

## Independent Examination of Mepal Neighbourhood Plan

### Mepal Parish Council Response to Questions From Independent Examiner

#### Factual Matter

Since the Neighbourhood Plan was submitted, the Government has published the latest version of the National Planning Policy Framework (NPPF) in December 2023. As the NPPF does not contain any transitional provisions in Annex 1 with regard to examining Neighbourhood Plans, the Parish Council note that the consideration of Basic Conditions is now against the latest version of the NPPF. As the submission Neighbourhood Plan was produced referring to the September 2023 version of the NPPF, there will be the need for some factual updates to be made where reference for example is made to the NPPF paragraph numbers or footnotes.

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#### Question from Examiner

Policy 4 - The potential effectiveness of the first part of the policy (on EV charging) has now been overtaken by Part S of the Building Regulations. As such I am minded to recommend its deletion and replacement with an appropriate explanation in the supporting text.

Does the Parish Council have any comments on this proposition?

#### Response

Part S of the Building Regulations contains certain provisions relating to the installation of electric vehicle charging points. However, the Building Regulations contain an exemption based on cost and would not require an electric vehicle charging point for a dwelling that doesn't have an 'associated parking space' as defined in Approved Document S. Consequently, the Policy would secure the provision of at least one electric vehicle charging point per dwelling in circumstances where Part S of the Building Regulations is not engaged.

In addition, for non-residential buildings, the provision of electric vehicle charging points is only triggered in circumstances where 10 car parking spaces are provided. As such there are many circumstances where Part S of the Building Regulations is not engaged for small scale non-residential development. As such the Policy is seeking to achieve provision to contribute towards climate change mitigation without merely duplicating the Building Regulations.

The Policy goes on to contain further detail on the siting of the charging point(s) with regard to accessibility, visual impact, effects on pedestrian movements; and prevention of opportunities for anti-social behaviour. These are not matters which are detailed in the Building Regulations. Consequently, the Parish Council considers that it is necessary, appropriate and reasonable for Policy 4 on Highway Impact to include consideration of electric vehicle charging provision. It compliments Policy 5 on Climate Change Mitigation.

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#### Question from Examiner

Policy 6 - Is the intention of the policy to identify non-designated heritage assets to which paragraph 209 of the NPPF will apply?

#### Response

Yes, the Policy designates the 9 buildings and structures listed in the Policy as 'Locally Important Buildings' which are non-designated heritage assets. The policy wording used is based on the wording that the Independent Examiner (Andrew Ashcroft) modified a similar policy in the Claypole Neighbourhood Plan.

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 of the Local Plan doesn't include any buildings in Mepal. The Neighbourhood Plan has used the same criteria as used by ECDC to define non-designated heritage assets as 'Buildings of Local Interest' as this is the common terminology already used by ECDC.

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### Question from Examiner

Policy 8 - As the Parish Council will have noticed, this policy has generated significant commentary from affected landowners. Please can it explain in further detail its approach towards Important Verdant Open Areas and Areas Sensitive to Change and Intensification.

It would also be helpful if the Parish Council expanded on its commentary in the Basic Conditions Statement about the extent to which its approach to these designations is in general conformity with the strategic policies in the development plan.

### Response

At the Regulation 14 consultation stage ECDC on the matter of Local Green Space specifically stated: *"Whilst ECDC primarily leaves it to the PC to determine which sites it considers are suitable for LGS status, we were surprised two specific sites are not put forward as LGS sites: the recreational ground and the land known locally as 'Church Field' (land immediately north of the settlement boundary, but still within a central location in the village). Both such sites have considerable well documented 'value' to the local community, and would appear to meet at least some, if not, all the LGS criterion."*

The Parish Council and ECDC had discussions following the Regulation 14 consultation which involved a specific suggestion from ECDC that additional consideration be given to further widening the scope of the Plan in relation to identifying specific characteristics that define the character, appearance and setting of the village and wider Parish with a view to them being protected. As a consequence, the Parish Council developed Policy 8 on Local Character. Numerous Neighbourhood Plans develop policies on local character and/or include a character appraisal or similar.

In their representation on the Regulation 16 consultation ECDC state: *"This is a new policy added since the earlier consultation stages. It is clearly a locally specific policy, and helpfully identifies to the reader what is expected to happen (or not happen) in certain mapped locations in the village. The District Council is comfortable with both the principle of a policy and its broad intent."* This support is welcomed and confirms that the LPA has no concerns with the policy regarding the Basic Conditions.

The LPA do not consider Policy 8 to be either a strategic matter to be addressed in the Local Plan or to be in conflict with strategic policies in the Local Plan. It does not fall within the scope of strategic policies as defined in Planning Practice Guidance (Reference ID: 41-076-20190509). We consider this matter to be non-strategic which is appropriate to covered in the Neighbourhood Plan and it ties into the objectives of the Neighbourhood Plan. It does not fall within the scope of strategic policies as set out in paragraph 20 of the NPPF.

Planning Practice Guidance (Reference ID: 41-001-20190509) indicates that Neighbourhood Plans have very wide scope in what they can cover. It states: *"Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided, and grant planning permission for the new buildings they want to see go ahead. Neighbourhood planning provides a powerful set of tools for local people to plan for the types of development to meet their community's needs and where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area."*

Planning Practice Guidance (Reference ID: 41-004-20190509) continues: *"A neighbourhood plan should support the delivery of strategic policies set out in the local plan or spatial development*

*strategy and should shape and direct development that is outside of those strategic policies (as outlined in paragraph 13 of the revised National Planning Policy Framework). Within this broad context, the specific planning topics that a neighbourhood plan covers is for the local community to determine.”*

Paragraph 13 of the NPPF states: “*Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.”*

Having regard to the advice in the NPPF and Planning Practice Guidance it is clear that the Government intends for Neighbourhood Plans to have very wide scope to include policies as the local community sees fit. Policy 8 does not conflict with any of the prescribed Basic Conditions in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004.

The basic conditions in Schedule 4B are that the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan in the area;
- be compatible with assimilated obligations<sup>1</sup>; and
- prescribed conditions are met and prescribed matters have been complied with.

Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) prescribes an additional basic condition in addition to those set out in the primary legislation. This is:

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

A Neighbourhood Plan has to be in general conformity with the strategic policies of the adopted Development Plan as a whole. This was established in the Court’s interpretation and the application of basic condition 8(2)(e) in the case of *Kebbell Developments Ltd v Leeds City Council* [2016] EWHC 2664 (Admin).

Therefore, general conformity does not require conformity with every strategic policy in a Local Plan as was clearly set out in the case of *Bewley Homes v Waverley BC* [2017] EWHC 1776 (Admin) which applied the case of *R (Crownhall Estates Ltd) v Chichester DC* [2016] EWHC 73 following *R (oao DLA Delivery Ltd.) v Lewes DC* [201] EWCA Civ 58). In this case no party contends that the Neighbourhood Plan is not in general conformity with the strategic policies of the adopted Development Plan as a whole.

As Mrs Justice Lang noted in *R (on the application of Park Lane Homes (South East) Ltd) v Rother District Council* [2022] EWHC 485 (Admin), the Examiner should not consider whether the plan is ‘sound’ or ‘justified’ in the sense of representing ‘the most appropriate strategy, when considered against reasonable alternatives’ and based upon ‘proportionate evidence’ (per Mr Justice Holgate in *R (Crownhall Estates Limited) v Chichester District Council* [2016] EWHC 73 (Admin) at para [29]).

In the Park Lane Homes case, as to the basic condition on general conformity with strategic policies, Lang J held that the making of the plan was in general conformity with the strategic policies in the development plan and that the basic condition was therefore met. The judge said that the Council’s strategic policies did not include any express or implied requirement that a neighbourhood plan had to be made, or that if a plan were made, it had to make provision for housing and housing allocations and to extend the development boundary accordingly. She further

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<sup>1</sup> This wording was amended from ‘Retained EU’ to ‘assimilated’ by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023

said that the Examiner was right to conclude that the BNDP did not contain any policy which would directly prevent the delivery of the residual amount of strategic growth.

Policy 8 does not conflict with the strategic needs and priorities of the wider local area; either East Cambridgeshire or Fenland which immediately abuts the Neighbourhood Plan area.

Section 1.4 of the East Cambridgeshire Local Plan sets out the approach towards Neighbourhood Plans. The Local Plan does not explicitly state which policies within the Local Plan are to be considered 'strategic' for the purposes of neighbourhood planning. The NPPF in paragraph 21 states *"Strategic policies should not extend to detailed matters that are more appropriately dealt with through neighbourhood plans or other non-strategic policies."* The Parish Council had looked previously at various Independent Examiner reports for Neighbourhood Plans in East Cambridgeshire but could not find any indication from an Independent Examiner or from ECDC as to what Local Plan policies are 'strategic'. The NPPF suggests that not all policies in a Local Plan are likely to be 'strategic'.

Paragraph 18 of the NPPF states *"18. Policies to address non-strategic matters should be included in local plans that contain both strategic and non-strategic policies, and/or in local or neighbourhood plans that contain just non-strategic policies."* As such a Neighbourhood Plan can have policies that cover any matter in non-strategic policies.

Paragraphs 28 to 30 of the NPPF goes on to specifically advise the role of non-strategic policies. *"28. Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.*

*29. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.*

*30. Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently."*

On the matter of having regard to national policy, Planning Practice Guidance (Reference ID: 41-070-20190509) goes on to advise: *"More specifically paragraph 29 of the National Planning Policy Framework states that neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies. Beyond this, the content of a draft neighbourhood plan or Order will determine which other aspects of national policy are or are not a relevant consideration to take into account. The basic condition allows qualifying bodies, the independent examiner and local planning authority to reach a view in those cases where different parts of national policy need to be balanced."*

Planning Practice Guidance advises that there is no specific list of evidence required to support a Neighbourhood Plan. It advises that the approach towards evidence to underpin the Neighbourhood Plan should be proportionate. The Basic Conditions do not require the testing of proportionality or adequacy of evidence per se.

The NPPF in paragraph 8 c) sets out the environmental objective of sustainable development as: *"to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."*

The NPPF continues in paragraph 9 *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.”*

Responding to the character of the area is therefore an aspect which is integral to achieving sustainable development.

The East Cambridgeshire Local Plan was adopted in April 2015. An amendment to Policy GROWTH 1 was adopted in October 2023. It sets out the basis for future development in East Cambridgeshire up to 2031.

Policies GROWTH 1 to GROWTH 4 set the scene for new development in East Cambridgeshire. Policy GROWTH 2 sets out the following important principles:

- *“The majority of development will be focused on the market towns of Ely, Soham and Littleport. Ely is the most significant service and population centre in the district, and will be a key focus for housing, employment, and retail growth. More limited development will take place in villages which have a defined development envelope, thereby helping to support local services, shops, and*
- *community needs.*
- *Within the defined development envelopes housing, employment, and other development to meet local needs will normally be permitted - provided there is no significant adverse effect on the character and appearance of the area and that all other material planning considerations are satisfied.*
- *Outside defined development envelopes, development will be strictly controlled, having regard to the need to protect the countryside and the setting of towns and villages.”*

Mepal has a separate section in the Local Plan (8.24) and an inset map (8.28). Section 8.24 sets out commentary on housing, employment and community facilities and infrastructure. The Local Plan does not set out any details relating to character for Mepal or indeed other settlements in the Part 2 section.

Policy GROWTH 1: as amended by the Single-Issue Review identifies that in the period 2022 to 2031, the District Council will make provision for the delivery of 5,400 dwellings in East Cambridgeshire.

Table 3.2 of the Local Plan summarises how and where housing is likely to be delivered in East Cambridgeshire over the Plan period. It identifies there will be sufficient overall supply of land to meet the district’s housing requirement of 5,400 dwellings, as set out in Policy GROWTH 1. The latest projections (as of August 2022) indicate that over 7,000 additional dwellings could come forward between 2022 and 2031, with a further identifiable supply of over 2,000 dwellings beyond the plan period (i.e. post 2031).

Policy GROWTH 4: Delivery of growth in the Local Plan does not allocate any land in Mepal for any housing, employment or other use. The Single-Issue Review of the Local Plan has not required allocation of any more sites for development.

The Local Plan does not specify any specific housing requirement for Mepal. There is an overall allowance for rural windfall development anticipated to come forward across all the settlements in East Cambridgeshire that are not specified in Table 3.2 - Summary of estimated housing supply 2022-31 in the Local Plan. This windfall allowance figure for 2022-2031 is 350 dwellings, this makes up 4.7% of the total supply identified of 7,371 dwellings. Even if no windfall development were to take place the supply figure in the Local Plan would still amount to 7,021 dwellings which is significantly in excess of the 5,400 dwelling requirement. The Local Plan sets out no requirement or target figure for the supply of affordable housing either at District level or at individual settlement level.

Paragraph 132 of the NPPF sets out a role for Neighbourhood Plans to identify local character and the qualities that make their Neighbourhood what it is. The NPPF states *“Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.”*

The NPPF continues in paragraph 135 amongst other things to require policies to ensure that development is sympathetic to local character and history, including the surrounding built environment and landscape setting, and to establish or maintain a strong sense of place. Paragraph 180 of the NPPF goes on to require policies to recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

Policy 8 deals with local character that applies to the entire Neighbourhood Area, it identifies specific notations some of which cover areas within the settlement boundary and areas outside of the settlement boundary. The Area Sensitive to Change and Intensification covers the Bridge Road area which is partly within and partly outside of the settlement boundary. The two Important Verdant Open Areas are outside of the settlement boundary. The Important Undeveloped Sutton Road Village Gateway lies outside of the settlement boundary.

The Local Plan contains Policy ENV 1: Landscape and settlement character, it states:

*“Proposals for development should be informed by, be sympathetic to, and respect the capacity of the distinctive character areas defined in the Cambridgeshire Landscape Guidelines. Development proposals should demonstrate that their location, scale, form, design, materials, colour, edge treatment and structural landscaping will create positive, complementary relationships with existing development and will protect, conserve, and where possible enhance:*

- The pattern of distinctive historic and traditional landscape features, such as watercourses, characteristic vegetation, individual and woodland trees, field patterns, hedgerows and walls, and their function as ecological corridors for wildlife dispersal.*
- The settlement edge, space between settlements, and their wider landscape setting.*
- Visually sensitive natural and man-made skylines, hillsides and geological features.*
- Key views into and out of settlements; this includes quintessential views of Ely Cathedral and the setting of the City as a historic ‘isle’ settlement close to the fen edge and the valley of the River Great Ouse.*
- The unspoilt nature and tranquility (sic) of the area.*
- Public amenity and access; and*
- Nocturnal character of rural areas free from light pollution.*

*Suitable compensatory provision must be made in the event of significant harm where necessary.”*

Paragraph 6.2.1 of the Local Plan states *“Attractive and distinctive local landscapes help to raise both the overall quality of the environment and the quality of people’s lives. A high priority is therefore given to the protection, conservation and enhancement of traditional landscape character. New development that is well designed and helps to sustain and create landscapes and townscapes with a strong sense of place and local identity is important to achieving this objective. The importance of planning for the protection and enhancement of landscape character is endorsed strongly by the NPPF.”*

The Local Plan is explicit that the countryside in East Cambridgeshire is characterised by three distinctive and contrasting landscape types, Mepal fall within the Fens which the Local Plan describes as:

*“Fens - these cover the northern part of the district and are characterised by large open, flat and low lying fields under wide skies, crossed by numerous waterways and drainage channels. There are fine long distance views of buildings and settlements, and most settlements are located on old ‘islands’.”*

The Local Plan continues in paragraph 6.2.3 *“The character areas are described in more detail in the County Council’s ‘Cambridgeshire Landscape Guidelines’ (1991), which remains the baseline evaluation of landscape in the County. The Guidelines stress the need to pay special attention to the design of edges of towns and villages and their integration with and relationship to the wider landscape. This requires the location, scale and height of development, views into and out of the settlement and the detailed edge treatment to be considered carefully. These matters are particularly important given the predominantly flat landscape of the district. A clear distinction between countryside and developed areas, including that between gardens and farmland, should be maintained and ad hoc changes damaging this relationship will not be permitted.”*

Then the Local Plan states in paragraph 6.2.6 *“In protecting landscape and settlement character the Council will expect: important existing views into and out of settlements to be maintained and enhanced and new ones to be created; important open spaces to be retained; and wildlife features to be undisturbed, as detailed in other policies within this Plan.”*

As such the Local Plan sets out an overall approach towards protecting the distinctive character of settlements, including the traditional fenland character. The Local Plan identifies that aspects which can contribute to the distinctive character, local identity and sense of place can include historic and traditional landscape features, such as watercourses, characteristic vegetation, individual and woodland trees, field patterns, hedgerows and walls; the settlement edge; important views; important open spaces; wildlife features; and clear distinction between countryside and the developed area. It specifically advises that ad hoc changes can damage the clear distinction between the countryside and the developed area of settlements.

Although Policy ENV 1 of the Local Plan sets out an overall approach, it doesn’t actually identify specific features on a settlement-by-settlement basis that would fall within the scope of contributing to the distinctive character, local identity and sense of place. Paragraph 6.2.4 of the Local Plan is clear that other documents can contribute to the evidence base about landscape and the character of settlements in the district, it specifically refers to Conservation Area Appraisals for various town and villages; but Neighbourhood Plans can also set out the local context for defining their local character within the context of Local Plan Policy ENV 1. The Neighbourhood Plans produced in East Cambridgeshire to date, such as the Haddenham and Aldreth Neighbourhood Plan, the Reach Neighbourhood Plan and the Sutton Neighbourhood Plan have included policies addressing local character and have included identification of specific features and areas that contribute to local character.

The Local Plan goes on in Policies ENV 2, ENV 7 and ENV 12 to address design, biodiversity and geology and listed buildings which are also relevant to Policy 8.

Policy ENV 2 also identifies that development should be designed to a high quality, enhancing and complementing local distinctiveness. The Neighbourhood Plan draws out the features that creates the local character and distinctiveness of Mepal.

Policy 8 also looks to protect the relationship to the Ouse Washes which is in general conformity with Policy ENV 7. Church Field also forms the setting of the Grade II\* Listed Church and protection is supported by Policy ENV 12.

In the recent Reach Neighbourhood Plan the Independent Examiner (Andrew Ashcroft) concluded that a policy on landscape quality met the Basic Conditions; that policy addressed the following matters:

- the rural character and identity of the village;
- the identification of settlement gaps; and
- the need to safeguard identified Important Views.

In the Reach Neighbourhood Plan the policy on landscape character works alongside a suite of other policies that address the approaches and gateways to the village; avoidance of ad hoc development along two roads where it reduces the gaps and views to the wider landscape and causes a loss of native hedgerow and rural lane character; important views; green infrastructure which includes some farmland; and design character. All of the aspects were considered by the Independent Examiner to meet the Basic Conditions. Whilst no two Neighbourhood Plans are the same, the Local Plan context in Reach and Mepal are the same and the broad approach towards identifying the distinctive character, local identity and sense of place in both Neighbourhood Plans consider the same types of characteristics.

The Neighbourhood Plan explains its approach to the specific areas identified in Policy 8 in paragraphs 24.6 to 24.9 as follows:

*“24.6 The village gateway along Mepal (sic) Road forms an important entrance vista into the village. The verdant and undeveloped character and appearance is of significance to the overall landscape setting of the village.*

*24.7 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. 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 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 already protected by Policy ENV 7: Biodiversity and geology of the Local Plan.*

*24.8 The area along Bridge Road has had a dramatic increase in new development in recent years, with a total of 16 dwellings having been granted planning permission. This has intensified the ribbon of development between the village and the Ouse Washes. This has led to increased development and activity within the impact zones for the Ouse Washes which is designated as a Special Areas of Conservation (SAC), a Special Protection Areas (SPA), a Ramsar site and a Site of Special Scientific Interest. Further additional development has the potential to adversely affect the biodiversity of this important site.*

*24.9 Bridge Road has undergone a change in character from sporadic buildings along a country lane to a lane with a more developed character, although some semi-rural character subsists due to gaps in the built form together with the retention of verges, trees and hedgerows. 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. As such this area is sensitive to change and intensification and it is considered appropriate to seek to protect this area.”*

The Neighbourhood Plan is underpinned by a suite of evidence documents, this includes the Local Green Space Evidence Document. As ECDC had requested that the Neighbourhood Plan consider Church Field as Local Green Space, paragraphs 28 and 29 in the Local Green Space Evidence Document sets out further relevant comments:

*“28. In relation to Church Field, that area provides an important recreational route by virtue of the public footpath across it to/from the Grade II\* Listed Church. There is an important view and vista across this area identified in Policy 7 and it makes an important contribution to the setting of the Church and the village. It is an area which is demonstrably special to the local community, and it could endure beyond the plan period. It was not an area considered in the original assessment process and introducing it at the Submission stage would pose some practical difficulties in providing early notification to owners (in this case believed to be the Church Commissioners) as Planning Practice Guidance envisages.*

*29. Accordingly, whilst there is merit in the suggestion made by the District Council, it is considered that a policy framework for Church Field could form part of an enhanced policy approach towards protecting local character. Addressing local character was raised in other*



*representations and as part of the overall policy suite it is considered that Church Field forms an integral part of the setting of the village which is to be addressed by a new Policy 8 on Local Character. Therefore, Church Field has not been identified as Local Green Space.”*

The policy is considered to be appropriate for the Neighbourhood Plan, it is consistent with national policy including paragraphs 8 c), 9, 13, 29, 132, 135, 180. The policy is in general conformity with the Local Plan as a whole and forms an integral part of the approach of the Neighbourhood Plan. The approach is justified based on recent and planned development pressure; together with likely future development pressures. Policy 8 is in in general conformity with the strategic policies of the adopted Development Plan as a whole.

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### Question from Examiner

Policy 9 - I am minded to reverse the order of the sentences in the policy to ensure that it has a positive approach. Does the Parish Council have any comments on this proposition?

### Response

The Parish Council has no concerns regarding this suggestion.

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### Question from Examiner

Representations

Does the Parish Council wish to comment on any of the representations made to the Plan?

It would be helpful if it commented on the representations received from:

- the Havebury Housing Partnership;
- the Church Commissioners for England; and
- Cheffins (on behalf of three parishioners).

### Response

The Neighbourhood Plan area contains part of the Ouse Washes designated sites within its boundary. As identified in the HRA and SEA Screening Reports, the screening of the Neighbourhood Plan has been based on the fact that the Plan contains no proposals that are considered to have a direct or indirect impacts on these designated sites. In addition, no cumulative effects with other plans or programmes are likely as the Neighbourhood Plan does not allocate land for new built development and so will not lead to issues in terms of increased recreational disturbance, water resources or water quality.

As the HRA Screening Report identifies in both zones C & D (our labels added for ease of reference) have a threshold of residential development of 50 units or more in settlements or any new housing outside of settlements. As such as the two specific sites referred to in all three representations (Church Field and Brick Lane) are outside of the current settlement, the threshold of any new housing would trigger need to reconsider HRA and SEA.

The SEA/HRA Determination Statement made by ECDC on 13 October 2023 concluded:

*“Based on the assessment undertaken in the SEA Screening Report and HRA Screening Report and the responses received from statutory bodies, East Cambridgeshire District Council considers that it is not likely that significant environmental effects will arise from the implementation of the Mepal Neighbourhood Plan, and therefore Strategic Environmental Assessment is not required. Likewise, it is considered that a full Habitats Regulations Assessment will not be required.”*

Any change to the Neighbourhood Plan that would alter the existing policy balance including any weakening of the protection given to the area or that may promote additional built development to that currently envisaged would require the SEA and HRA determinations to be undertaken again, potentially resulting in the need for an appropriate Assessment and consequential Strategic Environmental Assessment. It is noted that none of the objectors have produced and submitted a

Shadow Habitats Regulation Assessment or Shadow Strategic Environmental Assessment that could be adopted.

The Local Plan does not specify any specific housing requirement for Mepal, there is no obligation for the Neighbourhood to allocate any land for housing. The Local Plan sets out no requirement or target figure for the supply of affordable housing either at District level or at individual settlement level. There is no local housing needs survey for Mepal produced by any party. It is noted from the representations that there are two rival housing associations that want to propose affordable housing exception sites in Mepal.

The Census does not count affordable housing as a category, it does however in terms of housing tenure count social rented which is a substantial part of the affordable housing category in planning terms. In the 2021 Census Mepal Parish has 13.7% of its housing stock as social rented, this almost mirrors the East Cambridgeshire figure of 14.0% housing stock being social rented. As such Mepal already makes an existing important contribution towards the provision of affordable housing in the social rented tenure. The neighbouring parishes of Sutton and Witcham for example only have 10.7% and 10.6% of their respective housing stock being social rented; lower than the East Cambridgeshire average.

### Brick Lane Area

Havebury Housing Partnership and Cheffins (on behalf of three parishioners) both refer to the same site known as Brick Lane. A planning application 20/00630/FUM for the Erection of 55 dwellings by Havebury was refused on this site in March 2021. No appeal was ever pursued, and no subsequent application has been submitted. The application was for 100% affordable housing. That planning application received a substantial number of individual representations from parishioners in objection.

Cheffins seek the allocation of the site for housing, this would have required a full site assessment process that explored all possible sites. It would have triggered the need for different HRA and SEA Screening, based on the Natural England thresholds, any allocation of this scale would have been likely to have triggered the need for a full Appropriate Assessment under HRA and a consequential SEA. The Cheffins representation lacks clarity, as they are requesting the site be allocated for housing, which would suggest for market housing. However, they refer to Havebury taking forward an affordable housing scheme as an exception. Paragraph 73 of the NPPF is clear that allocations should not be used for affordable housing that is being promoted as an exception site.

Cheffins suggest that the site could accommodate 50 dwellings which would amount to growth of almost 24%. Such a level of growth would in the view of the Parish Council conflict with the locational strategy of Policy GROWTH 2 and the approach to delivery of growth in Policy GROWTH 4 of the Local Plan.

As a means of comparison, the NPPF in relation to exception sites for Community Led Development in paragraph 73 requires sites to proportionate in size to the settlement which footnote 37 describes as not being larger than 5% of the existing settlement. The First Homes exception policy set out in the Affordable Homes Update Written Ministerial Statement, dated 24 May 2021, which remains extant policy takes a similar stance on proportionality being 5%. This helps to illustrate how such a site would represent a disproportionate addition to the size of the village. Policy HOU 4 in relation to exception schemes indicates that the scale of the scheme should be appropriate to the location and to the level of identified local affordable housing need. Paragraph 4.5.2 of the Local Plan refers to local housing needs surveys identifying need, which would be at the Parish level.

Cheffins appear to be seeking to re-open a debate on the Local Plan strategic housing requirement and distribution strategy. The NPPF in paragraph 67 is clear that once the strategic policies in a

Local Plan have been adopted, these figures should not need re-testing at the neighbourhood plan examination, unless there has been a significant change in circumstances that affects the requirement. No such change of circumstances applies in this case.

Neither Havebury or Cheffins on behalf of three parishioners have sought to engage with the local community or the Parish Council regarding local need for affordable housing and the options across the village to meet any such need. Paragraph 82 of the NPPF states: *“In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs, including proposals for community-led development for housing. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs.”*

The NPPF in paragraph 131 places an emphasis on engagement between applicants, communities, local planning authorities and other interests throughout the process. Paragraph 132 of the NPPF places an emphasis on Neighbourhood Planning groups play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.

Policy HOU 4 of the Local Plan in relation to affordable housing exception sites requires there to be an identified local housing need and a demonstration that the identified need cannot be met within the development envelope, or on allocated sites or in community led developments. There is no housing needs survey for Mepal in place and the planning application was not supported by such a parish housing needs survey. Policy HOU 4 also contains criterion that no significant harm would be caused to the character or setting of the settlement and the surrounding countryside. As such the Local Plan does not have a carte blanche approach towards supporting affordable housing exception schemes as the representors suggest. Instead, Policy HOU4 explicitly requires consideration of matters relating to the character and setting of a settlement to be taken into account. In this regard there is no conflict between Policy 8 of the Neighbourhood Plan and Policy HOU 4 of the Local Plan.

An existing belt of trees and vegetation provides screening between the site and the A142 and Sutton Road, it is these trees that are within the area of the identified Sutton Road Village Gateway identified in Policy 8 and shown on Map 8. The Plan is clear what spatial area is covered by this designation; it does not cover all of the land south of Brick Lane. The group of trees along the A142 according to the Arboricultural Assessment for the planning application is a group of Field Maple, Lime, Ash, Willow, Hawthorn, Cherry and Oak trees 10 m in height. The group of trees along the Sutton Road is Willow, Hawthorn, Cherry and Oak trees 10 m in height and then a group of Hawthorn and Ash 8m in height. All of these are identified as Middle Aged, with 20+ years of life remaining. The Arboricultural Assessment identified that they have landscape value. The designation in Policy 8 does not cover the entire site as the representors appear to suggest.

The ground levels across the site vary in height, but from the level of the A142 road, there is a difference in ground level of approximately 4m, taken from the highest point (from the A142) to the lowest point which is nearest the Brick Lane/Sutton road junction area.

The Preliminary Ecological Appraisal that accompanied the planning application identified bat activity along the trees and hedgerows on the western, southern and eastern site boundaries that are within the Sutton Road Village Gateway. The Biodiversity Net Gain provisions trigger from the 15<sup>th</sup> February 2024, as such any potential future application would be likely to need to retain all existing landscape features that contribute to existing habitat, even before giving consideration to the 10% biodiversity net gain legal requirement. Consequently, the policy designation is unlikely to restrict development opportunity on the site more than existing development plan policies or legal requirements.

The LPA in its committee report on the planning application in paragraph 7.24 highlighted that: *“The site is currently an unoccupied agricultural field, surrounded by vegetation along the boundaries with the A142, Sutton Road, and Brick Lane (in part), but nonetheless, a green field*

*as you enter the village. The site is accessed via a new access from Brick Lane. It is considered to be a sensitive site as it sits on the edge of the village and provides a green buffer as you enter the village.”*

The LPA concluded in paragraph 7.34 that: *“It is considered that, cumulatively, the proposed development has not been developed in a comprehensive way to create a strong and attractive sense of place and local distinctiveness. Furthermore, it is considered that the proposed development, by virtue of its design, layout and form, fails to relate sympathetically to the surrounding area and each other, and does not create a quality scheme in its own right. The proposed development, is therefore considered to be contrary to the aims and objectives of Policy ENV2 of the Local Plan, the Design Guide SPD, chapter 12 of the NPPF, 2019, and the National Design Guide PPG, 2019.”*

In the determination of the previous planning application the LPA did indicate that in order to have a clear and up-to-date understanding of the local housing need, it was advised that a Housing Needs Survey should be carried out, which would specifically identify the housing need for Mepal. No such survey was carried out and therefore the claimed local need for affordable could not be substantiated.

The NPPF is clear that rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. Consequently, any such proposal in Mepal would need to look to meet the needs of current residents of Mepal or have an existing family or employment connection with Mepal.

The Neighbourhood Plan reflects the existing character which is based on the village not being directly visible from the A142. At present as one turns off the A142 the village is hidden and the arrival at the village only occurs just pass the junction with Witcham Road where the 30mph speed limit is sited. The line of trees along the A142 and the trees and hedgerow along Sutton Road form a strong linear feature that creates a distinctive approach and village gateway along the road which forms an important entrance vista into the village. This distinctive gateway character arises because of both the verdant and undeveloped character and appearance which gives the visual and spatial significance to the overall landscape setting of the village from the main entrance.

The designation does not cover the entire parcel of land as due to the topography of the site off Brick Lane it is likely that development on the area outside of the designation would not impact on the distinctive gateway character. That site is outside of the settlement boundary, whether future development may be acceptable on the remainder of the site would be a matter to judge whether a proposal met the relevant exceptions in the development plan.

The area covered by the Important Undeveloped Sutton Road Village Gateway designation blends at its northern end into Brangehill Drove and Lilibet Woods which is a Local Green Space identified for the following reason: *“Lilibet Woods is the narrow piece of land than runs between Brangehill Drove (Footpath/Byway at the back of Meadow Way) and the A142. Brangehill Grove and Lilibet Woods are owned by Mepal Parish Council. The Footway/Byway give the opportunity for recreational value and tranquillity for local residents. The trees offer important ecological habitat. It provides the opportunity for informal recreation. It forms a green buffer between the village and the A142 and makes an important contribution to the character and appearance of the local area.”*

The approach of Policy 8 to the Important Undeveloped Sutton Road Village Gateway is considered to be appropriate for the Neighbourhood Plan, it is consistent with national policy including paragraphs 8 c), 9, 13, 29, 132, 135, 180. The policy is in general conformity with the Local Plan as a whole and forms an integral part of the approach of the Neighbourhood Plan. It is supported by Policies ENV 1, ENV 2 and ENV 7 of the Local Plan and does not conflict with Policies GROWTH 1, GROWTH 4 or HOU 4. As such it meets the Basic Conditions. Policy 8 does not duplicate Local

Plan policies, as ECDC clearly identify the policy is locally specific and it compliments Local Plan policies; accordingly, it is not inconsistent with Paragraph 16(f) of the NPPF.

The policy correctly refers to Sutton Road, reference in paragraph 24.6 incorrectly refers to Mepal Road which is the name of the old road alignment from before the Mepal Bypass was constructed, so this factual error needs to be rectified.

#### Church Field and Bridge Road Area

Savills on behalf of the Church Commissioners support the principle that development should respect local character and that respecting local character is a key part of high quality placemaking.

The representation from the Church Commissioners incorrectly cites the Basic Conditions, they include Basic Conditions which only apply to Neighbourhood Orders and not to Neighbourhood Plans and the wording they set out does not reflect the current wording in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) and Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended). It is further noted that they suggest a lack of conformity with strategic policies in the Local Plan but do not have regard to the relevant case law provisions with regard to considering the issue of general conformity with the strategic policies of the adopted Development Plan as a whole.

Neither do they clarify what Local Plan policies they consider 'strategic'. However, it is noted that they explicitly refer to 'Strategic Policy GROWTH 2' implying that they consider that policy to be 'strategic'; but in relation to Policy HOU 4 they do not use the word 'strategic' so by inference they must not consider Policy HOU 4 to be a strategic policy in terms of the NPPF.

Policy GROWTH 2 does not identify a carte blanche approach to exceptions to development in the countryside, instead it says: "*may be permitted as an exception, providing there is no significant adverse impact on the character of the countryside and that other Local Plan policies are satisfied.*"

Savills in their representation state: "*Our client is working in conjunction with English Rural, a proven specialist provider of affordable housing in rural communities to seek to bring forward parts of the land for such affordable homes...*" They don't refer to a specific piece of land, in fact they refer to parts in plural. As such there is a lack of clarity as to whether they are considering land parcels only within the Important Verdant Open Area or only within the Area Sensitive to Change and Intensification, or in both areas.

Neither the Church Commissioners, English Rural or Savills have sought to engage with the local community or the Parish Council regarding local need for affordable housing and the options across the village to meet any such need. Paragraph 82 of the NPPF states: "*In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs, including proposals for community-led development for housing. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs.*"

The NPPF in paragraph 131 places an emphasis on engagement between applicants, communities, local planning authorities and other interests throughout the process. Paragraph 132 of the NPPF places an emphasis on Neighbourhood Planning groups play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.

The Church Commissioners do not object to Policy 7 which defines two important public views and vistas across the church Field site, namely:

- River Close (a.k.a Church Lane) - Looking North to the Church of St Mary (N)
- Opposite The Green - Looking North-West to the Church of St Mary (O)

As such they do not dispute the contribution that these important public views and vistas make to the overall character and local distinctiveness of Mepal. Any built development on Church Field would be likely to unacceptably harm either of these important public views and vistas.

As identified earlier in answer to a different question at the Regulation 14 consultation stage ECDC on the matter of Local Green Space specifically stated: *“Whilst ECDC primarily leaves it to the PC to determine which sites it considers are suitable for LGS status, we were surprised two specific sites are not put forward as LGS sites: the recreational ground and the land known locally as ‘Church Field’ (land immediately north of the settlement boundary, but still within a central location in the village). Both such sites have considerable well documented ‘value’ to the local community, and would appear to meet at least some, if not, all the LGS criterion.”*

ECDC have explicitly drawn attention to the local value of Church Field to the local community. 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. The Church of St Mary 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. It is these open fields colloquially known as Church Field.

As the Neighbourhood Plan identifies in paragraph 23.7 *“The village is located within an area of archaeological potential with archaeological remains associated with the former extent of the medieval village of Mepal. The medieval Church of St Mary lies in this area and between the Church and Bridge Road lie earthwork remains of the shrunken village. Limited archaeological work has been carried out in the village, notably to the south of the church and south-west of the earthworks, where medieval features have been investigated which may be part of a moated site.”*

The Church of St Mary is a Grade II\* listed building, it has particular significance, and 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 sited 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 to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations as paragraph 195 of the NPPF requires. Development to date has involved land parcels that have been farmyards or gardens, whereas Church Field has been undeveloped since the medieval settlement disappeared. Any built development on Church Field would be likely to unacceptably harm the significance of the setting of the Church which is considered to be a fundamental element that defines the character and appearance of the Church as a designated heritage asset. Such a proposal would be contrary to paragraphs 200 and 201 of the NPPF.

The NPPF includes the following definition *“Setting of a heritage asset: The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”*

The Parish Council consider that the harm arising to the significance of the designated heritage asset from development within its setting would in this case meet the threshold of ‘substantial’ having regard to the NPPF rather than ‘less than substantial’.

As paragraph 206 of the NPPF highlights: *“ Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*  
a) *grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*

*b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”*

The provision of affordable housing on Church Field would not be wholly exceptional as the NPPF sets the threshold for substantial harm. Even if the appropriate threshold was deemed to be ‘les than substantial’ in relation to harm, the Parish Council do not consider that the public benefits of providing affordable housing would be likely to outweigh the heritage harm, particularly when they are other alternative sites that could be considered.

Church Field has significant archaeological potential as demonstrated in the Cambridgeshire Historic Environment Record. It records medieval earthworks in this area, together with ridge and furrow features. Entries also refer to medieval ponds and moats in this area. Lidar terrain mapping shows various earthwork features in Church Field. Consequently, built development on Church Field would be likely to result in harm to archaeology associated with the shrunken medieval village.

The Neighbourhood Plan is underpinned by a suite of evidence documents, this includes the Local Green Space Evidence Document. As ECDC had requested that the Neighbourhood Plan consider Church Field as Local Green Space, paragraphs 28 and 29 in the Local Green Space Evidence Document sets out further relevant comments:

*“28. In relation to Church Field, that area provides an important recreational route by virtue of the public footpath across it to/from the Grade II\* Listed Church. There is an important view and vista across this area identified in Policy 7 and it makes an important contribution to the setting of the Church and the village. It is an area which is demonstrably special to the local community, and it could endure beyond the plan period. It was not an area considered in the original assessment process and introducing it at the Submission stage would pose some practical difficulties in providing early notification to owners (in this case believed to be the Church Commissioners) as Planning Practice Guidance envisages.*

*29. Accordingly, whilst there is merit in the suggestion made by the District Council, it is considered that a policy framework for Church Field could form part of an enhanced policy approach towards protecting local character. Addressing local character was raised in other representations and as part of the overall policy suite it is considered that Church Field forms an integral part of the setting of the village which is to be addressed by a new Policy 8 on Local Character. Therefore, Church Field has not been identified as Local Green Space.”*

The Neighbourhood Plan explains its approach to the specific areas identified in Policy 8 which are relevant to the Church Commissioners representation in paragraphs 24.7 to 24.9 as follows:

*“24.7 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. 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 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 already protected by Policy ENV 7: Biodiversity and geology of the Local Plan.*

*24.8 The area along Bridge Road has had a dramatic increase in new development in recent years, with a total of 16 dwellings having been granted planning permission. This has intensified the ribbon of development between the village and the Ouse Washes. This has led to increased development and activity within the impact zones for the Ouse Washes which is designated as a Special Areas of Conservation (SAC), a Special Protection Areas (SPA), a Ramsar site and a Site of Special Scientific Interest. Further additional development has the potential to adversely affect the biodiversity of this important site.*

*24.9 Bridge Road has undergone a change in character from sporadic buildings along a country lane to a lane with a more developed character, although some semi-rural character subsists due to gaps in the built form together with the retention of verges, trees and hedgerows. 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. As such this area is sensitive to change and intensification and it is considered appropriate to seek to protect this area.”*

Policy HOU 4 of the Local Plan in relation to affordable housing exception sites requires there to be an identified local housing need and a demonstration that the identified need cannot be met within the development envelope, or on allocated sites or in community led developments. There is no housing needs survey for Mepal in place and the planning application was not supported by such a parish housing needs survey. Policy HOU 4 also contains criterion that no significant harm would be caused to the character or setting of the settlement and the surrounding countryside. As such the Local Plan does not have a carte blanche approach towards supporting affordable housing exception schemes as the representors suggest. Instead, Policy HOU4 explicitly requires consideration of matters relating to the character and setting of a settlement to be taken into account. In this regard there is no conflict between Policy 8 of the Neighbourhood Plan and Policy HOU 4 of the Local Plan.

The representation by the Church Commissioners misses the point of the Area Sensitive to Change and Intensification in Policy 8. They refer to two proposals granted along Bridge Road since the Local Plan was adopted. As we explain in the Neighbourhood Plan it is precisely the ad hoc unplanned incremental development along Bridge Road that has led to the need for the designation.

Paragraph 6.2.1 of the Local Plan states *“Attractive and distinctive local landscapes help to raise both the overall quality of the environment and the quality of people’s lives. A high priority is therefore given to the protection, conservation and enhancement of traditional landscape character. New development that is well designed and helps to sustain and create landscapes and townscapes with a strong sense of place and local identity is important to achieving this objective. The importance of planning for the protection and enhancement of landscape character is endorsed strongly by the NPPF.”*

The Local Plan is explicit that the countryside in East Cambridgeshire is characterised by three distinctive and contrasting landscape types, Mepal fall within the Fens which the Local Plan describes as:

*“Fens - these cover the northern part of the district and are characterised by large open, flat and low lying fields under wide skies, crossed by numerous waterways and drainage channels. There are fine long distance views of buildings and settlements, and most settlements are located on old ‘islands’.”*

The Local Plan continues in paragraph 6.2.3 *“The character areas are described in more detail in the County Council’s ‘Cambridgeshire Landscape Guidelines’ (1991), which remains the baseline evaluation of landscape in the County. The Guidelines stress the need to pay special attention to the design of edges of towns and villages and their integration with and relationship to the wider landscape. This requires the location, scale and height of development, views into and out of the settlement and the detailed edge treatment to be considered carefully. These matters are particularly important given the predominantly flat landscape of the district. A clear distinction between countryside and developed areas, including that between gardens and farmland, should be maintained and ad hoc changes damaging this relationship will not be permitted.”*

Then the Local Plan states in paragraph 6.2.6 *“In protecting landscape and settlement character the Council will expect: important existing views into and out of settlements to be maintained and enhanced and new ones to be created; important open spaces to be retained; and wildlife features to be undisturbed, as detailed in other policies within this Plan.”*



As such the Local Plan sets out an overall approach towards protecting the distinctive character of settlements, including the traditional fenland character. In relation to Mepal this includes the spatial separation between the village and the Ouse Washes. The Local Plan identifies that aspects which can contribute to the distinctive character, local identity and sense of place can include historic and traditional landscape features, such as watercourses, characteristic vegetation, individual and woodland trees, field patterns, hedgerows and walls; the settlement edge; important views; important open spaces; wildlife features; and clear distinction between countryside and the developed area. It specifically advises that ad hoc changes can damage the clear distinction between the countryside and the developed area of settlements.

The two designations covering Church Field and the Bridge Road area are specifically intended to set out a framework against which ad hoc development can be considered and how the features that the Local Plan identifies can form part of local character are protected.

The approach of Policy 8 to the Important Verdant Open Area and the Area Sensitive to Change and Intensification designations is considered to be appropriate for the Neighbourhood Plan, it is consistent with national policy including paragraphs 8 c), 9, 13, 29, 132, 135, 180. The policy is in general conformity with the Local Plan as a whole and forms an integral part of the approach of the Neighbourhood Plan. It is supported by Policies ENV 1, ENV 2 and ENV 7 of the Local Plan and does not conflict with Policies GROWTH 1, GROWTH 4 or HOU 4. As such it meets the Basic Conditions. Policy 8 does not duplicate Local Plan policies, as ECDC clearly identify the policy is locally specific and it compliments Local Plan policies; accordingly, it is not inconsistent with Paragraph 16(f) of the NPPF.

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### Question from Examiner

The District Council proposes a series of revisions to certain policies and the general text. Does the Parish Council have any comments on the suggested revisions?

### Response

The Parish Council and ECDC had discussions following the Regulation 14 consultation and the submission Neighbourhood Plan responded positively to the suggested detailed comments made by ECDC and the wider general discussion about widening the scope of the Plan in relation to identifying specific characteristics to be protected. It is noted that as a consequence the Regulation 16 consultation involved only a handful of representations seeking changes to the Plan, with ECDC being in support of the Neighbourhood Plan with just three minor comments.

Introductory Text - The Parish Council has no objection to the factual updates suggested to paragraphs 7.1 to 7.4, these are modifications which reflect progress since the Neighbourhood Plan was submitted.

Policy 2 - In relation to the suggested changes to Policy 2 it is noted that ECDC didn't raise this point at the Regulation 14 consultation. The Parish Council don't consider the changes to be necessary and simply cross referring to Policy COM3 of the Local Plan would reduce the usability of the Neighbourhood Plan. The Plan already includes in paragraphs 20.12 and 20.13 of the supporting text sufficient cross referencing to Policy COM3 of the Local Plan and the tests that it includes, so that a reader of the Neighbourhood Plan is fully informed of the requirements applicable across both parts of the Development Plan.

Policy 8 - Whilst not an objection, ECDC suggests that it may be more helpful if Map 8 was overlaid with the settlement boundary as shown on Map 2. ECDC didn't raise this point at the Regulation 14 consultation. This is not a matter relevant to consideration of the Basic Conditions. This would be somewhat onerous and is unnecessary, the various Maps in the Plan have been designed to only show the relevant designations/notations from the respective aligned policy.