

## Witchford Neighbourhood Plan

### Parish Council Response to the Examiner Questions issued on 20 December 2019

<b>Question 6. Were alternative site options assessed during the plan preparation process or was it a case that the three intended allocations, each with outline permission at the time, adequately met the housing requirement and therefore alternatives were not considered? (Parish Council best to answer).</b>	
<b>PC response</b>	<p>The Local Plan which was subsequently withdrawn by ECDC in February 2019 included draft allocations for sites in the Witchford NP area. The Witchford community were key stakeholders in the assessment of these sites following a call for sites process that took place in summer of 2016. Eight sites in Witchford Parish were put forward in the call for sites exercise and all were considered in detail by the Neighbourhood Plan Committee and Witchford Parish Council. The sites were ranked in order of suitability and full detailed reasoning for the rankings were provided to the District Council.</p> <p>This exercise took place at the Neighbourhood Plan Committee meeting on 15th June 2016 (at which many members of the public were present) and the Parish Council meeting on 6th July 2016. Copies of the Minutes of these meetings are attached as Appendix 1 and Appendix 2. The participation of the Witchford community in the site assessment process continued as the (now withdrawn) Local Plan progressed through the consultation stages. Appendix 3 to this document demonstrates the Parish Council's involvement at a further consultation stage of the Local Plan in 2017. At this stage, the Parish Council made a representation to ECDC expressing support for the deletion of a site between Meadow Close and Broadway and its replacement in the Local Plan with the site north of Common Road. (which is in the Neighbourhood Plan as WFD.H2).</p> <p>It is acknowledged that the content of the withdrawn Local Plan has now limited relevance. However, the above demonstrates the consideration that has been given by Witchford Parish Council to site options albeit, this was at a time when the sites were expected to come forward via the Local Plan.</p> <p>Later in early 2019, when the NP steering group considered the inclusion of site allocations within the Neighbourhood Plan itself, the options for delivering the required growth (as provided by ECDC as the NP housing requirement figure) were largely pre-determined through development proposals that were well advanced in the decision-making process as set out below.</p> <ul style="list-style-type: none"><li>- WFD.H1: 18/00778/OUM (western part) Outline planning application for up to 40 dwellings. Application received 8 June 2018. Decision issued 1 March 2019. Prior to this the Planning Committee had resolved at a meeting on 5 September 2018 that: <i>the Planning Manager be given delegated authority to approve planning application 18/00778/OUM subject to the recommended conditions as set out in the Officer's report (with any minor changes delegated to the Planning Manager)</i></li></ul>

	<p><i>and updated condition 15, as tabled at the meeting, and the completion of a S106 Agreement.</i></p> <ul style="list-style-type: none"> <li>- WFD.H1: 14/00248/OUM (eastern part). 128 homes allowed on appeal 25 June 2018</li> <li>- WFD.H2 18/00820/OUM. Outline application submitted 14 June 2018. 116 dwellings permitted (outline) 2 May 2019. Prior to this, the ECDC Planning Committee had resolved at a meeting held on 7 November 2018 to <i>unanimously to give the Planning Manager delegated authority to approve planning application reference 18/00820/OUM, subject to the recommended conditions as set out in the Officer’s report (with any minor changes delegated to the Planning Manager) and the completion of a S106 Agreement.</i></li> <li>- WFD.H3: 17/00261/OUM. Land south of Main Street. Outline planning consent issued for 46 dwellings 4 July 2018</li> </ul> <p>The pre-submission consultation of the draft Neighbourhood Plan took place 12th June – 25th July 2019.</p> <p>Whilst, the consideration of <i>alternative</i> sites to the proposed sites would have been a redundant exercise, the NP steering group did consider the value in allocating <i>additional</i> sites. However, the NP steering group were very mindful of the quantity of growth coming forward in the plan area and the impact this would have on existing community infrastructure as well as the impact the growth would have on the rural character and setting of Witchford. As noted on page 26 of the submitted Neighbourhood Plan, an additional 330 homes during the period 2018 to 2031 represents a growth of 33% in dwelling numbers.</p> <p>Instead, a decision was made to prepare an up-to-date spatial plan for the parish that adequately addressed the housing requirement figure provided by ECDC. The designation of the updated development envelope, the site allocations as well as other policies in the plan provide certainty for residents, applicants, infrastructure providers and decision makers alike. The site allocations are important to the plan because they ensure agreed principles for the sites are established and in place ready for any future planning decisions e.g. detailed consent application stage or, in the event of current permissions expiring or indeed alternative planning applications for the sites being made.</p>
<p><b>Question 4</b></p>	<p><b>The Basic Conditions require that the plan does not breach EU obligations and in particular to consider whether there are significant environmental effects necessitating an SEA and whether individually or in combination there would be significant effects on European sites. There are strong Reg 16 representations that, in combination, the allocated sites could adversely impact on the European sites and that therefore an Appropriate Assessment should have been carried out. I note that the conclusion of the screening opinion was that because the three allocations had been assessed through the planning application process and no significant environmental effects had been identified that SEA /HRA on the WNP did not need to be carried out and that the statutory consultees had agreed with this conclusion.</b></p>

**What I would like to know is how the in-combination effects of the allocations together with smaller anticipated windfall over the plan period have been considered. (ECDC best to answer).**

**PC response**

It is acknowledged the examiner has indicated that ECDC are best to answer this question.

The PC however wish to take the opportunity to highlight the following point with regard to the SEA legislative framework:

As stated in paragraph 6.2 of the submitted Basic Conditions Statement, the PC requested a SEA determination statement from ECDC. This is because in SEA terms, the Local Planning Authority are widely accepted as being the most appropriate 'responsible authority' (as referred to in Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations)) for issuing such determination.

This does not mean that implications for SEA were not considered by the NP Steering Group.

In determining whether or not a plan is likely to have significant environmental effects, it is essential to consider what the baseline situation is in order to isolate the likely effects triggered by the proposed plan itself. In this specific case and as clarified in the submitted plan at the bottom of page 25 "*The principle for development on the three above sites has been accepted through existing planning consents. From this perspective, it is possible, they could come forward without the Plan being in place*". In other words, any environmental effects triggered by the proposed allocations including cumulative effects are already part of the baseline situation. When seeking to identify the likely significant environmental effects of any plan *it is essential* to compare the 'with plan' scenario with the 'without plan' scenario.

The need to consider the *likely evolution* of the environment (without the plan or programme being implemented) as part of the baseline environment under the SEA legislative framework is made clear in paragraph 2 of Schedule 2 of The Environmental Assessment of Plans and Programmes Regulations 2004 (the "SEA" Regulations).

Furthermore, the submitted Neighbourhood Plan, (an up to date spatial plan that, amongst other things, defines an updated village development envelope) provides a plan-based approach, which itself reduces the likelihood of unplanned, unsustainable development that when assessed cumulatively could potentially lead to significant environmental effects.

The key difference (when compared to the baseline environment) with adopting the site allocations as part of the Neighbourhood Plan is to bring certainty to ensure the development comes forward according to key principles established in the site allocation policies.

The Parish Council therefore considers there to be no likely significant environmental effects triggered through this Neighbourhood Plan.

**The PC also wishes to take the opportunity to highlight the following point with regard to the HRA legislative framework:**

Article 6 of the Council Directive 92/43/EEC states "Any plan or project not directly connected with or necessary to the management of the site but likely to have significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives"

As with SEA, it is important to define the baseline situation without the NP in order to isolate the effects that the adoption of the NP would have on the European sites (either alone or in combination with other plans and projects).

In this case, the net impact of adopting the NP cannot lead to net additional effects on the European sites which are not already triggered through the permitted sites. The key difference with adopting the site allocations as part of the Neighbourhood Plan is to bring certainty to ensure the development comes forward according to key principles established in the site allocation policies.

It is considered that, in this specific case, there are no conceivable additional negative impacts on the European sites through the inclusion of the site allocations in the Neighbourhood Plan. Because of this, there are therefore no in-combination effects.

Notwithstanding this, it is worth considering again the baseline situation, which is an out of date development envelope, combined with continued speculative development pressure. The Parish Council is unaware as to whether there is an existing determination that identifies in-combination effects on the European sites through the existing baseline situation (the consented schemes, together with windfall development coming forward in the plan area, together with continued development pressure), but if there are any, it would be illogical, to determine that the adoption of the submitted Neighbourhood Plan would be the cause (directly or indirectly) of any net additional adverse effects.