

Strategic Planning
East Cambridgeshire District Council
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28th November 2019

Objection to Witchford Neighbourhood Plan Submission Version (October 2019)

On behalf of Peter Seymour, Michael Seymour, Nicholas Holdsworth, Judith Holdsworth and Abbey Properties Cambridgeshire Limited please find below our objections to the Witchford Neighbourhood Plan Submission Version (“the Draft NP”). Our previous representations to the Draft NP remain valid and the intention of this response is to address relevant points which have either arisen from the Submission Version or reflect the comments in the Consultation or Basic Conditions Statements (October 2019).

Our comments remain based upon the land shown in Appendices One and Two of our previous letter dated 17th July 2019. That land is the subject of two current appeals (which are due to be considered at a Hearing on 15th January 2020) as follows:

- 1) Local Planning Authority (LPA) reference: 17/02217/OUM (Planning Inspectorate (PINS) reference: APP/V0510/W/18/3213834). Proposed Residential Development of 31 dwellings, proposed access arrangements and associated works.
- 2) LPA reference: 18/01611/OUM (PINS reference: APP/V0510/W/19/3227487). Proposed Residential Development involving the erection of 33 dwellings, proposed access arrangements and associated works.

Part of this site is referred to as the ‘horsefield’ in the Draft NP.

We continue to have serious reservations over the Draft NP and do not consider that it satisfies the basic conditions under Paragraph 3 of Schedule 4B of the Town and Country Planning Act 1990 (as amended) for the reasons which are set out below. Similar concerns have been expressed in our previous representation.

Paragraph 057 Reference ID: 41-057-20140306 requires that we make a case for an oral hearing through our submissions to the Draft NP. This letter and our previous submissions form that case and it will be clear that we consider that an oral hearing is essential in respect of the issues and concerns we have raised given, *inter alia*, the position that the Draft NP is proposing to adopt is essentially seeking to ignore important conclusions made by an Examining Local Plan Inspector made very recently.

Comments on the Draft NP Submission Version – October 2019

In relation to paragraph 2.5 of the Draft NP the County Council has provided identical comments related to education matters in respect of Planning Applications 19/00966/OUM and 19/00754/OUM which both re-iterate the need for early years and primary school spaces to be formed. It is clear from the County

Council's comments in this regard, and those made pursuant to the Appeals referenced above, that the County Council consider that an extension to the Rackham Primary School is required.

With regard to paragraph 5.1.2 we have made enquiries with the District Council as to the basis of their housing requirement figure which they have provided for the Draft NP. Our enquiry and the District Council's response is included at **Appendix One**.

That response confirms that the housing requirement figure has not been worked out in any other way than calculating the housing developments which have been permitted to date (owing to the District Council being unable to demonstrate a 5 year supply of housing). Paragraph 66 of the NPPF requires that a local planning authority can provide an indicative figure for neighbourhood plan purposes and that this should take account of factors such as: the latest evidence of local housing need; the population of the neighbourhood area; and the most recently available planning strategy of the local planning authority. The District Council's indicative figure does not satisfy any of these requirements as it is merely reflective of Planning Permissions which have been issued in order to fulfil the District's housing needs (a situation which remains ongoing as the District Council are still unable to demonstrate a 5-year supply of housing). That is not a plan-led approach; it merely reflects permissions which have been necessary in order to deliver new housing in order to boost the supply of housing in the District.

In light of the above we remain firmly of the view that the Draft NP does not contain any policies and allocations to meet its housing requirements as the draft allocations already benefit from Planning Permission. This is confirmed later within paragraph 5.1.2 of the Draft NP where the text states that the housing developments could come forward without the Draft NP being in place.

We continue to object in the strongest possible terms to Policy WNP GI2 in respect of the 'horse field' Local Green Space draft allocation. We consider this remains unjustified and unnecessary. We have drawn comparisons to this situation to the Draft Norton St Philip Neighbourhood Plan where a very similar situation has arisen. We consider this matter further later within this letter.

In respect of paragraph 5.7.3 the Draft NP acknowledges the future shortfall of secondary, primary and early year's places. The alleged decline in primary school aged pupils by 2025/26 is not evidenced. The approach of the Draft NP is to effectively 'park' the delivery of educational needs until such time as further information in respect of the need is provided. A map showing areas of search is provided in the Draft NP.

We find the principle of this approach inadequate and certainly it does not represent a positive approach to the delivery of important infrastructure within the village. This is amplified yet further by the County Council's comments referenced above which confirm a requirement already exists. The Draft NP in this regard is therefore clearly contrary to NPPF Paragraphs 20 and 94. We consider that the need for enhanced educational facilities at all levels within the village should be included within Policy WNP IC1.

In relation to the map which shows an area of search the location around Rackham Primary School does not include any consideration of vehicular access considerations. This was an important consideration within the feasibility study that the County Council produced when exploring the ability of the site to extend on to land to the west of the existing school. A further access from Main Street would deliver substantial benefits to the school including during construction work.

Comments on the Draft NP Consultation Statement – October 2019

Page 73 of this Statement refers to the housing requirements figure. We re-iterate here that the housing figure provided has not been devised by any mechanism other than considering sites in the village which already have Planning Permission.

The response on page 82 suggests that the Draft NP has allocated land in order to respond to the fact that the District Council does not have a 5-year supply of housing. This is simply not true as those sites already benefit from Planning Permission and so the Draft NP is doing no more to facilitate further housing which remains necessary to assist in meeting the District's needs. To the contrary the approach is one which is intended to restrict additional housing growth in Witchford.

The Sandbach Appeal remains relevant given that the Draft NP does not include any policies or allocations to meet the identified housing requirements.

The comments on page 82 also disregard the comments in respect of the withdrawn Local Plan Examination. We do find this approach disingenuous and expand upon our concerns over this approach below.

Also on page 82 the weight which is afforded to the AFA Landscape Appraisal must be reduced in light of the circumstances relating to its publication and the actions since with regard to the withdrawn Local Plan. Its content also refers to the withdrawn Local Plan.

On pages 83 and 107 it is stated that it is not clear whether the Inspector (for the withdrawn Local Plan) agreed with the findings of the Local Green Space 2017 report. This comment is disingenuous and evidently the Main Modifications required the removal of Local Green Space designations (including the 'horsefield'). We struggle to see why the Inspector would have agreed with the conclusions of the report and then requested that the designations be removed: such an approach would be illogical.

Page 84 considers the position in respect of education contributions. It is evident from the comments that the County Council's latest approach is sound and that it is attempting to forward plan for the delivery of infrastructure. Given that the District Council remains in a position where it is unable to demonstrate a 5 year supply of housing the delivery of further housing growth within the village is necessary.

Page 85 refers to the feasibility report in relation to an extension to the Rackham Primary School. This report was submitted in support of our previous planning applications and so has been available in the public domain for some time.

The comments on pages 91 and 92 confirm that the Draft NP does not allocate alternative sites in preference to sites where the principle of development has already been established through the granting of Planning Permissions. This confirms that the Draft NP does not contain policies or allocations to deliver housing as the housing figure and the Planning Permissions merely reflect the existing position.

In response to our comment on page 108 in relation to the extent of the Local Green Space the Consultation Statement response merely states what the Planning Practice Guidance states. There is no further justification for the draft allocation and we retain the view that the allocation is clearly an extensive tract of land.

On page 110 the response states that no conclusions can be drawn from the withdrawn Local Plan Inspector's requirement to remove the Local Green Space designation for the 'horsefield'. Whilst it is apparent that the Inspector's findings are not within the public domain it is reasonable to assume that she found that the Local Green Space was not justified having regard to national planning policy.

Appendix 19 of the Statement includes the comments from the County Council. These comments unequivocally support the need to facilitate the expansion of schools, especially Rackham Primary School.

Comments on the Basic Conditions Statement – October 2019

Our comments in the conclusion to this letter below refer particularly to this but in any event we note that Policy WNP G12 is not anchored against any of the Local Plan Policies.

Comparisons with the Norton St Philip Neighbourhood Plan

There are striking similarities between the situation with the Norton St Philip Draft Neighbourhood Plan and the Draft Witchford Neighbourhood Plan. We have enclosed relevant extracts which include current Court proceedings (see **Appendix Two**). At present there is an injunction against the Council holding a referendum in respect of the Draft Norton St Philip Neighbourhood Plan.

The similarities (with reference to the case put forward by Lochailort Investments Limited where relevant) between the two include:

- The Council cannot demonstrate a 5 year housing land supply so sites on the immediate settlement edge are likely to be needed in the future, thereby undermining the need for Local Green Spaces to endure beyond the plan period and be consistent with planning for sustainable development;
- The Local Plan Inspector in his Interim Note (10th September 2019) criticised the number of sites (10) proposed to be allocated as Local Green Spaces and asserted that such designations should be the exception rather than the rule;
- Local Green Spaces should not be used as a mechanism to put a stop to the organic growth of towns and villages – i.e. it should not be used as a ‘back door way to try to achieve that which would amount to a new area of Green Belt by another name’;
- No meaningful attempt has been made to consider whether other designations already offer a sufficient layer of planning policy protection;
- The importance to local communities of any Local Green Space is not sufficiently demonstrated to make a site ‘demonstrably special’ and ‘of particular local significance’;
- Some of the landowners were not contacted at an early stage about proposals to designate parts of their land as Local Green Spaces;
- Some of the sites in question had public footpaths crossing/abutting; and
- The promoters proposals included a generous belt of open space to enable glimpsed views through to the countryside beyond.

We will continue to closely monitor the outcome of the court proceedings given the obvious comparisons between the two draft Neighbourhood Plans.

Conclusion

Overall the Draft NP does not satisfy the basic conditions test for the reasons set out above and summarised further below:

1) Is it appropriate to make the Draft NP

Given that the plan does not allocate any land for new housing we do question whether the Draft NP is required as the adopted Local Plan Policies already provide for the location of and framework to new development.

Furthermore the intended allocation of the ‘horsefield’ as a Local Green Space is entirely inappropriate as set out above.

Finally the Sandbach appeal decision which has been referenced above leads us to conclude that making the Draft NP would serve no real purposes owing to the weight which could then be afforded to it in light of

the absence of a 5-year supply of housing within the District: it would be instantly out-of-date. Other planning considerations could be assessed through the Local Plan policies and the NPPF.

2) Does the Draft NP contribute to the achievement of sustainable development

We do not consider that sufficient evidence has been provided within the Draft NP (including the supporting documents) in order to demonstrate that this has been achieved. The plan purports to seek to provide new housing but in effect the Draft NP is seeking to constrain new housing to the level already approved by the District Council. Given the plan period to 2031 this is considered to be a short-term and introspective position to adopt and one which is unjustified given the recognised housing supply shortage.

We further question the integrity of the Draft NP in respect of the Local Green Space allocation of the 'horsefield'. We are perplexed that no reference has been made to the Examining Inspector's conclusions for the Local Plan.

We are not therefore persuaded that the Draft NP contributes to the achievement of sustainable development.

3) Is the Draft NP in general conformity with the strategic policies within the development plan?

The proposed Local Green Space allocations have no basis for inclusion in the Draft NP given the lack of any Local Plan policies to anchor them against.

In terms of housing supply the proposal may well comply with Local Plan Policies GROWTH1, GROWTH2, GROWTH4 but in any event the Sandbach decision confirms the position with regard to the Draft NP should it be adopted given the absence of a 5-year supply of housing within East Cambridgeshire: it would be instantly out-of-date in terms of its housing supply policies as it is seeking to align with policies (GROWTH 1, GROWTH 2 and GROWTH 4) which are themselves out-of-date.

4) Does the Draft NP breach EU obligations

We have not found any conflicts in this regard.

We reserve the right to make further representations in respect of the Draft NP should additional information/evidence be forthcoming.

Yours Faithfully

A Brand

Andy Brand MRTPI
Planning Director

Appendix N^o	Appendix Title
1	East Cambridgeshire District Council email in respect of housing figures
2	Norton St Philip Neighbourhood Plan documents: i) Lochailort Investments Limited letter to Mendip District Council dated 4 th April 2019 ii) Norton St Philip Neighbourhood Development Plan 2019-2029: Independent Examiner's Report dated 19 th July 2019

	<ul style="list-style-type: none"> <li data-bbox="363 152 1342 219">iii) Lochildort Investments Limited letter to Mendip District Council dated 2nd August 2019 <li data-bbox="363 226 1422 259">iv) Harrison Grant Solicitors letter to Mendip District Council dated 2nd August 2019 <li data-bbox="363 266 1353 333">v) Norton St Philip Neighbourhood Plan 2019-2029 Referendum Version – 3rd September 2019 <li data-bbox="363 340 1382 441">vi) Mendip District Local Plan 2006-2029: Part 2 – Sites and Policies Examination into the soundness of the Plan Interim Note - Post Hearing Advice dated 10th September 2019 <li data-bbox="363 448 1422 573">vii) THE QUEEN on the application of LOCHAILORT INVESTMENTS LIMITED Claimant/Applicant - and - MENDIP DISTRICT COUNCIL Defendant/Respondent - and - NORTON ST PHILIP PARISH COUNCIL: EWHC 2633 (QB) dated 8th October 2019
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