



# Decision Statement (Reg. 18): Mepal Neighbourhood Plan

22 March 2024

## 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 Mepal Neighbourhood Plan.

This decision has been taken by the Director, Community as per the Council's Constitution (Part 3(24), version July 2023).

The Mepal Neighbourhood Plan (as examined), this Decision Statement and the Examiner's Report are available to view and download from the Councils website<sup>1</sup>. 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 Mepal Neighbourhood Area<sup>2</sup> was designated by East Cambridgeshire District Council in February 2022.

The Mepal Neighbourhood Plan (the Plan) and supporting evidence documents, were submitted to the Council by Mepal Parish Council on 13 October 2023.

The Council published the Plan for consultation from 2 November to 15 December 2023. Comments were received from ten respondents during this period. 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 from January 2024 to early March 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.

## Council's Decision

The independent Examiner's recommendations are set out in the *Examiner's Report*<sup>3</sup> which accompanies this Decision Statement.

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<sup>1</sup> <https://www.eastcambs.gov.uk/local-development-framework/Mepal-neighbourhood-plan>

<sup>2</sup> A map of Mepal Neighbourhood Area is available at: <https://www.eastcambs.gov.uk/local-development-framework/neighbourhood-planning>

<sup>3</sup> The Examiner's Report is available at <https://www.eastcambs.gov.uk/local-development-framework/Mepal-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 Mepal 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 Mepal Parish Council (the *Qualifying Body*), that the Mepal 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 Mepal 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 Mepal Neighbourhood Plan (once the recommendations of the Examiner have been incorporated) in taking planning decisions.

Where the Mepal 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 Mepal Neighbourhood Area boundary (the Mepal Neighbourhood Area's boundary is coterminous with Mepal 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 Mepal Neighbourhood Plan meets the basic conditions and other legal requirements and will proceed to referendum.

### **Attached:**

Appendix 1: Summary of Examiner's Recommendations

## Appendix 1: Summary of Examiner's Recommendations

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
7.27	Policy 2	<p>In the second paragraph delete 'including through income generation'</p> <p>In the third paragraph replace 'policies; provided' with 'policies and where'</p> <p>Replace the fourth paragraph with:</p> <p>'Proposals that would result in the loss of the following community assets (as shown on Map 3) will not be supported unless it can be demonstrated that:</p> <ul style="list-style-type: none"> <li>a) they are poorly used; or</li> <li>b) they are no longer viable; or</li> <li>c) a replacement facility is provided elsewhere in Mepal which delivers an equivalent service or community facility to the one which would be lost and is located where it is equally or more accessible to the existing and planned new community it is intended to serve.' </li></ul>
7.27	Para 20.12	<p>At the end of paragraph 20.12 add:</p> <p>'Policy 2 of this Plan has been designed to be complementary to the provisions of Policy COM3 of the Local Plan. In addition, it identifies specific facilities to which the policy will apply.'</p>
7.36	Policy 4	<p>Delete the first part of the policy.</p> <p>Replace the second part of the policy with:</p> <p>'Development proposals should incorporate adequate on-site provision for the storage of refuse collection bins. Wherever practicable, the storage facilities provided should be screened from the highway and any other public vantage points and be easily accessible to the collection point.'</p>
7.41	Policy 5	<p>In the first part of the policy delete</p> <p>'To support climate change mitigation'</p>
7.45	Para 23.6	<p>At the end of paragraph 23.6 add:</p> <p>'Policy 6 does not set out an overall policy approach towards heritage assets because the Local Plan and the NPPF are considered to address this sufficiently already. In terms of non-designated heritage assets, the East Cambridgeshire Buildings of Local Interest Register that had been produced under Policy ENV13</p>

		of the Local Plan does not include any buildings in Mepal. The Neighbourhood Plan has used the same criteria as used by the District Council to define non-designated heritage assets as 'Buildings of Local Interest' and uses the same terminology.'
7.49	Policy 7	Replace the final part of the policy with:  'As appropriate to their scale, nature and location, development proposals should actively enhance or promote the identified important views and vistas.'
7.52	Policy 8 (General design and character)	In the first sentence replace 'All new development' with 'Development proposals'  At the beginning of the second sentence add: 'As appropriate to their scale, nature, and location, proposals for'
7.57	Policy 8 (Important Undeveloped Sutton Road Village Gateway)	Delete the second part of the policy
7.57	Para 24.6	Delete paragraph 24.6 and the designation and the key from Map 8
7.67	Policy 8 (Verdant Open Areas)	Retain the opening part of the policy. Thereafter replace the remainder of the policy with: 'Proposals for built development within the Verdant Open Spaces will not be supported. Other development proposals should safeguard the openness of the Spaces and reflect their importance to the character and setting of the village. Other development proposals which would lessen the contribution that these two areas make to the character and setting of the village in terms of their undeveloped and verdant nature will not be supported.'
7.67	Para 24.7	Divide paragraph 24.7 into two separate paragraphs and include additional information on Church Field as follows:  'The setting of the village and the relationship to the Ouse Washes are important characteristics that contribute positively to the local distinctiveness of the village. Church Field is identified as a Verdant Open Area. The Church enjoys a verdant open setting made up of the County Wildlife Site to the north, the Cemetery to the west and the open fields that lie between the Church and School Lane and Bridge Road. The Church of St Mary is a Grade II* listed building and has particular significance. It is unusual for a parish church that it is not located within the built extent of the village but is instead in the countryside. This appears in part to be due to the modern village not being in the same location as the medieval village. Its verdant and undeveloped setting forms an important part of the significance of the Church as a listed building. Retaining the current countryside setting of the Church is therefore considered fundamental to conserving this heritage asset in a manner appropriate

		<p>to its significance, so that it can be enjoyed for its contribution to the quality of life of existing and future generations. Development to date in the village has involved land parcels that have been farmyards or gardens, whereas Church Field has been undeveloped since the medieval settlement disappeared. The Church Field Verdant Open Space also incorporates a footpath which runs from Bridge Road/School Lane to the south and east to St Mary's Church to the north and west.</p> <p>The Fenced Acre (area of trees and water east of A142 bridge) is another important verdant open area which contributes to the character and setting of the village. This area is understood to be owned by the Environment Agency. The County Wildlife Site and The Ouse Washes are also protected by Policy ENV 7 (Biodiversity and geology) of the Local Plan.'</p>
7.74	Policy 8 (The Bridge Road Area Sensitive to Change and Intensification)	<p>Replace the second sentence with:</p> <p>'Development proposals in the defined Area should demonstrate that they would not individually or cumulatively adversely affect the Ouse Washes and respects the semi-rural character of Bridge Road.'</p> <p>Replace 'Additional intensification in this part of the village will not be supported where it:' with 'Development proposals in the Area Sensitive to Change and Intensification will not be supported where they:'</p> <p>Replace the first bullet point with: 'would conflict with the semi-rural character of Bridge Road.'</p>
7.74	Para 24.9	<p>In the supporting text replace 'Additional intensification in this part of the village would result in the complete loss of the traditional separation between the main core of the village and the Ouse Washes with 'Further development in this part of the village could affect the traditional separation between the main core of the village and the Ouse Washes.'</p>
7.77	Policy 9	<p>Replace the policy with:</p> <p>'As appropriate to their scale, nature, and location, the boundary treatments and ant public realm works should respond positively to the setting and character of the site concerned and how it will contribute to the delivery of high quality streets, pavements, and other publicly accessible areas.</p> <p>Development proposals which would have an unacceptable impact on boundary treatments, landscaping, hedgerows, or trees which make a positive contribution to the street scene and/or public realm or make an important contribution to biodiversity habitat will not be supported.'</p>

7.87	Other Matters - General	Modification of general text (where necessary) to achieve consistency with the modified policies and to accommodate any administrative and technical changes.
7.90	Other Matters - Specific	<p>Modify Section 7 of the Plan as suggested by ECDG.</p> <p>Update any references in the Plan either to the date of the NPPF or to its paragraph number (where necessary)</p>