



Fordham Neighbourhood Plan

A report to East Cambridgeshire District Council

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Executive Summary

I was appointed by East Cambridgeshire District Council on 20 June 2018, with the agreement of Fordham Parish Council, to carry out the independent examination of the Fordham Neighbourhood Plan.

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 7 August 2018.

Fordham is a village in East Cambridgeshire, with a current population of around 2,700, but which is intended to grow substantially in relative terms over the next 20 years or so. The Neighbourhood Plan has been prepared in a way which aligns it closely with the emerging East Cambridgeshire Local Plan, currently the subject of examination.

Subject to a number of recommendations (principally for changes to the way in which certain policies are expressed), I have concluded that the Fordham 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.

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Introduction

1. This report sets out the findings of my examination of the Fordham Neighbourhood Plan (the FNP)¹, submitted to East Cambridgeshire District Council (ECDC) by Fordham Parish Council in May 2018. The Neighbourhood Area for these purposes is the same as the Parish boundary.
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 the intention was given added weight in the National Planning Policy Framework (NPPF), first published in 2012 but revised in July 2018, which continues to be the principal element of national planning policy. Detailed advice is provided by 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 or not the Plan satisfies certain “basic conditions” which must be met before it can proceed to a local referendum, and also whether it is generally legally compliant. In considering the content of the Plan, recommendations may be made concerning changes both to 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 FNP would ultimately become a part of the statutory development plan, and thus a key consideration in the determining of planning applications relating to land lying within the FNP 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 Trevor Roberts Associates.

Procedural matters

6. I am required to recommend that the Fordham 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 (references are to the Neighbourhood Planning (General) Regulations 2012 (as amended)):
 - the submitted FNP (including the maps prepared as a separate document)
 - the FNP Consultation Statement (Regulation 15)
 - the FNP Basic Conditions Statement (Regulation 15)
 - the FNP Strategic Environmental Assessment Screening Report
 - the representations made to the FNP under Regulation 16
 - selected policies of the adopted development plan for East Cambridgeshire

¹ subtitled “The Building Blocks for the Future of Fordham”

- relevant paragraphs of the National Planning Policy Framework (March 2012)
 - relevant paragraphs of the national Planning Policy Guidance (March 2014 and updates)
 - certain elements of the evidence base for the FNP, as required.
8. I carried out an unaccompanied visit to the Plan area on 7 August 2018, when I looked at the overall character and appearance of the Parish, together with its setting in the wider landscape, and at those areas affected by specific policies in the Plan. I refer to my visit in more detail elsewhere in this report.
9. There is a general assumption that neighbourhood plan examinations should be carried out on the basis of written representations only. Having considered all the information before me, including the representations made to the submitted plan, I have been satisfied that the FNP could be examined without the need for a public hearing (and it should be noted that there were no representations to the contrary).

A brief picture of the Neighbourhood Plan area

10. Fordham is a village in East Cambridgeshire, adjacent to the border with Suffolk, some five miles north of Newmarket and eight miles south of Ely. Its northern and western parts lie within the typically flat fenland landscape of this area, while the rest are of a more undulating character; the settlement as a whole is surrounded by productive arable land. It has a long history of human occupation (interestingly summarised in part 2 of the Neighbourhood Plan). At the last census, around 2,700 people lived in the village: in common with many rural settlements, the population is skewed towards older age-groups. The vast majority of the 1,100 or so dwellings are houses, with very few flats or dwellings containing a single bedroom. The Plan also records the familiar problems of the affordability of housing for local residents.
11. The core of the village is along Church Street / Carter Street, which runs east-west, crossing the River Snail, and along Mill Lane. This area (much of which is a designated conservation area) contains many of the historic buildings which the Neighbourhood Plan understandably seeks to protect. Over the years, it is clear that there has been considerable infilling of the land between Collin's Hill and Mill Lane, and around the junction of Carter Street and Sharmans Road, and there are noticeable "ribbon" extensions of the village along Mildenhall Road to the east (with a detached urban element close to the junction with Chippenham Road) and Carter Street / Murfitt's Lane to the west. The village displays a very wide range of house types and styles, plot sizes, building materials and layouts (the Plan describes this as an "eclectic mix", which I think is a fair description).
12. A particular feature I was able to see from my visit is the undeveloped land between the two southern arms of the village, on either side of the Snail, and bisected by two well-maintained pedestrian routes (Ironbridge Path and New Path). This brings the countryside directly into the heart of the village, complemented by the attractive areas of woodland (such as Townsend Wood) and, south of River Lane, a nature reserve (a designated Site of Special Scientific Interest).

The Basic Conditions

13. 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 065² of the Planning Practice Guidance. I deal with each of these conditions below in the context of the FNP's policies but, 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 be likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010) or a European offshore marine site, either alone or in combination with other plans or projects; and
- comply with any other prescribed matters.

14. The Basic Conditions Statement (BCS) is dated May 2018. It begins by summarising the statutory requirements before taking each policy of the Plan and commenting on its relationship first with the NPPF (Table 1) and then with the strategic policies of the adopted Local Plan (Table 2). Table 3 consists of a simple commentary on how each policy measures up against the three components of sustainability as adopted in national policy (ie economic, social and environmental), with rankings for "very positive" to "very negative" – although none falls within that last category. The document ends with reference to the Plan's compatibility with the relevant EU Obligations.
15. The BCS is a well laid out and accessible summary of these key tests, and I will refer to specific elements of it as necessary when considering the detailed provisions of the Plan.

Other statutory requirements

16. 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 Fordham is confirmed as covering the period 2016 to 2036); and
 - that no "excluded development" is involved (this primarily relates to development involving minerals and waste and nationally-significant infrastructure projects).
17. 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.
18. A screening report is required in order to determine whether a neighbourhood plan needs to 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

² Reference ID: 41-065-20140306

Authority's responsibility to engage with the statutory consultees.

19. ECDC duly carried out a screening exercise, and their statement accompanies the documents submitted for examination. This notes that responses were received from Historic England, Natural England and the Environment Agency and concludes that, as a result of these and the Council's own assessment, an SEA is not required.
20. 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

21. National policy is set out primarily in the National Planning Policy Framework (NPPF)³, a key theme being the need to achieve sustainable development. The NPPF is supported by Planning Practice Guidance (PPG), an online resource which is continually updated by Government. I have borne particularly in mind the advice in the PPG that a policy in a neighbourhood plan should be clear and unambiguous, concise, precise and supported by appropriate evidence⁴.

The Development Plan for the area

22. The current development plan for the area includes the East Cambridgeshire Local Plan 2015 (ECLP). ECDC have embarked upon a review of this Plan, and an examination of Part 1 opened on 19 June 2018. The relationship between the adopted Local Plan, its intended replacement and the FNP is a matter of some contention, and I will discuss the issue more thoroughly when dealing with the representations themselves. For now, I would note that Basic Condition (e) requires neighbourhood plans to be "in general conformity with the strategic policies of the development plan for the area": this clearly means the *adopted* development plan. However, I bear in mind the advice at paragraph 009 of the PPG⁵, 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."

The consultation exercise (Regulation 14)

23. This regulation requires the Parish Council to publicise details of their 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 could 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 which arose as a result of the consultation process.
24. The Consultation Statement is dated May 2018. It is a comprehensive record of the work which the Parish Council carried out between late 2017 and the completion of the submitted version of the Plan. It will be seen that this was a relatively rapid exercise, which no doubt explains some of

³ The Fordham Neighbourhood Plan was prepared and submitted before the introduction of the current version of the National Planning Policy Framework, which was published on 24 July 2018. However, paragraph 214 of the new NPPF makes it clear that the policies in the previous Framework apply for the purpose of examining plans submitted on or before 24 January 2019. All references in this report to NPPF paragraph numbers therefore relate to the *original* (2012) version.

⁴ Reference ID: 41-041-20140306

⁵ Reference ID: 41-009-20160211

the complaints by two major objectors about the Plan's limited purpose and vision. Some understanding of the origins of this may be found in the second paragraph of the introduction to the Consultation Statement: *"The FNP process started in late 2017 in response to concerns over the number of permissions being granted and refusals going to permission. There had been little investment in infrastructure in recent years and there was concern that this growth would harm the village character and would overwhelm the services in the village"*. I will comment shortly on the broad stance taken by the Plan in response to this; meanwhile, I am satisfied that, in its own terms, the requirements of Regulation 14 have been met.

General observations about the Plan

25. The following comments may be helpful in understanding the way I have approached my report on the Plan and the observations and recommendations which I make upon it:
- the Plan Working Group have, in full consultation with the local community at large, efficiently identified the issues and objectives that they wish to include in the Plan, and this entirely reflects the aims of the "localism" agenda;
 - the recommendations I make concentrate on the policies themselves, since that is what the basic conditions relate to;
 - the Plan properly focuses on land use policies, reflecting Planning Practice Guidance;
 - I have addressed the policies broadly in the order that they appear in the submitted plan and have set out my views about each of the policies, irrespective of whether or not any modification is thought necessary;
 - 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***.
26. The Plan document begins with an introduction to the statutory processes, followed by a history of Fordham and a description of its physical and social characteristics. Section 3 contains the vision for the FNP, which I would summarise as follows:
- the maintenance of a strong community spirit and range of local facilities;
 - the need to ensure that the growth which is planned over the next 20 years is matched by the provision of adequate facilities and services;
 - maintenance of Fordham's distinct physical identity and separation from Soham and other nearby villages;
 - preserving and enhancing access to the countryside, important views and ecological assets.
27. This vision is then taken forward into a list of nine more detailed objectives, before Section 4 sets out the individual policies. These are preceded by a crisp justification for each one, supplemented by maps and photographs, with the policies standing out clearly by means of shaded boxes. The document concludes with a brief note about six "Projects", both physical and social, which properly complement the policies themselves, together with a glossary of terms (this notes that more comprehensive glossaries are found in the NPPF and in the Local Plan).

28. Overall, the Plan document is attractively set out, with generous use of plans (which are commendably clear) and photographs, making it very user-friendly and easy to navigate.

Representations received (Regulation 16)

29. A total of eight representations were made to the submitted FNP, six of these being from statutory or public agencies (including ECDC) and the other two from planning consultants. In the first group, no objections were recorded by Anglian Water, The Environment Agency, Historic England, Natural England and the National Grid. I will comment on the other representations under each of the policy headings as appropriate.

The Policies

30. Before dealing with the representations and commenting on the Plan's policies in detail, I would note that the formal title of the Plan does not incorporate its intended period of coverage (2016-2036). The convention is for neighbourhood plans generally to do this, **and I recommend that it is done in this case.**

Policy 1: Housing Growth

31. It is clear from the introductory material to the FNP that the Parish Council fully accept that the village will need to absorb a significant amount of new housing over the Plan period. The approach which has been adopted is summarised at paragraph 1.11:

"At the time of writing the Fordham Neighbourhood Plan, the East Cambridgeshire Local Plan is being reviewed and was submitted to the Secretary of State in February 2018, but it is not expected to have been adopted by the time the Fordham Neighbourhood Plan is examined. As such, this neighbourhood plan has been produced to be in general conformity with the strategic policies of the adopted Local Plan from 2015, but also to align with the emerging Local Plan to ensure consistency between the two. As such the Fordham Neighbourhood Plan is considered to be in general conformity with the strategic policies in both plans".

32. The preamble to Policy 1 specifically accepts the fact that the village is intended to grow significantly, but seeks to ensure that the growth is *"organic, not overwhelming the infrastructure and services, and also in the right locations"* – in other words, that it should be sustainable. Paragraph 4.4 contains the suggestion that the proposed land allocations in the Plan, together with extant planning permissions, would result in an increase in the population of the village of more than 30% above the 2011 Census level. A figure of 350 dwellings between 2016 and 2036 has been agreed with ECDC (including completions). *"Whilst this dwelling requirement is not a ceiling, for decision making purposes it should be viewed as Fordham's proportion of the strategic housing requirements required across the wider district area"* (paragraph 4.7). I have noted that the Basic Conditions Statement (BCS) records that the 2015 Local Plan estimated that, in comparison, 129 dwellings would come forward during the period of its validity (ie to 2031). The FNP also accepts the 30% affordable housing requirement adopted in the draft Local Plan.
33. Fordham is designated a "Large Village" for the purposes of the emerging Local Plan, and is intended to take its share of growth in accordance with a spatial strategy which involves a more dispersed pattern than was the case with the 2015 version. Policy 1 gives effect to this by the allocation of seven sites (shown on Map 3), none of which has been the subject of any objection as far as the FNP is concerned. All but one of these sites are shown in the draft LP, as explained in

the Review of Site Assessment Evidence for the FNP (the published version of which is dated May 2018)⁶. This exercise, which examined the suitability of a total of 21 sites, adopted to a large extent the evidence base prepared by ECDC to support the new Local Plan, (which does not set down a specific “target” for housing provision for Large Villages). A number of other sites within the village have planning permission but are not specifically identified in the Plan document.

34. In addition, the Plan accepts in principle the possibility of additional housing, as provided for in the adopted Local Plan:
- infill within the development envelope;
 - community-led development;
 - rural affordable exception sites;
 - small-scale infill outside the development envelope; and
 - other countryside development permitted by the ECLP.
35. The policy continues by requiring “major development proposals”⁷ to provide a mix of housing types and/or sizes, and to include affordable housing on-site in line with relevant Local Plan policies. Proposals on sites outside, but immediately adjacent to, the development envelope may be considered as rural exception sites for affordable housing; and proposals by the Fordham Community Land Trust are also supported in principle. Finally, there is a general requirement for development to keep pace with the capacity of the village’s infrastructure to absorb it.
36. Consultants Turley, acting on behalf of Endurance Estates Strategic Land Ltd, have made a principled objection to the Plan, especially in relation to its underlying assumptions about appropriate levels of growth. Many of their arguments are echoed by Messrs Gladman, leading to the conclusion that the FNP be withdrawn (Turley) or at least paused (Gladman).
37. Endurance are the promoters of a site north and east of Soham Road outside the development envelope (but adjacent to it), to the north-west of the village. It is the subject of an outline application for 52 dwellings, currently subject of an appeal. The application was re-submitted to ECDC following the successful appeal by Gladman against the Council’s refusal of an outline application for up to 100 dwellings on a similar site (but at the eastern end of the village, off Mildenhall Road), in which the Inspector concluded that relevant policies for the supply of housing were not up to date.
38. Turley’s principal arguments about how this decision and the wider context impact on the Neighbourhood Plan may be summarised as follows:
- the Plan is already out of date, since it is “over-reliant on being in complete accordance with the emerging Local Plan, which is obviously flawed in a number of respects” (given the Gladman appeal decision);
 - the draft LP is the subject of significant objection on a wide range of strategic grounds, and so “none of (its) existing provisions can be relied upon as a foundation for the FNP, as they are obviously unsound”.
 - there is no legal requirement to test the FNP against emerging LP policies;

⁶ the eighth site, reference FH7, falls below a 10-dwelling threshold

⁷ (this term is not defined, but I note that the Basic Conditions Statement refers to “11 or more dwellings” – this should be clarified in the policy itself)

- the FNP “fails to contribute to the achievement of sustainable development, by virtue of its narrow focus”. It “lacks ambition” by constraining development to conserve infrastructure capacity, rather than taking the opportunity to ensure the long-term vitality of the village by providing for a level of new housing that would support new and enhanced facilities (for example, with the benefit of an enhanced CIL stream). For this reason, the Plan fails to satisfy basic condition (d);
- there are other ways of providing sustainable development within the village than maintaining “a tight village nucleus”;
- dissatisfaction is also expressed with what Turley see as a lack of engagement by the Parish Council with relevant stakeholders in the preparation of the FNP.

39. However, it seems to me that the agents’ fundamental issue lies with the draft Local Plan: *“Fordham is one of the more sustainable and viable development locations in the district, but has largely been overlooked in terms of new strategic residential allocations by the Local Plan. This is compounded by the fact that the Council are reliant on new allocations in areas which have a poor record of delivery and require special concessions to preserve viability. The NP for Fordham mirrors these errors, by restricting development in a viable development location such as Fordham”.*
40. Gladman make similar points about the significance of the current challenges to the draft local plan, adding that the FNP should be supported by its own evidence base. They also refer to a decision by the examiner of the Ford Neighbourhood Plan in Arun (Mr Slater) to suspend his report until the Inspector appointed to examine the local plan for that area had published his report. Gladman conclude that the circumstances there are similar to those relating to Fordham, and that the FNP should be paused for that reason.
41. Other concerns Gladman raise are:
- a failure of the FNP to recognise the impact of a large strategic employment land allocation (in the draft Local Plan), which will increase demand locally for housing;
 - the need for some flexibility to be included in Policy 1, in order to be able to respond to any changes which might arise as a result of the LP examination;
 - the importance of recognizing that the draft LP “proposes a higher housing requirement and a more dispersed spatial distribution, with more housing and other development being directed towards the villages, in particular the Large Villages such as Fordham”;
 - a request that the FNP recognise the significance of the Mildenhall Road appeal decision by referencing it as a commitment.
42. The two objectors make some more detailed points, which I will deal with under the appropriate policy headings. For the present, however, to address the key strategic arguments, ***I do not accept that there is any case for holding up my examination of the FNP pending the publication of the Local Plan Inspector’s report and recommendations.*** My main reasons for coming to this view are as follows:

- there is no suggestion that the FNP does not, in its own terms, satisfy Basic Condition (e) – ie, that it is in general conformity with the strategic policies contained in the development plan for the area, which is the adopted 2015 version of the Local Plan (ECLP). While the Gladman appeal decision shows that there are important aspects of that Plan which are out of date, this of itself is not a matter which is covered by the statutory provisions⁸ which guide my examination. The significance of the housing land supply figures, which was clearly central to the Mildenhall Road decision, may well be rehearsed during the assessment of any subsequent planning applications within East Cambridgeshire (including Fordham), pending the adoption of the new Local Plan - but that is another matter, and for another time;
- it is not unreasonable in principle to permit a neighbourhood plan to progress even though a local plan examination has not been concluded (whether or not that local plan has been the subject of objection). It is also not unreasonable – indeed, it might be said to be in the broader public interest – for a neighbourhood plan to align itself with the latest iteration of local strategic policies, so long as it is made clear that this is its starting-point, and why it has been thought appropriate to adopt that approach. It follows from this that at least some of the evidence base supporting the emerging Local Plan will have been imported to underpin the specific policies of the FNP;
- by the same token, 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;
- I note in any event that Policy 1 sets out five circumstances where additional housing (ie over and above the specified allocations) might be considered acceptable, providing some level of flexibility;
- 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. I accept, as Turley suggest, that some of the language used in the Plan appears somewhat negatively expressed when it comes to making provision for growth, but I do not see that as a significant issue in relation to my brief as examiner.

43. As far as the Ford Neighbourhood Plan issue is concerned, I have accessed Mr Slater’s “Initial Comments”, dated 14 September 2017, which are available as a public document online. I note that the Arun Local Plan dates back to 2003 (the equivalent in East Cambridgeshire being 2015), and the Ford NP is predicated on an emerging local plan designed to bring it up to date. While there are therefore some similarities with the Fordham Plan, there are also some key differences – especially the fact that the Arun draft LP includes a strategic allocation at Ford for 1500 dwellings, something which the NP had taken on board. In addition, the LP examination was

⁸ para. 8(2) of Sch. 4B of the Act

adjourned for a reconsideration of the overall housing figures for the district. It was to resume at a time which more or less coincided with Mr Slater's examination, and he took the view that the consideration of such a strategic proposal needed to be carried out in the context of the wider picture. To quote from his Initial Comments document:

"Because of the closeness of the reconvened local planning inquiry, an opportunity presents itself, which would allow the Local Plan Inspector to examine what is in effect a strategic housing allocation at Ford, which is required to contribute to meeting the objectively assessed housing need for the whole district. His examination can properly look at the implications for this scale of development, its implications on the highway network, transport patterns, overall sustainability criteria and infrastructure requirements and its impact on the settlement pattern. It is also a more appropriate forum to be considering objections on the grounds of the "soundness" of making the proposed strategic housing allocation in this location. The Inspector's conclusions therefore would be covering many of the areas that my examination would also have had to address, if I pressed ahead with the neighbourhood plan examination in parallel to his Inquiry".

44. I am satisfied that no similar circumstances exist with the Fordham Neighbourhood Plan, and consequently that Mr Slater's decision in the Ford case adds no weight to an argument that my examination of it should be delayed.
45. Gladman also express concern about the process adopted by the Parish Council between their receipt of the initial consultations under Regulation 14 and the submission of the current version of the Plan. They say that it is not clear what consideration, if any, was given to their initial views. The Consultation Statement shows (as Gladman acknowledge) that the Parish Council had at least received their comments on the pre-submission draft. While there are no direct cross-references between individual consultation responses and how the Parish Council reacted to them, it is clear from reading the summary of the *issues* raised by the consultation exercise that relevant matters were considered (pages 4 and 5 of the Consultation Statement provide examples).
46. East Cambridgeshire District Council have worked closely with the Parish Council during the preparation of the Plan. They confirm that they have considered the FNP (both before and after submission) against the provisions of the *adopted* ECLP and have concluded that it is in general conformity with that Plan's strategic policies. They also consider that the FNP is in general conformity with the strategic polices of the emerging Local Plan. The Council further conclude that proper regard has been had to national policy.
47. This assessment by EDCDC supports my own view that there is no reason for the FNP to be held up pending the outcome of the examination into the new Local Plan. As far as the land allocations are concerned, it also confirms that any divergence from the proposals of the new LP is seen as a local matter which it is within the remit of the NP to determine. I have no reason to take a different view.
48. Taking all of the above into consideration, ***I have concluded that Policy 1 satisfies the Basic Conditions and I recommend that, with a number of relatively minor provisos, no change be made to it. The provisos are:***

a) all references to policies in the East Cambridgeshire Local Plan be made specific (in particular in relation to the scope for additional housing beyond the 350 level) ;

- b) that the two references to “major development proposals” be amended to make it clear what this means, and to align with relevant Local Plan policies; and**
- c) that the opportunity be taken to include an appropriate reference in the supporting material to the fact of the Mildenhall Road appeal decision.**

49. In addition, given the possibility that the outcome of the examination into the new Local Plan might be known in the relatively near future, and that (as the objectors certainly envisage) some elements of the FNP might quickly be overtaken by events, ***I consider it in the broader public interest for Policy 1 to commit the Parish Council, working as necessary with ECDC, to reviewing the NP as and when circumstances dictate.*** As an alternative, it would be reasonable to include this commitment under a separate heading (such as “Monitoring and Review”) towards the end of the Plan document, as I am aware is often done in neighbourhood plan documents.

Policy 2: Character and Design

50. This policy sets down broad guidelines which seek to ensure that development responds positively to its physical and social context. This reflects, for example, the NPPF at paragraph 58 and ECDC policies ENV1 and ENV2. It satisfies the Basic Conditions.

Policy 3: Local Green Spaces

51. Policy 3 gives effect to NPPF paragraph 76: *“Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space, local communities will be able to rule out new development other than in very special circumstances”*. Paragraph 77 of the NPPF goes on to say that the Local Green Space designation will not be appropriate for most green areas or open space, and should only be used where three criteria are met, namely:

- *where the green space is in reasonably close proximity to the community it serves;*
- *where the green area is 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*
- *where the green area concerned is local in character and is not an extensive tract of land*

52. As part of the evidence base supporting the FNP, an Open Space Assessment (dated May 2018) was carried out. This concluded that many open areas within Fordham are classified as “countryside”, or have protection from other policies, such that additional designation was not thought necessary. As a result, of 23 areas initially considered, only four are suggested as Local Green Spaces in the Plan. This clearly demonstrates that a robust analysis underpins the policy, and I consider that it satisfies the Basic Conditions.

Policy 4: Maintaining Separation

53. Policy 4 recognises the significance of maintaining the physical separation of Fordham and neighbouring settlements – particularly Soham, the small town whose outskirts lie only a short distance to the north-west. I was able to see from my visit that, while a clear gap still remains at this point, recent developments have begun to erode it. The policy states that any development

which would “reduce the separation, or sense of separation” of Fordham from its neighbours will not be supported, and evidence to show the impact in these terms will be needed.

54. While in its own terms there are no concerns here from the point of view of the Basic Conditions, there is a degree of vagueness which is unhelpful in terms of development management (a point made by Gladman). I draw attention to the fact that the policy framework for the village does not preclude all built development outside the Development Envelope. ***I recommend that the policy is accompanied by a map which indicates the areas to which it is intended to apply.*** I do not suggest that this need be drawn up with the level of precision which applies, for example, to the proposed housing sites.

Policy 5: The Ironbridge Path and New Path Area

55. This policy straightforwardly seeks to provide a high level of protection for this important area of open land, which is identified clearly on Map 5. It is clearly expressed, and the intended development management implications are appropriately different from those affecting the four proposed Local Green Spaces. There are no issues arising in terms of the Basic Conditions.

Policy 6: Locally Important Views

56. Policy 6, accompanied by Map 6, gives effect to the conclusions of the Fordham Important Views Study, dated May 2018. This initially looked at 16 locations from where views into and out of the village were considered to be important, and which justified protection from development proposals which might obstruct or adversely affect them. The Plan has settled on eight of these which it concludes are particularly valuable, and there are no difficulties with this as far as the Basic Conditions are concerned.

Policy 7: Locally Important Buildings and Structures

57. Map 7 shows the boundary of the Fordham Conservation Area, as well as listed buildings within the village and the locations of 13 more which the Plan seeks to designate as Locally Important Buildings. The BCS notes that some of these are already included on the Local Register of Buildings and Structures held by ECDC.
58. Locally-important assets, as Historic England point out in their guidance on the issue, are only capable of being offered “some level of protection”, rather than benefiting from an additional strand of control: being on a local list is restricted to meaning that their conservation as a heritage asset is a material consideration in determining the outcome of planning applications (NPPF paragraph 135), and they would therefore have to be dealt with on a case-by-case basis.
59. Policy 7 makes this clear by requiring proposals which might affect the significance of the named buildings, including their appearance and setting, to be accompanied by a heritage statement: those which enhance them will be supported, while those which involve harm in those terms would need to be clearly justified. This approach is in line with the tenor of policy and guidance at both national and local levels. Gladman ask for a re-wording of the last part of the policy to bring it into closer alignment with NPPF paragraph 135, and its reference to the need for any judgement to take into account the effect of a proposal on the significance of the asset; however, the simply-expressed requirement for any harm to be justified covers the point (paragraph 135

continuing to be an important material consideration in the eventual decision).

Policy 8: Wildlife Habitats

60. This policy seeks to ensure that no significant adverse harm would be done to protected sites at Fordham Wood and Chippenham Fen; to enhance the connectivity of green networks wherever possible; to avoid loss of wildlife habitats or natural features (or to seek appropriate mitigation); and overall to achieve a net gain in biodiversity. It aligns well with both national and local planning policy. Gladman suggest the Policy lacks clarity by failing to specify what would constitute an unacceptable impact on the protected sites, but I consider that this is something that can be addressed on its merits in any particular case, in the light of best practice advice.

Policy 9: Services and Facilities

61. Paragraph 4.32 of the Plan notes that the ECLP includes a policy requiring adequate infrastructure to be available to support development in order for planning permission to be granted, and one protecting community facilities from redevelopment. While I note that the FNP seeks not to duplicate these, for ease of public understanding ***I recommend that the specific ECLP policies be referenced.***
62. Policy 9 offers support in principle for new or improved community facilities, while at the same time opposing the loss of any of the 14 “Valued Community Facilities” listed in paragraph 4.32. The overall objectives here are clearly consistent with the need to encourage sustainable development. Paragraph 4.33 also notes that 25% of Community Infrastructure Levy monies in connection with any development in the village would be available for local expenditure once the FNP was adopted (ie “made”). Turley doubt that the housing delivery profile for the village will generate any significant funding in those terms (even to maintain the viability of the existing amenities, let alone the creation of new or improved ones): however, this is a matter of speculation and not something which impinges on the Basic Conditions.

Policy 10: Provision of Medical and Educational Facilities

63. The preamble to this policy acknowledges that while they are seen by local residents as being very important to the village, there are no known plans for either a GP surgery/medical centre or a new school. The Policy simply supports the principle of both.
64. In my opinion, it would be preferable for this to be described as an “aspiration”, having more in common with the list of “Community Projects” set out on page 40 of the Plan, ***and I recommend that that change be made.*** I also draw attention to the fact that the location of each of these facilities would in principle be considered acceptable either within the Development Envelope or adjacent to it, whereas those community assets referred to in Policy 9 must simply be “appropriately located”. I am uncertain as to whether that distinction is a deliberate one: ***I recommend that if it is, there should be a brief explanation as to why this is the case, and if it is not then the distinction should be removed.***

Policy 11: Pedestrian Access and Public Rights of Way

65. The public footpath network in and around Fordham is shown on Map 8. Policy 11 states that development that would obstruct “or have a significant impact upon the enjoyment” of a public right of way will not normally be allowed. Development clearly visible from such a route will be required to consider its visual impact and take steps to mitigate any harm, and where there is an opportunity for development schemes to create or improve connectivity, this should be taken.
66. The policy is supported by NPPF paragraph 75 and relevant policies in the Local Plan. It would, however, improve public understanding of the first element of it if some explanation were given: ***I therefore recommend that examples of the kinds of development which might have a significant impact on the enjoyment of a public right of way be provided, ideally with some indication of the types of mitigation measures which might be appropriate.***

Policy 12: Car Parking

67. Policy 12 attempts to respond to the problems which can result from the inevitably high levels of car usage in a rural area like this, particularly in relation to on-street parking. Paragraph 4.46 reproduces the parking standards set out both in the adopted ECLP and the draft replacement (the latter being rather more detailed in nature). The FNP does not seek higher levels of parking requirements from new development than are indicated in the draft LP, although it would support in principle a more generous allocation if schemes come forward. Instead, guidance is given about the design and distribution of parking – in particular emphasising a preference for accommodating it on-plot rather than on-street or in courtyard arrangements.
68. There is nothing here which is at odds with either national or local strategic planning policies. However, Turley make an understandable connection between the raising of parking requirements and an increase in car ownership (which perhaps more significantly means car usage). Again, it seems to me that their issue is primarily with the proposals in the emerging Local Plan, to which FNP Policy 12 ties itself. Turley also suggest that an increase in the parking requirement will adversely affect the dwelling yield and development viability.
69. In my opinion, there is no “magic bullet” here – a neighbourhood plan covering a rural area is always likely to be facing difficulties in seeking to balance the essential needs of the community to gain access to work, services and social contacts against both broader strategic issues of sustainability and design considerations on the ground. FNP Policy 12 is realistic in those terms, and I consider that it meets the Basic Conditions.

Policy 13: Cycle Parking and Storage

70. This policy requires new housing schemes to provide adequate cycle parking, whether on individual plots or on a shared basis, and provides generalised guidance about location and design. It supports ECLP Policy COM8 and present no difficulties for the Basic Conditions.

Conclusions on the basic conditions

71. I am satisfied that the Fordham 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

72. I have concluded that, provided that the recommendations set out above are followed, the Fordham 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 BA DipTP MRTPI
Independent Examiner

20 August 2018

APPENDIX 1 – SUMMARY TABLE OF RECOMMENDATIONS

Examiner’s report paragraph	NP reference	Recommendation
30	Title page	<ul style="list-style-type: none"> • include period of coverage in Plan title
48	Policy 1	<ul style="list-style-type: none"> • cross-refer to Local Plan policies • define “major development proposals” • include reference to Mildenhall Rd appeal decision (in supporting text)
49	Policy 1	<ul style="list-style-type: none"> • include commitment to review the Plan
54	Policy 4	<ul style="list-style-type: none"> • indicate on a map the areas to which it applies
61	Policy 9	<ul style="list-style-type: none"> • cross-refer to Local Plan policies
64	Policy 10	<ul style="list-style-type: none"> • re-locate as an aspiration or community project • clarify / remove discrepancy with Policy 9
66	Policy 11	<ul style="list-style-type: none"> • give examples of harmful impact