

Otley Neighbourhood Plan

Initial Comments of the Independent Examiner

Prepared by

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29th April 2025

Introductory Remarks

1. As you will be aware, I have been appointed to carry out the examination of the Otley Neighbourhood Plan. I have carried out my initial review of the Plan and the accompanying documents. I visited the parish on 22nd April 2025.
2. I spent about well over an hour in Otley parish. I entered the parish past the Rural College and via Church Road before then turning right by the village shop and I travelled the length of the Chapel Road and then saw Otley Hall. I then visited each of the local green spaces and I visited many of the viewpoints shown in Appendix C. I was able to gain a strong impression of the setting of the village within the landscape when viewed from High House Road and in particular I saw the tower of St Marys Church from a number of different perspectives especially from Ipswich Road when driving round the other smaller settlements in the parish. I drove into the Swiss Cottage Farm complex, and I also was able to view the site from the southeast.
3. I then parked by the War Memorial and walked up to St Marys Church and used the public footpath to see the land which is covered by Policy ONHP3. I also viewed the land from the new development off Millers Way. Upon leaving the parish I drove around the parking and circulation area at Suffolk Rural College
4. From what I have read and based on what I saw on my site visit, I am satisfied that a public hearing will not be required for this examination, and it will be conducted purely on the basis of the written material.

National Planning Policy Framework

5. Just before last Christmas, the Government issued a new version of the National Planning Policy Framework. Paragraph 239 of this latest version deals with Implementation and confirms that only those neighbourhood plans which are submitted after 12th March 2025, will be assessed at examination against the policies in the new version of the NPPF. I can therefore confirm that I will be examining this neighbourhood plan in the context of the previous version of the Framework, which was issued on 19th December 2023. My subsequent reference to paragraph numbers in this document relates to the Dec 2023 version of the Framework.

Regulation 16 Comments and Strategic Policies

6. I would like to offer the Parish Council the opportunity to comment on the representations that were submitted to the plan as part of the Regulation 16 consultation. I do not expect a response to every comment made, just those that the Parish Council feels that it wishes to respond to or comment upon.

7. Can I ask East Suffolk Council to confirm which that the policies in the East Suffolk (Suffolk Coastal area) Local Plan 2020 as identified in Appendix M should be treated as strategic policies for the purpose of the test of general conformity, in relation to the basic conditions?

Quality of the Mapping

8. I found the mapping rather difficult to interpret, both in the document and online. In particular, it would be helpful if the base maps could have a greater contrast, as at present it is really faint. I would particularly draw attention to Figures 2 and 4, Views Maps 1 and 2, and Appendices D and K.

Timeframe of the Neighbourhood Plan

9. Does the Parish Council have a view on whether the timespan of the plan, 2019 -2036 should be included in the title of the plan?

Neighbourhood Plan Policies

Policy ONHP1: Ecology and Biodiversity

10. Does the Parish Council have a view as to whether the five priority habitats set out in paragraph 4.2.4 should be included within the requirement c)?
11. in terms of the 20% biodiversity net gain requirements set out in e), I am guided by the advice set out in Planning Practise Guidance (Ref ID 74-006 – 2024- 0214) which states:
*“Plan makers should not seek a higher percentage than the statutory objective of 10% biodiversity net gain either on an area wide basis or for specific allocations for development **unless justified.** (my emphasis) To justify such a policy needs to be evidence leading to the local need for a higher percentage, the local opportunities for a higher percentage and any impact on viability for development”*
12. I know that the justifications set out in paragraphs 4.2 .7 to 4. 4.13 are reflecting the national situation or indeed the international, or on a district wide basis. The only specific justification for a higher threshold for this village is included in paragraph 4.2.14, which in my view does not provide the convincing evidence to as set out in the above section of the Planning Practise Guidance. I will be particularly interested in seeing any modelling demonstrating the impact of the higher percentage of net biodiversity gain on scheme viability.
13. The final part of the policy seeks to resist significant degradation. Can the Parish Council expand on how this would be achieved, if that

degradation took place prior to the submission of a planning application, indeed some site clearance may be required for site investigations etc? Such works may not constitute development coming under planning control. Is the policy suggesting that an acceptable development should be refused planning permission solely due to the action of premature site clearance? The impact of site clearance and the question of when it was carried out, can be an important consideration in calculating net biodiversity gain.

14. Now the statutory net biodiversity gain regime is in place, does the Parish Council consider it appropriate that the 20% biodiversity net gain threshold be imposed on all “new development” including those that are excluded from the national scheme, such as householder development, de minimus development and self-build schemes?

Policy ONHP2: Landscape and Amenity

15. I note that the first part of the policy is nuanced, in that it refers to significant adverse impacts being balanced against the benefits of the development. However, the use of the term “must”, in the second paragraph, implies a stricter interpretation, for example if a length of hedgerow were to be removed to create an access and that did not have a significant adverse landscape, and visual effect would that be unacceptable?
16. Would the Parish Council accept the policy being caveated along the lines of “where possible”?

Policy ONHP3: Conserving the setting of the church

17. I am conscious that the land surrounding the church, as shown in Figure 4.8, is already protected as countryside, as it sits outside the settlement boundary. The importance of St Mary's Church and in particular its tower is also protected by being within the setting of the listed building. The wording the policy “Development within this area will be discouraged and opposed” appears to me to reflect how the Parish Council, as a statutory consultee on planning applications would wish to comment, rather than being a development plan policy which dictates how a planning application is to be determined either by the local planning authority or a planning inspector on appeal.
18. Should all development in their area be resisted even if it were development appropriate for a countryside setting or did not have an adverse impact on the setting of the church and the prominence in the landscape of its tower. Should the test not be what is the scale of harm arising from the development on the significance of the listed building which is the approach advocated in paragraphs 205 – 208 of the NPPF?

Policy ONHP4: Local Green Space

19. Can the Parish Council expand on its reasons why the grass verges particularly on the Miller Way development were identified as being demonstrably special to the local community, as I was struck that other areas of incidental open space were not included, for example the island of open space at the end of Vine Rd?
20. How does the community use the play area at the southeast of Newlands as I did not see any play equipment and it appeared somewhat overgrown?

Policy ONHP5: Sustainable Construction

21. Can East Suffolk Council indicate whether the requirements to submit an Energy Impact Assessment with a planning application is a requirement of its Local Validation Checklist as required by the Town and Country Planning (Development Management Procedures) Order 2015? Can the Parish Council elaborate on how this Energy Impact Assessment would differ from the Energy Statements that are already required?
22. Can the Parish Council confirm whether the requirements in b) and c) are expecting applicants to exceed the requirements set out in the Building Regulations, in terms of energy reduction and efficiency?

Policy ONHP6: Green Gaps

23. What is the Parish Councils justification for exempting the village hall from the non-coalescence policy? Is it expected that the redevelopment of the hall would be on the existing hard surface parking areas or is it intended that it could extend into the area which is proposed to be designated as local green space?
24. Does the Parish Council have a view on whether the policy should identify the green gaps rather than the settlements, where coalescence between the settlement is to be discouraged as proposed by East Suffolk Council in its Regulation 16 comments?

Policy ONHP7: Design Quality

25. I note that the first part of the policy only supports developing proposals that are of high design quality. Has the Parish Council considered providing design guidance, as paragraph 132 of the NPPF suggests, when it states that
“Plans should, at the most appropriate level, set out a clear design vision and expectations so the applicants have as much certainty as possible about what is likely to be acceptable.”
26. Can East Suffolk Council indicate what the current arrangements are when considering a planning application, in terms of assessing the

ability of the existing infrastructure to cope with additional levels of development?

27. Can the Parish Council explain the logic of why a scheme of two dwellings is required to provide evidence on the capacity of local infrastructure but two planning applications for single dwellings would not? Is there evidence from the water company that additional homes in the parish currently have an adverse impact on mains water pressure?
28. Can the Parish Council expand on what type of information it is expecting to see as a result of this policy?

Policy ONHP8- Site and Plot Boundaries (Wildlife Corridors and green Boundaries)

29. Is it the Parish Council's intention that the additional requirements should be applied to the local plan allocation site?
30. Is the Parish Council expecting that wildlife corridors should be within the curtilage of proposed dwellings, for example in meeting the requirements of b)?
31. Will this requirement only be effective if a new corridor is linked to existing wildlife corridors or could it be a standalone feature without that connectivity?

Policy ONHP10: Housing Mix

32. Can East Suffolk Council confirm whether its existing policy in the district relating to the optional Building Regulation M4 (3) standard for disabled access has triggered that requirement in the district? Does that policy already cover Otley parish and is the Parish Council expecting it to be applied to schemes of less than 10 units?
33. What would the Parish Council consider to be "a fair proportion of single storey dwellings"?
34. Is it the Parish Council's expectations that the requirements for the range of affordable housing types should only be sought for schemes below the threshold set out in the local plan? I assume that the percentage of affordable housing tenures will be as set out in Policy SCLP 5.10 of the local plan, unless the Parish Council can point me to evidence of a greater local need and has undertaken a viability assessment of that policy.

Policy ONHP11: Land adjacent to Swiss Cottage Farm.

35. Is it the intention of the Parish Council that the hedge referenced in a) should also act as the wildlife corridor required by Policy ONHP8 and can that buffer be placed on the farmland outside the allocation site, thereby maximising the development potential of the allocation site?

36. Can the Parish Council confirm whether the requirements set out in the policy are additional to or replace the requirements of Policy SCLP 12.58 of the local plan?
37. Does the Parish Council have a view on whether the limit of two storey housing could also include rooms constructed within the roof space?
38. Does the Parish Council have review whether the local plan's allocation of the site for approximately 60 dwellings would allow a scheme to meet the requirements set out in i)?

Policy ONHP12: Business and Commercial

39. Can East Suffolk Council confirm what the thresholds are for planning applications for developments to be required to be accompanied by an impact statement or traffic assessment as it is set out in the Local Validation Checklist?

Policy ONHP13: Transport and Traffic

40. Can East Suffolk Council establish whether the requirements to provide electric vehicle charging are now set out in Part S of the Building Regulations
41. Can the Parish Council illustrate for my understanding, how a small residential scheme will be expected to improve accessibility to local facilities and what would the Parish Council expect a new development to provide to meet the requirements of d) ?

Policy ONHP15: Further Education

42. Is the term "expansion of Suffolk Rural" meant to mean new developments which enable an increase in student numbers at the college or is it any increase in the building footprint of the college?
43. Do buses currently serving the college stop at the village?

Concluding Remarks

44. I am sending this note direct to Otley Parish Council and East Suffolk Council. I would request that all parties' responses to my questions should be sent to me by 5 pm on **20th May 2025** and be copied to the other party.
45. I would also request that copies of this note and the respective responses are placed on the Neighbourhood Plan's and District Council's respective websites.

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Independent Examiner to the Otley Neighbourhood Plan