Sutton Neighbourhood Plan Submission & Publication: Representations Received

The Sutton Neighbourhood Plan was submitted to East Cambridgeshire District Council (ECDC) on 28 November 2018. ECDC published the draft Sutton Neighbourhood Plan for the period 29 November 2018 to 17 January 2019. The table sets out all comments received during the publication period. Comments are arranged alphabetically by name of organisation.

Name	Date	Comments
	received	
Growth &	06/12/18	The Growth and Development Team at Cambridgeshire County Council have been consulted by East Cambridgeshire District Council on
Development		the Sutton Neighbourhood Plan which has been submitted for independent examination.
Team,		The consultation periods runs until Thursday 17th January 2018.
Cambridgeshire		
County Council		The response relates only to EDUCATION matters and is submitted for and on behalf of the Council's Education Service. Other Council
		services may make separate representations. These comments have not been endorsed by County Council Members.
		Policy NP3 – Sutton Development Envelope
I		The extent of the development envelope is not a matter for comment by officers, however, officers SUPPORT the wording that
		"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 iii) the provision of services and facilities"
		Reason: To ensure that the impacts of any development, such as education, can be appropriately mitigated.
		Policy NP4 – Land north of The Brook and west of Mepal Road
		Officers SUPPORT the wording that "iv) safe routes for pedestrians and cyclists from the site to the primary school and recreation facilities (through Stirling Way)" and "Developer contributions, in addition to CIL payments, may be necessary to mitigate the impact of the development on school places. If a practical solution to expand the primary school (in order to mitigate the impact of the development) does not exist, then a reduction in the residential capacity of the site will be necessary to the point where mitigation becomes deliverable"
		Reason: To ensure safe walk routes to the primary school and to secure appropriate developer contributions, if necessary, to mitigate the impact of residential development.

Richard Kay,
Strategic
Planning
Manager,
East
Cambridgeshire
District Council

15/01/19

This letter sets out East Cambridgeshire District Council's (ECDC) response to the Sutton Neighbourhood Plan (Submission Version), which was submitted to ECDC in November 2018.

Strategic policy context

Neighbourhood Plans are required to be in general conformity with the strategic policies of the Local Plan. At present, strategic policies are set out in the Local Plan 2015. However, the Local Plan 2015 does not make explicit which policies constitute 'strategic policies'.

The Sutton Neighbourhood Plan has been prepared at the same time as ECDC is preparing its new Local Plan for East Cambridgeshire. National planning guidance notes that the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions(1). The draft Sutton Neighbourhood Plan clearly draws on the emerging Local Plan and its evidence base, notably in its approach to delivering new housing development.

Housing requirement for the Neighbourhood Area

In July 2018, the government published a new National Planning Policy Framework (NPPF). For the avoidance of doubt, the draft Sutton Neighbourhood Plan will be examined in the context of the NPPF 2012 as per the transitional arrangements set out in NPPF (2018): Annex 1.

Whilst the NPPF (2018) requires strategic policies to set a housing requirement for designated Neighbourhood Areas, both the Local Plan 2015 and submitted Local Plan pre-date the new NPPF and therefore do not set out housing requirements for the district's Neighbourhood Areas(2).

Nevertheless, the NPPF (2018) requires local planning authorities to provide an indicative housing requirement figure if requested to do so by the neighbourhood planning body(3). In November 2018, Sutton Parish Council requested ECDC set a housing requirement figure for Sutton Neighbourhood Area. ECDC responded to this request by providing Sutton Parish Council with a housing requirement of 'a minimum of 150 dwellings'(4).

ECDC notes that the draft Neighbourhood Plan makes policies and site allocations which will likely result in the identified housing requirement being significantly exceeded. ECDC commends Sutton Parish Council's recognition of the need, in principle, to deliver housing growth. In likely exceeding its housing requirement, ECDC has carefully considered whether the scale of any such excess would undermine the strategic spatial distribution of growth as set out in the Local Plan (both adopted and emerging versions). ECDC has determined that it would not, and therefore supports the policies in the neighbourhood plan which will help deliver housing growth.

	1	
		Other matters
		For other (non-housing) matters, the draft Neighbourhood Plan policies appear to be broadly aligned with the strategic policies contained
		within the Local Plan 2015 and submitted Local Plan.
		ECDC has assisted Sutton Parish Council in preparing its Strategic Environmental Assessment and Habitats Regulation Assessment screening report. ECDC is satisfied that the draft Neighbourhood Plan has satisfied the requirements of relevant EU obligations, namely the 'SEA Directive' and 'Habitats Directive', and has issued a SEA Determination Statement on this basis(5).
		In conclusion, the Council considers that the Sutton Neighbourhood Plan (Submission Version) is capable of satisfying the basic conditions and other relevant legal obligations
		(1) Paragraph: 009 Reference ID: 41-009-20160211 (2) Para. 65 (3) Para. 66
		(4) A copy of ECDC's letter is available at: https://www.eastcambs.gov.uk/sites/default/files/SEA%20Determination%20Statement_0.pdf (5) Available at: https://www.eastcambs.gov.uk/sites/default/files/SEA%20Determination%20Statement_0.pdf
		(3) / Wallasie at. https://www.easteamps.gov.ak/sices/acidate/mes/32/7/020Determination/020state/ment 0.par
Richard Agnew	17/01/19	This letter provides Gladman Developments Ltd (Gladman) representations in response to the submission version of the Sutton
Gladman		Neighbourhood Plan (SNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.
Developments		
Ltd		This letter seeks to highlight the issues with the plan as currently presented and its relationship with national and local planning policy. Gladman has considerable experience in neighbourhood planning, having been involved in the process during the preparation of numerous plans across the country, it is from this experience that these representations are prepared.
		Local Box Constant
		Legal Requirements
		Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the SNP must meet are as follows:
		(a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.
		(d) The making of the order contributes to the achievement of sustainable development.
		(e) The making of the order is in general conformity with the strategic policies contained in the

development plan for the area of the authority (or any part of that area).

(f) The making of the order does not breach, and is otherwise compatible with, EU obligations.

Revised National Planning Policy Framework

On the 24th July 2018, the Ministry of Housing, Communities and Local Government published the revised National Planning Policy Framework. The first revision since 2012, it implements 85 reforms announced previously through the Housing White Paper. Paragraph 214 of the revised Framework makes clear that the policies of the previous Framework will apply for the purpose of examining plans where they are submitted on or before 24th January 2019. Given the date of this consultation, the comments below reflect the relationship between Neighbourhood Plans and the National Planning Policy Framework adopted in 2012.

National Planning Policy Framework and Planning Practice Guidance

The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of neighbourhood plans to be in conformity with the strategic priorities for the wider area and the role in which they play in delivering sustainable development to meet development needs.

At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread through both plan-making and decision-taking. For plan-making this means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change. This requirement is applicable to neighbourhood plans.

The recent Planning Practice Guidance (PPG) updates make clear that neighbourhood plans should conform to national policy requirements and take account the latest and most up-to-date evidence of housing needs in order to assist the Council in delivering sustainable development, a neighbourhood plan basic condition.

The application of the presumption in favour of sustainable development will have implications for how communities engage with neighbourhood planning. Paragraph 16 of the Framework makes clear that Qualifying Bodies preparing neighbourhood plans should develop plans that support strategic development needs set out in Local Plans, including policies for housing development and plan positively to support local development.

Paragraph 17 further makes clear that neighbourhood plans should set out a clear and positive vision for the future of the area and policies contained in those plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. Neighbourhood plans should seek to proactively drive and support sustainable economic

development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth.

Paragraph 184 of the Framework makes clear that local planning authorities will need to clearly set out their strategic policies to ensure that an up-to-date Local Plan is in place as quickly as possible. The Neighbourhood Plan should ensure that it is aligned with the strategic needs and priorities of the wider area and plan positively to support the delivery of sustainable growth opportunities.

Planning Practice Guidance

It is clear from the requirements of the Framework that neighbourhood plans should be prepared in conformity with the strategic requirements for the wider area as confirmed in an adopted development plan. The requirements of the Framework have now been supplemented by the publication of Planning Practice Guidance (PPG).

On 11th February 2016, the Secretary of State (SoS) published a series of updates to the neighbourhood planning chapter of the PPG. In summary, these update a number of component parts of the evidence base that are required to support an emerging neighbourhood plan.

On 19th May 2016, the Secretary of State published a further set of updates to the neighbourhood planning PPG. These updates provide further clarity on what measures a qualifying body should take to review the contents of a neighbourhood plan where the evidence base for the plan policy becomes less robust. As such it is considered that where a qualifying body intends to undertake a review of the neighbourhood plan, it should include a policy relating to this intention which includes a detailed explanation outlining the qualifying bodies anticipated timescales in this regard.

Further, the PPG makes clear that neighbourhood plans should not contain policies restricting housing development in settlements or preventing other settlements from being expanded. It is with that in mind that Gladman has reservations regarding the SNP's ability to meet basic condition (a) and this will be discussed in greater detail throughout this response.

Relationship to Local Plan

To meet the requirements of the Framework and the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in the adopted Development Plan.

The adopted Development Plan relevant to the preparation of the SNP is the East Cambridgeshire Local Plan 2015, which sets out the vision, objectives, spatial strategy and policies for future development of the district up to 2031. The Council is currently preparing a new Local Plan for East Cambridgeshire, which when adopted will replace the existing Local Plan. The emerging Local Plan was submitted to

the Secretary of State in February 2018 with the hearing sessions having taken place in Summer 2018. It is relevant to note that the emerging Local Plan proposes a very different planning strategy to the adopted Local Plan. In particular, it proposes a higher housing requirement and a more dispersed spatial distribution, with more housing and other development being directed towards the villages. The SNP will need to ensure there is sufficient flexibility in the policies of the plan to minimise any potential conflicts with the emerging Local Plan upon adoption.

Neighbourhood Plan Policies

This section highlights the key issues that Gladman would like to raise with regards to the content of the SNP as currently proposed. It is considered that some policies do not reflect the requirements of national policy and guidance, Gladman have therefore sought to recommend a series of modifications that would enable the plan to meet the basic conditions.

Policy NP3 - Sutton Development Envelope

Gladman would object to the use of a development envelope if this would preclude otherwise sustainable development from coming forward. The Framework is clear that development which is sustainable should go ahead. The use of a development envelope to arbitrarily restrict suitable development from coming forward on the edge of settlements does not accord with the positive approach to growth required by the Framework. To ensure greater flexibility, Gladman suggest that wording should be added to this policy to state that development adjacent to the settlement boundary would also be considered. This amendment would accord with the Framework in allowing flexibility for the SNP to respond to changes in the future such as the Council not being able to demonstrate a 5-year supply of housing.

Site Allocations

The SNP seeks to allocate 3 sites for housing, 2 of which are allocated in the emerging Local Plan. Gladman are unconvinced of the necessity of the duplication of the site allocations from the emerging Local Plan in the SNP. The revised Framework (2018) at Paragraph 16(f) states that plans should serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area. If it is the intention of the inclusion of these site allocations to trigger the application of Paragraph 14 of the revised Framework (2018), this would not apply as the PPG(1) clearly states policies and allocations within other development plan documents will not meet criterion 14b of the Framework.

Further, Gladman have seen no evidence to support these allocations other than relying on the emerging Local Plan's evidence base. This is equally true of the proposed site allocation that is not contained within the emerging Local Plan. Without proportionate, robust evidence demonstrating that this site can be delivered sustainability it should not be an allocation with the SNP and may be better suited as a community aspiration.

		Policy NP8 - Preserving the Historic Characteristics of Sutton Gladman suggest that for this policy to accord with the Framework a distinction should be made between designated and non-designated heritage assets. As currently worded this policy would elevate the importance of non-designated heritage assets. Wording should be added to the policy that reflects Paragraph 135 of the Framework for when considering effects on non-designated heritage assets. Conclusions Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national planning policy and the strategic requirements for the wider authority area. Through this consultation response, Gladman has sought to clarify the relation of the SNP as currently proposed with the requirements of national planning policy and the wider strategic policies for the wider area. Gladman is concerned that the plan in its current form does not comply with basic conditions (a). The plan does not conform with national policy and guidance. Gladman formally request to participate at the hearing session(s) should the Examiner decide it necessary to discuss these issues in a public forum. Gladman hopes you have found these representations helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team.
Haddenham Parish Council	05/12/18	(1) Neighbourhood Planning Guidance Paragraph: 097 Reference ID: 41-097-20180913 Haddenham Parish Council has viewed the submitted Neighbourhood Plan for Sutton and is very impressed with the document and content and has no negative comments to make about it. It is a well-rounded and comprehensive plan and we hope it will be approved without delay.
Edward James Historic Places Advisor, East of England, Historic England	18/12/18	Thank you for your correspondence dated 29 November 2018 inviting Historic England to comment on the Regulation 16 Submission version of the Sutton Neighbourhood Plan. We welcome the production of this neighbourhood plan, and are pleased to note that the historic environment of the parish is referred to throughout. Aside from congratulating those involved, we do not wish to provide detailed comments at this time. We would refer you to our detailed guidance on successfully incorporating historic environment considerations into your neighbourhood plan, which can be found here: https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/

		I would be grateful if you would notify me if and when the Neighbourhood Plan is made by the district council. To avoid any doubt, this letter does not reflect our obligation to provide further advice on or, potentially, object to specific proposals which may subsequently arise as a result of the proposed NP, where we consider these would have an adverse effect on the historic environment. Please do contact me, either via email or the number above, if you have any queries.
Alison Wright MRTPI, Bidwells on behalf of Linden Homes Midlands	17/12/18	On behalf of our client Linden Homes Midlands, Bidwells has prepared the following representations in response to the Submission Version of the Sutton Neighbourhood Plan 2017-2036. These follow and should be read in conjunction with those made on the Pre-Submission Consultation version dated July 2018. Linden Homes Midlands control Land north of The Brook and west of Mepal Road which is currently proposed, under draft Policy NP4 of the emerging Neighbourhood Plan, for residential development, together with associated community facilities, landscaping and infrastructure. A site location plan is enclosed with these representations. To proceed to a referendum, a Neighbourhood Plan needs to meet the 'basic conditions' set out in Paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended) and summarised in Paragraph ID41-065-20140306 of the NPPG. The basic conditions
		are: Only conditions a, and d-g apply to a Neighbourhood Development Plan (conditions b and c relate to Neighbourhood Development Orders only). These are: • It must have regard to national policies and advice in the form of the NPPF (Condition A); • It must contribute towards the achievement of sustainable development. The PPG emphasises that the Plan must contribute to improvements in environmental, economic and social conditions, and show how any adverse impacts have been prevented, reduced or offset (Condition D); • It must be in general conformity with the strategic policies contained in the development plan for the area of the authority (Condition E); • It does not breach EU obligations (Condition F); and • It meets prescribed conditions such as it should not have a significant effect on a European site (Condition G).
		Linden Homes welcomes the opportunity to engage positively in the Neighbourhood Plan as a local stakeholder responsible for delivering development in the parish. Consultation with key local stakeholders is vital to ensuring that the proposals on the site incorporate the

views of the local community. We welcome the opportunity to discuss the Neighbourhood Plan with the Working Party and residents in more detail.

Linden Homes Midlands generally supports the objectives of the Sutton Neighbourhood Plan but wishes to make the following constructive objections to ensure that the Plan accords with the Basic Conditions above that require the Plan to have regard to the NPPF and to conform with the strategic policies in the development plan.

Policy NP4 – Land North of The Brook and West of Mepal Road

We support the proposed site allocation of Land north of the Brook and west of Mepal Road under Policy NP4 of the Submission version of the Neighbourhood Plan. It is broadly consistent with draft Policy SUT.H1 of the emerging East Cambridgeshire Local Plan.

However, we note that Policy NP4 is worded broadly the same as that from the pre-submission consultation version of July 2018, except that the reference to allotments being provided on the site has been removed. We welcome the removal of this reference, as per our previous representations dated 6 September 2018.

Our representations on the pre-submission consultation version of the Neighbourhood Plan dated 6 September 2018 still stand so are not repeated in detail here. These confirmed support in principle for Policy NP4 but requesting that the number of dwellings specified in the Policy, under criterion (i), is increased from 'up to 250 homes' to 'up to 427 homes', subject to further discussions with the Council and policy requirements.

We would like to take this opportunity to refer to application reference 16/01772/FUM which relates to the development of 77 dwellings on the south eastern part of the site and would form the first phase of draft allocation SUT.H1. This would equate to a density of around 26.7 dwellings per hectare (dph). The application was recommended for approval but refused at Committee. An appeal was subsequently allowed on 26 September 2018, granting planning permission for the development (Ref:APP/V0510/W/17/3191847). The development of 77 dwellings is an increase to the number referred to in the current adopted Local Plan allocation policy of 50 dwellings (Policy SUT.H1). In determining the appeal, the Inspector concluded that the density proposed and level of open space proposed was acceptable.

In light of the above appeal decision and as per our previous representations, our client considers that the site could accommodate more dwellings than currently proposed in Policy NP4, and request that the number of dwellings is increased from 'up to 250 homes' to 'up to 427' i.e 77 dwellings on the current allocation (as per the permitted phase 1 scheme) and 350 dwellings on the remainder of the proposed allocation. The exact number of dwellings will be determined following further discussions with the Council and policy requirements. The requested increase to the number of dwellings would provide development at appropriate densities of between 22

and 25 dwellings per hectare and make effective and efficient use of land whilst still respecting the area's prevailing character and setting, in line with the Revised NPPF and Policy LP22 of East Cambridgeshire District Council's emerging Local Plan.

We therefore support Policy NP4 in principle as it relates to the site allocation on land north of The Brook and West of Mepal Road but request that the number of dwellings specified in the Policy, under criterion (i), is increased from 'up to 250 homes' to 'up to 427 homes', subject to further discussions with the Council and policy requirements.

Policy NP7 - Housing Mix

As referred to in our previous representations on the pre-submission consultation version of the Neighbourhood Plan version (July 2018), whilst our client recognises the need for development proposals to provide an appropriate mix of dwelling types and sizes, the final mix for a particular development site would ultimately be subject to negotiation between the Local Planning Authority and Applicant, in line with the most up to date, available, local evidence, unless viability or other material considerations show a robust justification for a different mix.

The restrictions being placed on new development under Policy NP7 must accord with national and local policy and must also provide reasonable scope for flexibility so as to not compromise delivery.

Conclusion

In summary, Linden Homes Midlands are, in principle, still supportive of the objectives of the Sutton Neighbourhood Plan but make the following constructive objections which are provided to ensure that the Neighbourhood Plan satisfies the Basic Conditions:

- Within Policy NP4, the number of dwellings should be increased from 'up to 250 homes' to 'up to 427;
- Restrictions placed under Policy NP7 must accord with National and Local policy and should ensure that it does not present onerous requirements for future developments within the Parish.

Linden Homes Midlands would request these representations are acknowledged and for a response to it to be prepared and published. Linden Homes Midlands would also request to be notified of future progress with the Neighbourhood Plan and to participate at an oral hearing.

Enclosures: Site Location Plan (Drawing No. 1073352-15-03A) [Click to view plan]

Hannah Lorna
Bevins
Consultant
Town Planner
Wood on behalf
of National
Grid

07/12/18

National Grid has appointed Wood to review and respond to development plan consultations on its behalf. We are instructed by our client to submit the following representation with regards to the above Neighbourhood Plan consultation.

About National Grid

National Grid owns and operates the high voltage electricity transmission system in England and Wales and operate the Scottish high voltage transmission system. National Grid also owns and operates the gas transmission system. In the UK, gas leaves the transmission system and enters the distribution networks at high pressure. It is then transported through a number of reducing pressure tiers until it is finally delivered to our customers. National Grid own four of the UK's gas distribution networks and transport gas to 11 million homes, schools and businesses through 81,000 miles of gas pipelines within North West, East of England, West Midlands and North London.

To help ensure the continued safe operation of existing sites and equipment and to facilitate future infrastructure investment, National Grid wishes to be involved in the preparation, alteration and review of plans and strategies which may affect our assets.

Specific Comments

An assessment has been carried out with respect to National Grid's electricity and gas transmission apparatus which includes high voltage electricity assets and high-pressure gas pipelines, and also National Grid Gas Distribution's Intermediate and High-Pressure apparatus.

National Grid has identified that it has no record of such apparatus within the Neighbourhood Plan area.

Key resources / contacts

National Grid has provided information in relation to electricity and transmission assets via the following internet link: http://www2.nationalgrid.com/uk/services/land-and-development/planning-authority/shape-files/

Electricity distribution

The electricity distribution operator in East Cambridgeshire is UK Power Network. Information regarding the transmission and distribution network can be found at: www.energynetworks.org.uk

Please remember to consult National Grid on any Neighbourhood Plan Documents or site-specific proposals that could affect our infrastructure. We would be grateful if you could add our details shown below to your consultation database:

[contact information omitted by ECDC]

I hope the above information is useful. If you require any further information, please do not hesitate to contact me.

Alice Watson Consultations	06/12/18	Thank you for your consultation on the above dated 29 November 2018
Team, Natural England		Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.
		Natural England has reviewed the screening report for Strategic Environmental Assessment & Habitats Regulation Assessment (September 2018) and agrees with the conclusions.
		Natural England does not have any specific comments on this draft neighbourhood plan. However, we refer you to the attached annex which covers the issues and opportunities that should be considered when preparing a Neighbourhood Plan.
		For any further consultations on your plan, please contact: consultations@naturalengland.org.uk .