

Haddenham and Aldreth Neighbourhood Plan 2019-2031

A report to East Cambridgeshire District Council

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Executive summary

I was appointed by East Cambridgeshire District Council on 12 May 2022, with the agreement of Haddenham Parish Council, to carry out the independent examination of the Haddenham and Aldreth Neighbourhood Plan 2019-2031¹.

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 6 July 2022.

Haddenham is a rural village in East Cambridgeshire. It sits on a prominent ridge in the middle of the otherwise generally flat agricultural Fenland landscape and consists of three distinct urban elements. The population of the Parish as a whole is about 3,400 (mid-2019 estimate). There has been a modest growth in recent years, and this is reflected in recent housebuilding. The village has a reasonable level of local services, which the Neighbourhood Plan aims to support. Continued growth is anticipated over the Plan period, but no specific sites for housing are allocated: this is in line with the adopted East Cambridgeshire Local Plan, which provides for Haddenham to continue to meet local needs primarily by the completion of schemes already with planning permission, together with “windfall” sites within the settlement envelope.

Subject to a number of recommendations (principally for changes to the detailed wording of some policies), I have concluded that the Haddenham and Aldreth Neighbourhood Plan meets all the necessary legal requirements at this stage of its preparation, and consequently am pleased to recommend that it should proceed to referendum.

¹ The period for which the Plan is to have effect is not clear from its formal title, and this is the subject of a recommendation later in this report.

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Introduction

1. This report sets out the findings of my examination of the Haddenham and Aldreth Neighbourhood Plan 2019-2031 (the HANP), submitted to East Cambridgeshire District Council (ECDC) by the Haddenham Parish Council in April 2022. The Neighbourhood Area for these purposes is the same as that of the Parish boundary (as marginally altered in May 2019).
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 July 2021, and it continues to be the principal element of national planning policy. Detailed advice is provided by online national Planning Practice Guidance (PPG) 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” that 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 to both policies and any supporting text.
4. In the present case, my examination concludes with a recommendation that, subject to certain detailed recommendations, the Plan should proceed to referendum. If this results in a positive outcome, the HANP would 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 HANP 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 Haddenham and Aldreth 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 HANP
 - the Consultation Statement (April 2022)
 - the Strategic Environmental Assessment Determination Statement (October 2021)
 - the representations made to the HANP under Regulation 16
 - selected policies of the adopted Development Plan for the area
 - the East Cambridgeshire Local Plan Single Issue Review (Proposed Submission Stage)

May-June 2022

- relevant paragraphs of the NPPF
- relevant paragraphs of national PPG.

8. I carried out an unaccompanied visit to the Plan area on 6 July 2022, 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 the written representations². 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. Haddenham lies about 16 miles east of Huntingdon and seven miles west of Ely. Most of the developed area occupies a prominent ridge which rises to about 120 feet above the surrounding low-lying Fenlands: while this a modest elevation in absolute terms, it is enough to allow impressive views over considerable distance from many vantage points. The village has a very long history of settlement, and today contains two conservation areas and 22 listed buildings. It consists of three distinct built elements: the main village, centred around the east-west/north-south crossroads close to the 13th century Parish Church, and with extensions along these routes; the hamlet of Aldreth, about a mile and a half across open countryside down the slope to the south; and the linear western extension of the village along Hill Row, which is set along a long, gentle decline in elevation towards Earith.
12. The estimated population of the Parish (mid-2019) is 3396, which represents a small increase of just under 5% since 2001. Importantly, while there has been a decline of residents in the 20-59 age-group, the same period has seen an increase of 35% in those aged 65 or over. It was apparent from my visit that there has been much post-war development, including many short culs-de-sac containing a predominance of bungalows. A more substantial development of 54 dwellings (West End Gardens/Ovins Rise) is nearing completion a short distance to the west of the village centre, this being a scheme carried out by house builders in partnership with the local Community Land Trust.
13. Haddenham appears to be quite well-endowed with local amenities: there is a community hub (the Arkenstall Village Centre) with a library next door, a public house, two cafes and a small range of local shops. In addition, there is a primary school, doctor's surgery, post office and other community facilities. The village is served by two bus routes, one which connects Cambridge with Chatteris and the other providing access to Ely.
14. I have noted that the Haddenham Neighbourhood Area was originally designated in August 2019, following what was at the time the Parish boundary. However, this has since been modified such that land at Hill Row Causeway, previously within the Parish of Sutton, has now

² Paragraph 9(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

been included within Haddenham, as shown on Map 1 of the HANP.

The basic conditions

15. 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 065³ of the relevant PPG. In brief, all neighbourhood 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
 - comply with any other prescribed matters.
16. The Basic Conditions Statement begins by explaining the overall statutory context for the preparation of neighbourhood plans before considering the extent to which the HANP meets the basic conditions. This is handled by means of easily accessible tables designed to (a) explain the Plan’s objectives and policies in the context of the core principles of the NPPF; (b) show how each of the policies relates to the achievement of sustainable development; (c) set out the relevant strategic policies in the ECLP and how these are intended to be reflected in the NP; and (d) assess the Plan against relevant EU Obligations and Human Rights considerations.
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 HANP is 2019 to 2031. However, this is not included in the formal title of the document, ***and I recommend that this be done;***
 - 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

³ PPG paragraph 065. ID: 41-065-20140306

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 ECDC in October 2021, following a screening assessment which included consultation with the relevant statutory bodies. Having noted that the draft HANP did not seek to provide for growth beyond that already provided for at the strategic level, ECDC has concluded that an SEA is not required. Full details of the considerations which support this conclusion are set out in the statements, and I have been given no reasons to question any of them.
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 that requirement is met.

National policy

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 on neighbourhood planning, an online resource which is continually updated by Government. I have borne particularly in mind the advice in paragraph 041⁴ 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 East Cambridgeshire Local Plan, adopted in 2015 (the ECLP), and the Cambridgeshire and Peterborough Minerals and Waste Local Plan, adopted in 2021. ECDC has recently concluded a second consultation on a "single-issue review" of the adopted ECLP, principally in order to address the fact that Policy GROWTH 1 of that plan uses a housing requirement figure which, given recent changes in national policy concerning methodology, is out of date.
24. Basic condition e) requires neighbourhood plans to be in general conformity with the strategic 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 009⁵ of the relevant 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." I will return to this issue in due course, principally when addressing representations to the NP made on behalf of Messrs Land Allocation Ltd.

The consultation exercise (Regulation 14)

25. This regulation requires the Parish Council to publicise details of its 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

⁴ PPG paragraph 041. ID: 41-041-20140306

⁵ PPG paragraph 009. ID: 41-009-20190509

which arose as a result of the consultation process.

26. The Consultation Statement is a lively and comprehensive document which records all the stages which the HANP has gone through since the decision by the Parish Council in October 2018 to undertake its preparation, including the appointment of a planning consultancy to help in the process. The Covid pandemic inevitably limited the degree of continuing face-to-face contact and events during this period (although the NP's dedicated website was kept up to date). The Council and its volunteer colleagues are to be congratulated for getting the Plan to the submission stage in a timely manner despite the difficulties.
27. There is no need for me to comment on any aspects of this comprehensive exercise: suffice to say that I am satisfied that the statutory requirements have been fully complied with.

General observations about the Plan

28. The Plan document is attractively produced, with the inclusion of engaging photographs and clear plans where appropriate. Part 1 (the introduction) explains the background to neighbourhood plans and the Parish Council's decision to prepare one; summarises the way the Plan evolved; and sets out its important role in providing a context for decision-making. Part 2 provides a picture of the Parish, including its (lengthy) history and its current demographics. Parts 3 and 5 set the planning policy context, both nationally and locally, and include a summary of the position in relation to the review of the Local Plan. Paragraph 5.2 explains how the opportunity has been taken to review the three development envelopes (Haddenham Village, Aldreth and Hill Row each having a separate).
29. The Vision guiding the Plan is set out in Part 4: *"Haddenham Parish will remain an attractive and desirable place to live, maintaining its unique heritage assets and environmental assets within the fen landscape. It will be a thriving and sustainable community, supported by appropriate infrastructure, encouraging a range of employment opportunities. It will meet the housing needs of all ages with a community seeking to provide a good quality of life for all its residents"*.
30. This is followed by 12 detailed objectives, grouped under housing; employment, services and facilities; natural environment; historic environment; development design; and highways and travel. To summarise them, the Plan seeks to ensure:
 - that the scale and type of new housing meets local needs
 - the protection and improvement of community services, including employment opportunities
 - the protection of the rural setting and environmental assets of the Parish
 - improvements to natural habitats and biodiversity
 - the protection of historic assets and their settings
 - that development reflects local character and minimizes impact on services and residents
 - that opportunities are taken to create sustainable transport and to minimize the impact of traffic on the area's historic character.
31. The Plan then continues with a total of 15 policies, each of which is clearly delineated within a shaded text box, supported by appropriate explanatory material. This, together with the numbering of each paragraph of the text, makes the document easy to navigate and refer to. Six statements are properly characterised as "Community Actions" rather than formal land-use policies. The Policies Map is clear and detailed, containing separate insets for the three built-up areas of the Parish and relating specific sites to policies where appropriate. Two

appendices deal with the location and condition of “traditional orchards” (designated a Priority Habitat under the UK Biodiversity Action Plan 2019), and what is described as a development management checklist – effectively a series of questions which developers are encouraged to ask, set out under four headings.

Representations received (Regulation 16)

32. ECDC considers that the Haddenham and Aldreth Neighbourhood Plan “appears capable of satisfying the basic conditions and other relevant legal obligations” as it stands. Freckenham and Isleham Parish Councils, Historic England, Natural England and the Marine Management Organisation all responded in similar terms. The response from AAH Planning Consultants on behalf of Land Allocation Ltd relates primarily to the way housing is dealt with in the Plan, and I come back to that under Policies HAD1-HAD3 below. Their other representations, which are related to the first, concern Policies HAD8 and HAD9.

The policies

33. Unless otherwise stated, I have concluded that (so long as my specific recommendations are accepted) each of the Plan’s policies satisfies the basic conditions. I have therefore not made that point under each policy heading.

Policy HAD1: Spatial strategy

Policy HAD2: Housing

34. It is convenient to take these two policies together. Policy GROWTH 2 of the East Cambridgeshire Local Plan, adopted in 2015, identifies Ely, Littleport and Soham as the principal areas of growth for the district in the period up to 2031. In addition, “more limited development will take place in villages which have a defined development envelope, thereby helping to support local services, shops and community needs”. Land outside these envelopes is to be treated as open countryside, where development is restricted to certain specified categories appropriate to a rural area. The envelopes themselves are shown as insets to the Local Plan (in Haddenham’s case this is reference 8.18). Policy GROWTH 2 is not within the scope of the emerging single-issue review of the Local Plan – consequently, whatever the final figures emerge in relation to need, the way growth is to be *distributed* across the district is not proposed to be affected.
35. Paragraph 3.3 of the NP notes that the Local Plan allocated two sites for housing, at Rowan Close (15 dwellings) and north of New Road (24). It says the first of these had been built, while an application for the second had yet to be decided⁶. The single-issue review does not propose any further allocations in the Parish (or, indeed, anywhere else in the district), since ECDC (to quote from its Proposed Submission Stage consultation document) considers that “the volume of existing housing site ‘commitments’comfortably exceed(s) the quantum of the new housing figure [which has emerged as a result of the review]”.
36. HANP paragraph 5.2 explains the decision to review the development envelopes in the light of proposed changes to the wider strategy, and to reflect the fact that some sites with planning permission (or now developed) lie outside the 2015 boundary. The results are shown in maps 3, 4 and 5. Policy HAD1 supports sustainable development within the new envelopes, subject to this being of appropriate scale and satisfying other criteria in relation to its impact. This reflects ECLP Policy GROWTH 2, as does the approach to development outside the settlement

⁶ Paragraph 6.2 notes that permission for 24 dwellings was in fact granted in July 2021.

boundaries.

37. In addition to the two allocations referred to above, the Local Plan anticipated that at least 113 new dwellings would be built in Haddenham between 2013 and 2031. ECDC has updated the requirement for the Parish (in accordance with NPPF paragraph 66) such that it is now a total of 161 dwellings in the period 2019 to 2031. Given existing planning permissions, no new allocations are deemed necessary; consequently, Policy HAD2 states that the requirement will be met by a combination of completions and windfall and infill sites within the development envelopes.
38. This approach is fundamentally challenged by the agents for Land Allocation Ltd, who have an interest in land south of Wilburton Road, on the south-eastern edge of Haddenham village, adjacent to (but outside) the development envelope. Their objections may be summarised as follows:
- development limits “are a dated concept”, but if they are to be used “a more holistic approach” needs to be taken, to avoid the risk that they might restrict future growth
 - Local Plan Policy GROWTH 1 (which determines the housing requirement) is acknowledged to be out of date: this means that the HANP might need to be reviewed sooner than anticipated and brings into question current assumptions about whether the need can be accommodated within the defined development envelopes
 - LP Policy GROWTH2 is also out of date because of concern about the continuing strict control of development in the countryside, given the need for a review of the housing requirement – a view also held by an Inspector on appeal. The changes to the earlier draft of Policy HAD1 (which specify the circumstances where development outside the settlement boundary might be acceptable in principle) are insufficient to deal with the matter
 - the new requirement for Haddenham set by ECDC must also be reassessed, for the same reasons, because it is based on the current strategy
 - the single-issue review of the Local Plan suggests a housing requirement which fails to provide an uplift for economic growth or to consider the impact of the Covid pandemic, and should incorporate a 20% buffer
 - the lack of a housing needs survey “may contribute to the (HANP) not being positively prepared”.
39. The conclusion reached is that the Plan does not meet the basic conditions, conflicts with national and local policy and represents an overly restrictive approach which would not contribute to the achievement of sustainable development.
40. I do not accept any of these criticisms, many of which appear to challenge the key aspects of the Local Plan review rather than of the HANP itself. Moreover, the objectors do not provide any evidence to suggest that the Plan fails to satisfy basic condition (e), which requires it to be in general conformity with the strategic policies contained in the development plan for the area – in other words, the adopted Local Plan. In addition, I am satisfied that the NP has had regard to the advice in PPG paragraph 009 by reviewing the development envelopes and modifying the terms of Policy HAD1 in the light of proposed changes to the Local Plan.
41. In August 2018, I reported on the Fordham Neighbourhood Plan, also in East Cambridgeshire. While the circumstances were somewhat different in detail, similar concerns were raised by commercial objectors about how a fluid strategic context should properly be dealt with.
42. While I acknowledge the fact that it may (and only may) be necessary for the development

envelopes to be reviewed again in Haddenham (and no doubt elsewhere in the district) at some time in the future, the conclusions I reached in relation to Fordham are equally relevant to the present objection: *"It cannot be the role of the examiner of a neighbourhood plan to second-guess the eventual outcome of the local plan examination process. Should it become clear at some point that the FNP's underlying assumptions about the appropriate levels of growth for the village are no longer sustainable, the proper course of action would be for it to be reviewed as soon as reasonably practicable. I consider that any problems arising from the submitted version becoming out of date have been over-stated: in the event of any conflict, the newly-adopted Local Plan would simply take precedence until the FNP was revisited as necessary"*.

43. I added: *" Basic Condition (d) requires a neighbourhood plan to contribute to the achievement of sustainable development. There is no specific guidance on what levels of housing would need to be provided in order to demonstrate compliance with this condition; however, it is in my opinion not tenable to suggest that the FNP fails to comply with Basic Condition (d) on the grounds that it could have made a greater contribution to sustainable development than it does. That is not the test."* Again, I consider this conclusion to apply equally well in the present case.

Policy HAD3: Housing mix

44. The contextual material for this policy records the difficulty some local people have in accessing open market housing. The scale of the need is not known, since no survey has been carried out, reliance being placed on Local Plan⁷ and NPPF policies to address the issue "should a specific need be identified during the lifetime of the NP". Paragraph 6.4 states that Policy HAD3 makes provision for affordable housing as part of the allocation at New Road; while paragraph 6.6 deals with a different issue, namely a shortfall of three-bedroom houses as compared with the East Cambridgeshire average at the 2011 Census (there seems to be less of a difference in relation to one and two-bedroom dwellings).
45. The policy itself simply states that new housing "must contribute to meeting the existing and future identified need of the NP area. Proposals that deliver homes with three bedrooms will be supported". The first part of this is very vague as it stands and does not appear to add anything to the existing Local Plan policies. It makes no reference to affordable housing (including, as a detail, anything about the New Road allocation). The justification for supporting three-bedroom dwellings (specifically) appears on the face of it to be based purely on the fact that properties of that size are under-represented in comparison with the East Cambridgeshire average - an insufficient rationale for the policy requirement as it stands. However, given the comment at paragraph 2.8 about the increase in the proportion of older residents in the Parish, I have taken it more broadly as a desire to encourage the provision of smaller homes; this would give it greater legitimacy in my view.
46. I do not question the underlying social and demographic relevance of the policy, **but recommend that it be rewritten as follows:**

"Housing developments must contribute to meeting the existing and future identified needs of the Neighbourhood Area, in particular in relation to affordable housing and dwelling size. In the absence of any specific needs assessments, regard must be had to relevant East Cambridgeshire Local Plan policies, including Policy HOU3 (affordable housing provision). In

⁷ LP Policy HOU3 requires a minimum of 30% affordable housing provision as part of any open market housing schemes consisting of more than 10 dwellings (this applies to the north of the district, which includes Haddenham).

order to address the need for smaller homes, proposals for dwellings with up to three bedrooms will be supported in principle, subject to other relevant policies of this Plan”.

47. ***I also recommend that the position as regards affordable housing in the New Road scheme be clarified (in the supporting text); and that, given the results of the Residents’ Survey shown on page 18, consideration be given to the inclusion in the policy of support in principle for affordable homes, including low cost home ownership.***

Policy HAD4: Haddenham Business Park extension

48. The context for this policy is the desire to ensure that land is available for employment opportunities to support local economic growth. Local Plan Policy HAD3 allocated 0.8ha of land to the north of the existing business park and established some criteria to ensure its satisfactory development. HANP Policy HAD4 appropriately provides further detail as to the acceptable uses within Use Classes B2, B8 and E(g) and includes a “concept diagram” showing the key physical factors to which any proposals must have regard.
49. Paragraph 7.7 states that “other suitable new employment proposals within or on the edge of the village will be supported in principle, subject to satisfactory mitigation of any landscape, heritage, residential amenity and infrastructure impacts”. There is no difficulty with this so far as the basic conditions are concerned – however, it is clearly intended to be a *policy*, and it is potentially one which might have implications for employment policies in the Local Plan. ***I recommend that it be included in the Plan as a policy, preceded by the phrase “Subject to compliance with applicable Local Plan policies.....”.***

Policy HAD5: Protecting existing services and facilities

50. The supporting material to this policy explains that Haddenham has a good range of local services of both a commercial and community nature, and that it is an objective of the Plan to protect them and to encourage new ones. The policy says that the loss of valued assets of this kind will only be supported where it can be shown that the current use is not, and is unlikely to be, economically viable, and that there is no local demand for it. It would also be a requirement to demonstrate that the building or site is not needed for an alternative social, community or leisure use. The loss of facilities may be acceptable if it can be shown that suitable alternatives are available and accessible without recourse to the use of the car.
51. The policy reads as an edited version of Local Plan Policy COM3 (which has separate criteria for commercial and non-commercial community facilities), and for this reason I would be concerned that what amounts to a partial duplication might be the source of unnecessary confusion in development management terms. ***I therefore recommend that the policy be reworded as follows: “Proposals that would lead to the loss of commercial or non-commercial community uses will only be permitted if they satisfy the criteria set out in Local Plan Policy COM3”. I further recommend that the supporting material include an explanation of what this would mean in practice.***
52. There is a further issue here which I suggest needs to be addressed, given the introduction of recent changes to the Use Classes Order and permitted development rights. Any commercial, business or service use (ie UCO Class E) is permitted to change to residential up to a maximum of 1500 sq m; and an unused “business” building (the old B1 Use Class) dating from before 1990 can be demolished and rebuilt as flats or a single dwelling (subject to certain conditions). This being the case, ***I recommend that the following be added to Policy HAD5: “This policy does not aim to, and cannot, remove the statutory provisions of the General Permitted Development Order (GPDO) and should be applied only to applications outside the scope of***

permitted development". I further recommend that, to aid public understanding, an explanatory paragraph be added to the supporting text to set out the implications of the permitted development provisions.

Policy HAD6: Sport and recreation facilities

53. This policy offers support in principle for the provision, enhancement and/or expansion of sports facilities, including recreational open space. It also states that the loss of such assets will only be supported where they are surplus to requirements when assessed against ECDC's standards for the area (paragraph 7.13 identifies the reference) or where suitable alternative provision is made. The policy is accompanied by Community Action 1, which states the Parish Council's intention to explore options for new recreational facilities.

Policy HAD7: Conserving and enhancing internationally designated sites

54. This policy was the subject of a query by me to the Parish Council, who confirmed my understanding that there are no internationally designated wildlife sites within the Parish itself. However, the NP area borders the Ouse Washes to the immediate west, this being of considerable importance as a Special Area of Conservation, a Special Protection Area and a Ramsar site, in addition to being a Site of Special Scientific Interest. The Parish Council has explained that Natural England has designated Impact Risk Zones covering most of the NP area due to its proximity to the protected sites, and I fully accept that this should be recognised in planning policies.
55. My only concern relates to the fact that Policy HAD7 is a straightforward duplication of ECDC's adopted Natural Environment Supplementary Planning Document, and it is national guidance that repetition of this kind this should generally be avoided⁸. The Parish Council is concerned that the SPD may not be given as much weight in the decision-making process as a formal policy in the development plan itself, and they also point to the fact that East Cambridgeshire as a whole has a number of other internationally designated sites which require protection, including potentially from the effects of development within the Parish.
56. I understand the point that is being made here, but it is settled that SPDs are "material considerations", and in practice (so long as they have gone through proper scrutiny and formal adoption procedures) they are given considerable weight when planning applications are being determined. There is therefore an argument for suggesting that Policy HAD7 is unnecessary and should be deleted from the Plan.
57. However, I do not consider that the issue raises any significant concerns so far as the basic conditions are concerned, and I am content to defer to the Parish Council's preferences on the matter. It has suggested a small addition to the supporting text to the policy such that the fifth sentence of paragraph 8.2 would read (the additions italicised): "The Ouse Washes are around 3km to the *west of the settlements of Haddenham and Aldreth* and just outside the Plan Area and are designated as a Site of Special Scientific Interest, *Ramsar site*, Special Protection Area and Special Area of Conservation." ***I recommend that these additions be adopted, but that a further sentence be added immediately afterwards: "Developments outside designated sites might still have a harmful impact upon them for a variety of reasons, and it is appropriate that the Plan recognise this."***

⁸ PPG paragraph 006. ID: 41-006-20190509

Policy HAD8: Protection of important views

58. Map 7 shows the location of important views, both of and from the built-up areas of the Parish. Policy HAD8 seeks to protect those views from harmful development; in addition, where appropriate, proposals for new buildings outside the development envelope must be accompanied by an assessment of their impact on the character and appearance of the countryside.
59. The supporting material explains that the origin of the list of public vantage points to be protected is the Haddenham Design Code⁹. This is the first of several references in the Plan to the Design Code, published in December 2020, which was drawn up by consultants to provide an input to the NP process. The relevance of the Code is emphasised in particular in relation to Policy HAD13, which deals with design considerations.
60. It is entirely appropriate that the Plan should be accompanied by more detailed guidance, and for policies to require that regard should be had to this when planning applications are made. However, the status of the Design Code is not made as clear in the NP document as it might be. ***I therefore recommend that there be inserted (perhaps following paragraph 1.11) a new paragraph to explain the relationship between the Plan and the Design Code, and the expectation that regard will be had to the guidance contained in the Code when development proposals come forward.*** I return to this point when looking at Policy HAD13.
61. The Design Code was not included in the list of documents supporting the submission of the Plan, but I have been able to access it via a web search. Paragraph 8.5 of the NP is a reproduction of the text on page 17 of the Code, and Figure 10 of the Code is a map showing the locations of the viewpoints described. However, as part of their objection to the Plan, the agents for Land Allocation Ltd point to the fact that their site contains one of four viewpoints included on Map 7 which did not feature in the Design Code exercise, and they therefore consider that robust evidence should be produced to justify why they warrant protection.
62. In principle, I have some sympathy with this point, since PPG paragraph 040 states that all neighbourhood plan policies should be accompanied by relevant evidence (although it also says that “there is no ‘tick box’ list” to show what form this might take). In the light of this, I decided that it would be appropriate for me to come to my own conclusion about the view south of Wilburton Road, especially given the fact that the objectors do not provide an assessment of their own which might challenge the case for its protection.
63. My visit to the area included looking at all of the easily accessible vantage points covered by Policy HAD8, and this allowed me to compare them broadly with the disputed one – as a result of which I can see no reason to question the inclusion of the Wilburton Road site. The view southwards from the road junction by the water tower is distinctive and well within the public realm.
64. However, given what I have said about the evidence base, ***I recommend that the Plan include reference to the fact that Map 7 is the result of a two-stage process; that some explanation be given about why it was necessary to revisit the conclusions of the Design Code exercise; and that some comment be made about why the four additional viewpoints were subsequently included.*** This should follow the pattern established by page 17 of the Code and NP paragraph 8.5, which simply set out what can be seen from the viewpoints listed and do not include a subjective analysis of their value in visual terms. I do not consider this approach to be a problem in principle in relation to the basic conditions and note that the objectors do

⁹ the references are actually to Codes (in the plural)

not suggest otherwise.

Policy HAD9: Settlement gaps

65. This policy seeks to ensure that development does not result in the coalescence of Haddenham village and the two other settlements within the Parish (Aldreth and Hill Row) or with Wilburton (a separate village, outside the HANP area to the immediate east).
66. I was able to see from my visit that “ribbon” development has already significantly eroded the separation of Haddenham and Hill Row, especially on the northern side of the road linking the two. There was evidence of quite recent infill schemes which have had the effect of consolidating the linear urbanisation further. The policy requires development proposals “where appropriate” to demonstrate how they would not result in the erosion of the three gaps shown on the Policies Map: this seems to me to be unnecessarily vague, especially given the vulnerability of some of the remaining gaps. Other than changes of use of existing land or buildings, any new development is bound to reduce the value of the existing gaps to some extent, and it is not clear what may or may not be “appropriate”. ***I recommend that, in order to provide greater clarity, the policy be rewritten as follows: “Development which would have the effect of reducing the gaps between settlements indicated on the Policies Map, or the perception of those gaps, will not be permitted”.***

Policy HAD10: Dark skies

67. This policy gives effect to NPPF paragraph 185(c) by requiring outdoor lighting systems to have a minimum impact on the environment by reducing light pollution, including its effects on wildlife and energy consumption. Paragraph 8.8 of the Plan inaccurately refers to NPPF paragraph 190(c): ***I recommend that this be amended.***

Policy HAD11: Local green spaces

68. Paragraph 8.9 of the Plan sets the national context for the designation of local green spaces (LGS). However, there is no longer a reference in the NPPF to new development on such land being ruled out other than in “very special circumstances” (2012 version, paragraph 76): the current iteration (paragraph 101) reads: *“The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them.....”*, adding that *“policies for managing development within a Local Green Space should be consistent with those for Green Belts”* (paragraph 103). ***I recommend that paragraph 8.9 be amended to quote from the current version of the NPPF. I am satisfied that this amendment to the contextual material will have no effect on the intention behind Policy HAD11 itself.***
69. I also note that the first sentence of paragraph 8.11 of the Plan says: *“The identification of these spaces as Local Green Spaces means that development is restricted to that which has to be demonstrated as being essential for the site, in line with the Green Belt policies defined by the NPPF”*. This is inaccurate and misleading, since paragraphs 149-150 of the NPPF list a total of 13 types of development which are not considered to be inappropriate in the Green Belt. ***I recommend that this sentence be deleted and replaced with: “Paragraph 103 of the NPPF states that ‘policies for managing development within a Local Green Space should be consistent with those for Green Belts’”.***
70. NPPF paragraph 102 states 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.”

71. Paragraph 8.10, in the preamble to Policy HAD11, says that “a Local Green Space Appraisal has been undertaken as part of the preparation of the Neighbourhood Plan”, which I assume was done with NPPF paragraph 102 in mind, at least in part. However, no further information is provided, and nothing is revealed by a web search. It is therefore not possible to comment on whether or not these tests appear, even broadly, to have been met. (I note that paragraph 8.10 states that “the spaces which meet the criteria are identified in Policy HAD12”: it should refer to Policy HAD11 and this should be corrected.)
72. While there have been no objections to the inclusion of any of the 18 green spaces listed in the policy and shown on Map 8, ***I recommend that the LGS appraisal referred to in paragraph 8.10 be published and that a summary of its findings be included in the supporting material to Policy HAD11.*** One practical benefit of this recommendation is that it would provide the local planning authority with an evidence base, should any proposals to develop any of the sites need to be considered.

Policy HAD12: Buildings and features of local interest

73. The preamble to this policy briefly notes the location of the two conservation areas and identifies the Parish’s 22 listed buildings, before going on to refer to the Register of Buildings of Local Interest maintained by ECDC. The location of 15 such buildings is set out in paragraph 9.6, and the first sentence of Policy HAD12 simply states that “[their] retention and protection.... will be secured”. However, this statement needs to recognise the fact that planning powers to achieve that objective are more limited than is the case with listed buildings and development within conservation areas, which are covered by statutory provisions.
74. To address this, ***I recommend (a) that the phrase “wherever practicable” be added to the first sentence of the policy; and (b) that the supporting material include Historic England’s advice on the matter, namely: “While local listing provides no additional planning controls, the fact that a building or site is on a local list means that its conservation as a heritage asset is an objective of the NPPF and a material consideration when determining the outcome of a planning application”.¹⁰***

Policy HAD13: Design considerations

75. This policy seeks to ensure that proposals for new development “reflect the local characteristics in the NP area and contribute to a high quality, safe and sustainable environment”. Planning applications are to have regard to a number of different criteria: the requirements of a checklist found in Appendix 2 to the Plan (which takes the form of a series of questions); the National Model Design Code; the Haddenham Design Code; and a further list of 12 factors which are set out in the policy itself. There is what reads as a further requirement (not in the policy itself but set out in paragraph 10.3) for certain design principles (seven in all) “to be acknowledged, as appropriate, in planning proposals”. This is all, of course, in addition to any relevant policies in the Local Plan.

¹⁰ Historic England / Identification and Protection of Heritage Assets / Locally Listed Heritage Assets

76. I have no concerns about the relevance of these development management criteria in terms of satisfying the basic conditions. However, taken as a whole, they present a somewhat overwhelming set of requirements, not grouped under topic headings, which potential applicants are expected to meet, irrespective of the scale of their proposals. They might also involve some duplication and/or different wording, which would add to the difficulties. I appreciate that, in a number of places, there is reference to the various requirements being triggered “as appropriate to the proposal” etc, but I think greater clarity and simplicity are needed.
77. ***I recommend that the policy be restructured (a) to simplify it (subheadings would be helpful in this respect); (b) to ensure that a clear explanation is given of the interplay between the policy itself, the various sources of guidance to which reference is made and the Plan’s supporting text; and (c) to take opportunities to remove any duplication of policy requirements within the Plan itself (for example in relation to Policy HAD8).***

Policy HAD14: Sustainable building practices

78. This policy simply offers support in principle to proposals that use best practice in energy conservation.

Policy HAD15: Flooding and sustainable drainage

79. Paragraph 10.7 explains that over half of the Parish lies within designated flood zones (although the built-up areas of Haddenham and Aldreth are on relatively higher ground lying outside these zones, there are areas where surface-water flooding is a problem). Policy HAD15 requires proposals for all new development to be accompanied by details (proportionate to its scale) of how on-site drainage and water resources are to be managed so as to avoid flooding problems. Where appropriate, these should include above-ground sustainable drainage systems.
80. Cambridgeshire County Council, as local lead flood authority, makes some detailed suggestions which I am content for the Parish Council to consider (the comment that reference should be made to the County Council’s Supplementary Planning Document on this subject perhaps being particularly worthy of attention).

Community Action

81. In addition to the initiative previously referred to (sport and recreation), the Plan includes five more proposals for community action. These cover a desire to preserve and enhance the remaining traditional orchards in the Parish (Appendix 1 shows their location and condition); to explore options for securing funding for traffic management schemes which have regard to the historic environment; to protect roadside verges; to work with others to reclaim lost and historic public rights of way; and to explore and encourage the provision of dedicated cycle paths. All these intentions are properly distinguished from the Plan’s formal policies by means of colour-coded boxes. (I have noted that community action no. 5 is mis-titled “Highway Verges”, duplicating no.4. This should be corrected).

Monitoring and review

82. It is the practice in many neighbourhood plans for clear guidance to be given on the circumstances where (or when) a review might be undertaken. However, this is not a statutory requirement, nor is it the subject of Government policy beyond guidance that communities are encouraged to keep plans up to date. There is no reference to the issue in

the HANP. While I see no need for a formal recommendation given the formal position, I would suggest to the Parish Council that if it is in a position to make any comment about its intended approach to reviewing the Plan, it should take the opportunity of doing so.

Conclusions on the basic conditions

83. I am satisfied that the Haddenham and Aldreth Neighbourhood Plan makes appropriate provision for sustainable development. 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

84. I have concluded that, provided that the recommendations set out above are followed, the Haddenham and Aldreth 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

26 July 2022

APPENDIX 1 – SUMMARY TABLE OF RECOMMENDATIONS

| Examiner's report paragraph | NP reference | Recommendation |
|-----------------------------|-------------------------------|--|
| 17 | Plan title | <ul style="list-style-type: none"> • Include the period for which the Plan is to have effect in its formal title |
| 46 | Policy HAD3 | <ul style="list-style-type: none"> • Rewrite policy as suggested |
| 47 | Policy HAD3 | <ul style="list-style-type: none"> • Clarify the position as regards affordable housing in the New Road scheme within the supporting text • Consider including support in principle for affordable homes, including low cost home ownership, in the policy |
| 49 | Paragraph 7.7 | <ul style="list-style-type: none"> • Include this as a policy within the Plan |
| 51 | Policy HAD5 | <ul style="list-style-type: none"> • Reword policy as suggested • Include an explanation of what this would mean in practice within the supporting text |
| 52 | Policy HAD5 | <ul style="list-style-type: none"> • Add the suggested sentence to the end of the policy • Include an explanation of the implications of the permitted development provisions within the supporting text |
| 57 | Policy HAD7 Paragraph 8.2 | <ul style="list-style-type: none"> • Make the additions to paragraph 8.2 proposed by the Parish Council in response to the examiner's question • Add the suggested sentence immediately afterwards |
| 60 | Policy HAD8 | <ul style="list-style-type: none"> • Insert a new paragraph in the supporting text (perhaps after paragraph 1.11) to explain the relationship between the Plan and the Design Code and the expectation that regard will be had to the guidance in the Design Code when development is proposed. |
| 64 | Policy HAD8 | <ul style="list-style-type: none"> • Include reference in the Plan to the fact that Map 7 is the result of a two-stage process, explain why it was necessary to revisit the conclusions of the Design Code exercise, and explain why the four additional viewpoints were subsequently included |
| 66 | Policy HAD9 | <ul style="list-style-type: none"> • Rewrite the policy as suggested |
| 67 | Policy HAD10 Paragraph 8.8 | <ul style="list-style-type: none"> • Correct the reference to the NPPF paragraph |
| 68 | Policy HAD11 Paragraph 8.9 | <ul style="list-style-type: none"> • Amend to quote from the current version of the NPPF |

| | | |
|----|--------------------------------|---|
| 69 | Policy HAD11 Paragraph 8.11 | <ul style="list-style-type: none"> • Delete the first sentence of paragraph 8.11 and replace as suggested |
| 72 | Policy HAD11 | <ul style="list-style-type: none"> • Publish the LGS appraisal referred to in paragraph 8.10 and include a summary of its findings in the supporting text to the policy |
| 74 | Policy HAD12 | <ul style="list-style-type: none"> • Add the phrase “wherever practicable” to the first sentence of the policy • Include Historic England’s advice on local lists in the supporting text as suggested |
| 77 | Policy HAD13 | <ul style="list-style-type: none"> • Restructure the policy in order to (a) simplify it, (b) ensure that a clear explanation is given of the interplay between the policy itself, the various sources of guidance referred to and the supporting text, and (c) take opportunities to remove duplication of policy requirements within the Plan itself. |