the future of this land is a controversial issue locally, and ***I recommend that the opportunity be taken to update the policy (including the site boundaries) in the light of these decisions, and to add any detailed changes to the supporting text to reflect local aspirations in relation to this site.***

#### **Policy NP6: Land north of Mill Field, Mepal Road**

59. Paragraph 8.9 records the fact that outline planning permission exists for 10 dwellings on this site, and for this reason the SNP allocates it for the same purpose, subject to two detailed requirements. There are no issues so far as the basic conditions are concerned. I have noted that paragraph 8.10 points out that the emerging Local Plan allocates a site at Brick Lane, Mepal

<sup>11</sup> Reference ID: 41-040-20160211

(within the Neighbourhood Area) for housing but that the SNP does not reflect this since it does not consider that it contributes to local needs. This is not a matter on which I need to make any comment in relation to the basic conditions.

#### Policy NP7: Housing mix

60. This policy seeks to address the fact that Sutton has a smaller proportion of two-bedroomed homes than the other “larger villages”, as well as recognizing the needs of an aging population. It requires new development to contribute towards meeting these demographics, but does so without being prescriptive. Linden Homes emphasise the need for the policy to allow for appropriate flexibility, but have no specific objections to it. Policy NP7 clearly reflects the approach set out in paragraph 50 of the NPPF and adopted Local Plan policy HOU1, and I consider that it satisfies the basic conditions.

#### Policy NP8: Preserving the historic characteristics of Sutton

61. There is a conservation area in the main part of the village, centred on High Street / Station Road. Policy NP8 extends the statutory requirement to safeguard this asset and the existing listed buildings in the Parish to buildings of historic local interest and in four small areas (Pound Lane, The Row, an additional area on Station Road and at Sutton Gault), all of which are clearly identified on maps accompanying the policy. ECDC published a list of buildings of local interest in 2017, and the relevant entries and descriptions for Sutton are shown in Appendix 2 to the SNP. Policy NP8 simply requires proposals for new development to demonstrate how they “protect and enhance” these various assets. While clearly supported by the NPPF (paragraphs 128ff) and various policies in the adopted Local Plan, ***I recommend that, to avoid any unnecessary over-prescription, the requirement should be to “protect and, where practicable, enhance” the historic assets concerned.***

62. Gladman say that, in order to accord with NPPF paragraph 135, the policy should distinguish between designated and non-designated heritage assets, since as presently worded they believe it elevates the importance of the latter. I do not interpret the wording of the policy in this way, and so make no recommendation for changing it.

#### Policy NP9: Protecting existing services and facilities

63. Paragraph 9.1 refers to the shops, post office, pubs, primary school, healthcare facilities, community centre, allotments, village hall, indoor sports facilities and public transport - which are reasonably described as being “essential to the livelihood of the village and help reduce rural isolation and social exclusion”. Equally sensibly, the preamble to this policy recognises the need for economic realism. The policy itself therefore seeks to ensure that the loss of local services and facilities will only be permitted where certain criteria are met. These are clearly laid out in the wording of the policy and need not be rehearsed here. The policy reflects NPPF paragraphs 28, 69 and 70, as well as adopted Local Plan Policy COM3. As a minor point, ***I recommend that the supporting material acknowledge the fact that it will generally not be possible to prevent the loss of a valued facility where, in a legal sense, development is not involved.***

64. Policy NP9 is accompanied by a record of those community facilities which consultation suggested were a priority, and a statement of the action the Parish Council intends to take in response.



## Policy NP10: Elean Business Park

65. This area of land, adjacent to the A142, is covered by policies GROWTH2 and EMP1 in the adopted ECLP. SNP Policy NP10 supports its further development “where [this] includes small business start-up units” and better pedestrian and cycle routes to and from the main part of the village. These are desirable and understandable objectives, for the reasons the Plan makes clear in paragraphs 10.1 and 10.2, and there are no issues here for the basic conditions. However, to avoid any suggestion that the only kind of further development at the business park which would be supported is that which meets those requirements, ***I recommend that the words “in particular” be inserted in the policy (“...supported in particular where they include...”)***. This also brings the policy more into line with paragraph 10.3 of the supporting material, which simply “encourages” the desired development.

## Policy NP11: Retail premises

66. This policy covers some of the same ground as policy NP9, but is more specifically targeted at the village centre. As I was able to see from my visit, the small number of existing shops are somewhat spread out along High Street, and the Plan seeks to prevent any further erosion of the retail “offer”.

67. The policy states that planning applications “for the loss or change of use of shops (or premises last used as shops) will not be permitted unless it can be demonstrated that the use is no longer viable or that the change of use will not have a detrimental impact on the vitality and viability of the centre”. In principle, such an approach clearly aligns with national policy as set out in NPPF paragraph 28 and adopted ECLP Policy COM3. However, the reference to “premises last used as shops” could be made clearer: ***if it is intended to relate to vacant premises, then I recommend that that should be stated. In addition, the recommendation I make under Policy NP9 has equal relevance here.***

68. As a detailed point, I note that both the title of Policy NP11 and the first element of it cover only retail premises, whereas the second part offers support in principle for new or extended shops and services within the existing centre (which again clearly reflects wider planning policy objectives). ***I recommend that this minor discrepancy be resolved.***

## Traffic and Transport

69. The Plan contains no land use policies relating to this issue, instead (correctly, in my view) dealing with the local concern about the impact of through traffic – and particularly heavy goods vehicles – by committing the Parish Council to work with the relevant authorities to bring about improvements.

## Policy NP12: Sport and recreation facilities

70. The supporting material to this policy explains that the Local Plan adopts Fields in Trust standards for the provision of open space within East Cambridgeshire, but notes that the existing provision for Sutton does not fully meet those standards so far as its location is concerned. Policy NP12 offers broad support for the expansion of sport or recreation open space or facilities, at the same time opposing the loss of such assets other than in certain circumstances which are clearly set out in the policy.

71. This policy is clearly in line with national policy (NPPF paragraph 74) and the Local Plan, and satisfies the basic conditions. It is supported by a commitment by the Parish Council to investigate ways to promote “Sport for All” initiatives across all sections of the community. However, ***I recommend a minor change of wording: the first sentence of the policy should amend the phrase “subject to compliance with other policies in this and other adopted local plans” so that it reads “subject to compliance with the Local Plan and other local development documents, as appropriate.”***

### **Conclusions on the basic conditions**

72. I am satisfied that the Sutton Neighbourhood Plan makes appropriate provision for sustainable development. I conclude that in this and in all other material respects, subject to my recommended modifications, it has appropriate regard to national policy. Similarly, and again subject to my recommended modifications, I conclude that the Plan is in general conformity with the strategic policies in the development plan for the local area. There is no evidence before me to suggest that the Plan is not compatible with EU obligations, including human rights requirements.

### **Formal recommendation**

73. I have concluded that, provided that the recommendations set out above are followed, the Sutton Neighbourhood Plan would meet the basic conditions, and I therefore recommend that, as modified, it should proceed to a referendum. Finally, I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan Area, but I have been given no reason to think this is necessary.

*David Kaiserman*

BA DipTP MRTPI

Independent Examiner

11 March 2019

## APPENDIX 1 – SUMMARY TABLE OF RECOMMENDATIONS

Examiner's report paragraph	NP reference	Recommendation
Preamble	general	<ul style="list-style-type: none"> <li>two recommendations for dealing with the implications of the District Council's decision to withdraw the replacement Local Plan</li> </ul>
36	List of contents (and para 6.3)	<ul style="list-style-type: none"> <li>include reference to the key to the individual proposals maps and to the inset map</li> </ul>
45	Policy NP3	<ul style="list-style-type: none"> <li>modify an appropriate map in order to clarify the proposed changes to the village envelope</li> </ul>
47	Policy NP3	<ul style="list-style-type: none"> <li>include the word "normally" in the second half of the policy</li> </ul>
52	Policy NP4	<ul style="list-style-type: none"> <li>amend the opening of the policy by replacing "up to" (250 homes) with "approximately"</li> </ul>
58	Policy NP5	<ul style="list-style-type: none"> <li>update the policy (including the site boundaries) in light of the decision to grant outline planning permission for 53 dwellings</li> </ul>
61	Policy NP8	<ul style="list-style-type: none"> <li>amend requirement to read "protect and, where practicable, enhance" the assets concerned</li> </ul>
63 and 67	Policy NP9 and Policy NP11	<ul style="list-style-type: none"> <li>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</li> </ul>
65	Policy NP10	<ul style="list-style-type: none"> <li>insert the words "in particular" in the policy</li> </ul>
67	Policy NP11	<ul style="list-style-type: none"> <li>if the intention is to relate to vacant premises this should be stated</li> </ul>
68	Policy NP11	<ul style="list-style-type: none"> <li>resolve minor discrepancy in references to "retail premises" and "new or extended shops and services"</li> </ul>
71	Policy NP12	<ul style="list-style-type: none"> <li>minor re-wording</li> </ul>