

# Otley Neighbourhood Plan

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## **Submission Version**

A Report to East Suffolk Council on the Examination of the Otley Neighbourhood Plan

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## Executive Summary

My examination has concluded that the Otley Neighbourhood Development Plan should proceed to referendum, subject to the Plan being amended in line with my recommended modifications, which are required to ensure the Plan meets the basic conditions. The more noteworthy include –

- Amending the biodiversity policy to only require a minimum of 10% net biodiversity gain but still encourage a 20% minimum net gain. Introducing a hierarchy for addressing harm to biodiversity.
- Deleting the policy specifically ruling out development to protect the setting of St Mary's church from the south and west.
- Bringing the policy covering the management of development on local green space into line with the NPPF.
- Changing the emphasis on renewable energy policy to one of encouragement and removing the requirements covering electric vehicle charging on new homes as this is now covered by the Building Regulations.
- Strengthening the policy on coalescence but removing references to specific gaps.
- Changing the emphasis in terms of design matters so as to protect residents from *significant* overlooking and removing elements of the policy dealing with applicants having to prove there is sufficient capacity of existing infrastructure.
- Removing the requirements on housing mix that requires a "fair proportion" of homes to be built to Part M4 standard.
- Stressing that additional requirements attached to the strategic housing allocation should not be allowed to prevent the development from delivering approximately 60 dwellings.
- Removing the threshold of support for business uses to only *small-scale* development and changing the requirement for transport assessments and travel plans to only those schemes that generate significant increases in traffic movements.
- Deleting the specific parking policy for Otley Parish.
- Restricting the requirement for Suffolk Rural College to have to produce a green travel plan to those schemes that significantly increase student numbers or will increase transport movements from the college.

The referendum area does not need to be extended beyond the Plan area.

## Introduction

1. Neighbourhood planning is a process, introduced by the Localism Act 2011, which offers local communities the opportunity to create the policies that will shape the places where they live and work. A neighbourhood plan does provide the community with the ability to allocate land for specific purposes and to prepare the policies that will be used in the determination of planning applications in its area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the saved policies in the Suffolk Coastal Local Plan. Decision makers are required to determine planning applications in accordance with the development plan, unless material considerations indicate otherwise.
2. The neighbourhood plan making process has been undertaken under the supervision of Otley Parish Council. A Steering Group was appointed to undertake the Plan's preparations made up of parish councillors, and local residents.
3. This report is the outcome of my examination of the Submission Version of the Otley Neighbourhood Plan. My report will make recommendations, based on my findings, on whether the Plan should go forward to a referendum. If the Plan then receives the support of over 50% of those voting at the referendum, the Plan will be "made" by East Suffolk Council.

## The Examiner's Role

5. I was appointed by the East Suffolk Council in March 2025, with the agreement of Otley Parish Council, to conduct this examination.
6. For me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 46 years' experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant and director of my neighbourhood planning consultancy, John Slater Planning Ltd. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of the East Suffolk Council and Otley Parish Council, and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.
7. Under the terms of the neighbourhood planning legislation, I am required to make one of three possible recommendations:
  - That the Plan should proceed to referendum on the basis that it meets all the legal requirements.
  - That the Plan should proceed to referendum, if modified.

- That the Plan should not proceed to referendum on the basis that it does not meet all the legal requirements.
8. Furthermore, if I am to conclude that the Plan should proceed to referendum, I need to consider whether the area covered by the referendum should extend beyond the boundaries of the area covered by the Otley Neighbourhood Plan area.
  9. In examining the Plan, the Independent Examiner is expected to address the following questions:
    - Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
    - Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 - namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and that it must not cover more than one Neighbourhood Plan area.
    - Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Town and Country Planning Act 1990 and been developed and submitted by a qualifying body?
  10. I can confirm that the Plan, only relates to the development and use of land, covering the area designated by East Suffolk Council, for the Otley Neighbourhood Plan, on 26<sup>th</sup> April 2019.
  11. The cover page of the submission version of the plan does not indicate the time horizon for the plan. However, within the Introduction, it does state that the plan will be in force from 2019 to 2036, and I will be recommending that the date should be included in the title of the plan on the front cover.
  12. I can confirm that the Plan does not contain policies dealing with any “excluded development”.
  13. There are no other neighbourhood plans covering the area covered by the neighbourhood area designation.
  14. I am satisfied that Otley Parish Council as a parish council can act as a qualifying body under the terms of the legislation.

### **Recommendation**

***That the title of the plan should be Otley Neighbourhood Plan 2019-36***

### **The Examination Process**

15. Once I had reviewed the submitted documents, my first task was to conduct a site visit to the parish. That was carried out on Tuesday 22<sup>nd</sup> April 2025.

16. I spent about well over an hour in Otley parish. I entered the parish past the Rural College and along Church Road before turning right by the village shop and I travelled the length of the Chapel Road and saw Otley Hall. I then visited each of the local green spaces and 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, especially when viewed from High House Road. I saw the tower of St Marys Church from a number of different perspectives, in particular 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.
17. I parked by the War Memorial and walked up to St Marys Church and used the public footpath to see the land which is proposed to be 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.
18. Upon my return from Suffolk, I have prepared a document entitled Initial Comments of the Independent Examiner dated 29<sup>th</sup> April 2025. In that document, I advised the parties that I would be able to deal with the examination without the need to call for a public hearing. I asked a series of questions which were mainly directed at the Parish Council but also East Suffolk Council. I received a response from the Parish Council on 16<sup>th</sup> May 2025 and from East Suffolk Council on 20<sup>th</sup> May 2025.

### **The Consultation Process**

19. The catalyst for the neighbourhood plan was a local plan call for sites issued in 2018.
20. Once a neighbourhood plan group had been set up and the plan area had been designated by East Suffolk Council, a leaflet was circulated to all properties in the parish in late August 2019. That was followed by a questionnaire which received 264 responses - a 47% response rate.
21. The results of the leaflet drop were reported at an event held in the Village Hall on 7th March 2020, which was attended by 54 residents who, following the meeting, submitted 47 feedback forms or emails.
22. All this work culminated in the preparation of the Pre-Submission version of the plan which was the subject of its own consultation running from 8th January 2024 to 26th February 2024, known as the Regulation 14 consultation. That was publicised around the village through a leaflet and a drop-in session was held in the Village Hall on 13th January 2024, which was attended by 64 residents. 24 feedback forms or emails were submitted.
23. It seems that, rather unusually, there was a separate consultation for public bodies, which ran from 4th March to 15th May 2024. Whilst it is unusual for there to be two separate Regulation 14 consultations, as

both the residents and the statutory consultees had a six-week period to respond, I do not believe that there has been any prejudice by the Regulation 14 consultation being run separately. The responses to the Regulation 14 consultations are set out in Appendices A10, A11, A12 and A13 and the response from the Parish Council is set out in Appendix A4 of the Consultation Statement.

24. I am satisfied that the Parish Council actively sought the views of the local community whilst preparing this plan.

## **Regulation 16 Consultation**

25. There was a period of final consultation, which took place over a six-week period, between 26<sup>th</sup> February 2025 and 9<sup>th</sup> April 2025. This consultation was organised by East Suffolk Council, prior to the Plan being passed to me for its examination. That stage is known as the Regulation 16 consultation.

26. In total there were 7 responses received: from Historic England, Natural England, East Suffolk Council, Environment Agency, Suffolk County Council, Suffolk Wildlife Trust and a local resident. I have read all the representations and will refer to them, where relevant, when I come to consider my recommendations.

## **The Basic Conditions**

27. The neighbourhood planning examination process is different to a local plan examination, in that the test is not one of “soundness”. The Neighbourhood Plan is tested against what are known as the Basic Conditions which are set down in legislation. It will be against these criteria that my examination must focus.

28. The five questions, which seek to establish that the Neighbourhood Plan meets the basic conditions test, are: -

- Is it appropriate to make the Plan having regard to the national policies and advice contained in the guidance issued by the Secretary of State?
- Will the making of the Plan contribute to the achievement of sustainable development?
- Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?
- Will the making of the Plan breach or be otherwise incompatible with EU obligations or human rights legislation?
- Will the making of the Plan breach the requirements of Regulation 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (as amended)?

29. In December 2024, the Government released an updated version of the National Planning Policy Framework (NPPF). Paragraph 239 addresses the question of the Framework's implementation and confirmed that only neighbourhood plans submitted after 12<sup>th</sup> March 2025 will be subject to the policies outlined in the new NPPF. I can confirm that I will be evaluating this neighbourhood plan based on the previous December 2023 version of the Framework. I will be referring to paragraph numbers from that version of the document for the purpose of this examination. However, there would be a benefit in updating any NPPF paragraph numbering, if used, in the Referendum version, in the interest of clarity.

## **Conformity with the Development Plan**

30. The development plan is the East Suffolk Council - Suffolk Coastal Local Plan which was adopted on 23<sup>rd</sup> September 2020. Appendix M of the plan identifies the policies which are to be treated as strategic policies, which the neighbourhood plan needs to be in general conformity with, in order to meet one of the basic conditions tests.
31. Policy SCLP 3.1 sets out the strategy for growth in the plan area which includes providing for a significant boost for housing, through the provision of at least 9,756 new homes over the period 2018 – 2036, an element of which will be from appropriate growth in rural areas which will help support and sustain existing communities. Otley is identified as a Large Village in Policy SCLP 3.2 as it boasts a primary school, village hall, doctors' surgery and a local convenience store. The plan notes that as of 31<sup>st</sup> March 2018 there was 38 dwellings with either planning permission or a resolution to approve. The plan refers to an additional 60 units to be provided by site allocation (Swiss Farm). Therefore, based on the sum of the two figures, Otley was expected to deliver 98 dwellings for the period up to 2036, which as one of 7 large villages, will collectively be expected to deliver 561 dwellings.
32. Policy SCLP 3.3 identifies large villages as having a settlement boundary, inside of which new development would be acceptable in principle and development beyond the boundary would be treated as countryside and proposals would be carefully managed. Residential uses in the countryside will be supported if it falls with one of seven categories of acceptable development. Policy SCLP 5.1 supports development in large villages, if it is appropriate in scale, size, location and the character of the village. Policy SCLP 5.11 covers exception sites.
33. Policy SCLP 5.4 is a policy which supports "Housing in Clusters in the Countryside" but sets specific criteria, in terms of the number of units compared to existing housing numbers in the cluster. Policy SCLP 5.7 allows neighbourhood plans the ability to set criteria for infill and garden development.



34. Policy SCLP 9.2 establishes the policy for sustainable development on schemes of more than 10 units, although all residential development will be expected to meet a water usage efficiency standard of 110 litres per person per day.
35. Landscape Character policy is set in Policy SCLP 10.4 and allows neighbourhood plans to set local policies for protecting and enhancing landscape character. Policy SCLP 10.5 has similar policies to prevent settlement coalescence. Design quality is set out in Policy SCLP 11.1 and listed buildings and their settings are covered by Policy SCLP 11.4.
36. In addition, there is one specific housing allocation for Otley as set out in Policy SCLP 12.58 on Land adjacent to Swiss Farm Cottage which allocates the site for approximately 60 dwellings.
37. My overall conclusion is that the Neighbourhood Plan, apart from where I have noted in the commentary on individual policies, is in general conformity with the strategic policies in the East Suffolk Council- Suffolk Coastal Local Plan.

### **Compliance with European and Human Rights Legislation**

38. East Suffolk Council, in a screening report prepared in January 2025 considered whether a full Strategic Environmental Assessment (SEA), as required by EU Directive 2001/ 42/ EC, which is enshrined in law by the “Environmental Assessment of Plans and Programmes Regulations 2004”, would be required. That concluded that the plan would be unlikely to have any significant environmental effects and accordingly a full SEA would not be required. The 3 statutory consultees agreed with that assessment.
39. Separately, East Suffolk Council as the “competent authority” was required to screen the plan under the Conservation of Habitats and Species Regulations 2017 - the Habitat Regulations. This looked at whether the neighbourhood plan had the potential to have any significant adverse impacts on any European protected site, and the document listed 11 protected sites within 20 km of Otley
40. That report, which was also dated January 2025, concluded that there would be no adverse impact on any European protected sites and an Appropriate Assessment would not be required. Natural England had been consulted and agreed with that conclusion.
41. I am satisfied that the basic conditions regarding compliance with European legislation, including the 2017 introduced basic condition regarding compliance with the Habitat Regulations, are met. I am also content that the plan has no conflict with the Human Rights Act.

## The Neighbourhood Plan: An Overview

42. Otley Parish Council is to be commended for grasping the opportunities of producing a locally distinct neighbourhood plan, allowing the community to prepare the planning policies which will cover the neighbourhood area, for the period up to 2036.
43. One of the key requirements of the Secretary of State, in setting out how a neighbourhood plan should be prepared, is that the planning policies should be supported and justified by evidence. There are a number of policies in the plan which I had to recommend should be deleted, due to the absence of substantive evidence to support the policy. I appreciate that this may be disappointing to the Parish Council, but the Secretary of State's expectations are clear and if ignored the plan would not meet the basic conditions. This covers examples such as car parking and the need for specific types of housing.
44. Similarly, the plan has not substantiated why the conditions in Otley parish justified taking a different policy position to those set out in the local plan, which will already be covering the parish. For example, if local plan policies only kick in on major schemes, no justification is given to a policy that would require compliance by all development.
45. I do appreciate that the plan has clear expectations covering green matters, for example promoting hedges rather than fences as boundary treatments. However, a degree of pragmatism should be exercised, as some residents may not want to have the ongoing task of maintaining a soft boundary. I have, by altering the wording tried to encourage the matters the plan is specifically promoting but without being unnecessarily onerous.
46. There are occasions where a policy seeks to address matters of how planning applications are to be submitted and be accompanied by specific documents, or how the determining body should consider unspecified parish council raised issues. These are process matters, whilst the purpose of a neighbourhood plan policy is to set out how a planning application is to be determined.
47. The Otley Neighbourhood Plan has policies that cover not just the location for new housing, it includes policies which support new and existing businesses including through the reuse of buildings, sets high design expectations and gives priority to the protection and enhancement of the green infrastructure of the parish both in terms of its habitat and biodiversity, whilst also protecting the open spaces which are demonstrably special to local residents and promote

active transport. It places particular weight on the landscape setting of the village and its characteristic features. It recognises the vulnerability of the settlement pattern and the threat that would come if the settlements were allowed to coalesce. I am satisfied that the neighbourhood plan when taken as a whole, will deliver sustainable development.

48. My examination has concentrated on the wording of the policies, rather than the contents of the supporting text and the interpretation sections. In my Initial Comments, I expressed concerns regarding the clarity of the mapping, both online and in the document. I understand, from an exchange of emails that I have been copied into, that East Suffolk Council may be able to assist in improving the presentation of the maps, so they can be used with confidence when determining planning application.
49. As a result of some of my recommendations there will need to be some consequential changes to the supporting text. It is important that the supporting text reflects the policy changes so that the plan still reads as a coherent statement of policy. It is beyond my scope as examiner to offer changes to the supporting text, as my remit is restricted to matters of the basic conditions and the other legal requirements.
50. I will leave it to the Steering Group, to work with the planners at East Suffolk Council to agree the changes to the supporting text and the mapping, when it is preparing the Referendum Version of the plan, which will have to be published alongside the Decision Statement.

## **The Neighbourhood Development Plan Policies**

### **Policy OHNP1- Ecology and Biodiversity**

51. There are three elements to this policy. Firstly, it supports proposals which conserve or enhance ecology and biodiversity, and is, in my opinion, in line with national and strategic policy and will contribute to the delivery of sustainable development.
52. The second element list 5 areas with a policy expectation that developments should “should seek to” achieve the policy objectives. The choice of wording “should seek” places no absolute requirement in policy terms and is not as strong as “must” but it establishes an expectation that is more than mere support or encouragement.
53. I consider that this wording is justified in terms of requirements a) to d). It also implies that policy expectations for addressing a minimum of 20% net biodiversity gain is the same as the need to conserve the ecological and biodiversity assets to the parish.
54. The Secretary of State is clear that setting a higher percentage than this statutory objective must be justified, based on “evidence of local need for

a higher percentage, the local opportunities for that higher percentage and an impact on viability". I questioned the Parish Council as to how it considered the effect on scheme viability and its response confirmed that it does not have the "resources for modelling scheme viability but would argue that these should not be a barrier to ambition".

55. The Parish Council, in its response to my Initial Comments, pointed me to Policy HAD1 of the made Hadleigh Neighbourhood Plan. On researching that policy, I discovered that the Hadleigh policy requires a provision of a minimum 10% net biodiversity gain but encourages schemes to come forward with a 20% biodiversity gain. I believe that offers a form of wording that is not only promoting schemes with higher biodiversity gain but does not require it. Adopting that wording, which has been suggested by the Suffolk Wildlife Trust, would make the policy's ambition clearer to understand, both from an applicant, and also from a decision maker's point of view. In order to differentiate the weight to be given to the objective, I will be proposing the reference to the net biodiversity gain should be subject of a separate requirement rather than one of the five, as presently drafted. The expectation that net biodiversity gains should apply to all developments goes beyond the statutory requirements and I do not believe a case has been made for applying this requirement to schemes which are not required to deliver net biodiversity gain under the national requirements such as de minimus development.
56. The Parish Council has confirmed that it accepts that the five priority habitat should be listed in the policy as the policy may be quoted without reference to the supporting text such as on a planning decision notice. I will propose that also as a proposed modification, covering ancient species rich hedgerows, lowland mixed deciduous woodland, lowland meadow, river and ponds.
57. The final paragraph states the developments which lead to significant degradation of biodiversity within the parish or surrounding countryside will be resisted. I will clarify the policy which deals with schemes that harm biodiversity should follow the hierarchy set out in paragraph 186 a) of the NPPF i.e. that if the harm cannot be avoided (by locating on an alternative site with less harmful impacts), or adequately mitigated or compensated for, then the application should be refused.
58. The final element of the policy states that planning applications will be "resisted" where the site clearance has taken place prior to the determination of the application. However, in response to my Initial Comments, the Parish Council position is that "it is not intending to require refusal due to premature clearance" Its new stance is not clear from the way the policy is drafted. In any event that baseline condition of the land is a matter that will be taken into consideration in respect to how biodiversity net gain is calculated. I will recommend that this part of the policy is deleted.

### **Recommendations**

***At the end of c) insert “namely ancient species rich hedgerows, lowland mixed deciduous woodland, lowland meadows, rivers and ponds”***

***Delete e) and replace with a new paragraph “Developments are expected to deliver a minimum of 10% net biodiversity gain in accordance with the statutory requirements and are encouraged to deliver a minimum 20% net biodiversity gain.”***

***Replace the final paragraph with “All developments will be expected to avoid adverse impacts on biodiversity, or if it should mitigate those impacts or as a last resort, compensate for them. If any development that follows that hierarchy and still results in a significant degradation of biodiversity of the site, the application will be refused.”***

### **Policy ONHP2- Landscape and Amenity**

59. I raised in my Initial Comments document that whilst the first paragraph of policy is nuanced and accepts that a balance can be struck between the adverse impact on the landscape and visual effects should be balanced against the benefits of development, the requirement of the second paragraph is expressed in absolute terms, through the use of the term “must”. The Parish Council is now suggesting that alternative requirements through the use of “should”. I will also propose the inclusion of “where possible” as, for example, an existing unprotected tree may require felling to facilitate the development.

### **Recommendations**

***In the second paragraph, replace “must” with “should, where possible”***

### **Policy ONHP3- Conserving the setting of the Church**

60. The thrust of this policy is to protect the open aspect of the land to the west and southwest of the church. However, in planning terms this land is already classed as countryside. The Parish Council point out the settlement boundary could be changed to accommodate new development but that fails to recognise that any future changes to the development plan, would in any event, supersede this policy. That is because if there is a conflict between a neighbourhood plan policy and a future adopted local plan policy, the presumption is in favour of the later adopted plan.
61. St Mary's Church is already protected as a listed building, as is its setting, which could include the open farmland to the south and west which allows views, particularly of the tower. That is already a significant planning consideration, as set out by the Secretary of State in paragraphs 205 to 208 of the NPPF. The national policy looks at whether the harm is

substantial or less than substantial, on the significance of the heritage asset, which in this case would be the views of the church tower across open farmland. The policy as submitted, states that “Development within this area will be discouraged and opposed”. That opposition is irrespective what the proposed development is, how close it is to the church and what impact it would have. Such a blanket approach is out of line with the Secretary of State's expectations with regard to how applications affecting heritage assets should be considered. Similarly, a neighbourhood plan policy should be clear as to how planning application is to be determined, not whether it should be “discouraged and opposed”.

62. I do not consider policy meets basic conditions, not least because of its conflict with the Secretary of State policy for how heritage assets are to be protected. However, I do see a role for the map, Figure 4.8 delineating the setting of St Marys Church, but that the consideration proposals in the settings should be guided by policies, which consider the scale of any impact on the significance of the heritage asset and particularly its tower, which dominates the surrounding landscape.

### *Recommendations*

***That the policy be deleted.***

### **Policy ONHP4-Local Green Space**

63. The policy confers local green space status on 4 areas of land in the parish. I did question in my Initial Comments document, the inclusion of the highway verges at the entrance of Millers Way, in the light of the comments from Suffolk County Council as highway authority. The Parish Council's response was that it was the combination of the green areas at the centre of Church Road / Helmingham Rd / Chapel Rd contributes to the open nature of the heart of the village and the verdant character of the village, which is an argument that I accept. In my experience, it is not uncommon for some highway verges to be treated as local green space and that designation does not affect a highway authority's permitted development rights.
64. I have no grounds for concluding that the areas chosen by the community, back in 2018/19 are no longer considered to be demonstrably special, even though the play equipment at the play area off Newlands been recently removed.
65. The wording of the policy needs tightening up, in particular in terms of how the local green spaces are indicated on the map. The reference to how proposals affecting LGS are to be considered departs from the approach as set out in paragraph 107 of the NPPF, which requires the policy to be consistent with those for the Green Belt. No justification has been given in terms of this departure. Paragraph 152 refers to inappropriate development should not be approved “except in very special

circumstances". I do not consider replacement of the village hall onto what would be local green space would be compatible with Green Belt policy. From the responses given by the Parish Council to a question regarding the non-coalescence policy, it appears that the future of the village hall on its current site has been resolved. I am therefore proposing to remove reference to Policy ONHP 16 from the exemption. Also, I will propose to adopt the wording of paragraph 107 of the Framework so there is no question of the basis for decision making departing from the approach set out by the Secretary of State.

### **Recommendations**

***Replace the first paragraph with: "The following spaces, as shown in Appendix G are designated local green space"***

***Delete the second and third paragraphs and replace with "Proposals for managing development within the local green spaces should be consistent with paragraph 107 of the NPPF"***

### **Policy ONHP5: Sustainable Construction**

66. I agree that it is appropriate for a neighbourhood plan policy to seek to reduce the potential for the overheating of new properties. That is consistent with paragraph 158 of the Framework. I did question whether the aspirations for on-site renewable energy generation would exceed the requirements set out in the Building Regulations. The Parish Council's response was- "the intention generally is to encourage rather than dictate but the ever-evolving nature of sustainable construction means it is prudent to push for the higher standards". I note that the requirements for sustainable construction set out in the local plan, only applies to major schemes i.e. over 10 units whilst this neighbourhood plan policy applies to all development. I will therefore propose the policy should be modified to "encourage" proposals to generate on site renewable energy.
67. It appears that through the policy, the Parish Council is seeking to require all applicants proposing works to existing homes to have to submit an Energy Impact Assessment. A neighbourhood plan policy cannot dictate what documents must accompany a planning application. That is the role of the Local Validation Checklist which sets out what documents are required to be submitted, by different types of applications across the whole district. East Suffolk Council already requires the submission of Energy Statements on buildings over 1000 square metres, major residential development, residential sites over 0.5 ha or any development over 1ha.
68. I do not consider that it is a reasonable expectation for any works to existing houses to have to include energy reduction or efficiency measures wherever possible. This, in my view, is a matter that falls to be dealt with by Part L of the Building Regulations.



69. I have no concerns regarding the provisions of part d) which support proposals to reduce energy use.

#### **Recommendation**

***In b) replace “shall” with “are encouraged to”***

***Delete c)***

#### **Policy ONHP6: Green Gaps**

70. This policy seeks to build on local plan Policy SCLP 10.5, which allows neighbourhood plans to address local issues relating to settlement coalescence. The thrust of the strategic policy is to prevent developments that would result in the coalescence of settlements through reduction in openness and space or the creation of urbanising effects between settlements.

71. I can fully appreciate the aspiration of the plan to reflect the character the parish, with its distinctive settlement groupings, clusters and farmsteads. The purpose of the policy is to avoid developments that would result in the loss of the gaps which separate the area’s different groups or clusters. It is clear from the map in Appendix D that some groups are more susceptible to coalescence than others. I do have concerns with the drafting the policy, for example, the use of “avoid” could be strengthened. I do not think that it is a policy that prevents all development in the gap, where this would not lead to the loss of the gap.

72. The Local Plan Policy Map 44 shows the settlement boundaries along Chapel Road with an intervening gap between the 2 settlement areas. That is already part of the development plan which covers the parish. I do not see that is a value in having a policy which requires compliance with an existing policy (Policy SCLP 3.3) especially when the gap with Otley Green as shown in Appendix D would be equally susceptible to coalescence. Such duplication would be contrary to the Secretary of State’s expectations set out in paragraph 16f) of the Framework.

73. I do not consider that allowing the exception of the village hall from this policy can be justified and I understand that the Parish Council is now content for that element to be removed.

74. I will propose a rewording of the policy, and the final paragraphs are not an expression of policy but guidance on how the policy is to be interpreted, and I propose that they should be moved to the supporting text.

#### **Recommendations**

***In a) replace “shall avoid” with “must not lead to the” and at the end of sentence “which are indicated on the map shown in Appendix D”***

***Delete the rest of the policy.***



## Policy ONHP7: Design Quality

75. In terms of the drafting of the policy, the first two paragraphs are essentially saying the same thing. Furthermore, the purpose of a neighbourhood plan policy is to set out how planning applications are to be determined, and the use of the term “support” may be more appropriate, as a consultee response, rather than indicating to a decision maker how a planning application is to be determined.
76. I agree with the comments of East Suffolk Council that the threshold in criteria c) should be to protect residents from “significant” overlooking.
77. The final requirements in f) does not provide a basis for consistent decision making. Planning Practice Guidance is that a planning policy “should be drafted with sufficient clarity that decision makers can apply it consistently and with confidence when determining planning applications”. The Parish Council requires that unspecified criteria that it puts forward should be considered by the District Council when determining planning applications and that should be part of the development plan. That is essentially a process matter. I will be recommending that this element of the policy be deleted.
78. I did question the logic of a policy of expecting applicants proposing new developments proposing two (or more) dwellings needing to demonstrate that levels of service infrastructure are maintained, but that would not be a consideration for two single house proposals when the impact on the parish’s infrastructure would be the same. The response from the Parish Council was that the intention is to differentiate between developers and house owners. I do not consider that the status of the applicant for planning permission should be pertinent as to how the planning application is to be determined. The expectations of the impact of that development should be the same, particularly as a planning permission enures to the benefit of the land.
79. East Suffolk Council has confirmed that all relevant statutory consultees are engaged through the development management process or through the plan making process. I do not consider there is evidence of any specific issues in the parish that justify this approach. For example, regarding the quoted impact on mains water pressure, the Parish Council has confirmed that “there is no firm evidence that additional houses currently in the parish have had an adverse effect on water pressure”. I will be recommending that this part of the policy be deleted but the supporting text can refer to Local Plan Policy SCLP 3.5 - Infrastructure Provision.

### *Recommendations*

***In the first paragraph replace “shall only be supported” with “will be permitted”***

***Delete the second paragraph***

***In the third paragraph replace “supported” with “approved”***

*In c" insert "significant" before "overlooking"  
Delete f) and the final paragraph*

### **Policy ONHP8: Site and Plot Boundaries (Wildlife Corridors and Green Boundaries)**

80. This is a locally distinct policy, and I am satisfied that the overall approach is justified.
81. I recognise that case has been made for the use of hedges as boundaries as a general principle, but there will be instances where hedges are neither practical nor desirable from a resident's perspective e.g. for containing pets or avoiding ongoing maintenance obligations. I consider that imposing an obligation, albeit with the caveat "wherever possible" could be onerous especially as it can take some years for a new hedge to become established. I conclude that the policy would be more acceptable if it "encouraged" the use of mixed hedges as a boundary. That equally would apply to the requirement for a wildlife corridor to be provided between existing and proposed residential development.
82. I consider there is a stronger case for the provision of wildlife corridors on major schemes.

#### **Recommendations**

*In the first paragraph replace "shall" with "are encouraged to, unless otherwise stated"*

*In c) and d) insert "are expected to" before "provide"*

### **Policy ONHP9: Digital Infrastructure**

83. I have no comments to make on this policy.

### **Policy ONHP10: Housing Mix**

84. The strategic policy framework for housing mix is set out in local plan Policy SCLP 5.8 which allows a different approach for housing type and mix specific to the local area where that is supported by evidence. The only evidence to back up the policy is the community's preferences resulting from the questionnaire, rather than through empirical evidence such as would come from a housing needs survey.
85. The policy as worded, is offering support for proposals that reflect the policy rather than actually setting out policy requirements. Therefore, schemes which depart from the policy would not necessarily be refused. In the interest of clarity, I will propose that the policy encourages schemes that reflect the mix of dwellings as set out. On that basis, the desire for major schemes to have over 50% dwellings as smaller properties can be

retained - I would not necessarily refer to one bed starter homes as constituting family housing.

86. I did question how decision maker would know what constitutes a “fair proportion of dwellings” in terms of single storey dwellings and buildings that meet Building Regulations Optional Standard M4(3). The Parish Council responded by suggesting that the word “fair” is removable, but the intention is that developers should achieve something that is broadly reflective of the current housing mix in Otley village unless other needs have been identified. I am concerned that there is a lack of information in the plan for the policy to be workable, for example, what is the current proportion of properties that are single storey or meet the Optional Building Regulation standards? I therefore consider that there is no evidence to substantiate a different approach from that set out in the local plan, which requires, for example, at least 50% dwellings or major schemes to have to meet the Part M4 standard. I will therefore recommend that this part of the policy be removed, and applicants can comply with the requirements set out in the Local Plan. That also applies to the affordable housing element of the policy. The policy supports developments that include a range of affordable housing types. However local plan Policy SCLP 5.10 only stipulates affordable housing on schemes of 10 or more or sites larger than 0.5ha.
87. I believe that the support for single storey dwellings will be better considered against the design quality policy, Policy ONHP 7 which requires the form of new development to be informed and be sympathetic to the existing local character.

### ***Recommendations***

***In the first paragraph replace “shall be supported where” with “are encouraged to include”***

***In b) delete “family”***

***Delete c), d) and e)***

### **Policy ONHP 11: Land adjacent to Swiss Cottage Farm**

88. As this site is covered by a strategic allocation policy in the local plan, I believe it is important for the neighbourhood plan to clarify that it is proposing additional not replacement policies, which introduce additional requirements. I propose to make that clear in my proposed modifications, so the policy provides greater guidance. I intend to make the ten elements relating to the development itself rather than the future application.
89. In terms of the details of the requirements, I propose that the hedge refer to, should be the hedge shown in purple on the map in Appendix F (which erroneously refers to Policy ONHP 12). I note the concerns of East Suffolk Council that the seven-metre buffer may require a reduction in

development capacity. One option would be to move the planting strip to fall outside but adjacent to the allocation site, it would achieve the same landscape screening without impacting on the site's capacity.

90. I am conscious that the strategic policy, which has gone through its own examination and was not challenged in terms of the capacity of the site, requires that the site to deliver approximately 60 dwellings. I am concerned the requirements of this neighbourhood plan policy especially the need to conform to the housing densities, footprints, separation etc would limit the scale of housing delivery on the site. That can be achieved by caveating the requirements of the policy so that it does not affect the overall capacity expected in the local plan.

91. I will clarify the requirements of h) could be two storeys in height but can include accommodation in the roof space.

#### **Recommendation**

***In the second sentence, replace "application shall" with "development shall deliver approximately 60 dwellings and meet the requirements set down in Local Plan Policy SCLP 12.58 and in addition, where possible"***

***In a) after "Appendix F" or immediately adjacent to the boundary of the allocation site"***

***At the end of h) "excluding rooms within the roofspace"***

### **Policy ONHP12: Business and Commercial**

92. East Suffolk Council has questioned the restriction of business and commercial development to being "small scale" and suggested the stipulation be deleted. Paragraph 88 c) of the NPPF states that plans should "enable sustainable growth and expansion of all types of business in rural areas". I therefore propose to remove reference to "small scale".

93. I feel that it would be an over onerous requirement for every business, commercial or service use to have to prepare an impact statement or transport assessment. The Secretary of State states that these are only required for developments that generate significant amounts of movements. They are only required according to the East Suffolk Council's local validation checklist on major commercial schemes which are likely to generate significant levels of movement. It does refer to neighbourhood plan policies which specifically refer to their submission, but I do not accept this is justified in the absence of the proposal being demonstrated that it is likely to generate significant levels of travel movement.

#### **Recommendations**

***In a) delete "of small scale"***

***In c) after "service use" insert "which are likely to generate significant amounts of movement"***

### **Policy ONHP13: Transport and Traffic**

94. I did ask the Parish Council to explain how it expected, say for a small

residential scheme to improve accessibility to local facilities and it referred to “a well-designed scheme involving appropriately designed footpaths connecting to existing footpaths”. That would only be possible if the site were adjacent to a public right of way. I would expect an infill plot within the settlement boundary could be served by the existing public pavements. I propose to rely upon the caveat “where appropriate” as well as caveating “should” with “where possible”.

95. The requirement to provide electric vehicle charging points in new dwellings is now covered by Part S of the Building Regulations and I will recommend that this element be removed

***Recommendations***

***In a) after “should” insert “where possible”***

***Delete f)***

## **Policy ONHP 14: Provision of Car Parking**

96. The policy proposes a separate parking requirement for the parish of Otley compared to those which apply across the county of Suffolk. It is quite appropriate for a neighbourhood plan to propose its own parking standards if that is backed up by evidence. Paragraph 111 of the NPPF requires that when setting local parking standards, the policy should take account of a range of factors, including local car ownership levels. The justification set out in paragraph 4.8.10 refers to the rural nature of Otley, the lack of public transport and the need for cars. What it does not provide evidence as to how all these different in Otley to other villages in Suffolk. For example, do the census returns show car ownership levels in the parish are higher than other villages in the rural parts of the county. Similarly, there does not appear to be any evidence that the application of existing county standards has created problems say in the recently constructed Miller Way development.

97. I have concluded that the policy promoting its own parking requirements for new dwellings or commercial premises in this village is not supported by evidence to justify adopting different standards than which already apply in Otley, through the county parking standards. I will therefore be recommending that the policy does not meet Secretary of State’s requirements in that this policy is not supported by appropriate evidence. It does not demonstrate how it reflects and responds to the unique characteristics and planning context of the specific neighbourhood area as set out in Planning Practise Guidance (Ref ID 41-041-20140306)

***Recommendations***

***That the policy be deleted.***

## Policy ONHP15- Further Education

98. I did question whether *all* development proposals for the expansion of Suffolk Rural College needed to be accompanied by a green travel plan. In my Initial Comments, I questioned whether the intention was for it to refer to proposals that would enable an increase in student numbers or whether it would apply to any increase in building footprint. The Parish Council's response indicated it should apply to both forms of development.
99. The advice in paragraph 117 of the Framework requires the provision of a travel plan for all developments "that will generate significant amounts of movements". I do not consider it is a proportionate requirement for a new travel plan to be produced if, for example, the proposal was a replacement building or a new operational building such as for recreational purposes for students which did not increase the traffic generation at the college to any significant extent. I will therefore propose a modification that clarifies when a green travel plan is required.

### *Recommendations*

***In the second paragraph after "Suffolk Rural" insert "which are likely to result in a significant number of students attending the college or significant additional movements"***

## Policy ONHP16- Community Services

100. I have no concerns regarding the policy which seeks to support the expansion of the community infrastructure in the village. In view of my recommendation to delete Policy ONHP14 I will instead refer to the requirement to have regard to the Suffolk Parking Guide.

### *Recommendations*

***In the final paragraph replace "ONHP14" with "the Suffolk Parking Guide"***

## The Referendum Area

101. If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Otley Neighbourhood Plan as designated by East Suffolk Council on 26<sup>th</sup> April 2019 is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.

## Summary

102. I congratulate Otley Parish Council on reaching a successful outcome to the examination of its neighbourhood plan.
103. This is a locally distinctive plan which deals with the issues that are important to the community. The plan recognises that there will be new development taking place within the parish, but it wishes to ensure that the verdant character of the village is retained and also the landscape setting of Otley including long distance views are protected.
104. To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test, and that it is appropriate, if successful at referendum, that the Plan be made.
105. **I am therefore delighted to recommend to East Suffolk Council, that the Otley Neighbourhood Plan, as modified by my recommendations, should proceed, in due course, to referendum.**

JOHN SLATER BA(Hons), DMS, MRTPI, FRGS  
John Slater Planning Ltd  
10<sup>th</sup> June 2025