

Sutton Neighbourhood Plan

Parish Council response to Examiner's Clarification Note

March 2024

The Neighbourhood Plan Examiner published a Clarification Note on 11 March 2024. This paper provides the Parish Council's response to the questions raised in the Note.

Policy SUT2 – Housing

The Examiner asks for the Parish Council's comments on the District Council's representation about the way in which the residential development of Site 1/NP4 (north of The Brook/west of Mepal Road) should be addressed and safeguarded.

The District Council acknowledges that "the site does indeed have planning permissions in place, and the probability is that such a site will be completed in accordance with such permissions, there is always the possibility that this may not be the case.

Parish Council response:

The reserved matters application for this site (ECDC reference 22/00507/RMM) was approved on 8 December 2022. The site is fenced off but development has yet to commence.

The inclusion of a new policy at this stage would likely require further consultation. We are content for the Examiner to determine whether a new policy is required.

Policy SUT 3 - Land East of Garden Close

The Examiner requests an update on the progress of planning applications on Garden Close.

Parish Council response:

Planning application 23/00870/RMM (Reserved matters for outline planning application 18/01053/OUM for 41 residential dwellings including Appearance, Layout Scale and Landscaping, along with parking and open space) was approved by East Cambridgeshire District Council on 11 March 2024.

Furthermore, application 22/00057/RMM (Reserved Matters for appearance, landscaping, scale and layout for the erection of 47 homes including public open space of previously approved outline planning application 17/01445/OUM for erection of up to 53 houses was refused by the District Council on 27 April 2023 and is currently the subject of an appeal.

Policy SUT 5 - Housing Mix

The Examiner notes that the "relationship between the percentage figures in the policy and the findings of the Housing Needs Assessment (in paragraph 6.12) is self-evident."

The Examiner asks:

1 - is the mathematical and prescriptive nature of the policy either realistic or deliverable? and

2 - is the deliverability of the policy likely to be related to the size of residential developments?

Parish Council response:

1 - The Parish Council acknowledges that it will not be possible to deliver the precise mathematical split of housing on a development as the division would result in a fraction of a number. For this reason, the Examiner might like to consider whether a number within a range of perhaps 5% for each house size would be provide greater certainty for developers and decision makers? In other words, where there is a requirement for 23% for one bedroomed dwellings, proposals should be within a range of 20-25%.

2 – The deliverability of the policy will rely on a development being of a size to achieve a mix. As such, the Examiner might consider whether applying the policy to proposals for large sites of ten or more dwellings would be more deliverable.

Policy SUT 6 - Affordable Housing on Rural Exception Sites

The Examiner asks whether the submitted policy bring any added value to the delivery of affordable housing on rural exception sites beyond that already included in national and local planning policies?

Parish Council response

It is considered that Policy HOU4 in the adopted Local Plan (Affordable housing exception sites) is out of date and does not reflect the content of the NPPF, most recently published in December 2023. Equally, the NPPF does not provide detail as to how the need for a rural exception site housing at a local level would be identified and delivered.

By way of example, the Local Plan policy does not specify the requirement for housing to be let, in the first instance, to those with a demonstrated local need or provide the mechanism for allocating occupation of such housing.

Policy SUT 8 – Biodiversity Net Gain

The Examiner asks whether the need for this policy has now been overtaken given that the key elements of the Environment Act are now in place?

Parish Council response

In drafting the policy it was always acknowledged that the implementation of the Environment Act would render elements out of date and redundant. At the time, there was uncertainty as to when the Act would be implemented in relation to biodiversity net gain (BNG).

Notwithstanding the implementation, there are elements of the policy that are not covered by the statutory requirements for delivering BNG and which the Parish Council considers should remain in the Neighbourhood Plan. These relate to the support for BNG in householder applications and to the requirement for replacement hedgerows where a new access would result in the loss of an existing hedgerow.

Policy SUT 9 – Local Green Spaces

The Examiner asks whether the Parish Council has any comments on the proposal to add policy wording at the end of the policy to reflect the national approach on local green spaces taken in paragraph 107 of the NPPF.

Parish Council response

The Parish Council acknowledges that the approach to the inclusion of this wording is mixed amongst neighbourhood plans. Indeed, the recently examined Plan for Reach does not contain such wording. The Parish Council considers that, although the NPPF paragraph number will require updating, paragraph 7.13 of the submitted Neighbourhood Plan explains how proposals on Local Green Space will be considered and it may not be necessary for such wording to be added to Policy SUT 8 in order to meet the Basic Conditions.

Policy SUT 17 – Hot Food Takeaway Premises

The Examiner asks:

- i. whether the policy is intended to apply throughout the neighbourhood area or only within the village centre; and
- ii. if the intention is the latter, would the village centre have the same geographic area as applied in Policy SUT16 (and as shown on the Policies Map).

Parish Council response

It is the intention that the policy would apply to the village centre and that would be coterminous with the Village Centre boundary identified on the Policies Map.

Policy SUT 19 – Design Considerations

The Examiner asks whether criteria j. and k. are now needed given that the issues addressed are now managed nationally through the Building Regulations

Parish Council response

In respect of criterion j. it is agreed that the Building Regulations satisfactorily address the requirements for the provision of broadband ducting.

In terms of criterion k. Part S1 of the Building Regulations require all new build homes have an EV charging point. The Local Plan and the East Cambridgeshire Design Guide supplementary planning document ((2012) are silent on the provision of electric vehicle charging points.

However, Part S1 only requires cabling to additional parking spaces in a dwelling whereas criterion k. requires one electric vehicle charging point per new off-street residential parking place created. The Neighbourhood Plan seeks to future proof development, recognising the high levels of car ownership in the village, and ensuring that new dwellings are fitted with charging points for each space rather than just having one charger to share between vehicles.

The Parish Council considers that the Building Regulations do not necessarily reflect the circumstances of a rural settlement such as Sutton but we defer to the Examiner to decide whether the criterion is necessary.

Representations

As requested by the Examiner, the Parish Council provides a table below with responses to the comments received, addressing in particular the points raised by:

- the Environment Agency;
- the RSPB; and
- the British Horse Society.

This is followed by comments received by other bodies and individuals. Please note that the full response from the bodies is not reproduced in this table.

Summary Comment	Parish Council response
Environment Agency	
The Environment Agency were consulted at Regulation 14 stage, but no comments were received.	
The Environment Agency comments about Policy NP4 in the made Neighbourhood Plan.	The comments in relation to allocated sites are noted.
The Agency seeks the inclusion of the following wording in Policy SUT7:	The Parish Council notes the suggestion in relation to Policy SUT7 to add “ <i>There will be a general presumption in favour of development that enhances designated sites, such as through the Ouse Washes Habitat Creation Project.</i> ” to the end of the policy. However, we consider that the policy necessarily takes a precautionary approach to development proposals that could impact on internationally designated sites, while also identifying suitable mitigations measures that could incorporate habitat creation.
There will be a general presumption in favour of development that enhances designated sites, such as through the Ouse Washes Habitat Creation Project.	
The Agency provides comments on foul water treatment capacity and flooding but does not put forward any required changes to policy.	The comments in relation to foul water treatment capacity and flooding are noted.
The RSPB	
The RSPB did not comment at Regulation 14 stage.	
The RSPB supports the Environment Agency’s suggestion to include wording within this policy to support habitat creation that will enhance the Ouse Washes designated site along the lines of ‘There will be a general presumption in favour of	The Parish Council notes that the RSPB supports the suggestion for a “presumption in favour of development” made by the

Summary Comment	Parish Council response
development that enhances designated sites, such as through the Ouse Washes Habitat Creation Project.’	Environment Agency. We have nothing further to add to our response to the Environment Agency.
<p>The British Horse Society The Society did not respond at Regulation 14 stage</p>	
<p>The Society has submitted an extensive response, focusing primarily on Policy SUT 15 – Public Rights of Way and Community Action 8 – Cycle Routes.</p> <p>In terms of Policy SUT 15, the Society appears to be generally supportive, but seeks that any new public right of way should be a bridleway or byway and asks if there are opportunities to upgrade footpaths to bridleways or byways.</p> <p>The Society states, in relation to paragraph 10.7, that any new permissive paths should include equestrians, as horse riding is a recognised form of exercise, and many middle-aged women, who may not otherwise take exercise, would benefit from more off-road paths, enabling them to also achieve healthy lifestyles.</p> <p>In relation to Community Action 8, the Society seeks consideration is given to equestrians and disabled mobility scooters when considering changes to road layouts and that any changes/‘improvements’ to road layouts for the benefit of cyclists must not put equestrians at greater risk.</p> <p>The Society asks that the Neighbourhood Plan is amended to address the omission of equestrians, as there is no mention of them at all, and whilst they may be in the minority this group should still be taken into consideration.</p>	<p>Policy SUT 15 The comments are noted but it should be recognised that it may not always be physically possible to meet the requirements of a bridleway or byway when a new Public Right of Way is created.</p> <p>Paragraph 10.7 The comments are noted but it should be recognised that it may not always be physically possible to meet the requirements of a bridleway or byway when a new permissive path is created.</p> <p>Community Action 8 – Cycle Routes The intention of this community action is to improve the highway network to make provision for dedicated cycle routes to enable commuting to nearby centres. The detail in relation to design and inclusivity is a matter for the highways authority at the time any routes are created.</p> <p>These are primarily matters for the highways authority as the Parish Council is not responsible for highways improvements and the neighbourhood plan policies can only relate to matters that require planning consent.</p>
<p>Other responses</p>	

Summary Comment	Parish Council response
<p>Andrew Smith Requests deletion of reference to EU obligations</p>	<p>The UK Government has not rescinded the EU obligations and the neighbourhood plan still has to be prepared with regard to them.</p>
<p>Anglian Water</p>	<p>Anglian Water commented at Regulation 14 stage. Nothing further to add.</p>
<p>NHS Property Services / Cambridgeshire Peterborough Integrated Care System</p> <p>Put forward a long list of bullet points for inclusion in site specific policies.</p>	<p>It is noted that a long list of bullet points for site specific policies are proposed. We are content for the Examiner to consider whether these are necessary for inclusion in Policies SUT3 and SUT 4 given their planning status.</p>
<p>Fenland District Council</p> <p>Reference is made to a new reservoir north of Chatteris and suggest that the replacement SNP could recognise the potential opportunity to access the reservoir using active travel modes and incorporate appropriate wording to support the provision of active travel routes from Sutton to the reservoir.</p>	<p>The comments concerning the possible new reservoir and the possibility of providing an active travel route from Sutton to the reservoir are noted. It is not considered necessary to amend any planning policies in the Plan to recognise this opportunity, particularly as most of the route is outside the Neighbourhood Area.</p>
<p>Natural England</p> <p>Natural England does not have any specific comments on this draft neighbourhood plan.</p>	<p>Natural England responded at the Regulation 14 stage.</p> <p>Nothing further to add.</p>
<p>Historic England</p> <p>Did not consider it necessary for Historic England to provide detailed comments at this time.</p>	<p>Historic England responded at the Regulation 14 stage.</p> <p>Nothing further to add.</p>
<p>National Highways</p> <p>Note the details of set out within the draft document are unlikely to have an severe impact on the operation of the trunk road and offer no comment.</p>	<p>National Highways responded at the Regulation 14 stage.</p> <p>Nothing further to add.</p>
<p>East Cambridgeshire District Council</p> <p>Question deletion of NP4 from the Made Plan</p> <p>Suggest the deletion of Policy SUT8</p>	<p>This is addressed in response to an Examiner Question above.</p> <p>This is addressed in response to an Examiner Question above.</p>

Summary Comment	Parish Council response
<p>The District Council highlights some typos on Map 5 and SUT 9</p> <p>Suggest amendment to Policy SUT11 to reflect the wording in the Made Reach Neighbourhood Plan</p> <p>Suggest amendment to Policy SUT 13 as the District Council still considers that the paragraph might not be interpreted in that way. It is suggested that the opening to the first paragraph be amended to: “Proposals to expand existing businesses, including those...”</p> <p>Suggest amendments to Policy SUT 20 and Policy SUT 22 to reflect the wording in the Made Reach Neighbourhood Plan</p>	<p>Typos can be corrected in the final Plan without impacting the Basic Conditions.</p> <p>The Parish Council acknowledges that the policy in the Reach Neighbourhood Plan, whilst similarly worded to SUT 11, has some variations. We are content that the Examiner will determine whether changes to the policy, as suggested by the District Council, are required in order to meet the Basic Conditions.</p> <p>The Parish Council is content that the Examiner will determine whether changes to the policy, as suggested by the District Council, are required in order to meet the Basic Conditions.</p> <p>The Parish Council is content that the Examiner will determine whether changes to the policies as suggested by the District Council, are required in order to meet the Basic Conditions.</p>

