

Isleham Neighbourhood Plan 2021-2041

A report to East Cambridgeshire District Council

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Executive summary

I was appointed by East Cambridgeshire District Council on 14 January 2022, with the agreement of the Isleham Parish Council, to carry out the independent examination of the Isleham 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 16 February 2022.

Isleham is a rural village set in generally flat agricultural landscape, hard on the border of East Cambridgeshire and West Suffolk. It has close ties to, but remains clearly distinct from, a number of other settlements, particularly Fordham, about three miles to the south. The estimated population of the Parish in 2018 was 2441, and the Plan recognises the changes brought about by the growth of the village over the last 20 years or so, while seeking to ensure that further expansion meets the need of the community and respects the village's particular character and assets.

Subject to a number of recommendations (principally for changes to the detailed wording of some policies), I have concluded that the Isleham 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 Isleham Neighbourhood Plan 2021-2041 (the INP), submitted to East Cambridgeshire District Council (ECDC) by the Isleham Parish Council in December 2021. The Neighbourhood Area for these purposes is the same as that of 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 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 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 INP 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 INP 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 Isleham 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 INP
 - the Consultation Statement (November 2021)
 - the Strategic Environmental Assessment Determination Statement (December 2021)
 - the representations made to the INP under Regulation 16
 - selected policies of the adopted Development Plan for the area, including the East Cambridgeshire Local Plan Second Review of April 2020
 - relevant paragraphs of the NPPF

- relevant paragraphs of national Planning Practice Guidance.

- I carried out an unaccompanied visit to the Plan area on 16 February 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.
- 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 representations¹. 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.
- 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

- Isleham is a well-defined rural village, set in a flat agricultural landscape close to the boundary between East Cambridgeshire and West Suffolk. The village can be seen in its agricultural context from almost all compass points within its “fen edge” location. Many droves and footpaths cross these open fields, providing recreational opportunities, and the Plan puts much emphasis on celebrating the diversity of fauna and flora to be found in the surrounding area.
- The estimated population of the Parish in 2018 was 2441 and the INP explains that there has been steady growth over the last 20 years or so. I was able to see from my visit that this has largely preserved the strong nuclear form of the historic village, even with the current building of 123 homes on the western side of Fordham Road. However, there are several incipient ribbons of development leading out from the core, both to the north and south, as well as a characterful outlier in the form of the Riverside Island Marina on the River Lark (actually lying across the administrative border in West Suffolk and so not within the scope of the INP), home to over 100 Swedish-style wooden chalets and many houseboats.
- There is a wide variety of built form, streetscapes and materials across the Parish, something which is well illustrated by photographs in the Plan document. I was also able to see from my visit some of the many listed buildings and other historic structures, especially within the conservation area. The Plan points to the fact that, in most cases, buildings in the village are rarely over two storeys in height.
- The Plan highlights the relatively low level of smaller-sized dwellings as compared with the East Cambridgeshire average, and house prices have been high compared with the district figure. Unsurprisingly, the comment is made that many low-income households with a connection to the village will find it difficult to set up home locally.
- There is some local employment, with a 30-unit industrial estate in the south-western corner of the village at Hall Barn Road, and there is planning permission for this to be extended. There is a small Co-op convenience store and a post office, and the village has a primary school (under pressure), but residents must travel to neighbouring villages such as Soham or Mildenhall for access to medical or dental services. Isleham does, however, have three

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

pub/restaurants of its own. I was able to see for myself the importance of the multi-purpose Beeches community centre and the open recreational areas around it.

16. The Plan expects that, by this year, the housing stock of the village will have increased by over 27% as compared with the 2011 census. It points to the increased pressure on both the physical and social infrastructure of the village and the relative lack of employment and local services, leading to high levels of car dependency (there is only one return bus service a day, to Newmarket, about seven miles to the south).
17. Page 8 of the Plan includes a brief reference to the Sunnica project, a proposal to construct a 2792-acre solar farm on a range of sites to the south and east of the village (with a small element within the Parish itself). The Parish Council have significant concerns about the likely impact of this scheme, and from the number of posters I saw on my visit to the area generally, it is apparent that this is shared by many local residents. A web-search shows that a public examination into the application for a Development Consent Order is due to start later this year.
18. The text on page 8 is the only reference to the solar farm in the Plan, but it includes the comment that “the project would completely and irreversibly affect almost all of the policies covered within this Plan”. Taken at face value, this statement could undermine the integrity of the Plan as a whole, with the possibility that (should the Secretary of State grant the DCO) developers might suggest that its policies had become compromised in some way – not an outcome which I imagine the Parish Council would wish for. ***I recommend that this statement be reconsidered, perhaps (as an alternative) with the Council simply stating its current stance in relation to the Sunnica project and reserving the right to re-visit relevant aspects of the Plan in the light of the Secretary of State’s decision.***

The basic conditions

19. 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 relevant Planning Practice Guidance. 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; and
 - comply with any other prescribed matters.
20. The Basic Conditions Statement begins by summarising the statutory context for neighbourhood plans. It then takes each of the basic conditions in turn, examining the extent to which the INP is considered to meet them. This is done in a comprehensive and easily accessible tabular form, with a commentary on compliance laid out alongside each of the

² PPG paragraph 065. ID: 41-065-20140306

Plan's policies.

Other statutory requirements

21. 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 INP is 2021 to 2041); and
 - that no "excluded development" is involved (this primarily relates to development involving minerals and waste and nationally significant infrastructure projects).
22. 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.
23. 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 authority's responsibility to engage with the statutory consultees.
24. An SEA Screening Determination Statement was published by ECDC in December 2021. A detailed SEA Environmental Report, considered necessary following an assessment of the draft Plan, had concluded that a full SEA (but not a full Habitats Regulations Assessment) was required. After detailed engagement with the relevant statutory bodies, the Parish Council and other stakeholders, ECDC have concluded that subject to the incorporation into the Plan's policies of the mitigation measures recommended in the Environmental Report, it is not expected to give rise to significant effects on the environment. 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.
25. 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

26. 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 the paragraph 041³ of the relevant PPG that a policy in a neighbourhood plan should be clear and unambiguous, concise, precise and supported by appropriate evidence.

³ PPG paragraph 041. ID: 41-041-20140306

The existing Development Plan for the area

27. 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 have recently concluded a second consultation on what they describe as “a very limited partial update”⁴ to the adopted ECLP, principally in order to address the fact that Policy GROWTH 1 of that Plan uses an out-of-date housing requirement figure. (A First Review, undertaken in 2019, concluded that the Plan did not need to be updated).
28. 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.” That having been said, I have been given no reason to believe that the proposed partial update to the ECLP is likely to have any impact on the progress of the INP as currently drafted.

The consultation exercise (Regulation 14)

29. 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 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 which arose as a result of the consultation process.
30. The Consultation Statement is a substantial document which takes the reader through the Plan preparation process from its first inception in August 2017. 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. The Council made appropriate arrangements to respond to the exigencies of the Covid pandemic, and they and their volunteer colleagues are to be congratulated for getting the Plan to the submission stage in a timely manner despite the difficulties.

General observations about the Plan

31. The Plan document (which includes generous use of maps and photographs) begins with a summary of the status and purpose of neighbourhood plans and how the INP seeks to address some of the challenges faced by the village over the next 20 or so years. There is then a brief history of the Parish (there is evidence that the area has at least 3000 years of human settlement); a description of its geographical context and demographics (in 2018 the residential population was estimated to be 2,441); an account of the numbers and types of dwellings; and a description of the Parish’s built character, landscape and biodiversity. This is followed by an account of the village’s recent growth and the effect of local planning policies, in particular in relation to housing, and a commentary on local accessibility and services (including reference to the primary school). This contextual material concludes with a firm commitment to maintaining Isleham’s reputation for being a welcoming and cohesive

⁴ source: ECDC planning policy website

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

community.

32. The vision informing the Plan is succinctly put: "... that this Neighbourhood Plan should maintain and further improve the character, infrastructure and environmental features of our village for both the current and future generations". This is supported by six specific objectives, which can be summarised as:
- respecting and celebrating the village's history;
 - protecting the existing separation from nearby Fordham and other settlements;
 - creating a safe and welcoming community;
 - ensuring that new housing is satisfactorily integrated into the village's distinctive character;
 - protecting the landscape and biodiversity of the area; and
 - seeking to ensure that physical and social infrastructure keeps pace with population growth.
33. Section 4 of the Plan then sets out the policies, each of these being appropriately introduced by explanatory material. The policies themselves are clearly differentiated from the supporting text by being placed in green-shaded boxes.
34. The Plan document concludes with a section on community projects, properly described as dealing with issues which are not appropriate to be addressed as land-use policies; a commitment to monitoring and (if necessary) reviewing or amending the Plan; and a helpful glossary of terms. Four appendices add details to provide further context to specific policies.
35. There is some duplication of the policy material, and some instances where the content of the text does not reflect the Policy's title. If my recommendations in these respects are accepted, they ought to simplify engagement with the Plan's provisions.
36. I have two further general observations. Firstly, while pages and sections/topic headings are numbered, individual paragraphs are not. ***In order to make it easier for users to refer to all elements of the document, I recommend that individual paragraph numbers are added.***
37. Secondly, in a number of instances some of the material serving as the introduction to the policies is effectively a summary of the Policy itself: I do not propose to make this duplication the subject of a general recommendation (although I have a specific point to make under Section 4.2/Policy 2), since it is not something which affects the formal purpose of the examination. But the Parish Council might wish to consider the matter when they come to the final editing.

Representations received (Regulation 16)

38. Of the relevant statutory consultees, responses were received from Historic England and Natural England, with neither having any observations to make; and the Middle Fen and Mere Internal Drainage Board made brief comments about the impact of new development. I will deal with an objection on behalf of Abbey Properties under the housing policies, and some comments by ECDC will also be addressed in the body of my report. An observation from agents acting for K and J Carpenter and Son will be covered in one of my recommendations about the numbering of maps; and there were some detailed suggestions from a local resident which it would be more appropriate for the Parish Council to consider without any comment from me.

The policies

39. 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 1a: Housing growth

40. The introductory material to this Policy explains that the Plan has been drawn up in the context of the adopted ECLP, while at the same time noting the limited review which is currently under way. A statement is also made to the effect that the Plan "takes into consideration" the Government White Paper on major changes to the planning system, although it is not clear what this actually means in terms of the Plan's contents. In any event, it would not be appropriate for the Plan to "second guess" what might emerge from the Government's current thinking on this somewhat controversial issue, ***and I therefore recommend that this reference be deleted.***
41. Five small sites within the then settlement boundary were allocated in the 2015 Local Plan for housing. ECDC have confirmed that, in the light of the adopted locational strategy (LP Policy GROWTH 2) and completions and existing commitments, there is no requirement for the INP to make further provision for housing for the period 2020-2031. They have provided information to update the status of the allocated sites.
42. ECDC note the reference in PPG⁶ to the general encouragement given to neighbourhood plans to exceed their housing requirement figure where possible, and they support the proposal under Policy 1a (with detailed requirements set out in Policy 1c) to allocate additional housing land on a site off Fordham Road (reference ISL7), an area which is currently adjacent to, but beyond, the development envelope. A planning application which has been made for its development for 45 dwellings (ref: 21/01572/FUM) is awaiting a decision at the time of writing.
43. This proposed allocation is the subject of an objection on behalf of Mr R Diver and Abbey Properties Cambridgeshire Ltd. Mr Diver owns a parcel of land north of The Causeway and south of Sun Street, also adjacent to, but beyond, the current village envelope, and Abbey are promoting its development for housing. This site (then designated AOS3) and the Fordham Road land just referred to were both included within an "Alternative Site Options" exercise for the purpose of the SEA/HRA Environmental Report, as were a number of other sites. In summary, the report concluded that site ISL7 scored more highly than AOS3 for a number of reasons.
44. This assessment is challenged by the objectors, who also consider their site to be better located in terms of its relationship with the existing settlement envelope and access to services. Other benefits of developing the site in preference to Fordham Road are put forward. I am satisfied that the Environmental Report is the product of a robust and comprehensive assessment and see no reason why, as part of my statutory role, it would be necessary (or even appropriate) for me to make any observations about its conclusions in relation to the relative merits of sites AOS3 and ISL7.
45. In addition to their site-specific arguments, the objectors are generally of the view that the Plan fails to satisfy the basic conditions. I have to say that I am not entirely clear about all of

⁶ paragraph 103 Reference ID: 41-103-20190509

their reasoning, but in summary they suggest that it is inappropriate to make the Plan because:

- the Local Plan already provides for the location of, and framework for, new development (and so the NP might not even be necessary);
- the NP “appears to be a document aimed to restrict new development”;
- while the Plan acknowledges the need for smaller homes, there is no specific site allocation to address the matter;
- the same is true of the need for affordable housing – and the Fordham Road site does not require the delivery of affordable housing at a level in excess of that set out in Local Plan Policy HOU3;
- if Fordham Road is not for 100% affordable housing (a matter which the objectors say is unclear) then it should be replaced by AOS3;
- should planning permission for the Fordham Road site be granted before the INP is made, the Plan would not contain any housing allocations;
- there is a risk that the housing requirement will change as a result of the current LP limited review and any changes to the planning system which might arise as a result of the White Paper.

46. In my opinion, none of these matters constitutes evidence of a failure to comply with the basic conditions. I am entirely satisfied that, so far as its approach to housing is concerned, the Plan has had regard to national policy and guidance, would contribute to the achievement of sustainable development and be in general conformity with the strategic policies in the development plan.
47. In addition to the new allocation, Policy 1a accepts the principle of small-scale infill and windfall development within the village’s development envelope, as well as “rural affordable housing exception site development”. These provisions are consistent with local and national planning policies. However, there is scope for some confusion in the way they appear in the Policy, since the impression might be gained that the second of these categories is different in some way from affordable housing on land outside the development envelope, to which separate reference is made in the following paragraph. Rural exception sites are defined in the NPPF (in the glossary) as small sites used for affordable housing in perpetuity where sites would not normally be used for housing – which would include land outside the development envelope. To simplify the approach to this issue and avoid potential confusion, ***I recommend that the third bullet point of the Policy be deleted.***
48. The introduction to the Policy could usefully be reworded to aid public understanding about the context for the housing land requirement; the second and third bullet-points contain incorrect map references; and I consider the last short paragraph to be redundant, since it is clear from the rest of the text what proposals would be acceptable in principle. In addition, the detailed requirements set out in the last five bullet-points of the Policy are very largely covered by the criteria found in Policies 2 and 1b and so do not need to be repeated; and while the subject of the Policy is housing, much of its provisions relate to other uses - for clarity these should be relocated to a more appropriate place in the document.
49. ***Consequently, I recommend that Policy 1a be simplified by being reworded as follows:***

“There is no requirement for this Plan to make provision for additional housing beyond that set out in the adopted East Cambridgeshire Local Plan. However, further sustainable development contributing to the needs of the village is supported by the allocation of land off Fordham Road for approximately 45 dwellings, as identified on Map 5. In addition, small-

scale infill and windfall developments will be supported within the Development Envelope for Isleham, subject to compliance with other relevant policies of the Plan.

Land outside the Development Envelope is defined as open countryside, where residential development will normally only be allowed for affordable housing to meet local needs on sites well-related to Isleham village, and in the circumstances set out in Policy 1b⁷”.

50. Partly as a result of the foregoing, I consider it would be sensible for the Plan to include a separate policy which focuses on modifications to the development envelope, together with an explanation of the intended approach to development proposals on land beyond it (as the Plan does at present under Policy 1a). The boundary was defined in the 2015 Local Plan⁸, and the preamble to the INP’s housing policies sensibly explains that it is now appropriate to extend it to reflect the proposed new housing opportunities. The detail is shown in Map 4, although this does not allow comparison with the ECLP map. Having myself examined the two, it is clear that the large ECLP site ISLH4, currently nearing completion, has now been included within the boundary, as has the additional land at Fordham Road just discussed; both these amendments are clearly appropriate⁹.
51. However, I took the opportunity to raise with the Parish Council the fact that the new boundary shows something that the ECLP map does not, namely a large “hole” covering the recreation ground (including The Beeches Community Centre) and some adjacent open space, which is proposed for designation as Local Green Space IGS 1 under Policy 3. I queried the appropriateness of this. I also questioned the inclusion within the development envelope of three completely detached and tightly defined short terraces north and south of the village (on the eastern and western side of Station Road and on the western side of Waterside): these seem to me to be anomalous and not reflective of best practice – although I acknowledged that they are shown in the Local Plan version of the boundary.
52. The Council responded to me by setting out their approach to the review of the development envelope. As to the recreation ground, they pointed out that it was until recently located at the edge of the village, whereas the large development on the western side of Fordham Road has now had the effect of incorporating it within the built-up area (as I was able to see on my visit). They accept that, so long as no changes are made to Policy 3 or Policy 8, something I am not suggesting is necessary, little purpose would be served by excluding the area from the development envelope. ***I therefore recommend that Map 4 be redrawn in a way which shows the recreation ground and the associated open land as falling within the development envelope.***
53. As far as the three short terraces are concerned, in drawing up the INP the Parish Council have simply retained the designations shown in the Local Plan and so (understandably) have suggested that this is a matter for ECDC to comment on. However, after receiving this response, I looked at a number of the policies maps accompanying the Local Plan, and from this it is clear that there are many examples of village envelopes to be treated in this way, suggesting a consistent methodology at work, which it would not be helpful to question. As a result, and notwithstanding the fact that the Parish Council would be content for the draft NP to be amended by removing these three small elements from the development envelope, I

⁷ as recommended to be reworded

⁸ Policies Map: Isleham/Insert Map 8.19

⁹ The last bullet point on page 7 is inaccurate and somewhat unclear: I suggest it read “development beyond that allocated in the Local Plan/Neighbourhood Plan is restricted to small sites within the village envelope and other development which is acceptable in a rural area.”

have decided not to make any recommendation respecting them.

54. *I therefore recommend the inclusion of a new policy in the Plan, to read as follows:*

“The Development Envelope for the village is modified from that contained in the East Cambridgeshire Local Plan, with the boundaries as shown on Map 4.

Land outside the Development Envelope is defined as open countryside where, in addition to any proposals relating to rural exception sites (Policy 1a), development will normally only be allowed for:

- the operation of existing businesses such as agriculture, horticulture, forestry, and outdoor recreation; and***
- other uses which can demonstrate a genuine need to be located in the countryside. Such uses could include the provision of new or replacement community facilities or essential infrastructure, where this cannot be accommodated within the Development Envelope and is required to meet the needs of local people.”***

55. As previously noted, the design and other criteria to be taken into account when such proposals are assessed, set out at present under Policy 1a, would still apply under the provisions of Policy 2.

Policy 1b: Housing types

56. This Policy primarily seeks to ensure that new housing meets the needs of the community (in particular in relation to affordable housing), but it also refers to matters such as the height of buildings (covered in Policy 2) and infrastructure capacity. As with my comments about Policy 1a, there is some duplication with other policies (especially Policy 2); some material is expressed too prescriptively; and there is some which is not relevant to the heading. There is a need for greater clarity.

57. *I therefore recommend that Policy 1b be reworded as follows:*

“Where appropriate, proposals for residential use should provide a mix of house types and sizes to help ensure a diverse community resides within the village: specifically, proposals which provide two bedroomed dwellings, meet the needs of an ageing population and are suitable for lifetime occupation will be supported.

Development proposals for residential use should, where appropriate, provide affordable housing on site in accordance with Local Plan Policy HOU 3 (or a subsequent replacement Local Plan policy). Development proposals on sites outside of, but immediately adjacent to, the Development Envelope may be considered as a Rural Exception Site where the proposal is to enable a majority of affordable housing. Where development is proposed on a Rural Exception Site, it must be demonstrated that it meets an identified local need which cannot be met within the Development Envelope, and conditions may be implemented prioritising occupiers with a strong local connection”.

Policy 1c: Site allocation ISL7 – Land off Fordham Road

58. In supporting the development of this land for housing, Policy 1c establishes four site-specific requirements designed to safeguard sensitive ecological sites; protect and enhance the water environment; respond appropriately to Isleham’s historic heritage; and contribute to the expansion or relocation of the primary school. These factors are necessarily in addition to the

more generic ones set out in Policy 2, to which I will now turn.

Policy 2: Character and design

59. Policy 2 is concerned with generally encouraging high standards of design for new development within the Plan area. In total, 12 aspects of design are listed. It is not necessary for me to comment on any of them; however, in the light of my recommendation in respect of Policy 1b, ***I recommend that after the last bullet point of Policy 2, a new paragraph be inserted, to read:***

“Planning permission will only be granted if it can be demonstrated that there is, or will be, sufficient infrastructure capacity to support and meet all the necessary requirements arising from a proposed development. Development may need to be phased spatially or chronologically to ensure the provision of infrastructure in a timely manner, with conditions or planning obligations to be used in securing any phasing arrangements”.

60. A significant amount of detailed text precedes Policy 2, set out under eight separate headings. Some of this amplifies (or duplicates) elements of the Policy itself, while some is site-specific in nature. All of it is written in such a way that it appears as a set of requirements for the purposes of considering planning applications – in other words, as a list of policies in their own right.
61. It is important that the Plan differentiate between what is policy and what constitutes guidance: I accept that this distinction is not always clear in development plan documents; but I am satisfied that significant editing is needed in this case.
62. ***I therefore recommend that the Parish Council revisit the material preceding Policy 2 on pages 31-33 to assess whether any of it should be included as a necessary addition to the broad criteria set out in Policy 2. The remainder, which I would expect to be the bulk (if not all) of it, should be placed in an Appendix entitled “Detailed Design Guidance” (or similar), with a note explaining its intended status in the development management process.***

Policy 3: Local green spaces

63. The preamble to Policy 3 describes the importance of preserving Isleham’s greenness and explains the NPPF’s approach to the designation of certain areas to be protected as “local green spaces” within local and neighbourhood plans. However, the current national policy position is not accurately represented: there is no longer a reference to development on such land being ruled out other than in “very special circumstances” (NPPF 2012 paragraph 76). The current version (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 ...” ***To avoid any confusion, I recommend that the correct reference be included in Policy 3 and its supporting material.*** I would add that, in my opinion, this alteration would make no practical difference to the weight that should be given to the Policy once it is in place.
64. NPPF paragraph 102 goes on to say 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.

65. Appendix 2 to the Plan¹⁰ sets out the findings of an assessment of 20 sites which was carried out, with each being tested against these criteria, as a result of which 13 sites, all within the Development Envelope, are put forward for designation. There has been no objection to the designation of any of the sites listed in Policy 3 and, from my visit to the area and the information contained in the Plan, I am satisfied that they are appropriately designated as local green spaces.
66. There are two editing issues: firstly, the reference in the policy heading should be to Map 7, not Map 4; and secondly, the map should include a key to show that the areas shaded green are those proposed for designation as LGS, while those shaded red were considered but not ultimately accepted. ***I recommend that both these changes be made.***

Policy 4: Maintaining separation

67. One objective of the Plan is to ensure that Isleham maintain its distinctiveness, and in part this requires it to remain clearly separate from neighbouring villages. Particular mention is made of the relationship with Fordham in the introductory material to this Policy, which is Isleham's nearest neighbour about 3km to the south-west. I was able to see from my visit that the gap between the two settlements is clear, although there is a scattering of buildings, including a farm, a depot and a water treatment plant within it. Fordham has a similar policy approach to development outside its settlement boundary to that being proposed for Isleham¹¹, reinforcing the presumption within this gap against most development which would be inappropriate in a rural area.
68. The last part of the preamble to Policy 4, together with Map 8, focuses on the relationship with Fordham; however, the Policy itself states that "development proposals located in areas between Isleham and *any neighbouring settlement* [my emphasis] that would either visually or physically reduce the separation, or sense of separation, will not be supported." This is confusing and not helped by Map 8 showing three specific areas of land which are described as "*General locations* [again, my emphasis] of separation gap (Isleham/Fordham)". Furthermore, taken at face value, the wording would preclude development which would otherwise be acceptable on policy grounds.
69. I raised these points with the Parish Council. They accepted that the Policy need only apply to the Isleham/Fordham gap and explained that their intention with Map 8 was indeed to describe a less specific zone than appears in the published document. They suggest an amendment to the map such that it would show something more general and imprecise.
70. Having considered the Council's response, and without in any way wishing to dilute the Plan's ability to achieve its purpose in maintaining Isleham's distinctiveness, ***I nevertheless recommend that Policy 4 be deleted.*** It would achieve nothing that would not be delivered by other policies in the Plan, including the recommended new one relating to the development envelope. In any event, I note with approval that Section 1.2 of the Plan makes it clear that, in line with Government advice, the intention is to avoid duplication with local plan policies: the INP's objective in relation to development within the rural areas is fully covered in the ECLP (Policy GROWTH 2, the locational strategy). There is no reason why the descriptive material which precedes Policy 4 should not be retained somewhere in the Plan document, the most appropriate place probably being as part of the text to support my recommended policy

¹⁰ not Appendix 3, as incorrectly noted in the heading to Map 7 (which should refer to *local* green spaces)

¹¹ I was the examiner of the Fordham Neighbourhood Plan

relating to the development envelope.

Policy 5: Locally important views

71. This Policy recognises the importance of particular views from the public realm, including both of and from the village, which contribute towards the settlement's sense of place. A clear set of criteria was established, which generally sought to evaluate the importance of these vantage points in terms of how they are perceived by local people. Initially, about 20 viewpoints were identified as potentially satisfying these criteria. Policy 5 lists the 11 viewpoints which were felt to meet all of them. The locations are shown on Map 9, and this is accompanied by a photograph of each. ***I recommend that the individual viewpoints IV01-IV11 are identified on Map 9.***
72. In seeking to protect these views, the Policy reasonably requires development proposals to be accompanied by evidence of potential impacts.

Policy 6: Heritage assets and locally important buildings and structures

73. Policy 6 identifies 13 buildings and structures within the Parish considered to be of local importance, worthy of some level of protection as a heritage asset. The Policy appropriately offers support to development proposals which would enhance or better reveal the significance of these local assets, while establishing criteria for assessing those which might result in harm to them.
74. Some editing issues need to be addressed:
- ECDC have pointed out that three of the 13 buildings are actually listed (ILIB02, ILIB07 and ILIB11): the preamble to the Policy states that there are 36 listed buildings and monuments in Isleham, and it is clearly not the intention of Policy 6 to duplicate the protection these structures already enjoy;
 - the reference to Map 8 in the third paragraph of the preamble to the Policy should be to Map 10;
 - Map 10 shows the location of "listed building, monuments and heritage assets": these need to be differentiated. In addition, this map is reproduced in Appendix 4 as "Map 9";
 - Map 11 is headed "Other sites of historical significance", eight being identified. There appears to be no reference to these sites in the text: if Map 11 is included simply for interest or information, rather than something which is meant to fall within the scope of Policy 6, this needs to be made clear;
 - information on the locally important buildings (the subject of the Policy) is said to be found in Appendix 3: however, this deals exclusively with listed buildings.
75. ***I recommend that appropriate changes be made to all these references, including making clear the location of the local heritage assets (with its reference number) on one of the maps.***

Policy 7: Biodiversity and habitats

76. This Policy reflects Isleham's wish to make a positive contribution to current national plans for maintaining and enhancing biodiversity. The Parish contains a wide range of habitats and wildlife, the main ones being set out in the preamble to the Policy, which also sets out five¹² key priorities. The Policy itself seeks enhanced connectivity of green networks and requires

¹² the figure given in the text is "8"

development proposals to avoid, wherever possible, the loss of biodiversity, habitats or natural features, or to provide appropriate mitigation where this is not possible.

77. In requiring an overall net gain in biodiversity, Policy 7 reflects the broad encouragement for this found in paragraph 179b of the NPPF; and it also anticipates revisions to the 1990 Town and Country Planning Act which will come into force in November 2023, as provided for in Schedule 14 of the Environment Act 2021¹³. In practicable terms, it will not always be possible for some development projects (especially small-scale) to produce a net gain in biodiversity; ***I therefore recommend that the last paragraph of the Policy begin “Where practicable, overall a net gain.....”.***

Policy 8: Services and facilities

78. Despite some concerns expressed in earlier passages, Section 4.8 of the Plan considers that the village has an appropriate range of local services and facilities. Those which are felt to be of particular value to residents are listed in the introduction to Policy 8, which is intended to amplify Local Plan Policy COM3. Policy 8 supports new or expanded local facilities, subject to other policies in the Plan. Where development would result in the loss of a valued use, relevant evidence must be provided, in accordance with the requirements of LP Policy COM3.

Policy 9: Pedestrian access and public rights of way

79. Policy 9 contains a number of provisions designed to protect the integrity and character of existing public rights of way, and also seeks to improve connectivity where the opportunity arises.

Policy 10: Car parking

80. The preamble to Policy 10 describes the higher-than-average car ownership levels in Isleham and some of the difficulties currently experienced in accommodating this pressure, both in operational and visual terms. There are particular issues at certain times of the day at locations such as the school, the Co-op and the churches. The Plan takes the view that the parking policies in the adopted Local Plan (or perhaps the way they have been implemented?) are partly responsible for some of these difficulties. However, it does not suggest a need to increase parking standards for new development in the village, but rather focuses on the physical requirements to be accommodated, such as location and design.
81. The only matter to which I would draw attention is the third paragraph of the Policy which states: “Proposals that are likely to result in unplanned on-street parking will not be supported”. While I understand the objective here, it is difficult to see how such an intention could be interpreted and applied in any individual case. ***Unless an explanation can be provided of the circumstances in which this aspect of the policy might be engaged, I recommend that the third paragraph be deleted.*** In any event, I consider that the rest of the Policy provides the control that is being sought.

Policy 11: Cycle parking and storage

82. This Policy seeks to encourage cycle use by ensuring that adequate provision for cycle storage and parking is made when new proposals for residential development come forward.

¹³ INP Policy 7 refers to the Environment Bill, which was enacted on 9 November 2021

Proposed community projects

83. As the supporting text accurately explains, issues raised by local communities through the neighbourhood planning process are not always capable of being addressed by formal land-use policies. Table 17 is a list of nine proposed community projects which the Parish Council intends to pursue during the Plan period, and they add to the reader's understanding of what future action is being planned.

Monitoring and review

84. 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. Isleham Parish Council approach the matter by committing themselves to the production of a report to each Annual Meeting of the Council, looking at on the impact of the Plan on the previous year and the likely impact on the year to come. In addition, there will four-yearly reviews of the Plan's effectiveness (four years being one Council term), which will consider any need for review or amendment. Changes to the Local Plan might also trigger the need for consideration of review. This is commendably clear guidance.

Conclusions on the basic conditions

85. I am satisfied that the Isleham 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

86. I have concluded that, provided that the recommendations set out above are followed, the Isleham 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

2 March 2022

APPENDIX 1 – SUMMARY TABLE OF RECOMMENDATIONS

Examiner's report paragraph	NP reference	Recommendation
18	Section 1.2, page 8	Reconsider the statement regarding the Sunnica project as suggested.
36	Whole Plan	Add individual paragraph numbers.
40	Policy 1a	Delete reference to the Government White Paper.
47	Policy 1a	Delete third bullet point.
49	Policy 1a	Reword the policy as suggested in order to simplify it.
52	Map 4	Redraw development envelope as described.
54		Add a new policy which modifies the development envelope and explains the approach to development outside it.
57	Policy 1 b	Reword the policy as suggested.
59	Policy 2	Add a new paragraph as suggested after the last bullet point of the policy.
62	Material preceding Policy 2 (pages 31-33)	Revisit the material to assess if any of it should be included in Policy 2 and move the remainder to an appendix.
63	Policy 3	Include the correct reference to the NPPF in the policy and supporting material.
66	Policy 3/Map 7	Correct policy heading to refer to Map 7. Add a key to Map 7.
70	Policy 4	Delete the policy.
71	Policy 5/Map 9	Identify the individual viewpoints on Map 9.
75	Policy 6	Make suggested corrections to the policy, supporting text and maps. Make clear the location of the local heritage assets on one of the maps.
77	Policy 7	Reword the last paragraph of the policy as suggested.
81	Policy 10	Delete third paragraph unless clarification is provided.