

Sutton Neighbourhood Plan 2020-2035

A report to Central Bedfordshire Council

**David Kaiserman BA DipTP MRTPI
Independent Examiner**

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Executive summary

I was appointed by Central Bedfordshire Council on 19 February 2021, with the agreement of Sutton Parish Council, to carry out the independent examination of the Sutton Neighbourhood Plan.

The examination was completed solely on the basis of the written representations received, no public hearing appearing to me to have been necessary. I made an unaccompanied visit to the area covered by the Plan on 18 March 2021.

Sutton is a small rural parish in the northern part of Central Bedfordshire, about 3½ miles north-east of Biggleswade. The village itself contains many attractive and important buildings and has a linear form set within attractive countryside and high-quality farmland. Since the Parish has few services and amenities, most of the needs of residents are met by travelling by car to nearby towns and larger villages.

The current population is put at around 250. The Neighbourhood Plan seeks to preserve the tranquil rural character of the village, while ensuring that the modest proposals for new dwellings (much of which will result from an allocation in the emerging Central Bedfordshire Local Plan) are sensitively and sustainably integrated into the existing built-up area.

I have concluded that, subject to a number of recommendations (principally for changes to the detailed wording of some policies), the Sutton Neighbourhood Plan would meet the basic conditions, and consequently am pleased to recommend that, as modified, it should proceed to referendum.

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Introduction

1. This report sets out the findings of my examination of the Sutton Neighbourhood Plan (SNP), submitted to Central Bedfordshire Council (CBC) by Sutton Parish Council in January 2021. The Neighbourhood Area for these purposes is the same as the Parish boundary.
2. Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to help local communities shape the development and growth of their area, and this intention was given added weight in the National Planning Policy Framework (NPPF), first published in 2012. The current edition of the NPPF is dated June 2019, and it continues to be the principal element of national planning policy. Detailed advice is provided by national Planning Practice Guidance on neighbourhood planning, first published in March 2014.
3. The main purpose of the independent examination is to assess whether the Plan satisfies certain “basic conditions” which must be met before it can proceed to a local referendum, and whether it is generally legally compliant. In considering the content of the Plan, recommendations may be made concerning changes both to policies and any supporting text.
4. In the present case, my examination concludes with a recommendation that, subject to the modifications set out in my report, the Plan should proceed to referendum. If this results in a positive outcome, the SNP will ultimately become a part of the statutory development plan, and thus a key consideration in the determination of planning applications relating to land lying within the SNP area.
5. I am independent of the Parish Council and do not have any interest in any land that may be affected by the Plan. I have the necessary qualifications and experience to carry out the examination, having had 30 years’ experience as a local authority planner (including as Acting Director of Planning and Environmental Health for the City of Manchester), followed by over 20 years’ experience providing training in planning to both elected representatives and officers, for most of that time also working as a Planning Inspector. My appointment has been facilitated by the independent examination service provided by Penny O’Shea Consulting.

Procedural matters

6. I am required to recommend that the Sutton Neighbourhood Plan either
 - be submitted to a local referendum; or
 - that it should proceed to referendum, but as modified in the light of my recommendations; or
 - that it not be permitted to proceed to referendum, on the grounds that it does not meet the requirements referred to in paragraph 3 above.
7. In carrying out my assessment, I have had regard to the following principal documents:
 - the submitted SNP
 - the pre-submission version of the Plan
 - the Consultation Report (January 2021)
 - the Basic Conditions Statement (December 2020)
 - the Green Infrastructure Plan 2020
 - the Strategic Environmental Assessment Screening Determination Statement (April 2020)
 - the representations made to the SNP under Regulation 16
 - selected policies of the adopted Development Plan for the area, as well as the emerging Central Bedfordshire Local Plan

- relevant paragraphs of the NPPF
- relevant paragraphs of national Planning Practice Guidance.

8. I carried out an unaccompanied visit to the Plan area on 18 March 2021, when I looked at the overall character and appearance of the Parish, together with its setting in the wider landscape and those areas affected by specific policies or references in the Plan. Where necessary, I refer to my visit in more detail elsewhere in this report.
9. It is expected that the examination of a draft neighbourhood plan will not include a public hearing, and that the examiner should reach a view by considering written representations¹. In the present case, I considered hearing sessions to be unnecessary. I should add that none of the representations received at the Regulation 16 stage included a request for a hearing.
10. I have addressed the policies in the order that they appear in the submitted Plan. My recommendations for changes to the policies and any associated or free-standing changes to the text of the Plan are highlighted in ***bold italic print***.

A brief picture of the neighbourhood plan area

11. Sutton is a parish in rural Bedfordshire, about 3½ miles north-east of Biggleswade and just south of the small town of Potton and its range of services. The main part of the village sits in a shallow bowl of land around the stream which runs north-south through the Parish, with the majority of the 125 or so dwellings spread along High Street in a “ribbon”, mostly one-house deep. There is a considerable variety of built form within this small area, with newer properties along the north side of the road, in the section to the west of the ancient packhorse bridge and adjacent ford. There has been limited modern infill development, although a small scheme of three dwellings was under construction at the time of my visit. Much of the central part of Church Road/High Street is within a conservation area. There is always the sense that open countryside is close by, and the lanes and footpaths leading away from the village offer lengthy views, especially from the gently rising ground to the south and east. The northern part of the Parish is dominated by the well-landscaped John O’Gaunt golf club and adjacent woodland along Carthage Road.
12. Sutton itself has few amenities. Apart from the venerable parish church, there is a small lower school, the village hall, the John O’Gaunt pub/restaurant and a farm shop/café (some distance from the village on the road to Biggleswade) and an independent day school (in a similar location). It is not greatly surprising that for most of the journeys for work, shopping, health and social purposes, residents are reliant on the car. From what I was able to see on my visit, and the information contained in the SNP document itself, there is a strong sense of community within the Parish.

The basic conditions

13. I am not required to come to a view about the “soundness” of the Plan (in the way which applies to the examination of local plans); instead, I must principally address whether or not it is appropriate to make it, having regard to certain “basic conditions”, as listed at paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The requirements are also set out in paragraph 065 of the relevant Planning Practice Guidance. In brief, all neighbourhood

¹ Paragraph 9(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

plans must:

- have regard to national policy and guidance (Condition a);
- contribute to the achievement of sustainable development (Condition d);
- be in general conformity with the strategic policies in the development plan for the local area (Condition e);
- not breach, and otherwise be compatible with, EU obligations, including human rights requirements (Condition f);
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017; and
- comply with any other prescribed matters.

14. The SNP's Basic Conditions Statement (BCS) is a comprehensive and approachable document. It begins by briefly describing the nature of neighbourhood plans, with particular reference to the basic conditions. A very clear Ordnance Survey extract shows the NP area, and this is followed by a comprehensive account of the background to the Plan which sets out the three main stages of its preparation, describing the way the steering group organized its "robust programme of community engagement". Key stages in the process are summarised: the 2019 Housing Needs Survey carried out on the Council's behalf by Bedfordshire Rural Communities Charity (BRCC); a Green Infrastructure Plan, also prepared by BRCC; the questionnaires delivered to all interested parties; and the steps leading to the public consultation on the draft Plan and the responses to the comments received. More detail on the consultation process is found in the Consultation Report.
15. It is important to note that the BCS records the clear intention of the Parish Council "not to duplicate policies which will be used in determining planning applications" – which effectively means policies contained in the (adopted) Local Plan. This reflects the reference at paragraph 16f) of the NPPF that plans should "serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area which are in force at a particular time".
16. After a general summary of how the SNP has sought to have explicit regard to the national context, the BCS sets out in tabular form precisely how each of its policies relates to paragraphs of the NPPF. This exercise is then repeated with reference to the Plan's contribution to the delivery of sustainable development. Two further tables use the same approach to assessing the compatibility of the Plan with both the Central Bedfordshire Core Strategy and Development Management Policies (ie, the adopted development plan for the area) and the emerging Local Plan 2035 (I refer to this again shortly). The BCS is completed by a summary of the approach taken in relation to the strategic environmental impact assessment and the Habitats Regulations, as well as the Human Rights Act.

Other statutory requirements

17. A number of other statutory requirements apply to the preparation of neighbourhood plans, all of which I consider have been met in this case. These are:
 - that the Parish Council is the appropriate qualifying body (Localism Act 2011) able to lead preparation of a neighbourhood plan;
 - that what has been prepared is a Neighbourhood Development Plan, as formally defined by the Localism Act; that the plan area does not relate to more than one Neighbourhood Area; and that there are no other neighbourhood plans in place within the area covered by the plan;
 - that the plan period must be stated (which in the case of the SNP is 2020 to 2035); and
 - that no "excluded development" is involved (this primarily relates to development involving

minerals and waste and nationally significant infrastructure projects).

18. I have also borne in mind the particular duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of “preserving or enhancing the character or appearance” of any conservation area.
19. A screening report is required in order to determine whether a neighbourhood plan needs to be accompanied by a Strategic Environmental Assessment (SEA), under the terms of the Environmental Assessment of Plans and Programmes Regulations 2004. It is the qualifying body’s responsibility to undertake any necessary environmental assessments, but it is the local planning authority’s responsibility to engage with the statutory consultees.
20. An SEA Screening Determination Statement was published by CBC in April 2020. In it, they conclude that the SNP is unlikely to have any significant environmental impacts, and therefore that an SEA is not required. The same applies in relation to the Habitat Regulations. The determination itself was made on 2 April 2020: full details of the considerations which support it are set out in the statement, and I have been given no reasons to question any of the conclusions reached. They are also supported by Natural England, Historic England and the Environment Agency, as statutory consultees in the process.
21. It is a requirement under the Planning Acts that policies in neighbourhood plans must relate to “the development and use of land”, whether within the Plan area as a whole or in some specified part(s) of it. I am satisfied that this requirement is generally met.

National policy and guidance

22. National policy is set out primarily in the NPPF, a key theme being the need to achieve sustainable development. The NPPF is supported by Planning Practice Guidance (PPG) on neighbourhood planning, an online resource which is continually updated by Government. I have borne particularly in mind the advice in the paragraph 041² of the PPG that a policy in a neighbourhood plan should be clear and unambiguous, concise, precise and supported by appropriate evidence.

The existing Development Plan for the area

23. The current Development Plan for the area has two elements: The Core Strategy and Development Management Policies Development Plan Document 2009 (which I will abbreviate to “the Core Strategy”) and the Site Allocations Development Plan Document 2011. The presentation of local planning policies for Central Bedfordshire on the Council’s website indicates that the SNP area lies within the part of the District covered by the adopted North Local Development Framework: this is a consolidation of planning policy which follows the merger in 2009 of the former Mid Bedfordshire and South Bedfordshire District Councils.
24. In April 2018, CBC submitted a new Local Plan to cover the whole of their area, which looks ahead to 2035. From their website, I have learned that examination hearings began in the spring of 2019, and continued (“virtually”, due to the Covid restrictions) into December 2020. At the time of writing, the two appointed Inspectors and CBC have been in correspondence about the next steps to be taken following the examination.
25. Basic condition e) requires neighbourhood plans to be in general conformity with the strategic

² PPG paragraph 041. ID:41-041-20140306

policies in the development plan for the local area: this clearly means the *adopted* development plan. However, I bear in mind the advice at paragraph 009³ of the PPG which says: “Although a draft neighbourhood plan or order is not tested against the policies in an emerging Local Plan, the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.”

26. Policy CS1 of the adopted Core Strategy identifies ten locations or groups of locations within Central Bedfordshire for the purposes of managing development, but the only one which is relevant for this examination is the last (“Rural Areas – Large and Small Villages”). Within these settlements, the policy states that “the Site Allocations DPD will make small-scale allocations of new homes, jobs and community facilities that reflect the size and character of the community”. Sutton is designated as a “small village” in Policy CS1, although the DPD itself does not allocate any sites for development within the Parish.
27. Section 2.4 of the SNP notes that a Settlement Capacity Initial Study (July 2017), which was undertaken as part of the emerging Local Plan, did not include Sutton on account of its very limited capacity for growth. However, it also explains that the draft Local Plan does include a modest allocation (known as site HAS48) for 24 dwellings on land at High Street in the village. The SNP has been prepared in a way which seeks fully to accord with the direction of the new Local Plan’s policies and accepts this proposed allocation as a given. This seems to me to be an entirely proper course of action to take, given the advanced stage of the Local Plan and the general freedom given to neighbourhood plans to provide for more housing than is specified in the adopted development plan without this necessarily resulting in any conflict with the basic conditions.

The consultation exercise (Regulation 14)

28. This regulation requires the Parish Council to publicise details of their proposals “in a way that is likely to bring [them] to the attention of people who live, work or carry on business in the area”, and to provide details of how representations about them can be made. Regulation 15 requires the submission to the local planning authority of a statement setting out the details of what was done in this respect, and how the qualifying body responded to any matters which arose as a result of the consultation process.
29. The Consultation Report summarises the steering group’s approach to this process from their initial discussions in June 2018. The impetus would seem to be some concern about the scale of recent development within neighbouring parishes, and that Sutton needed to have a “voice”. It is not necessary for me to chart here all the stages of the subsequent engagement process, for which considerable help and guidance was provided by CBC’s Neighbourhood Involvement Officer. A dedicated website and Facebook presence ensured maximum exposure to the steering group’s work as it progressed. I am entirely satisfied that the relevant statutory requirements have been fully complied with, and all those involved are to be congratulated for ensuring that the process of the Plan was not unduly interrupted by the Coronavirus restrictions.

General observations about the Plan

30. The Plan itself is an exceptionally well-thought-out document, clearly designed to be as useful, interesting and accessible as possible. It contains many attractive photographs and clear maps, and even cartoons and children’s drawings. Each policy is clearly differentiated both from the

³ PPG ID: 41-009-20190509

supporting material which precedes it and what is usefully described as the “interpretation” which follows it.

31. After a brief introduction to the key social and physical characteristics of Sutton, the general context for neighbourhood planning and its relationship with the national and local planning frameworks, the Plan continues with a summary of the process of community involvement before setting out the overall vision for the village:

“...to maintain its character and rural identity; (to) protect and enhance its heritage and natural environment whilst offering its residents suitable and affordable housing as well as encouraging sustainable local businesses to thrive within its area. Sutton parish will value its tranquil and recreational setting. Parishioners of all ages will feel safe, be proud to live in Sutton and will be able to live a sustainable, healthy and active lifestyle”.

32. This is followed by a more detailed set of 15 aims, and a number of sustainable development principles setting out six positive objectives to be met and seven adverse impacts which should be avoided. The 27 policies themselves are set out under eight sections (numbered 6-11).

Representations received (Regulation 16)

33. None of the statutory consultees who responded (Highways England, Historic England and Anglian Water) had any adverse observations to make. Hertfordshire Council had some comments to make about local bus services which lie outside my brief. National Grid responded to the effect that none of their assets are affected by the Plan. I will comment on some recommendations made by CBC under the appropriate policy heads. Support for the Plan came from Biggleswade Town Council and Sutton Lower School.

The policies – general comment on the basic conditions

34. Unless otherwise stated, I have concluded that, subject to any recommendations, each of the Plan’s policies satisfies the basic conditions. I have therefore not made that point separately under each policy head.

Policy RC1: Landscape and natural environment

Policy RC2: Trees and hedgerows

Policy RC3: Sensitive tree, hedgerow and wildlife areas

35. Between them, these policies reflect one of the Plan’s key concerns, which is to ensure that the three different landscape areas (as defined by the Central Bedfordshire Landscape Character Assessment, published in 2015) represented in Sutton are not harmed by development and that protection is also given to woodlands and rows or belts of trees and hedgerows. Policy RC3 and Map RC3 identify locations of particular importance and sensitivity, and I was able to see many of these on my visit to the area. The policies say that any loss of these features would need to be justified, and they explain in broad terms what remedial steps would need to be taken if this becomes necessary. The interpretation section of RC1 lists the designated and key non-designated environmental assets within the Parish.

36. Policy RC2 recognises that *enhancement* of the natural environment on the back of development proposals has to reflect feasibility: however, this sensible caveat is missing from Policy RC1. ***I recommend that the first phrase of Policy RC1 (a) be amended to read: “Development must preserve and, where feasible, enhance the natural environment...”. For consistency and clarity, I also recommend that the first line of Policy RC1(c) be amended to read: “Development must***

retain and, where feasible, take opportunities to enhance...". (I have noted that CBC have pointed to some duplication between RC1(a) and an un-referenced policy in the Local Plan and suggest that it can therefore be removed. I recognise the point, but on balance consider that it would help public appreciation of the wider policy intentions if it were to remain).

37. CBC point to the need for some clarification of Policy RC2. I agree with them and **recommend that parts (a) and (b) of Policy RC2 should each begin with the phrase "Unless unavoidable ..."**.
38. In addition, CBC question the precise meaning of the term "pre-emptive action" in part (c) of Policy RC2: while the interpretation section says that it refers to "situations where features have been removed prior to planning applications being determined", one reading of the phrase suggests that it is intended to somehow discourage developers from taking such action. In many – probably even most – circumstances, this is likely to be beyond planning control. In any event, the requirement that "a similar level of new tree planting" will be expected after such action has occurred seems unduly prescriptive: it might be that a greater or lesser amount of replacement planting would be appropriate in any particular case. The first sentence of part (c) to the policy should suffice, **and I therefore recommend that the second sentence of part (c) of Policy RC2 (and the last sentence of the interpretation) be deleted.**

Policy RC4: Important green gaps

39. This policy gives effect to the importance of preserving certain areas of open countryside around the village in order to reinforce its distinctiveness, as well as to protect wildlife. The Background Evidence Report provides further analysis of the significance of these gaps, the locations of which are clearly shown on Map RC4. The importance of the surrounding farmland in framing and defining the main built-up areas of the village was clear from my visit.

Policy RC5: Agriculture

40. The Plan explains that the agricultural land around Sutton is classified as "the best and most versatile" (Natural England Provisional Agricultural Land Classification), where around 50% of the land is graded 1 or 2. Policy RC5 states that development which would result in the "significant and unacceptable loss" of Grade 1 or Grade 2 land will not be permitted.
41. CBC suggest the deletion of the policy for two reasons. Firstly, they say that it already exists in the draft Local Plan: but this is of limited consequence, since the need is for the SNP to be in general conformity with the strategic policies of the *adopted* development plan. I am, however, in agreement with CBC on their second point – which is that, as it stands, the policy is overly restrictive. Having looked at the emerging Local Plan, I see that the policy to which they refer is DC5: this indeed does say that the loss of the best agricultural land will not be permitted – but it adds three factors which would allow for some flexibility. These seem to me to reflect the general expectation that policies should avoid being over-prescriptive, and Policy RC5 should be expanded to take this into account. Given the limited capacity for new development in Sutton, this could be a simplified version of what is set out in draft Local Plan Policy DC5.
42. **I recommend that the policy be amended to read: "Development which would result in the significant loss of Grade 1 or Grade 2 agricultural land within Sutton Parish will only be permitted where it can be demonstrated that there are other relevant considerations which would clearly override the need to protect the land".**

Policy RC6: Watercourses

43. This policy recognises the considerable importance of the systems of watercourses in the area because of their relationship with flow rates, flood risk, water quality, biodiversity, landscape, and trees and woodlands. The policy seeks to ensure that development does not have any significant adverse impacts in those terms. The interpretation section says that appropriate mitigation measures would be needed where necessary – this is clearly a sensible requirement, but ***I recommend that it be included within the policy itself.***
44. Paragraph (c) of the policy contains two specific requirements: the first is that development adjacent to, or containing, a watercourse should include a 9m “ecological buffer” from the top of the watercourse bank. On the face of it, this is very prescriptive (and does not, for example, suggest that this is a minimum requirement), and the precise justification for it is not explained. ***I recommend that a brief explanation for the choice of 9m be included in the interpretation section.*** The second part of paragraph (c) adds that watercourses must not be culverted or covered – this again reads somewhat prescriptively, and ***I recommend that they “should not normally” be culverted or covered.*** This would allow assessment of minor works which might be considered necessary in a particular case.

Policy RC7: Wildlife habitats and corridors

45. Section 6.5 of the Plan summarises the rich variety of wildlife and habitats within the Parish, some elements of which are recognised by national and county designations. Policy RC7 seeks to ensure new development does not have any adverse impact on these assets and requires compensatory action where this does occur. As part of a general encouragement to enhance wildlife habitats and corridors, development “must, where feasible, achieve a minimum of 10% biodiversity net gain overall.”
46. CBC suggest that more detail is required to explain what features might be seen as “positive” and those which might be thought “negative”, should any trade-offs be required. However, I consider that this is a matter which could safely be left to the development management process to resolve in any individual case. CBC also question what they see as the prescriptive nature of the 10% net gain in biodiversity, a matter they had previously raised at the Regulation 14 stage. I have sympathy with the general point here and the reasoning behind it; however, I consider that it is already dealt with satisfactorily by the inclusion of the phrase “where feasible”, and thus that no change is required to the policy wording.

Policy RC8: Tranquility, amenity and dark skies

47. This is a generally expressed policy which seeks to ensure that “the tranquility of the rural area and...the amenities of residential properties” are not significantly disturbed by development. These are matters which are routinely taken into account as material considerations for the determination of planning applications. In addition, where appropriate, details of external lighting will be required in order to support the integrity of dark night skies within the Parish, the supporting material adding that guidance on the detail is available from the Institution of Lighting Professionals.

Policy RC9: Local green spaces

48. Section 6.8 of the Plan sets the national context for the designation of local green spaces (LGS), which is that their designation in plans “allows communities to identify and protect green areas of

particular importance to them.....” Paragraph 100 goes on to say that the LGS designation should only be used where the green space is:

- *in reasonably close proximity to the community it serves;*
- *demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife; and*
- *local in character and is not an extensive tract of land.*

49. The Green Infrastructure Plan consultation resulted in several sites being identified as important to local people, and this was followed up with an independent assessment of their value as against the NPPF criteria. As a result, four locations, all clearly identified in separate maps, are proposed for designation under Policy RC9, which means that “inappropriate forms of development will not be permitted except in very special circumstances”.
50. There has been no objection to the inclusion of any of these under Policy RC9 and, from my visit to the area and the information contained in the GIP, I am satisfied that they are appropriately designated as LGS (although it was not always possible to gain close inspection). In this, I do not share CBC’s reservations about the justification for designating areas of land assumed not to be at risk of development. I do, however, think that some modification to the policy is desirable: the reference to “inappropriate” development will be taken by some to equate to the concept which is applicable to polices regarding development within the green belt, and for this reason it should be avoided. ***I recommend that paragraph (b) of the policy be re-worded to read: “The areas listed above are protected from new development unless very special circumstances can be demonstrated.” In addition, the first phrase of paragraph (c) should read: “Any development which is permitted under the terms of paragraph (b) must not have any significant adverse impact on ...”.***

Policy HE1: Local heritage

Policy HE2: Sutton Park

Policy HE3: Bear Garden

Policy HE4: Packhorse Bridge and ford

Policy HE5: Lantern Lane

51. Between them, these five policies seek to ensure that any new development fully respects the non-designated heritage assets within the Parish, together with their settings. Policy HE1 is overarching and, when taken together with Policy DC1, would require high standards of design and appropriate materials where either designated or non-designated assets are involved. Policies HE2-HE5 provide more detail in relation to the sites listed, of particular interest and visual sensitivity being the 13th Century Packhorse Bridge (listed Grade II* and a Scheduled Monument) and the adjoining ford, in many ways the focal point of the village. All the sites concerned are clearly identified on separate maps. This whole section of the Plan document is set within interesting descriptions of the different aspects of Sutton’s long history, all of which places the planning policies into meaningful context.
52. CBC’s archaeologist had a number of comments about this part of the Plan⁴. The first suggests that Policy HE1 “does not entirely accord with the NPPF or emerging Local Plan policy”, because the requirements of developers in relation to non-designated assets are undefined. NPPF paragraph 185 and paragraph 003 of the PPG on the Historic Environment⁵ say that plans (including

⁴ I am aware that, due to an administrative error, these arrived technically “late” under Regulation 16, but I am satisfied with the explanation I have been given about this.

⁵ PPG ID: 18a-003-20190723

neighbourhood plans) should set out a positive strategy for the conservation and enjoyment of the historic environment, but are not prescriptive about how this should be achieved. Paragraph 005 of the PPG on the Historic Environment⁶ simply says that, where relevant, neighbourhood plans “need to include enough information about local heritage to guide decisions...”. The relationship with the emerging Local Plan is not at issue in this examination.

53. While I agree that neither HE1 nor the accompanying interpretation section contain any detail about the precise steps that would need to be taken in order to comply with the policy objective, the non-designated assets themselves are identified; and, when taken together with other Plan policies (in particular DC1), I consider that sufficient guidance is provided and that no issue arises in relation to the basic conditions.
54. The second point raised by CBC relates to Policy HE4. Since the Packhorse Bridge is a Scheduled Monument, it benefits from the highest level of protection and there is little likelihood of any development physically impacting on it. I see the point here, but the general public might think it a mistake for the Plan to omit reference to the need for its protection and so I think it is in the wider interest to keep it. ***However, I recommend that the interpretation section of the policy include a brief commentary on the statutory protection for the bridge and the unlikely prospect of anything being allowed to affect it.***
55. As a separate issue, CBC question the wisdom of defining an area as constituting “the setting” of the bridge and ford (Map HE4). ***I agree with their assessment here and so, for the reasons they give, recommend either that Map HE4 and the reference to it in the policy be deleted, or that a more generalized, non-site-specific way of depicting the most sensitive area (ie the broad zone either side of the bridge, extending into the open areas to the west) be substituted for it.***
56. In addition, CBC have noted the omission in Aim H (section 4.1 of the Plan) of reference to the archaeological interest of John O’Gaunts Hill, which contains the remains of a mediaeval motte, a Schedule Monument. ***I recommend that this small omission be rectified.***

Policy HE6: Sutton Conservation Area

57. This policy includes the statutory requirements in relation to development within conservation areas but adds specific detail by listing the particular characteristics of the Sutton CA which will need to be taken into account. The boundaries are clearly shown in Appendix C, which also includes extracts from a 1971 document describing the CA, prepared by Bedfordshire County Council.

Policy SG1: Housing

58. Section 8 of the Plan is headed “Sustainable Growth” and describes in some detail the overall approach being taken to the way the village is intended to evolve. This includes reference to energy, transport, flood risk, carbon neutrality and climate change, all designed to complement the principles being followed by CBC in the emerging Local Plan.
59. The Bedfordshire Rural Communities Charity conducted a housing needs survey in January/February 2019 to inform the SNP’s emerging policies. This concluded that there was a very small requirement for affordable housing within the Parish deriving from the needs of local residents or people with close links to the area. The same was true of the requirement for smaller or

⁶ PPG ID: 18a-005-20190723

retirement dwellings. The Plan supports modest measures to rebalance the housing stock to reflect these conclusions. Section 8.7 records the fact that, as at 1 January 2020, planning permission existed for 16 new dwellings within the Parish, spread over five sites and that, in addition, the draft Local Plan allocates land adjacent to Millennium Wood for 24 more dwellings (site HAS48).

60. Given this context, no new further site-specific allocations for housing are put forward in the SNP. Policy SG1 sets out the preferred mix of housing types (especially in relation to size), which should reflect the demographic conclusions reached by the BRCC survey, as well as taking into account emerging Local Plan policies. Also highlighted is the need for schemes to demonstrate that any flood risk has been properly assessed. Self-build homes are encouraged in principle.

Policy SG2: Rural economy

61. Reflecting national and local planning objectives, Policy SG2 supports new or expanded local employment, including proposals which would help to diversify the local economy (the Plan notes the significance of the several active farms within the Parish), and the benefits of home-working and local small businesses generally. Sensible caveats are included about the need to avoid any significant adverse impacts.

Policy SG3: Sustainable local energy schemes

62. With similar safeguards to those included in the previous policy, Policy SG3 offers support for small-scale local energy-generation schemes.

Policy DC1: Local distinctiveness and character

Policy DC2: Sutton character areas

63. The context for these two policies is the very wide range of built form within the Parish and the general desire to ensure that this is respected as new development comes forward; although the Plan is also at pains to point out that this is not intended to discourage “appropriate innovation”.
64. Policy DC1 lists eight factors which (where relevant) need to be considered when new development is proposed. The first requirement noted is (a), which says that proposals should “follow” the guidelines and design principles set out in the Sutton Design Code. This comprehensive document was prepared to support the Parish Council in its work on the SNP; the final version is dated May 2020. At my request, CBC clarified the status of the Design Code, explaining that it is intended to be technical guidance for applicants, supplementing CBC’s own Design Guide. ***In order to more accurately reflect the status of this kind of guidance in the planning process, I recommend that criterion (a) be slightly re-worded to: “Development proposals should demonstrate that they have had regard to the guidelines and design principles set out in the Sutton Design Code”.***
65. The remaining factors are all clearly expressed, and cover the general relationship with the surrounding area; boundary treatment (including at the urban edge); the particular importance of certain views (these being clearly shown on a map at Appendix J); and building materials. CBC suggest that DC1 should also include reference to heritage issues, given that the interpretation section of Policy HE1 says “Policy DC1.... includes more specific requirements”. My reading of this phrase is that it relates to the broader physical context against which schemes should be assessed – nevertheless, ***I recommend that criterion (b) be slightly amended such that it begin: “Development must complement the character of the surrounding context (including any***

heritage assets which might be present), in terms of scale.....”.

66. Policy DC2 lists distinct character areas within the Parish (further detail being provided in one of the background documents), each of which is exemplified by coloured photographs and shown on Map DC2. Section 9.7 identifies five of these distinct areas, whereas the policy itself specifies three – this (as the interpretation section explains) is because two of them are adequately dealt with under other policies of the Plan.

Policy DC3: Sustainable design

Policy DC4: Clay End, High Street

67. Policy DC3 contains further measures to encourage a sustainable approach to development. Eight factors are listed, dealing with the integration of landscape design with the built element of schemes; encouragement for the use of local plant species; pedestrian safety; natural surveillance; residential amenity; recycling etc facilities; and a range of “green design” features. The interpretation section provides helpful links to other sources of advice. CBC suggest that factor (c) could be expanded to encourage better accessibility for all, including people with disabilities. ***This is a sensible modification, and I recommend that it be adopted.***
68. Clay End is the name given to the site allocated for new housing in the draft Local Plan. Policy DC4 lists three specific requirements for the development, reflecting master-planning principles set out in section 4.3 of the Design Code. Further guidance is found in the preamble to the policy (section 9.10 of the Plan).

Policy CF1: New village hall and car parking

Policy CF2: New cemetery

Policy CF3: Community facilities

69. Section 10 of the Plan notes Sutton’s lack of social facilities such as healthcare, and points out that the only shop, a farm shop, is 2km from the centre of the village and not easily accessible for people without a car. It goes on to explain that countryside walking and horse riding are well catered for by local public paths and bridleways, but that cycling is a problem due to the character of the roads. Mention is also made of the four allotments in the village. The many social events in the Parish are catered for at the village hall and its high-quality external space. However, it has limited capacity and facilities (including parking), and the Plan includes an aspiration to replace it. Policy CF1 and its accompanying map allocate land to the north of the existing hall for the purpose, with parking to be sufficient to serve a village-wide function.
70. Policy CF3 supports the principle of new community facilities or the expansion of existing ones. In addition, the policy lists seven facilities as being of particular importance, the loss of any of which will not be permitted unless equivalent (or better) replacement is provided, or there is evidence that it is no longer economically viable. I understand the relevance of the policy objective here. However, account needs to be taken of the recent substantial changes to the Use Classes Order: a key element of this is the creation of a new Class E, which would, for example, be likely to allow the farm shop and café to be converted to offices and other uses listed previously in the superseded Classes A2, A3, B1 and D1, without the need for planning permission. Recent amendments to the General Permitted Development Order also would also make it easier to change the use of premises from retail to residential. It is perhaps uncertain what effect these changes would have on the ability of the SNP to safeguard the community facilities at issue here, ***and I recommend that the interpretation section include some comment on the limitation of control which will be possible in practice.***

71. I note here that while Policy CF1 focuses on the village hall, the fourth paragraph of the preamble to it (section 10.1) appears to suggest that proposals to change the use of either the shop or the lower school “will be resisted unless there is no prospect of them remaining economically viable, and evidence will be required to demonstrate this”. ***This could be seen as being to some extent at odds with the wording of Policy CF3, and I recommend that it be deleted.***
72. Policy CF2 allocates land for a new cemetery at a site (shown on the accompanying map) close to the existing one, which is nearing capacity.

Policy INF1: Sustainable transport

73. Section 11 of the Plan is a summary of the transportation issues for Sutton’s residents. It explains that there is a high level of car ownership, reflecting the relatively poor local bus service and the fact that, according to surveys, nearly half of residents have to travel outside the village for work. Visits to pharmacies, surgeries, a post office, a local shop (other than the farm shop) all involve round trips of about 6km, with more for higher-order facilities such as the nearest Upper School. Deficiencies in cycle and safe walking routes tend to discourage people from using these more sustainable forms of transport. The high level of car usage has an environmental impact and is sometimes the cause of safety concerns, due to excessive speed or when movement of agricultural vehicles is involved. The ford is permanently in water and can sometimes be impassable. Parking is a problem in High Street and at times around the school.
74. Development plans are somewhat limited in the extent to which they are able to address these issues, but Policy INF1 properly concentrates on a range of physical, land-use-based requirements when new development is proposed, which between them make a meaningful contribution to achieving this objective.

Policy INF2: Infrastructure priorities

75. This last policy of the Plan sets out the preferred priorities for the expenditure of resources on infrastructure, including projects set out in the Green Infrastructure Plan. This is an entirely reasonable approach for a neighbourhood plan, since its intention is to guide the local planning authority in its resource allocation programmes. However, it is not a land use policy in its own right and ***I therefore recommend that it be deleted.*** Most, if not all, of the ground it covers is already included within section 13 (see below); anything not found there at present can be added to it.

Considerate development

Community aspirations, ideas and actions

76. Section 12 of the Plan sets out some considerations which residents indicated they would wish to be taken into account if and when any major development is proposed (in or beyond the Parish), including the need to deal with the impacts of construction on traffic flows, screening measures, noise and disturbance etc. The value of agreed management plans to govern construction is highlighted. All these factors are properly included within the Plan for information, while not being treated as formal policies.
77. The same is true for section 13, which contains nine sub-sections setting out the aspirations for particular projects which it is hoped will become beneficiaries of S106 contributions and/or the Community Infrastructure Levy (if and when one is introduced by CBC).

Implementation and monitoring and other matters

78. Section 14.1 contains relevant information about the way the Plan is to be used (including as an advocacy document for discussions with CBC and other parties), which includes an appropriate emphasis on partnership. As for monitoring and review, section 14.2 commits the Parish Council to reporting annually on progress towards achieving the vision and aims of the Plan, together with its individual policies. This review would also cover how well expenditure priorities are being met and generally to check that it remains relevant to the area's needs. This is a bold and comprehensive commitment which should be welcomed: it will also inform the Council about any need in due course for a formal review of the Plan itself.
79. The Plan document concludes with a helpful table showing which policies are designed to address its stated aims; and there is finally a series of appendices which link to the various policies.

Conclusions on the basic conditions

80. I am satisfied that the Sutton Neighbourhood Plan makes appropriate provision for sustainable development, while establishing principles which are designed to accommodate new development in a way which ensures that it is successfully integrated into the existing physical and social context. I conclude that in this and in all other material respects, subject to my recommended modifications, it has appropriate regard to national policy. Similarly, and again subject to my recommended modifications, I conclude that the Plan is in general conformity with the strategic policies in the Development Plan for the local area. There is no evidence before me to suggest that the Plan is not compatible with EU obligations, including human rights requirements.

Formal recommendation

81. I have concluded that, provided that the recommendations set out above are followed, the Sutton Neighbourhood Plan would meet the basic conditions, and I therefore recommend that, as modified, it should proceed to a referendum. Finally, I am required to consider whether the referendum area should be extended beyond the neighbourhood plan area, but I have been given no reason to think this is necessary.

David Kaiserman

David Kaiserman BA DipTP MRTPI Independent Examiner

8 April 2021

APPENDIX 1 – SUMMARY TABLE OF RECOMMENDATIONS

Examiner's report paragraph	NP reference	Recommendation
36	Policy RC1	<ul style="list-style-type: none"> Two small additions
37	Policy RC2	<ul style="list-style-type: none"> A small addition
38	Policy RC2	<ul style="list-style-type: none"> Delete second sentence of part (c) and last sentence of the interpretation
42	Policy RC5	<ul style="list-style-type: none"> Redraft the policy as recommended
43	Policy RC6	<ul style="list-style-type: none"> Include reference to mitigation within the policy
44	Policy RC6	<ul style="list-style-type: none"> Explain basis of 9m ecological buffer Minor addition
50	Policy RC9	<ul style="list-style-type: none"> Minor rewording of paragraphs (b) and (c)
54	Policy HE4	<ul style="list-style-type: none"> Include a brief explanation of the status of the Packhorse Bridge in the interpretation section
55	Policy HE4	<ul style="list-style-type: none"> Reconsider the way the "setting" of the Bridge is handled
56	Policy HE4	<ul style="list-style-type: none"> Rectify small omission
64	Policy DC1	<ul style="list-style-type: none"> Minor rewording to reflect status of Design Code
65	Policy DC1	<ul style="list-style-type: none"> Minor rewording of criterion (b)
67	Policy DC3	<ul style="list-style-type: none"> Expand factor (c) to include reference to disabled access
70	Policy CF3	<ul style="list-style-type: none"> Include in the interpretation section some comment on impact of recent changes to the GPDO
71	Policy CF1	<ul style="list-style-type: none"> Delete fourth paragraph of the preamble (section 10.1)
75	Policy INF2:	<ul style="list-style-type: none"> Delete the policy