



# Sutton

REPLACEMENT NEIGHBOURHOOD PLAN  
2023-2036

**BASIC CONDITIONS STATEMENT  
NOVEMBER 2023**



**SUTTON PARISH COUNCIL**

Prepared for Sutton Parish Council by



November 2023

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## 1 Introduction

- 1.1 As part of the formal submission of the Replacement Sutton Neighbourhood Plan (RSNP) for Examination, there is a requirement for the Parish Council, as the 'qualifying body' to illustrate that they have complied with a series of 'basic conditions' as set out in the Town & Country Planning Act 1990 (as Amended). This Statement accompanies the submission to the local planning authority, East Cambridgeshire District Council, of the RSNP under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) ("the Regulations"). Regulation 15 requires a submission neighbourhood development plan to be accompanied by *"a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8(2) of Schedule 4B to the 1990 Act"*.
- 1.2 This statement has been prepared in order to confirm compliance with these basic conditions as follows:
- Section 2 identifies the legislative requirements for the 'basic conditions';
  - Section 3 identifies the matters that the appointed examiner must consider and confirms how the neighbourhood plan responds to them;
  - Sections 4 to 9 set out the basic conditions and review how the neighbourhood plan meets these requirements;
  - Section 10 confirms that the neighbourhood plan is compatible with the Convention Rights.
- 1.3 It is considered that the Replacement Sutton Neighbourhood Plan (RSNP) complies with the requirements of the basic conditions as set out in Paragraph 8(1)(a) of Schedule 4B of the Act. The original neighbourhood plan was made by [East Cambridgeshire District Council](#) on 30 May 2019 and the review reflects changes at national and local level since then.

## 2. Legal Requirements

2.1 Paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended) identifies the “Basic Conditions” that the neighbourhood plan must comply with.

2.2 Paragraph 8 (1) states that the examiner must consider the following:

- (a) whether the draft neighbourhood development order meets the basic conditions (see sub-paragraph (2)),
- (b) whether the draft order complies with the provision made by or under sections 61E(2), 61J and 61L,
- (c) whether any period specified under section 61L(2)(b) or (5) is appropriate,
- (d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft order relates, and
- (e) such other matters as may be prescribed.

2.3 Paragraph 8 (2) states that a draft neighbourhood development plan meets the basic conditions if:

- (a) having regard to national policies and advice contained in guidance by the Secretary of State, it is appropriate to make the neighbourhood development plan,
- (d) the making of the neighbourhood development plan contributes to the achievement of sustainable development,
- (e) the making of the neighbourhood development plan 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 neighbourhood development plan does not breach, and is otherwise compatible with, retained EU obligations, and
- (g) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.

The requirements of Paragraph 8(2)(b), (2)(c) (3), (4) and (5) are not of relevance to the compliance with the basic conditions test.

2.4 Paragraph 8 (6) stipulates that the examiner is not to consider any matter that does not fall within subparagraph (1) apart from considering whether the draft neighbourhood plan is compatible with the Convention rights.

2.5 On 28 December 2018 the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 came into force. Amongst other things, these Regulations amend the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) which stated:

- The making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site either alone or in combination with other plans or projects.

The Regulations substitute this with a new basic condition which states:

- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

### Meeting the Legal Requirements

2.6 Compliance with the individual elements of the legal requirements is set out below.

Requirement	Interpretation	RSNP response
4B 8 (1)(a) Whether the Draft NP meets the Basic Conditions	This requires the RSNP to demonstrate compliance with paragraph 8(2) of Schedule 4B of the T&CP Act.	This is considered in detail in later sections of this Statement.
4B 8 (1)(b) Whether the Draft Order Complies with Sections 38A & 38B of the Compulsory Purchase Act 2004	This requires the draft order to comply with Sections 38A & 38B of the Compulsory Purchase Act 2004. Section 38A sets out the "Meaning of Neighbourhood Development Plan".	Compliance with Sections 38A and 38B is demonstrated in the following rows.
	Section 38A(1) "any qualifying body is entitled to initiate a process for the purpose of requiring a Local Planning Authority in England to make a Neighbourhood Development Plan."	The Neighbourhood Plan has been submitted by Sutton Parish Council, a qualifying body (as defined in the Localism Act 2011),
	Section 38A(2) A "Neighbourhood Development Plan is a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan."	The RSNP sets out Policies that relate to the development and use of land for the Neighbourhood Area covering the Parish of Sutton, as designated by East Cambridgeshire District Council on 8 January 2015 and then amended on 27 May 2021 to reflect changes to the Parish boundary.  The boundary of the Neighbourhood Area is shown on Map 1 of the RSNP.
	Section 38A, Paragraphs (3) - (12)	These paragraphs are not of relevance to the submission phase of the NP
	Section 38B1(a) The Neighbourhood Development Plan "Must specify the period for which it is to have effect."	The plan period of the RSNP is from 2023 to 2036
	Section 38B1(b) A Neighbourhood Development Plan "may not include provision about development that is excluded development."	The RSNP does not contain policies relating to excluded development as defined in Section 61K of the Planning and Compulsory Purchase Act 2004
	Section 38B1(c) A Neighbourhood Development Plan may not relate to more than one neighbourhood area	The RSNP does not relate to more than one neighbourhood area.
	Section 38B(2) Only one Neighbourhood	There are currently no other NP's in

Requirement	Interpretation	RSNP response
	Development Plan may be made for each neighbourhood area.	place in this neighbourhood area.
	Section 38B(3) If to any extent a policy set out in a Neighbourhood Development Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy.	There are no conflicts within the RSNP
	Section 38B(4)(a) Regulations made by the Secretary of State may make provisions for "restricting the provision that may be included in Neighbourhood Development Plans about the use of land."  These Regulations are set out in Statutory Instrument 2012 No 637, The Neighbourhood Planning (General) Regulations 2012.	The Neighbourhood Planning (General) Regulations 2012 have been used to inform the preparation of the RSNP.
	Section 38B(4)(b) Regulations made by the Secretary of State may make provisions "requiring Neighbourhood Development Plans to include such matters as are prescribed in the Regulations."	A screening process was carried out by the local planning authority in August 2023 to determine whether a Strategic Environment Assessment (SEA) or Habitat Regulations Assessment (HRA) would be required in support of the RSNP. In both cases it was considered that the Neighbourhood Plan will not have likely significant environmental effects and that no European sites would be affected by the policies described in the RSNP.
	Section 38B, which include paragraphs 38B(4)(c), 5 & 6,	The remaining requirements are not of relevance to this Basic Conditions Statement
4B 8 (1)(d) Whether the Referendum should extend beyond the NP Area	This requires the examiner to consider whether the area for any referendum should extend beyond the NP Area to which it relates.	The RSNP relates solely to land that falls within the Parish of Sutton.
4B 8 (1)(e) Other Matters 3.28.	This requires the examiner to consider such other matters as may be prescribed	There are no other prescribed matters.

### 3. Compliance with Basic Conditions

3.1 Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act sets out the basic conditions that must be met by a draft Neighbourhood Plan. Subsections (a), (d), (e), (f), and (g) are of relevance to this statement.

3.2 The Regulations state that the neighbourhood plan will have met the basic conditions if it:

- Has regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contributes to the achievement of sustainable development;
- Is in general conformity with the strategic policies of the development plan for the area; and
- Is compatible with European Union (EU) and European Convention on Human Right (ECHR) obligations.

#### National Policy

3.3 The Sutton Neighbourhood Development Plan must have appropriate regard to national policy. The following section describes how the RSNP relates to the National Planning Policy Framework (NPPF) as published in September 2023. The NPPF is framed around a basic premise of achieving sustainable development, comprising three main dimensions: economic, social and environmental. It requires the planning system to have regard to three overarching objectives:

- a) "an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."*

3.4 The NPPF contains thirteen topic-based chapters in which more detailed policy guidance is set out for plan making and decision taking. Table 1, below, identifies how the Plan meets the basic condition of having regard to the NPPF by assessing the Plan against the principles for each of the NPPF topic-based chapters

## Core Planning Principles appraisal

NPPF Core Principle	Sutton RNP Objectives	Sutton RNP Policies
Delivering a sufficient supply of homes	<p>2. All new development should be focussed on the way it can best meet the needs of the residents of the Parish, young and old.</p> <p>3. New housing should be delivered in a way that ensures it is supported by essential community infrastructure and that ensures the character of the village, in particular the central core and conservation area, is retained and, wherever possible, enhanced.</p>	<p>Policy SUT 1 - Spatial Strategy</p> <p>Policy SUT 2 - Housing</p> <p>Policy SUT 3 - Land East of Garden Close</p> <p>Policy SUT 4 - Land North of Mill Field, Mepal Road</p> <p>Policy SUT 5 - Housing Mix</p> <p>Policy SUT 6 - Affordable Housing on Rural Exception Sites</p>
Building a strong, competitive economy	<p>5. Small businesses and the opportunities provided to the local workforce should be supported and strengthened through a positive approach to rural diversification and enterprise.</p>	<p>Policy SUT 13 - Employment Sites</p> <p>Policy SUT 14 - Elean Business Park</p>
Ensuring the vitality of town centres	<p>4. Existing shops, services and community infrastructure should be protected and supported by the policies of the Plan to ensure that Sutton remains a thriving and fully inclusive rural community.</p>	<p>Policy SUT 16 - Retail Premises, Services and Facilities</p> <p>Policy SUT 17 - Hot Food Takeaway Premises</p>
Promoting healthy and safe communities	<p>6. All new development to be delivered in a way which facilitates improvements for pedestrians and cyclists alongside adequate vehicular access and where possible promotes public transport links.</p> <p>7. The retention, provision and productive use of open space and leisure facilities in and around the village should be secured wherever reasonably possible.</p>	<p>Policy SUT 18 - Sport and Recreation Facilities</p>
Promoting sustainable transport	<p>6. All new development to be delivered in a way which facilitates improvements for pedestrians and cyclists alongside adequate vehicular access and where possible promotes public transport links.</p>	<p>Policy SUT 15 - Public Rights of Way</p> <p>Policy SUT 19 - Design Considerations</p>
Supporting high quality communications	<p>4. Existing shops, services and community infrastructure should be protected and supported by the policies of the</p>	<p>Policy SUT 19 - Design Considerations</p>

NPPF Core Principle	Sutton RNP Objectives	Sutton RNP Policies
	Plan to ensure that Sutton remains a thriving and fully inclusive rural community.	
Making effective use of land	4. Existing shops, services and community infrastructure should be protected and supported by the policies of the Plan to ensure that Sutton remains a thriving and fully inclusive rural community.	Policy SUT 18 - Sport and Recreation Facilities Policy SUT 19 - Design Considerations
Achieving well-designed places	7. The retention, provision and productive use of open space and leisure facilities in and around the village should be secured wherever reasonably possible.	Policy SUT 19 - Design Considerations Policy SUT 20 - Dark skies Policy SUT 21 - Flooding and Sustainable Drainage Policy SUT 22 - Sustainable Building Practices Policy SUT 23 - Renewable Energy
Protecting Green Belt land	Not applicable to the Plan	Not applicable to the Plan
Meeting the challenge of climate change, flooding and coastal change	1. The important habitats and natural assets of the Parish should be protected and strengthened and, where appropriate, opportunities for their enjoyment by residents should be enhanced.	Policy SUT 19 - Design Considerations Policy SUT 21 - Flooding and Sustainable Drainage
Conserving and enhancing the natural environment	1. The important habitats and natural assets of the Parish should be protected and strengthened and, where appropriate, opportunities for their enjoyment by residents should be enhanced.	Policy SUT 7 - Conserving and Enhancing Internationally Designated Sites Policy SUT 8 - Biodiversity Net Gain Policy SUT 9 - Local Green Spaces Policy SUT 19 - Design Considerations Policy SUT 20 - Dark skies
Conserving the historic environment	8. The character and quality of the historic environment will be protected and enhanced.	Policy SUT 10 - Heritage Assets Policy SUT 11 - Buildings and Features of Local Interest Policy SUT 12 - Local Character Areas Policy SUT 19 - Design Considerations
Facilitating the sustainable use of minerals	Not applicable to the Plan	Not applicable to the Plan

### How the purpose of the Neighbourhood Plan policies achieve sustainable development

3.5 The table below identifies the purpose of each policy in the Plan and its intended outcome in relation to achieving sustainable development as defined by the NPPF.

Policy	Purpose	Outcome
SUT 1	To provide a strategy for the location of new development within the neighbourhood plan area	Ensures that new development is located within the development envelope, to help support local services and the community.
SUT 2	Supports the delivery of new housing that meets locally identified needs	Contributes to meeting the housing need while ensuring the impact of the development is reduced.
SUT 3	Allocates land for up to 53 new dwellings	Contributes to meeting the local housing need.
SUT 4	Allocates land for up to 10 new dwellings	Contributes to meeting the local housing need.
SUT 5	Defines the type and size of new housing needed	Ensures that new housing development is designed to meet the identified local needs of the village
SUT 6	Provides for rural exception sites	Contributes to meeting the local housing need.
SUT 7	Seeks to conserve and enhance Internationally Designated Sites	Contributes to conserving and enhancing the natural environment
SUT 8	To secure net gain for biodiversity.	Contributes to conserving and enhancing the natural environment
SUT 9	Designates a number of sites as local green space as per NPPF criteria.	Protects spaces that have an identifiable local importance to the village
SUT 10	Protects heritage assets within the Neighbourhood Plan area.	Contributes to conserving and enhancing the built and historic environment
SUT 11	Seeks to retain and protect local heritage assets.	Contributes to conserving and enhancing the built and historic environment
SUT 12	Designates areas of special character	Contributes to ensuring that development proposals have a positive impact on the Neighbourhood Area.
SUT 13	Supports the provision of business development.	Contributes towards maintaining the local economy.
SUT 14	Promotes economic development	Enables further business development to take place at Elean Business Park.
SUT 15	Promotes active travel.	Contributes to meeting the challenge of climate change, improving the health and wellbeing of residents and protecting biodiversity.

<b>Policy</b>	<b>Purpose</b>	<b>Outcome</b>
SUT 16	Supports the retention and improvement of community facilities and services in the village	Maintains existing village services and to reduce the need to drive out of the village for day-to-day needs
SUT 17	Seeks to limit adverse impacts from hot food takeaways	Protect the amenity of the local area and promotes healthy living.
SUT 18	Supports the improvement and protection of open space, sport and recreation facilities	Ensures that adequate and suitable sports and recreation facilities are provided in the Neighbourhood Plan Area
SUT 19	Provides design criteria for new development.	Contributes to ensuring that development proposals have a positive impact on the Neighbourhood Area.
SUT20	Manages the detrimental impact of lighting on the countryside.	Contributes to conserving and enhancing the natural environment
SUT 21	Provides development criteria for managing flood risk and providing sustainable drainage	Contributes to meeting the challenge of climate change and flooding.
SUT 22	Seeks to promote sustainable building practices	Contributes to meeting the challenge of climate change
SUT 23	Supports provision of local energy solutions.	Contributes to meeting the challenge of climate change.

## General conformity with the strategic policies contained in the development plan

3.6 The Sutton Neighbourhood Plan Review must demonstrate that it is in general conformity with the development plan for the local authority area concerned. The development plan currently in force for the Sutton Neighbourhood Plan Review is the East Cambridgeshire Local Plan adopted on 21 April 2015. This Plan has been subject to a limited review in terms of Policies GROWTH 1 and GROWTH 4 and was subsequently formally adopted on 19 October 2023.

### **Spatial Vision of Local Plan 2015 (as amended 2023)**

3.7 The Spatial Vision of the adopted East Cambridgeshire Local Plan states, as relevant to the RSNP, that:

- In 2031, East Cambridgeshire will have maintained a high quality of life and retained its distinct identity as a predominantly rural area of villages and market towns, whilst accommodating the development of new homes and jobs.
- The district will have taken advantage of the economic vitality of the Cambridge sub-region, and have a diverse and thriving economy, with vibrant and attractive towns and villages which act as employment and service centres for their surrounding rural areas. More residents will have a high quality of life, with increased access to affordable housing, a wider range of local better skilled jobs, and good quality services and facilities.
- A mix of residential development will be delivered to meet local needs (including affordable housing), whilst ensuring necessary infrastructure and community facilities/services are in place to support growth. In the wider countryside, appropriate small-scale development will be allowed where this meets local needs and supports the long-term sustainability of a settlement.
- Wherever new housing is provided, it will respond to local needs and requirements as far as possible in terms of type, size and tenure. In addition, large developments will be of exemplar quality, and all new housing will be of high quality and well designed, ensuring that the distinctive character of the district's towns and villages is maintained and enhanced.
- The overall diversity and quality of East Cambridgeshire's countryside and natural environment will have improved and the historic environment conserved and enhanced. There will be better access to the countryside and green spaces for local communities which helps to improve people's quality of life. The challenges presented by climate change will have been embraced, with new development being located and designed to minimise resource and energy use and reduce the risk of flooding.

### **Compatibility of the RSNP with the Strategic Policies of the Development Plan**

3.8 The Government's Planning Practice Guidance states that "A local planning authority (or, where relevant, elected Mayor or combined authority) should set out clearly its strategic policies in accordance with paragraph 21 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner."

"Strategic policies will be different in each local planning authority area. When reaching a view on whether a policy is a strategic policy the following are useful considerations:

- whether the policy sets out an overarching direction or objective
- whether the policy seeks to shape the broad characteristics of development
- the scale at which the policy is intended to operate
- whether the policy sets a framework for decisions on how competing priorities should be balanced
- whether the policy sets a standard or other requirement that is essential to achieving

- the wider vision and aspirations in the Local Plan
  - in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the Local Plan
  - whether the Local Plan identifies the policy as being strategic”
- 3.9 East Cambridgeshire District Council have not identified which of the policies in the Local Plan 2015 (as amended in 2023) are determined to be “strategic”. However, other Neighbourhood Plans in the District have identified strategic policies, which the District Council has not contested, and have been successfully examined and found to meet the Basic Conditions. This Basic Conditions Statement has therefore taken guidance from the strategic policies identified in other ‘made’ Neighbourhood Plan’s Basic Conditions Statements in order to appraise the policies of the Neighbourhood Plan against the Local Plan strategic policies.
- 3.10 The table below provides details of the policies in the development plan, a link to the RSNP policy (where relevant) and a narrative of conformity of the RSNP with the development plan.

Local Plan Strategic Policy	Neighbourhood Plan Policy	Comment
Policy Growth 1 - Levels of housing, employment and retail growth	<b>SUT1</b> – Spatial Strategy <b>SUT2</b> – Housing <b>SUT3</b> – Land East of Garden Close <b>SUT4</b> – Land North of Mill Filed, Mepal Road <b>SUT5</b> - Housing Mix <b>SUT6</b> - Affordable housing on rural exception sites <b>SUT13</b> – Employment Sites <b>SUT14</b> – Elean Business Park <b>SUT16</b> – Retail Premises, Services and Facilities	<p>Local Plan Policy 1 identifies the amount of housing, employment and retail growth that will take place in the district to 2031.</p> <p>The RSNP identifies sites for new housing in the neighbourhood plan area, and encourages business development with a particular focus on the Elean Business Park. The RSNP seeks to retain existing services and facilities given the size of the village.</p>
Policy Growth 2 – Locational Strategy	<b>SUT1</b> – Spatial Strategy <b>SUT2</b> – Housing <b>SUT3</b> – Land East of Garden Close <b>SUT4</b> – Land North of Mill Filed, Mepal Road <b>SUT5</b> - Housing Mix <b>SUT6</b> - Affordable housing on rural exception sites <b>SUT13</b> – Employment Sites <b>SUT14</b> – Elean Business Park <b>SUT16</b> - Protecting Existing Services and Facilities	<p>Local Plan Policy 2 sets out a high level strategy for the distribution of growth across the district, identifying that more limited development will take place in villages which have a defined development envelope, thereby helping to support local services, shops and community needs.</p> <p>RSNP accords with this strategy in that the planned development is within the Development Envelope as amended by the Neighbourhood Plan, and supports the retention of local services and facilities for the community.</p>
Policy Growth 3 – Infrastructure Requirements	<b>SUT1</b> – Spatial Strategy <b>SUT9</b> – Local Green Spaces <b>SUT13</b> – Employment Sites <b>SUT15</b> – Public Rights of Way <b>SUT16</b> - Protecting Existing Services and Facilities	<p>The Local Plan policy sets out a strategy for the provision of infrastructure and the key infrastructure requirements.</p> <p>The Neighbourhood Plan does not undermine this approach.</p>

Local Plan Strategic Policy	Neighbourhood Plan Policy	Comment
	<p><b>SUT18</b> – Sport and Recreation Facilities</p> <p><b>SUT19</b> – Design Considerations</p> <p><b>SUT21</b> – Flooding and Sustainable Drainage</p>	
Policy Growth 4 – Delivery of growth	<p><b>SUT1</b> – Spatial Strategy</p> <p><b>SUT2</b>– Housing</p> <p><b>SUT3</b> – Land East of Garden Close</p> <p><b>SUT4</b> – Land North of Mill Filed, Mepal Road</p> <p><b>SUT5</b>- Housing Mix</p> <p><b>SUT13</b> – Employment Sites</p> <p><b>SUT14</b> – Elean Business Park</p>	<p>The Local Plan policy identifies the amount of housing, employment and retail development planned across the district to 2031. It does not provide a housing or employment requirement to be met in Sutton or identify sites for development in the village.</p> <p>The policies in the Neighbourhood Plan make specific provision for both housing (at least 235 new homes) and employment development, whilst also allowing for other development within the development envelope and therefore does not undermine the approach set out in the Local Plan.</p>
Policy Growth 5 – Presumption in favour of sustainable development	All policies apply	<p>The Local Plan policy seeks to secure development that improves the economic, social and environmental conditions in the area.</p> <p>The RSNP policies complement this approach.</p>
Policy Growth 6 – Community-led development	<p><b>SUT6</b> - Affordable housing on rural exception sites</p> <p><b>SUT23</b> – Renewable Energy</p>	<p>The Local Plan policy supports community-led development, such as schemes involving affordable housing, small business units, renewable energy generation and other appropriate uses.</p> <p>The RSNP includes a specific policy to promote community led renewable energy initiatives.</p>
Policy HOU1 – Housing Mix	<b>SUT5</b> – Housing Mix	<p>The Local Plan policy sets a broad framework for the achievement of a mix of housing within different categories of development.</p> <p>Policy SUT5 compliments this approach by identifying a particular local need for Sutton as identified by local evidence.</p>
Policy HOU2 – Housing density	<b>SUT19</b> - Design Considerations	<p>The Local Plan policy states that the housing density of a scheme will be judged on a site-by-site basis, taking into account a number of criteria.</p> <p>Policy SUT19 compliments this approach by providing specific design criteria for</p>

Local Plan Strategic Policy	Neighbourhood Plan Policy	Comment
		the consideration of development proposals as set out in the Sutton Design Code.
Policy EMP1 - Retention of existing employment sites and allocations	<b>SUT13</b> – Employment Sites <b>SUT14</b> – Elean Business Park	<p>The Local Plan policy seeks the retention of land and premises currently or last used for employment purposes.</p> <p>The RSNP includes specific reference to allowing addition development on existing employment sites and includes a specific policy to encourage further development on the Elean Business Park.</p>
Policy ENV1 – Landscape and Settlement Character	<b>SUT9</b> – Local Green Spaces <b>SUT10</b> – Heritage Assets <b>SUT11</b> - Buildings and Features of Local Interest <b>SUT12</b> – Local Character Areas <b>SUT19</b> - Design Considerations <b>SUT20</b> - Dark Skies	<p>The Local Plan policy seeks to ensure that the location, scale, form, design, materials, colour, edge treatment and structural landscaping of proposals will create positive, complementary relationships with existing development, identifying specific matters that should be taken into account.</p> <p>The identified policies in the RSNP are complimentary to Policy ENV1.</p>
Policy ENV2 – Design	<b>SUT12</b> – Local Character Areas <b>SUT19</b> - Design Considerations <b>SUT20</b> - Dark Skies <b>SUT21</b> - Flooding and Sustainable Drainage <b>SUT22</b> - Sustainable Building Practices	<p>The Local Plan policy requires new development proposals to be designed to a high quality, enhancing and complementing local distinctiveness and public amenity by relating well to existing features and introducing appropriate new designs.</p> <p>The identified policies in the RSNP are complimentary to Policy ENV2.</p>
Policy ENV7 – Biodiversity and geology	<b>SUT7</b> – Conserving and Enhancing Internationally Designated Sites <b>SUT8</b> – Biodiversity Net Gain <b>SUT19</b> - Design Considerations	<p>The Local Plan policy requires new development to protect land with biodiversity and geological value, allows for mitigation measures where appropriate and maximise opportunities for creation, restoration, enhancement and connection of natural habitats.</p> <p>The identified policies in the RSNP are complimentary to Policy ENV7.</p>
Policy ENV11 – Conservation Areas	<b>SUT 10</b> – Heritage Assets <b>SUT11</b> - Buildings and Features of Local Interest	The Local Plan policy seeks development proposals in a conservation area to be of a high standard of design and materials in order to preserve or enhance the character of the area.

Local Plan Strategic Policy	Neighbourhood Plan Policy	Comment
	<b>SUT12</b> – Local Character Areas <b>SUT19</b> – Design Considerations	<p>The identified policies in the RSNP are complimentary to Policy ENV11.</p>
Policy ENV 12: Listed Buildings	<b>SUT10</b> – Heritage Assets <b>SUT19</b> – Design Considerations	<p>The Local Plan policy sets out criteria whereby proposals that would have an impact on a listed building may or may not be permitted.</p> <p>The identified policies in the RSNP are complimentary to Policy ENV12.</p>
Policy ENV 13: Local Register of Buildings and Structures	<b>SUT11</b> - Buildings and Features of Local Interest	<p>The Local Plan policy states that proposals that affect a building or structure on the Local Register will not be permitted where it would have a detrimental impact on the visual, architectural or historic significance of the asset.</p> <p>Policy SUT11 compliments this approach.</p>
Policy COM1: Location of retail and town centre uses	<b>SUT16</b> – Retail Premises, Services and Facilities <b>SUT17</b> - Hot Food Takeaway Premises	<p>The policy identifies in what circumstances proposals for new retail development in small settlements such as Sutton will be permitted.</p> <p>The identified policies in the RSNP compliment this approach.</p>
Policy COM3: Retaining community facilities	<b>SUT16</b> – Retail Premises, Services and Facilities <b>SUT18</b> – Sport and Recreation Facilities	<p>The Local Plan policy sets out criteria against which proposals for the loss of community facilities will be considered.</p> <p>The identified policies in the RSNP compliment this approach.</p>
Policy COM7: Transport Impact	<b>SUT15</b> - Public Rights of Way <b>SUT19</b> – Design Considerations	<p>The Local Plan policy seeks to reduce the need to travel, particularly by car, and promotes sustainable forms of transport appropriate to its particular location.</p> <p>The identified policies in the RSNP compliment this approach.</p>

## 4. Compatibility with European Union Obligations and Human Rights

### **Environmental Impact and Habitat Regulations**

- 4.1 Section 4B 8 (2)(f) states that a draft Neighbourhood Plan will meet the basic conditions if, the making of the Neighbourhood Plan does not breach, and is otherwise compatible with EU obligations and the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.
- 4.2 European Union Directive 2001/42/EC requires a Strategic Environmental Assessment (SEA) to be undertaken for certain types of plan or programmes that would have a significant environmental effect. The Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations) that this is to be determined by a screening process which should use a specified set of criteria (set out in Schedule 1 of the Regulations). The results of this process must be set out in an SEA Screening Statement, which must be publicly available
- 4.3 In accordance with Regulation 9 of the Regulations, Sutton Parish Council requested East Cambridgeshire District Council, as the responsible body, to consider whether a strategic environmental assessment and habitats regulation assessment of the Sutton Neighbourhood Plan is required. The District Council subsequently made this determination following consultation with the statutory consultees. The determination is set out in a report published in October 2023 and the conclusion of the determination was subsequently confirmed by the appropriate statutory bodies. In line with Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) the screening determination is also submitted to East Cambridgeshire District Council alongside the Neighbourhood Development Plan.

### **Human rights and equality impact assessment**

- 4.4 The overall purpose of the Neighbourhood Development Plan is to improve the quality of life for people living and working now and in the future in the parish from an environmental, social and economic point of view. The aims and policies in the Neighbourhood Plan have been formulated in response to local people's views and in the light of evidence gathered for the parish, in order to meet the needs expressed and address the issues identified. In order to confirm that the RSNP does not have any unintended consequences for particular groups the strategic aims and the policies in the Plan have been systematically scrutinised to ensure that they do not disadvantage any potentially vulnerable groups. The Equality Act 2010 places a duty on all public authorities in the exercise of their functions to have regard to the need to eliminate discrimination, to advance equality of opportunity, and to foster good relations between persons who have a "protected characteristic" and those who do not. "Protected characteristics" are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. This section assesses the Submission Draft of the RSNP to ensure that Sutton Parish Council is satisfying its statutory duties in this regard. An assessment has been made on whether the objectives and the policies in the Neighbourhood Plan have a positive, negative or neutral impact on those with protected characteristics. The purpose of each of the objectives and the policies in the Neighbourhood Plan are provided, and their likely impact on persons with protected characteristics is assessed.

## Impact of Objectives of Sutton Neighbourhood Development Plan on Persons with Protected Characteristics

RSNP Objectives	Outcome for persons with Protected Characteristics
Objective 1. The important habitats and natural assets of the Parish should be protected and strengthened and, where appropriate, opportunities for their enjoyment by residents should be enhanced.	Seeks to improve biodiversity and minimise impact on the natural environment.  Neutral impact for persons with protected characteristics
Objective 2. All new development should be focussed on the way it can best meet the needs of the residents of the Parish, young and old.	Seeks to ensure that new housing is of a type that meets local needs  Positive impact for persons with protected characteristics.
Objective 3. New housing should be delivered in a way that ensures it is supported by essential community infrastructure and that ensures the character of the village, in particular the central core and conservation area, is retained and, wherever possible, enhanced.	Minimises the impact of development on the village  Neutral impact for persons with protected characteristics
Objective 4. Existing shops, services and community infrastructure should be protected and supported by the policies of the Plan to ensure that Sutton remains a thriving and fully inclusive rural community.	Ensures that community opportunities exist to support the village  Broadly positive impact on persons with protected characteristics
Objective 5. Small businesses and the opportunities provided to the local workforce should be supported and strengthened through a positive approach to rural diversification and enterprise.	Ensures that economic opportunities exist to support the village  Broadly positive impact on persons with protected characteristics
Objective 6. All new development to be delivered in a way which facilitates improvements for pedestrians and cyclists alongside adequate vehicular access and where possible promotes public transport links.	Seeks to ensure that new development does not have detrimental impacts  Broadly positive impact for persons with protected characteristics
Objective 7. The retention, provision and productive use of open space and leisure facilities in and around the village should be secured wherever reasonably possible.	Seeks to ensure that new development does not have detrimental impacts  Broadly positive impact for persons with protected characteristics
Objective 8. The character and quality of the historic environment will be protected and enhanced.	Seeks to protect the historic environment  Neutral impact for persons with protected characteristics

## Impact of Sutton Neighbourhood Development Plan Policies on Persons with Protected Characteristics

Policy	Purpose	Outcome for persons with Protected Characteristics
SUT 1	To provide a strategy for the location of new development within the neighbourhood plan area	Ensures that new development is appropriate to the scale and nature of the settlement  Neutral impact for persons with certain protected characteristics
SUT 2	Supports the delivery of new housing that meets locally identified needs	Ensures that opportunities are available for the construction of new homes in the plan period.  Positive impact for persons with certain protected characteristics
SUT 3	Allocates land for up to 53 new dwellings	Provides for new housing to meet existing and future local needs.  Positive impact for persons with certain protected characteristics
SUT 4	Allocates land for up to 10 new dwellings	Provides for new housing to meet existing and future local needs.  Positive impact for persons with certain protected characteristics
SUT 5	Type and size of new housing	Ensures that new housing is of a type to meet existing and future local needs.  Positive impact for persons with certain protected characteristics
SUT 6	Provides for rural exception sites	Ensures that new affordable housing is provided to meet existing and future local needs.  Positive impact for persons with certain protected characteristics
SUT 7	Seeks to conserve and enhance Internationally Designated Sites	Ensures designated sites are duly protected.  Neutral impact for persons with certain protected characteristics
SUT 8	To secure net gain for biodiversity.	Protects biodiversity interests.  Neutral impact for persons with certain protected characteristics
SUT 9	Designates a number of sites as local green space as per NPPF criteria.	Identifies 10 specific sites for protection from development.  Broadly positive impact for persons with certain protected characteristics
SUT 10	Protects heritage assets within the	Protects heritage interests.

Policy	Purpose	Outcome for persons with Protected Characteristics
	Neighbourhood Plan area.	Neutral impact for persons with certain protected characteristics
SUT 11	Seeks to retain and protect local heritage assets.	Ensures locally recognised buildings and features are retained. Neutral impact for persons with certain protected characteristics
SUT 12	Designates areas of special character	Ensures new development reflects local characteristics and contributes to a high quality sustainable environment. Neutral impact for persons with certain protected characteristics
SUT 13	Supports the provision of business development.	Ensures that new economic development is provided to improve the local economy. Broadly positive impact for persons with certain protected characteristics
SUT 14	Promotes economic development	Ensures that new economic development is provided to improve the local economy. Broadly positive impact for persons with certain protected characteristics
SUT 15	Promotes active travel.	Encourages public rights of way to be maintained and enhanced Neutral impact for persons with certain protected characteristics
SUT 16	Supports the retention and improvement of community facilities and services in the village	Ensures existing facilities and services are retained Broadly positive impact for persons with certain protected characteristics
SUT 17	Seeks to limit adverse impacts from hot food takeaways	Ensures local provision is appropriate. Neutral impact for persons with certain protected characteristics
SUT 18	Supports the improvement and protection of open space, sport and recreation facilities	Ensures that opportunities for sport and recreation are available in the neighbourhood area. Broadly positive impact for persons with certain protected characteristics
SUT 19	Provides design criteria for new development.	Ensures new development includes reference to various design features and considerations. Broadly positive for persons with certain protected characteristics
SUT 20	Manages the detrimental impact of lighting on the countryside.	Limits the detrimental impact of inappropriate lighting in the neighbourhood area. Neutral impact for persons with certain protected characteristics
SUT 21	Provides development criteria for managing flood	Ensure new development is appropriately located to avoid flood risk.

Policy	Purpose	Outcome for persons with Protected Characteristics
	risk and providing sustainable drainage	Broadly positive for persons with certain protected characteristics
SUT 22	Seeks to promote sustainable building practices	Encourages use of efficient materials and building practices. Broadly positive for persons with certain protected characteristics
SUT 23	Supports provision of local energy solutions.	Encourage local renewable energy provision. Broadly positive for persons with certain protected characteristics

4.5 Certain protected characteristics are not affected by the RSNP, namely gender reassignment, race, religion, or sexual orientation. For persons with these characteristics, the Plan has a neutral effect. Where policies in the Plan would adversely affect persons with these protected characteristics, they would not be differently affected than persons without these characteristics. For example, if a person with these protected characteristics were disadvantaged by a policy, it would have the same consequence for a person without the protected characteristic who wished to do the same thing. Similarly, if a person with one of these protected characteristics were to benefit from a policy, it would have the same benefit for a person without the protected characteristic in the same circumstances.