

Strategic Planning,  
East Cambridgeshire District Council,  
The Grange,  
Nutholt Lane,  
CB7 4EE

By email only to: [planningpolicy@eastcambs.gov.uk](mailto:planningpolicy@eastcambs.gov.uk)

26<sup>th</sup> November 2019.

Dear Sir/Madam,

**Re: Witchford Neighbourhood Plan – Regulation 16 consultation**

This letter provides Gladman Developments Ltd (Gladman) representations in response to the draft submission version of the Witchford Neighbourhood Plan (WNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. This letter seeks to highlight the issues with the plan as currently presented and its relationship with national and local planning policy. Gladman has considerable experience in neighbourhood planning, having been involved in the process during the preparation and examination of numerous plans across the country, it is from this experience that these representations are prepared.

**Legal Requirements**

Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the WNP must meet are as follows:

- (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.*
- (d) The making of the order contributes to the achievement of sustainable development.*
- (e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).*
- (f) The making of the order does not breach, and is otherwise compatible with, EU obligations.*
- (g) The making of the neighbourhood plan does not breach the requirements of Chapter 8 of part 6 of the Conservation of Habitats and Species Regulations 2017.*

**National Planning Policy Framework and Planning Practice Guidance**

The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of neighbourhood plans to be in conformity with the strategic priorities for the wider area and the role they play in delivering sustainable development to meet development needs.

At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread through plan-making and decision-taking. This means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change. This requirement is applicable to neighbourhood plans.

The recent Planning Practice Guidance (PPG) updates make clear that neighbourhood plans should conform to national policy requirements and take account of and most up-to-date evidence of housing needs in order to assist the Council in delivering sustainable development, a neighbourhood plan basic condition.

The application of the presumption in favour of sustainable development will have implications for how communities engage with neighbourhood planning. Paragraph 13 of the Framework makes clear that Qualifying Bodies preparing neighbourhood plans should develop plans that support strategic development needs set out in Local Plans, including policies for housing development and plan positively to support local development.

Paragraph 15 further makes clear that neighbourhood plans should set out a succinct and positive vision for the future of the area. A neighbourhood plan should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. Neighbourhood plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth.

Paragraph 29 of the Framework makes clear that a neighbourhood plan must be aligned with the strategic needs and priorities of the wider area and plan positively to support the delivery of sustainable growth opportunities.

## **Planning Practice Guidance**

Following the publication of the NPPF (2018), the Government published updates to its Planning Practice Guidance (PPG) on 13<sup>th</sup> September 2018 with further updates being made in the intervening period. The updated PPG provides further clarity on how specific elements of the Framework should be interpreted when preparing neighbourhood plans.

Although a draft neighbourhood plan must be in general conformity with the strategic policies of the adopted development plan, it is important for the neighbourhood plan to provide flexibility and consider the reasoning and evidence informing the emerging Local Plan which will be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested against. For example, the neighbourhood planning body should take into consideration up-to-date housing needs evidence as this will be relevant to the question of whether a housing supply policy in a neighbourhood plan contributes to the achievement of sustainable development. Where a neighbourhood plan is being brought forward before an up-to-date Local Plan is in place, the qualifying body and local planning authority should discuss and aim to agree the relationship between the policies in the emerging Neighbourhood Plan, the emerging Local Plan and the adopted Development Plan<sup>1</sup>. This should be undertaken through a positive and proactive approach working collaboratively and based on shared evidence in order to minimise any potential conflicts which can arise and ensure that policies contained in the neighbourhood plan are not ultimately overridden by a new Local Plan.

It is important the neighbourhood plan sets out a positive approach to development in their area by working in partnership with local planning authorities, landowners and developers to identify their housing need figure and identifying sufficient land to meet this requirement as a minimum. Furthermore, it is important that policies contained

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<sup>1</sup> PPG Reference ID: 41-009-20160211

in the neighbourhood plan do not seek to prevent or stifle the ability of sustainable growth opportunities from coming forward.

### **Relationship to Local Plans**

To meet the requirements of the Framework and the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in the adopted Development Plan.

Witchford falls within the administration of East Cambridgeshire District Council and will be tested against the East Cambridgeshire Local Plan, which was formally adopted in April 2015. The Local Plan sets an overall strategic vision for development in the district up to 2031, supported by a set of strategic objectives. Witchford is defined as a 'large village' in the Local Plan, with a good range of services and facilities however, no new housing allocation sites were included for Witchford in the adopted plan.

In 2018 the council submitted a new East Cambridgeshire Local Plan to the Secretary of State for examination, subsequently the Inspector concluded that the Plan could be made sound with main modifications. However, due to 'irreconcilable differences' between the Council and the examination Inspector in respect of the main modifications to make the plan sound, the Council decided to withdraw the emerging Local Plan in the February 2019 Council meeting.

At the East Cambridgeshire Committee meeting in October 2019 it was agreed that a formal review of the Local Plan would be completed by 21<sup>st</sup> April 2020, the fifth anniversary of the adopted Local Plan, with a new Local Plan not to be commenced at this stage. A further review was scheduled within 18 months.

### **Witchford Neighbourhood Plan**

This section highlights the key issues that Gladman would like to raise with regards to the content of the WNP as currently proposed. Whilst Gladman support the fact that the Parish Council has amended the WNP in light of our previous representations, Gladman still consider that some policies do not reflect the requirements of national policy and guidance, Gladman have therefore sought to recommend modifications to the Plan that should be explored through the examination process.

### **Policy WNP SS1 – A spatial strategy for Witchford**

Gladman support amendments to the development envelope to incorporate sites which now benefit from planning permission since the adoption of the East Cambridgeshire Local Plan, however we are concerned with the general approach to development proposals set out in the policy.

Firstly, the policy identifies a 'development envelope' for Witchford, as set out in the adopted Local Plan, which restricts development outside the boundary. Gladman object to the use of settlement boundaries if these preclude otherwise sustainable development from coming forward. The Framework is clear that sustainable development should proceed without delay. Use of settlement limits to arbitrarily restrict suitable development from coming forward on the edge of settlements does not accord with the positive approach to growth required by the Framework and is contrary to basic condition (a). As currently drafted, this policy is considered to be an overly restrictive approach and provides no flexibility to be able to adapt to rapid change. The need for flexibility to allow sustainable development to come forward in accordance with Paragraphs 11 and 16 (b) of the NPPF is even more prevalent given the Council cannot currently demonstrate a five-year supply of housing land supply in the district.

Secondly, the policy states that the plan allocates sites to deliver approximately 330 dwellings with the supporting text indicating that the Council has provided an updated housing requirement of 252 dwellings in the plan period 2018-2031, in line with paragraph 66 of the NPPF. However, Gladman have not been able to find an assessment supporting

the plan setting out how this figure has been derived, other than the fact the parish had a 'net commitment' of 252 dwelling at 1<sup>st</sup> April 2018.

As this figure has not been set through a strategic policy of an up-to-date Local Plan this will need to be tested through the neighbourhood plan examination. As such, the assumptions that have been made to determine this figure should be set out in a report so that interested parties can review this information and make comment where necessary. Gladman request that this information be made publicly available and subjected to a period of consultation prior to the Plan being submitted for independent examination.

### **Policy WNP LC 1 – Landscape and Settlement Character**

The emphasis of this policy is to protect the distinctive landscape and settlement character of Witchford, including the impact of development proposals upon key views from the edge of the village to the Countryside and vice-versa. Gladman suggests that this is a subjective issue and the policy does not provide support for a decision maker to apply the policy predictably and with confidence.

Identified views must ensure that they demonstrate a physical attribute elevating a view's importance beyond simply being a nice view of open countryside. The evidence base to support the policy does little to indicate why these views should be protected, other than providing a nice view of the countryside. Gladman consider that to be valued, a view would need to have some form of physical attribute.

This policy must allow a decision maker to come to a view as to whether particular locations contain physical attributes that would 'take it out of the ordinary' rather than selecting views which may not have any landscape significance and are based solely on community support. Gladman therefore suggest this element of the policy is deleted.

### **Policy WNP LC2 – Witchford Area of Separation**

The above policy attempts to prevent reduced physical and/or visual separation between Witchford village, Lancaster Way Business Park and Ely, alongside maintaining or enhancing the 'enjoyment' of the Public Rights of Way network and links to the countryside. Whilst the policy supports scenarios whereby development in these gaps may be supported, Gladman object to the identification of the Important Countryside Gaps and submit that new development can often be located in countryside gaps without leading to the physical or visual merging of settlements, eroding the sense of separation between them or resulting in the loss of openness and character.

### **Policy WNP H1 – Housing Mix**

Policy WNP H1 attempts to guide housing mix and set requirements for Buildings Regulations in the neighbourhood plan area. However, it is stated throughout Planning Practice Guidance that it is the role of the local planning authority through housing needs assessments and other available datasets<sup>3</sup>, to determine whether further policy is required in Local Plans<sup>4</sup> to provide enhanced accessibility or adaptability in reference to Requirement M4(2) of the optional requirements in the Building Regulations. Furthermore, the Local planning authority should also consider the impact of applying such regulations as part of their Local Plan Viability Assessment, where these policy requirements can then be interrogated robustly at examination in public.

The Government introduced these technical standards for housing in 2015. A Written Ministerial Statement<sup>2</sup> (WMS) is clear that the optional new technical standards should only be required through any new Local Plan policies if they

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<sup>2</sup> Written Ministerial Statement 25 March 2015 <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2015-03-25/HCWS488/>

address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the National Planning Policy Framework and Planning Guidance. Neighbourhood plans should not be used to apply the new national technical standards. Therefore, this approach does not meet the basic conditions and should be deleted.

The aspirations for the setting of these standards has been removed from other neighbourhood plans. In the Botesdale and Rickinghall Neighbourhood Plan Report<sup>3</sup>, the Examiner stated:

*'My understanding is that Part M of the Building Regulations requires all new dwellings to which Part M of the Building Regulations applies should be designed to a minimum of M4(1) 'visitible dwellings' and that local authorities can opt into, or 'switch on', requirements for M4(2) and M4(3) via Local Plan policy. However, it is clear from the WMS that neighbourhood plans cannot set this standard.'*

### **Policy WNP H3 – Housing Design**

Gladman support the general thrust of this policy which seeks to ensure that high quality design is achieved on new developments. However, it is noted that the policy seeks to ensure major development proposals are in accordance with Building for Life 12 assessments. This element is considered an aspirational aspect of the policy and should not be referred to in the policy wording itself, but the principles included in the supporting text.

### **Conclusions**

Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national planning policy and the strategic requirements for the wider authority area. Through this consultation response, Gladman has sought to clarify the relation of the WNP as currently proposed with the requirements of national planning policy and the wider strategic policies for the wider area.

Gladman hopes you have found these representations helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team. Should the Examiner decide it is necessary to hold a hearing session(s) to discuss the issues raised then Gladman formally request to participate at the examination in public.

Yours faithfully,

Josh Plant  
Gladman Developments Ltd.

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<sup>3</sup> <https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/BoteRick-NP-Exam-Report.pdf>