

Decision Statement (Reg. 18): Sutton Replacement Neighbourhood Plan

23 May 2024



East Cambridgeshire
District Council

Purpose

This Decision Statement has been prepared and published in accordance with Regulation 18(2) of the Neighbourhood Planning Regulations 2012 (as amended). This statement sets out East Cambridgeshire District Council's decision and proposed actions following receipt of the Examiner's Report into the Sutton Replacement Neighbourhood Plan.

This decision has been taken by the Director, Community as per the Council's Constitution (Part 3(23), version March 2024).

The Sutton Replacement Neighbourhood Plan (as examined), this Decision Statement and the Examiner's Report are available to view and download from the Council's website at <https://www.eastcambs.gov.uk/local-development-framework/sutton-neighbourhood-plan>. Subject to a request in advance, paper or electronic copies may be inspected at East Cambridgeshire District Council's Customer Service Centre at The Grange, Ely, Cambridgeshire CB7 4EE during normal opening times. Please refer to the Council's website for details.

Further information about the neighbourhood planning process, including the purpose of the examination and referendum, is provided on the Council's website.

Background

The Sutton Neighbourhood Area was designated by East Cambridgeshire District Council in January 2015, and updated in May 2021. A map of the Area can be found at:

<https://www.eastcambs.gov.uk/sites/default/files/Map%20of%20Sutton%20Neighbourhood%20Area%20May%202021.pdf>

The Sutton Replacement Neighbourhood Plan (the Plan) and supporting evidence documents, were submitted to the Council by Sutton Parish Council on 10 December 2023.

The Council published the Plan for consultation from 2 January to 14 February 2024. Following publication, the District Council submitted the Plan for independent examination.

The main purpose of the independent examination is to assess whether or not the Plan satisfies certain "basic conditions" and other legal requirements which must be met before a Neighbourhood Plan can proceed to a local referendum.

The independent Examination was primarily held during March and April 2024. The Plan was examined by Mr Andrew Ashcroft MRTPI. The examination was carried out through written representations, meaning no public hearing session was required, and included a site visit to the Neighbourhood Area.

Examiner's Recommendations and the Council's Decision

The independent Examiner's recommendations are set out in the *Examiner's Report* available at the following web address and should be read alongside this Decision Statement:

<https://www.eastcambs.gov.uk/local-development-framework/sutton-neighbourhood-plan>

In his report, the Examiner concludes that, subject to applying a number of *recommended modifications*, the Plan meets the basic conditions for the preparation of a neighbourhood plan.

The Examiner also confirms that he is satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act.

Consequently, the Examiner concludes that provided his recommended modifications are applied, the Sutton Replacement Neighbourhood Plan would meet the basic conditions and should proceed to a referendum.

The Examiner's recommendations are summarised in Appendix 1 of this statement.

The regulations require the District Council to take a decision as to what action to take in response to the recommendations of the Examiner, including what modifications to make to the draft plan. The Council has decided, following consultation and agreement with Sutton Parish Council (the *Qualifying Body*), that the Sutton Replacement Neighbourhood Plan will be modified as per the Examiner's recommendations.

Based on the Examiner's findings and recommendations, the District Council is satisfied that the Sutton Replacement Neighbourhood Plan, where modified as informed by the Examiner's recommendations, meets the basic conditions and is otherwise legally compliant.

Referendum arrangements

Following this decision, the District Council will proceed to arrange and hold a referendum. The purpose of the referendum is to enable local people to vote on whether the District Council should use the Sutton Replacement Neighbourhood Plan (once the recommendations of the Examiner have been incorporated) in taking planning decisions.

Where the Sutton Replacement Neighbourhood Plan is supported by the majority of voters, the plan will thereafter be 'made' by East Cambridgeshire District Council and will form a part of the Development Plan for East Cambridgeshire.

The Examiner is required to consider whether the referendum area should be extended beyond the Sutton Neighbourhood Area boundary (the Sutton Neighbourhood Area's boundary is coterminous with Sutton Civil Parish boundary). The Examiner concluded that such an extension is not necessary. East Cambridgeshire District Council has no reason to disagree and will proceed on that basis.

The referendum will be held within 56 working days of publication of this Decision Statement, as per the statutory requirements. Formal details of the referendum arrangements will be confirmed on publication of the Information Statement in due course. Please keep up to date by viewing our website.

Summary

East Cambridgeshire District Council is satisfied that, subject to applying the modifications recommended by the independent Examiner, the Sutton Replacement Neighbourhood Plan meets the basic conditions and other legal requirements and will proceed to referendum.

Attached:

Appendix 1: Summary of Examiner's Recommendations

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The following table provides a summary of the Examiner's recommendations. For full details, refer to the Examiner's Report. If there is any conflict between what is summarised below and what is stated in the Examiner's Report, then the content of the Examiner's Report takes precedence.

Table 1: Summary of Independent Examiner's recommendations

Examiner's report paragraph no.	Neighbourhood Plan (submission version) reference	Recommendation
7.9	Para 1.7	In paragraph 1.7 replace the first reference to '2021' with '2018'. At the end of the paragraph add: 'The Plan period is 2023 to 2036.'
7.25	Para 6.9	Replace the final element of paragraph 6.9 with: 'Planning 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 (as at April 2024). Separately, 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. Given the ongoing uncertainty with the delivery of this site, the policy in the 2019 Neighbourhood Plan remains appropriate and is retained in this replacement Plan.'
7.33	Policy SUT 5	In the first part of the policy replace 'must' with 'should'
7.33	Policy SUT 5	In the second part of the policy replace: <ul style="list-style-type: none"> • '23%' with 'approximately 25% • '47%' with 'approximately 45% • '18%' with 'approximately 20% • '12%' with 'approximately 10%
7.33	Policy SUT 5	After the second part of the policy add (as a new paragraph): 'Development proposals which would incorporate four-bedroom homes and a revised split between house sizes as shown in this policy will be supported where it can be demonstrated that the overall package would deliver development plan policies and otherwise be consistent with the findings of the Sutton Housing Needs Assessment 2021.'
7.33	Para 6.12	Delete the final sentence of paragraph 6.12.

7.36	Policy SUT 6	In the second part of the policy replace 'Applications' with 'Proposals'
7.36	Policy SUT 6	In the fourth part of the policy replace 'Any application' with 'Proposals'
7.36	Policy SUT 6	In the fifth part of the policy replace 'permitted' with 'supported'
7.41	Policy SUT 7	In the first and second parts of the policy replace 'permitted' with 'supported'
7.44	Policy SUT 8	<p>Replace the policy with:</p> <p>'Wherever practicable, householder proposals should incorporate an element of biodiversity gain into their designs, such as bird boxes, insect hotels, bee blocks, swift bricks, bat boxes and/or hibernation holes.</p> <p>Where a new access is created into a development proposal, or an existing access is widened through an existing hedgerow, a new hedgerow of native species should be planted on the splay returns into the site to maintain the appearance and continuity of hedgerows in the immediate vicinity.'</p>
7.44	Para 7.8	<p>Replace paragraph 7.8 with:</p> <p>'The minimum requirements for biodiversity net gain required by the Environment Act now have effect. In addition to national legislation, within the neighbourhood area, residents and developers are encouraged to deliver a measurable net gain in biodiversity as part of planning proposals. Cambridgeshire County Council has produced a Biodiversity Checklist and Biodiversity Guidance Notes which provides more information on habitats for developers and the District Council's "Natural Environment" Supplementary Planning Document provides a framework for the consideration of proposals. Given that the Supplementary Planning Document has gone through a consultation process ahead of it being adopted, Policy SUT8 is included in the replacement Plan to ensure it is given greater weight when determining planning applications. It has been carefully designed to complement national legislation. It applies to householder proposals and to proposals which create new or enhanced access points.'</p>
7.47	Para 7.13	In paragraph 7.13 replace '102' with '106'
7.47	Map 5	On Map 5 clarify the location of LGS7 and 8
7.47	Policy SUT 9	Immediately prior to the policy, replace 'sites 8-10 are additions' with 'sites 8-12 are additions'
7.49	Policy SUT 10	In the opening element of the policy replace 'must' with

		'should'
7.52	Policy SUT 11	Replace the first part of the policy with: 'Development proposals should ensure that the retention and protection of local heritage assets and buildings of local significance as identified in the East Cambridgeshire Register of Buildings of Local Interest (February 2017) or any adopted subsequent Register are appropriately secured.'
7.59	Policy SUT 13	In the first part of the policy replace 'a detrimental impact' with 'an unacceptable impact'
7.59	Policy SUT 13	Replace the opening element of the second part of the policy with: 'Insofar as planning permission is required, proposals for non-employment or business uses that have the potential to conflict with existing employment uses or employment generation will only be supported where one or more of the following criteria applies:'
7.69	Policy SUT 17	Replace 'Proposals for hot food takeaway uses will be permitted where:' with 'Proposals for hot food takeaway uses within the defined Village Centre boundary will be supported where:'
7.69	Policy SUT 17	Delete the third part of the policy.
7.69	Para 11.8	At the end of paragraph 11.8 add: 'The approach taken in Policy SUT17 will also apply to proposals to relax or vary conditions to allow hot food takeaway facilities in conjunction with existing restaurants, cafés and other hospitality uses.'
7.77	Policy SUT 19	Replace the opening element of the policy with: 'Development proposals should reflect the local characteristics in the neighbourhood area and create and contribute to a high quality, safe and sustainable environment. As appropriate to their scale, nature and location, development proposals should demonstrate how they satisfy the requirements off the Development Design Checklist in Appendix 1 of the Neighbourhood Plan and take account of the National Model Design Codes and the Sutton Design Guidance and Codes (October 2021).'
7.77	Policy SUT 19	Delete criteria j and k
7.77	Policy SUT 19	In criterion h replace 'possible' with 'practicable'
7.77	Policy SUT 19	Replace the final part of the policy with:

		'The provision of off-highway public car parking should be accompanied by ducting and cabling to enable charging points to be provided at every space.'
7.79	Policy SUT 20	Replace the first sentence of the policy with: 'Wherever practicable, development proposals should respond positively to the dark sky environment of the parish and avoid the use of streetlights.'
7.79	Policy SUT 20	In the second sentence delete 'future'
7.79	Para 12.8	At the end of paragraph 12.8 add: 'Policy SUT7 addresses this matter. The Parish Council recognises that the dark skies environment needs to be balanced with the safety of individual properties and the wider highways network.'
7.83	Policy SUT 21	Replace 'Proposals should, as appropriate, include the use of above-ground open Sustainable Drainage Systems (SuDS)' with 'As appropriate to their scale, nature and location, development proposals should include the use of above ground open Sustainable Drainage Systems (SuDS).'
7.86	Policy SUT 22	Replace the opening elements of the policy with: 'Proposals that incorporate latest best practice in energy conservation will be supported where such measures are an integral element of the design of the buildings and minimise any impacts on the buildings or their surroundings. As appropriate to their scale, nature and location, development proposals should:'
7.88	Policy SUT 23	Replace 'significant adverse' with 'unacceptable'
7.92	General Text	Modification of general text (where necessary) to achieve consistency with the modified policies and to accommodate any administrative and technical changes.
7.93	General Text	Update any references in the Plan either to the date of the NPPF or to its paragraph number (where necessary).
7.94	Page 7	Revise the wording in the Parish Referendum box on page 7 by deleting 'Modifications.... decide.'