

Examination of the Great Abington Former Land Settlement Association (LSA) Estate Neighbourhood Plan

Response to Examiner's Clarification Questions from Great Abington Parish Council (SCDC)

Points for Clarification for Parish Council

Q1

Policy 2

In criterion 5 how would any resulting building be assessed to be 'an asset to the area'? Is this approach clear? In a more matter of fact way is the policy expecting that high-quality building materials should be used?

A1 - Response from Parish Council:

It is the intention of the Neighbourhood Plan that new dwellings coming forward under this policy contribute positively to the character and overall quality of the area (which is described in more detail in the plan and in the Character Assessment). The relevant context to this is the fact that there are several rural outbuildings in the NP area varying in quality in terms of materials, appearance, the use of temporary structures and general condition. Whilst the agricultural history of the area is embraced, and dwellings built in barn style, for example, would in principle be considered appropriate, it is the intention of criterion 5 to ensure new dwellings are not allowed where materials are made of temporary less substantial materials which are unattractive or out of keeping with the area.

Criterion 5 does expect high-quality building materials to be used in dwellings allowed under Policy 2.

Q2

In criterion 8 how was the 'build line boundary' defined? I can see its intention. However, in some areas it follows recognisable boundaries and in other cases does not do so.

A2 - Response from Parish Council:

Paragraph 4.2 of the Character Assessment explains that all buildings are set back at an approximate distance of 15 metres from the front of the houses to the near edge of the road. The sites of the piggery buildings tend to follow the build line of the dwellings with which they are associated. In order to maintain existing pattern and nature of development Criterion 8 stipulates new dwellings should be set back at least as far as the piggery building. In order to avoid inappropriate incursions into the open countryside, it has also been considered necessary and appropriate to contain the extent to which new dwellings can be set back. Criterion 8 therefore specifies that buildings should not be set significantly further back from the site of the existing piggery and clarifies this by specifying a build line beyond which new dwellings cannot be set back. The boundary has, in the main, followed the rear boundary of curtilages of the existing dwellings. In some instances, e.g. number 38, the curtilage line is not clear and, in order to maintain a consistent pattern of development and avoid inappropriate incursions into the open countryside, the curtilage line which follows the other properties in the road have been followed.

Q3

The Basic Conditions Statement identifies that the policy is in conflict with Policy DP/7 of the adopted Core Strategy and Development Control Policies DPD. It also identifies that the policy is in general conformity with policy S/7 (as proposed to be modified by the District Council) of the emerging Local Plan.

As such do you have any observations on the relationship between the examination of the emerging Local Plan and that of the submitted neighbourhood plan? Are there any pressing reasons why the completion of the examination of the neighbourhood plan cannot wait until the emerging Local Plan has been adopted?

A3 - Response from Parish Council:

The Basic Conditions Statement does identify that there appears to be a conflict between Policy 2 of the Neighbourhood Plan and Policy DP/7 of the adopted Core Strategy and Development Control Policies DPD. However, whilst the Neighbourhood Plan area is not within the village framework it has some characteristics that are not typical of open countryside. This is explained in both the Plan and the Character Assessment, and is well illustrated by the following extract taken directly from an appeal Inspector's report:

“.. the Estate overall appears clearly distinguished from the surrounding countryside. This is due, in part, to the linear form of the two parallel private roads that serve the Estate and the regular pattern and layout of the various buildings along them, as well as the noticeable degree to which a significant number of the original dwellings have been extended and altered.”

APP/WO530/D/10/2137437

As stated in paragraph 6.31 of the Neighbourhood Plan, Policy 2 is a locally-specific interpretation of the more strategic Local Plan policies and taken overall, the Neighbourhood Plan is considered to be in broad conformity with the intentions and principles underpinning both the adopted and emerging Local Plan policies.

Notwithstanding the above, the Parish Council anticipates the Inspector's Report into the Local Plan will be received by the district council in July 2018 and we look forward to adoption of the Local Plan by September 2018.

In the light of this expected timetable, the Parish Council understands the importance of the Neighbourhood Plan being examined against the strategic policy context set out in the emerging Local Plan.

Q4

Policy 3

As I read the combination of the policy itself and paragraph 6.35 I conclude that few if any development proposals that may arise as a result of Policies 1 and/or 2 would generate the need for Policy 3 to have effect. Is this correct?

A4 - Response from Parish Council:

Yes, this is correct. It is not envisaged that development proposals that may arise as a result of Policies 1 and/or 2 would lead to significant additional traffic. In this respect the first paragraph and third paragraph of Policy 3 would only apply to development proposals which come forward in the plan area but not as a result of Policies 1 and/or 2 of the NP.

It is considered possible (although not likely taking into account the findings of the Transport Assessment) that proposals arising as a result of Policies 1 and/or 2 could trigger the need for minor road improvements.

Q5

If so what other types of development are anticipated in the Plan period which have generated the inclusion of this policy in the submitted Plan?

A5 - Response from Parish Council:

During the plan period other development proposals not covered by Policies 1 and/or 2 could come forward e.g. new rural enterprises generating additional farm related traffic. Policy 3 would apply in such circumstances.

It is also possible (although unlikely) that proposals coming forward under Policies 1 and/or 2 could trigger the need for minor road improvements. Paragraph 2 in Policy 3 would apply to such a scenario. The Transport Statement prepared by Phil Jones Associates specifically assesses the impact of the development allowed as part of the plan i.e. additional dwellings on or adjacent to the piggery sites. The statement concluded that the likely transport impact is acceptable. The report does however note that changes of circumstances, property use, levels of vehicle use or development not envisaged as part of the NP, could result in a need for investment in minor road improvements (e.g. the inclusion of additional formal passing places). Supporting paragraph 6.34 clarifies that, should such a scenario be deemed to have occurred, a separate assessment would need to be undertaken to assess this impact, based on circumstances at the time.

The second paragraph in Policy 3 is included in the plan as a precautionary measure and to avoid unintended negative impacts arising from Policies 1 and 2.

Q6

Representations made to the Plan

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

A6 - Response from Parish Council:

Environment Agency response

The Parish Council notes the representation made by the Environment Agency and in particular the following assertions:

- There are two aquifers underlying the plan area which are both considered by the Environment Agency to have high environmental sensitivity.
- It is in the best interest of the community to protect this water supply from pollution.
- A high number of private sewage systems present are a cause for concern due to propensity for poor maintenance and long-term performance. The EA would expect to see a very strong case against new dwellings also relying on private sewage systems.
- As the area is located within a Source Protection Zone 1 and there does not appear to be any suitable surface water discharge points nearby, an Environmental permit would need to be applied for a discharge (or treated effluent) to ground. As we consider a cumulative effect of new and existing discharges when considering an

Environmental Permit application for off-mains drainage, any new applications are likely to be refused.

- Another consideration for new housing is the potential contamination risk from the piggery/agricultural buildings. As a minimum, applications would require a preliminary risk assessment.

The Parish Council have noted the above concerns made by the Environment Agency and consider them to be highly important. The Parish Council intend to work with the Environment Agency and Anglian Water to explore the existing situation further and identify appropriate measures. This includes the possibility of installing a mains sewer to serve all or part of the plan area. To begin this process the Parish Council has approached both organisations in response to the concerns raised by the Environment Agency.

The Parish Council also notes that the Environment Agency have raised no objection, in principle, to the Neighbourhood Plan.

Also, of relevance here, is that the Local Plan (both emerging and adopted) include policies that would address, at the planning application stage, concerns raised by the Environment Agency (i.e. concerns regarding the protection of groundwater quality, managing risks from contaminated land, impacts to ground and surface water flooding as result of alternative foul drainage systems):

Adopted Local Plan Policy	
	NE/8 Ground Water <i>POLICY NE/8 Groundwater</i> <i>Development will not be permitted which poses an unacceptable risk to the quality of the underlying groundwater from the chalk aquifer to the south and east of Cambridge.</i>
	NE/9 Water & Drainage Infrastructure <i>Planning permission will not be granted where there is inadequate water supply, sewerage or land drainage systems (including water sources, water and sewage treatment works) available to meet the demands of the development unless there is an agreed phasing agreement between the developer and the relevant service provider to ensure the provision of the necessary infrastructure.</i>
	NE/10 Foul drainage/alternative drainage system <i>The development of sites where drainage to a public sewer is not feasible will only be permitted if proposed alternative facilities are considered adequate and would not pose an unacceptable risk to the quality or quantity of ground or surface water, pollution of local ditches, watercourses or sites of biodiversity importance. Drainage to a public sewer should be provided wherever possible. A package treatment plant should be provided where this is not possible. Only where it is clearly demonstrated that neither of these options is feasible will a system incorporating septic tank(s) be acceptable.</i> <i>2. Where petrol, chemical or oil tanks or other facilities form part of a proposed development, the District Council will require them to be contained by bund walls of sufficient size to prevent spillage or seepage. The drainage of roads, including adoptable highways and private roads and hard surface areas used by vehicles will be required to be connected to trapped gullies and petrol / oil interceptors or suitable other methods of pollution control.</i>
	NE/11 <i>In relation to flood risk, applications for planning permission will be judged against national policy (currently in PPS25).</i>
Emerging Local Plan Policy (draft wording)	

	SC/12 Land Contamination <i>Where development is proposed on contaminated land or land suspected of being impacted by contaminants the Council will require developers to include an assessment of the extent of contamination and any possible risks to human health and/or the environment. Proposals will only be permitted where land is, or can be made, suitable for the proposed use.</i>
	CC/7 Water Quality <p>1. In order to protect and enhance water quality, all development proposals must demonstrate that:</p> <ul style="list-style-type: none"> a. There are adequate water supply, sewerage and land drainage systems (including water sources, water and waste water infrastructure) to serve the whole development, or an agreement with the relevant service provider to ensure the provision of the necessary infrastructure prior to the occupation of the development. Where development is being phased, each phase must demonstrate sufficient water supply and waste water conveyance, treatment and discharge capacity; b. The quality of ground, surface or water bodies will not be harmed, and opportunities have been explored and taken for improvements to water quality, including renaturalisation of river morphology, and ecology; c. Appropriate consideration is given to sources of pollution, and appropriate Sustainable Drainage Systems (SuDS) measures incorporated to protect water quality from polluted surface water runoff. <p>2. Foul drainage to a public sewer should be provided wherever possible, but where it is demonstrated that it is not feasible, alternative facilities must not pose unacceptable risk to water quality or quantity.</p>
	Policy CC/8: Sustainable Drainage Systems <i>Development proposals must incorporate appropriate sustainable surface water drainage systems (SuDS) appropriate to the nature of the site. Development proposals will be required to demonstrate that:</i> <ul style="list-style-type: none"> a. Surface water drainage schemes comply with the Sustainable Drainage Systems: Non-statutory technical standards for sustainable drainage systems and the Cambridgeshire Flood and Water Supplementary Planning Document or successor documents; b. Opportunities have been taken to integrate sustainable drainage with the development, create amenity, enhance biodiversity, and contribute to a network of green (and blue) open space; c. Surface water is managed close to its source and on the surface where it practicable to do so; d. Maximum use has been made of low land take drainage measures, such as rain water recycling, green roofs, permeable surfaces and water butts; e. Appropriate pollution control measures have been incorporated, including multiple component treatment trains; and <i>Arrangements have been established for the whole life management and maintenance of surface water drainage systems</i>

The Environment Agency specifically mention Piggery 3 in the NP area.

Piggery 3 is an unusual case in the plan area because the site behind it is subject to outline planning consent for the development of 8 additional dwellings. This scheme was permitted at a time when the district council could not demonstrate a 5 year housing land supply and at a time when the Neighbourhood Plan had no force. The details of the consent is in pages 70 to 100 of the document containing the Regulation 16 representations.

Of relevance to the Environment Agency's concerns however are the conditions 16, 17 and 18 which are attached to the outline consent:

- Condition 16 requires the submission of details regarding a scheme for the provision of surface water drainage (reason to ensure satisfactory method of surface water drainage and to prevent increased risk of flooding)
- Condition 17 requires the submission of details for the provision and implementation of foul water drainage to be submitted (reason to reduce the risk of pollution to the water environment and to ensure a satisfactory method of foul water drainage in accordance with Policy NE/10)
- Condition 18 requires the submission of a detailed scheme for the investigation and recording of contamination and remediation objectives including, inter alia, the submission of a preliminary risk assessment, detailed proposals for the removal, containment or otherwise rendering harmless any contamination.

On a general point, it should be noted that the intention of the NP is to remove the uncertainty that presently arises in relation to development proposals on the Land Settlement. In the past, there has been inconsistent planning decisions due to this. Possibly of more concern however is that the current situation gives rise to a danger in unauthorised development on the Land Settlement where impacts on ground water, risk from contamination etc are unlikely to be assessed at all. The Neighbourhood Plan facilitates a situation where proposals can be brought forward through proper procedures subject to the proper controls with regard to contamination and pollution.

Response from consultees regarding the inflexible approach provided by Policy 2

The Parish Council also notes the response that have been made asserting that Policy 2 is inappropriately inflexible by limiting development to a site on or adjacent to the existing piggery site. This is an issue that has been grappled with by the NP working group throughout the plan making process and the current approach is one considered most effective in achieving the plan's purpose in a way which provides certainty and clarity for all.

Early drafts of policy 2 referred specifically to the site of the piggery but there was some feedback from the community that this was not what they wanted. Then the clause was altered to say 'on or adjacent to the piggery' to give a little more flexibility. Following the pre-submission consultation an exception clause was drafted but it was decided that this might bring about too much flexibility. As a result, it was not included and therefore not consulted on.

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