

Decision Statement (Reg. 18): Swaffham Bulbeck Neighbourhood Plan

11 November 2022



East Cambridgeshire
District Council

Purpose

This Decision Statement has been prepared and published in accordance with Regulation 18(2) of the Neighbourhood Planning Regulations 2012 (as amended). This statement sets out the Council's decision and proposed actions following receipt of the Examiner's Report into the Swaffham Bulbeck Neighbourhood Plan.

This decision has been taken by the Director, Community as per the Council's Constitution (Part 3(24), version July 2022).

The Swaffham Bulbeck Neighbourhood Plan (as examined), this Decision Statement and the Examiner's Report are available to view and download from the Council's website¹. Paper copies may be inspected at East Cambridgeshire District Council's Customer Service Centre at The Grange, Ely, Cambridgeshire CB7 4EE during normal opening times. Please refer to the Council's website for details.

Further information about the neighbourhood planning process, including the purpose of the examination and referendum is provided on the Council's website.

Background

The Swaffham Bulbeck Neighbourhood Area² was designated by East Cambridgeshire District Council in January 2019.

The Swaffham Bulbeck Neighbourhood Plan (the Plan) and supporting evidence documents, were submitted to the Council by Swaffham Bulbeck Parish Council on 30 June 2022.

The Council published the Plan for a period of six weeks from 7 July to 18 August 2022. Comments were received from ten respondents during this period. Following publication, the District Council submitted the Plan for independent examination.

The main purpose of the independent examination is to assess whether or not the Plan satisfies certain "basic conditions" and other legal requirements which must be met before a Neighbourhood Plan can proceed to a local referendum.

The Independent Examination was primarily held in September and October 2022. The Plan was examined by Mr David Kaiserman BA DipTP MRTPI of Penny O'Shea Consulting. The examination was carried out through written representations, meaning no public hearing session was required, and included a site visit to the Neighbourhood Area.

Council's Decision

The Independent Examiner's recommendations are set out in the *Examiner's Report*³ which accompanies this Decision Statement.

¹ <https://www.eastcambs.gov.uk/local-development-framework/swaffham-bulbeck-neighbourhood-plan>

² A map of Swaffham Bulbeck Neighbourhood Area is available at: <https://www.eastcambs.gov.uk/local-development-framework/neighbourhood-planning>

³ The Examiner's Report is available at <https://www.eastcambs.gov.uk/local-development-framework/swaffham-bulbeck-neighbourhood-plan>

In his report, the Independent Examiner confirms he is satisfied that the Swaffham Bulbeck Neighbourhood Plan makes appropriate provision for sustainable development. The Independent Examiner concludes that, subject to applying a number of *recommended modifications*, the Plan has appropriate regard to national policy and achieves general conformity with the strategic policies in the development plan for the local area.

The Independent Examiner also confirms there is no evidence to suggest that the Plan is not compatible with relevant EU obligations (as transposed into UK law), including human rights requirements.

Consequently, the Independent Examiner concludes that provided that his recommended modifications are applied, the Swaffham Bulbeck Neighbourhood Plan would meet the basic conditions and should proceed to a referendum.

The examiner's recommendations are summarised in Appendix 1 of this statement.

The regulations require the Council to take a decision as to what action to take in response to the recommendations of the examiner, including what modifications to make to the draft plan. The Council has agreed with Swaffham Bulbeck Parish Council, the *Qualifying Body*, that the Swaffham Bulbeck Neighbourhood Plan will be modified as per the examiner's recommendations.

A paper copy of this Decision Statement is available for inspection at the Council's Customer Service Centre at *The Grange, Nutholt Lane, Ely CB7 4EE*.

Based on the examiner's findings and recommendations, the Council is satisfied that the Swaffham Bulbeck Neighbourhood Plan, where modified as informed by the examiner's recommendations, meets the basic conditions and is otherwise legally compliant.

Referendum arrangements

Following this decision, the Council will proceed to arrange and hold a referendum. The purpose of the referendum is to enable local people to vote on whether the Council should use the Swaffham Bulbeck Neighbourhood Plan (once the recommendations of the examiner have been incorporated) in taking planning decisions.

Where the Swaffham Bulbeck Neighbourhood Plan is supported by the majority of voters, the plan will thereafter be 'made' by East Cambridgeshire District Council and will form a part of the Development Plan for East Cambridgeshire.

The Independent Examiner is required to consider whether the referendum area should be extended beyond the Swaffham Bulbeck Neighbourhood Area boundary (the Swaffham Bulbeck Neighbourhood Area's boundary is coterminous with Swaffham Bulbeck Civil Parish boundary). The Independent Examiner concluded that such an extension is not necessary.

The referendum will be held within 56 working days of publication of this Decision Statement, as per the statutory requirements. Formal details will be confirmed on publication of the Information Statement.

Summary

East Cambridgeshire District Council is satisfied that, subject to applying the modifications recommended by the Independent Examiner, the Swaffham Bulbeck Neighbourhood Plan meets the basic conditions and other legal requirements and will proceed to referendum.

Appendix 1: Summary of Examiner's Recommendations

The following table provides a summary of the examiner's recommendations. For full details, refer to the Examiner's Report.

Table 1: Summary of Independent Examiner's recommendations

Examiner's report paragraph no.	Neighbourhood Plan (submission version) reference	Recommendation
39	Policy SWB1	<ul style="list-style-type: none">• amend second bullet point as suggested
43	Policy SWB2	<ul style="list-style-type: none">• reword the bullet point in part a) of the policy as suggested
45	Policy SWB4	<ul style="list-style-type: none">• delete the fourth paragraph
48	Policy SWB5	<ul style="list-style-type: none">• remove site (b), Gutter Bridge Wood, from the list and include an explanation in the supporting material of the reason for its removal
50	Policy SWB5	<ul style="list-style-type: none">• amend last paragraph of the policy to quote NPPF paragraph 103 verbatim• add suggested text to the supporting material to aid public understanding
55	Policy SWB6	<ul style="list-style-type: none">• add "Where the scale permits, ..." to the beginning of the policy
71	Non-planning community aspirations	<ul style="list-style-type: none">• edit this section of the plan to remove any overlap with the policies' themselves• where it is hoped to create new or significantly improved physical routes these should be shown in one place, ideally supported by a map