

Swaffham Bulbeck Neighbourhood Plan 2022-2037

A report to East Cambridgeshire District Council

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Executive summary

I was appointed by East Cambridgeshire District Council on 17 August 2022, with the agreement of Swaffham Bulbeck Parish Council, to carry out the independent examination of the Swaffham Bulbeck Neighbourhood Plan 2022-2037.

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 9 September 2022.

Swaffham Bulbeck is a rural parish of around 870 residents in East Cambridgeshire, lying in the broad agricultural landscape between Cambridge and Newmarket. It consists of three built-up elements, separated by generous and attractive open spaces. The Parish also contains many built heritage assets. It has a small number of local services and is expected to experience “limited growth” over the Plan period. The vision is to enable proportionate development to meet local needs, while carefully preserving the village’s distinctive character and setting.

Subject to a number of recommendations (principally for changes to the detailed wording of some policies), I have concluded that the Swaffham Bulbeck 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.

Contents

Introduction	1
Procedural matters	1
A brief picture of the Neighbourhood Plan area	2
The basic conditions.....	3
National policy.....	4
The existing Development Plan for the area	4
The consultation exercise (Regulation 14)	5
General observations about the Plan	5
Representations received (Regulation 16)	6
The policies.....	6
Policy SWB1: Swaffham Bulbeck development envelope.....	6
Policy SWB2: Swaffham Bulbeck village centre landscape character	7
Policy SWB3: Swaffham Bulbeck parish-wide landscape character.....	7
Policy SWB4: Swaffham Bulbeck built environment character.....	8
Policy SWB5: Swaffham Bulbeck local green spaces.....	8
Policy SWB6: Swaffham Bulbeck housing mix.....	9
Policy SWB7: Community-led development	10
Policy SWB8: Cemetery/Pony Field site	10
Policy SWB9: Swaffham Bulbeck Primary School.....	11
Policy SWB10: Community Pavilion.....	11
Policy SWB11: Swaffham Bulbeck community infrastructure priorities.....	11
Policy SWB12: Delivering sustainable design	11
Policy SWB13: Protecting and improving walking and cycling connectivity.....	12
Policy SWB14: The Swaffham Bulbeck rural footpath network.....	12
Policy SWB15: Natural environment in relation to planning and development.....	12
Non-planning community aspirations.....	13
Plan monitoring.....	13
Other matters.....	13
Conclusions on the basic conditions.....	13
Formal recommendation	14
APPENDIX 1 – SUMMARY TABLE OF RECOMMENDATIONS	15

Introduction

1. This report sets out the findings of my examination of the Swaffham Bulbeck Neighbourhood Plan 2022-2037 (the SBNP), submitted to East Cambridgeshire District Council (ECDC) by the Swaffham Bulbeck Parish Council in June 2022. 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 online 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 SBNP 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 SBNP 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 Swaffham Bulbeck Neighbourhood Plan either
 - be submitted to a local referendum; or
 - proceed to referendum, but as modified in the light of my recommendations; or
 - 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 SBNP
 - the Consultation Statement (June 2022)
 - the Basic Conditions Statement (June 2022)

- the Strategic Environmental Assessment Report (September 2021)
 - the Local Green Space Assessment (June 2022)
 - the representations made to the SBNP under Regulation 16
 - selected policies of the adopted Development Plan for the area
 - relevant paragraphs of the NPPF
 - relevant paragraphs of national PPG.
8. I carried out an unaccompanied visit to the Plan area on 9 September 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.
9. 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.
10. 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

11. The Parish of Swaffham Bulbeck lies about eight miles east of Cambridge and six miles west of Newmarket. ECDC has recently estimated its population at 870. It sits in the typical flat Fenland landscape of East Cambridgeshire, all in productive agricultural use. The Parish has an unusual narrow, elongated shape (the explanation for which is given in the introduction to the Plan) and a long history of being a river-based trading post. Its history is reflected in the fact that it contains 40 listed buildings, as well as having an ancient monument at its core. Much of the built-up part of the Parish also lies within a conservation area, and it contains an extremely wide range of shapes and sizes of buildings displaying different materials, palettes and relationships to each other and to the highway – a pleasing diversity which the Plan aims to respect and preserve.
12. The village has a school, a small convenience store (which includes a post office) and a pub, the last two facing the core of the village, and a large green space called The Denny, used primarily as a recreation ground and containing some fine specimen trees. This area is the focus of three bands of green space which serve to separate the main part of the village from its smaller northward extension of Commercial End (an historic outlier in its own right) and the more modern Maryland Avenue element, occupying slightly rising ground to the east. The older buildings mainly take the form of ‘ribbon’ development along the village axis, with more modern dwellings (including sheltered accommodation) near the school and Parish Church.

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

The basic conditions

13. I am not required to come to a view about the ‘soundness’ of the Plan (in the way which applies to the examination of local plans). Instead, I must principally address whether or not it is appropriate to make it, having regard to certain ‘basic conditions’, as listed at paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The requirements are also set out in paragraph 065² of the relevant PPG. 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
- comply with any other prescribed matters.

14. The Basic Conditions Statement (BCS) is dated June 2022 and was prepared by Modicum Planning Ltd on behalf of the SBNP Steering Group. After setting out the context for neighbourhood plans in general and the overall vision for the SBNP in particular, it summarises the scope of each of the Plan’s 15 policies. In tabular form, it then shows how the Plan’s objectives and policies relate to particular elements of the NPPF. This is followed by a similar exercise in relation to the requirement for plans to contribute to the achievement of sustainable development.

15. Part 5 of the BCS seeks to demonstrate how the SBNP is in broad conformity with the strategic policies in the development plan, in particular the East Cambridgeshire Local Plan that was adopted in 2015, with tables 6 and 7 adopting the same tabular approach as that used to consider the relationship with national policy. The document ends with a brief summary of the Plan’s effect on human rights and strategic environmental considerations.

16. A number of other statutory requirements apply to the preparation of neighbourhood plans, all of which I consider have been met in this case. These are:

- that the Parish Council is the appropriate qualifying body (Localism Act 2011) able to lead preparation of a neighbourhood plan
- that what has been prepared is a Neighbourhood Development Plan, as formally defined by the Localism Act; that the plan area does not relate to more than one Neighbourhood Area; and that there are no other neighbourhood plans in place within the area covered by the plan
- that the plan period must be stated, which in the case of the SBNP is 2022 to 2037
- that no “excluded development” is involved (this primarily relates to development involving minerals and waste and nationally significant infrastructure projects).

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

17. I have also borne in mind the particular duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of “preserving or enhancing the character or appearance” of any conservation area.
18. A screening report is required in order to determine whether a neighbourhood plan needs to be accompanied by a Strategic Environmental Assessment (SEA), under the terms of the Environmental Assessment of Plans and Programmes Regulations 2004. It is the qualifying body’s responsibility to undertake any necessary environmental assessments, but it is the local planning authority’s responsibility to engage with the statutory consultees.
19. Following an initial screening exercise in June 2021, ECDC published the SEA Report in September 2021 (accompanied by a non-technical summary), with an addendum in June 2022. A full Habitats Regulations Assessment was not considered necessary. Having consulted the relevant statutory bodies and considered in particular the possible environmental impact of NP Policy SWB8 (a housing allocation), ECDC concluded that the original draft of the Plan could lead to significant effects on the environment, but that these could be adequately mitigated or avoided if certain conditions were met. To a large extent, these requirements have been taken on board in the submitted version of the Plan. Full details of the considerations which support ECDC’s conclusions are set out in the statements, and I have been given no reasons to question any of them.
20. It is a requirement under the Planning Acts that policies in neighbourhood plans must relate to “the development and use of land”, whether within the Plan area as a whole or in some specified part(s) of it. Subject to one minor recommendation, I am satisfied that that requirement is met.

National policy

21. National policy is set out primarily in the NPPF, a key theme being the need to achieve sustainable development. The NPPF is supported by PPG on neighbourhood planning, an online resource which is continually updated by Government. I have borne particularly in mind the advice in paragraph 041³ of the PPG that a policy in a neighbourhood plan should be clear and unambiguous, concise, precise and supported by appropriate evidence.

The existing Development Plan for the area

22. 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. In July 2022 ECDC completed a “single-issue review” of the adopted ECLP, principally in order to address the fact that Policy GROWTH 1 of that plan uses a housing requirement figure that, given recent changes in national policy concerning methodology, is out of date. This review has now been submitted to the Planning Inspectorate for examination.
23. 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. Paragraph 009⁴ of the relevant PPG 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

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

⁴ PPG paragraph 009. ID 41-009-20190509

consideration of the basic conditions against which a neighbourhood plan is tested.” However, other than a brief reference in the foreword to the Plan, the SBNP makes no reference to the single-issue review, and nor has it been the subject of any representations at the Regulation 16 stage. Consequently I have not considered it necessary to reach any conclusions as to the weight it should be afforded.

The consultation exercise (Regulation 14)

24. This regulation requires the Parish Council to publicise details of its 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 that arose as a result of the consultation process.
25. The Consultation Statement is a comprehensive document which sets out in detail all the steps taken by the Parish Council and its helpers to produce the Plan since its inception in the autumn of 2018. It explains the approach taken to ensure local residents and other stakeholders were fully engaged with the objectives of the Plan and its detailed policies. In addition to a range of other approaches, the results of all the work involved were published at the appropriate time on a dedicated website. The statement records the questionnaires used and the responses to them, together with a summary of the main issues raised by people and how these were reflected in the first drafts of the Plan, with the fine detail being set out in 11 appendices.
26. I have no doubt that the exigences of the Covid pandemic would have been an unwelcome constraint during this period. The Council and its volunteer colleagues are therefore to be congratulated for getting the Plan to the submission stage in a timely manner despite the difficulties.
27. There is no need for me to comment on any aspects of this exercise: suffice to say that I am satisfied that the statutory requirements have been fully complied with.

General observations about the Plan

28. The Plan itself is a well-produced and detailed document, appropriately illustrated with photographs, clear plans, charts and tables. After a foreword from the Chair of the Parish Council, it explains the background to the Plan and its place in the statutory planning system and sets out the process leading up to its being formally “made”. This contextual material is followed by a physical, historical and social description of the Parish and its setting (which tells us that it was home to 830 people at the 2011 Census, now estimated to be around 870), and a description of the dwelling stock as it is and as it is anticipated to be, taking into account current and likely commitments.
29. Part 3 of the Plan describes the key issues as they emerged from the consultation process. These may be summarised as:
 - the need for smaller and more affordable dwellings
 - the need to respond appropriately to the development pressures arising from the proximity of Cambridge (a major growth area)
 - the issue of flood risk

- the need to protect and where possible enhance the environmental and community assets of the Parish
- encouragement for a sustainable approach to development, in its widest sense
- addressing issues relating to traffic and non-motorised movement
- improving infrastructure (including digital connectivity).

30. The vision for the SBNP is crisply stated as: “To ensure that Swaffham Bulbeck, set in a parish of varied rural landscapes, remains a village whose diversity, community spirit, distinctive and attractive built heritage and green spaces can be enjoyed, protected and enhanced whilst seeking to achieve carbon-neutrality, promote biodiversity and enable proportionate development to meet local needs.”
31. Part 4 of the Plan then sets out three broad objectives which provide more detail to the vision, before introducing a total of 15 individual policies grouped around five themes.
32. The policy section (Part 5) is followed by a series of statements described as “non-planning community aspirations”, which are properly described as falling outside the (formal) land-use planning system. The document concludes with a brief section on monitoring, a helpful glossary and three appendices to the main text.
33. Overall, the Plan document successfully explains to the reader its rationale, and navigation is assisted by the use of numbered paragraphs and bold boxes which differentiate the policies from the supporting material.

Representations received (Regulation 16)

34. ECDC considers that the Plan “appears capable of satisfying the basic conditions and other relevant legal obligations” and makes only limited comments (to which I will make reference under the relevant policy headings). Support for the Plan was received from Haddenham and Wicken Parish Councils; National Highways and Natural England had no substantive comments to make; and Public Health Cambridgeshire and a small number of other respondents made some detailed comments which I will refer to as necessary later.

The policies

35. 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 SWB1: Swaffham Bulbeck development envelope

36. The context for this policy is the need for an updated spatial strategy for Swaffham Bulbeck that is intended to promote a positive approach to growth while retaining and enhancing the existing village character. Policy GROWTH 2 of the ECLP, adopted in 2015, identifies Ely, Littleport and Soham as the principal areas of growth for the district in the period up to 2031. In addition, “more limited development will take place in villages which have a defined development envelope, thereby helping to support local services, shops and community needs”. Land outside these envelopes is to be treated as open countryside, where development is restricted to certain specified categories appropriate to a rural area. The envelopes themselves are shown as insets to the Local Plan (in Swaffham Bulbeck’s case this

is reference 8.40).

37. The Local Plan does not allocate any housing figure to Swaffham Bulbeck, and no development sites are identified for the village, “which is likely to grow at a slow rate over the Plan period” (section 8.35 on page 303). Paragraph 5.1.5 of the SBNP states that the Plan “supports the approach taken in Policy GROWTH 2 of the Local Plan, subject to revisions being made to the extent of the defined development envelope ...”. Policy GROWTH 2 is not within the scope of the emerging single-issue review of the Local Plan.
38. The revised development envelope is shown as Map 5. The only difference between it and the ECLP version is the inclusion within it of a site at the south-eastern edge of the village which is presently under construction for 19 dwellings. An important note points out that it does not (for now at least) include the land proposed to be allocated for development under Policy SWB8. This seems to me to be entirely sensible, since the proposal (subject of a planning application made in May 2019, but as yet not determined) has been somewhat controversial locally. I return to this issue below.
39. Policy SWB1 mirrors the approach to development within and beyond the (new) envelope established by ECLP Policy GROWTH 2. ECDC supports the policy, while suggesting a minor rewording to clarify the reference to community-led development on land outside the envelope. I agree that this would be helpful and **recommend that the second bullet point of the policy be amended to read “community-led developments (as defined by Policy SWB7)”**.

Policy SWB2: Swaffham Bulbeck village centre landscape character

Policy SWB3: Swaffham Bulbeck parish-wide landscape character

40. It is convenient to deal with these two policies together, since they have similar broad intentions. They are informed by a comprehensive Landscape Character Assessment (which divided the Parish into seven different character areas) and a Fringe Sensitivity Assessment (which divided the settlement fringe areas into seven different parcels), both carried out on the Parish Council’s behalf by a consultant landscape architect.
41. SWB2 focuses on the need to safeguard the pattern of three distinct “development clusters”, strongly influenced by an open space in the village centre (“The Denny”) which then branches out in three different directions. The policy includes the protection of locally valued communal views and respect for the many heritage assets, the open spaces being a major contributor to the appreciation of the Swaffham Bulbeck Conservation Area. SWB3 looks in detail at the seven fringe areas in the rest of the Parish, the objective again being to ensure that the features described in the various assessments are understood, respected and (where opportunities arise) enhanced. Both policies require reference to be made to the two commissioned landscape studies when development proposals are submitted.
42. My only observation relates to the issue of locally valued views. The relevant part of Policy SWB2 reads: “... development proposals shall respect and not adversely impact locally valued communal views (views enjoyed from public spaces) in the village centre towards Swaffham Bulbeck’s distinctive features (including heritage assets and views from within the settlement out to open countryside) including [my emphasis] the key features of the locally valued communal views shown on Map 9”. As worded, this might be taken to imply that there are other views which are also in need of protection, but which remain unidentified.

43. Having raised this with the Councils⁵, ***I recommend that the bullet point included in part a) of the policy be reworded as follows: “As part of this requirement, development proposals shall respect and not significantly adversely impact locally valued communal views (views enjoyed from public spaces) in the village centre towards Swaffham Bulbeck’s distinctive features. The locally valued communal views for the purpose of this policy are defined as: (a) the ten views identified in Map 9; and (b) any communal view of a heritage asset.”***

Policy SWB4: Swaffham Bulbeck built environment character

44. This policy requires the design of new proposals to be guided by the physical characteristics of the local context. Specific reference is made to the conservation area and to six “village gateways” (shown on Map 11 and related photographs) which exhibit a sense of arrival and place⁶. A further element of the policy requires major developments to be accompanied by a Building for a Healthy Life assessment.
45. In addition, there is a general requirement for all residential development to “contribute positively to the quality of Swaffham Bulbeck as a place to live. For smaller schemes, descriptions as to how a development achieves this should be provided in the Design and Access statement or Planning Statement as applicable”. This might cause some confusion: outside designated areas (such as conservation areas), design and access statements are only required in relation to “major” developments, defined as 10 or more homes, or where the site area is 0.5 hectares or more⁷. Given the wide scope of the more specific policies in the Plan, and the fact that much new development will require such statements in any event due to the extent of the village’s conservation areas, the fourth paragraph is redundant, and ***I recommend that it be deleted***. There would be no difficulty in an appropriate reference to the role of design and access statements being made in the supporting material, should the Councils consider that helpful.
46. Mr C Partrick considers that there is a “disproportionate landscape bias” in this part of the Plan, and that the opportunity should be taken to make reference to buildings of local interest in the Parish which are not recorded in the Register prepared by ECDC in 2017. He has explained that a recent survey undertaken by the Cambridgeshire Local Heritage Project, while only provisional at present, lists some 24 candidates for inclusion in an update to the 2017 record. This is not a matter for my examination, but I have noted Mr Partrick’s willingness to discuss it with the NP Steering Group and am content for them to respond accordingly.

Policy SWB5: Swaffham Bulbeck local green spaces

47. NPPF paragraphs 101-2 say that the designation of land as local green space (LGS) allows communities to identify and protect green areas of particular importance to them. Such designations 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), tranquillity or richness of its wildlife

⁵ Examiner’s Question 1, 13 September 2022

⁶ At the top of page 48 the Plan refers to images of the *five* gateways – this should be corrected

⁷ NPPF page 68

- local in character and is not an extensive tract of land.

48. Policy SWB5 and maps 12 and 13 would protect 10 green spaces in the Parish with these criteria in mind, and an assessment sets out in tabular form how they are said to be satisfied. ECDC supports this list, but raises a question about site (b), Gutter Bridge Wood: they point out that it lies within the Green Belt and is therefore subject to national protective policies in that respect. ECDC raises the possibility of some confusion as a result of this duplication, while conceding that there is very little likelihood of its being at risk of development. On balance, I think it would be better if the site were removed from the list and ***I recommend that this be done, with the suggestion that the supporting material include a brief reference to the fact that it has been removed from the submitted version of the Plan, for the reasons put forward by ECDC.***
49. The policy says that “Development on these sites will not be acceptable other than in very special circumstances in line with national policy ...”, but this is a quotation from an earlier version of the NPPF and should be amended accordingly. Paragraph 103 of the current Framework (2021) states that “policies for managing development within a Local Green Space should be consistent with those for Green Belts”.
50. ***I therefore recommend that the last paragraph of the policy be amended to quote NPPF paragraph 103 verbatim, and that to aid public understanding the following be included in the supporting material to the policy:***

“The National Planning Policy Framework states that

(a) inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (para 147); and

(b) when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations” (para 148).

51. I am satisfied that these amendments would have no effect on the intention behind Policy SWB5.
52. Public Health Cambridgeshire support the policy but made some detailed suggestions for adding to the contextual material. These do not have any implications for my role as examiner and I am content for the Parish Council to respond to them as it sees fit.
53. Other than the observation of ECDC referred to above, there were no objections to the proposed LGS designations. I briefly visited nearly all of them on my visit to the village and have no reasons of my own to question any of them.

Policy SWB6: Swaffham Bulbeck housing mix

54. This is a broadly expressed policy which reflects the views expressed during the consultation process, with residents generally feeling that the Parish has a balanced housing stock which meets a variety of needs; perhaps unusually, this includes a high proportion of social rented housing. The proportion of the population aged over 65 is significantly higher than the national or Cambridgeshire averages, and the policy seeks (in part) to make it easier for

young families to gain access to local accommodation as well as continuing to meet the needs of older people. ECDC supports the requirement in principle for new housing to be built to emerging national standards of accessibility and adaptability.

55. The opening of the policy states that “Residential development proposals will be expected to include a housing mix in terms of size and tenure that reflects the existing and future needs of the parish”. This would clearly not be feasible with single dwellings or schemes involving just a handful of dwellings. ***I therefore recommend that the policy open with the words: “Where the scale permits, ...”.***

Policy SWB7: Community-led development

56. The context to SWB7 notes that ECLP Policy GROWTH 6 encourages small-scale community-led schemes that meet needs identified by local people, and it explains that Swaffham Bulbeck Community Land Trust (CLT) was set up in June 2017 to work with the Parish Council to deliver affordable housing that would help younger people to stay in the village. The principal focus of the CLT at present is the land subject of Policy SWB8 (see below); Policy SWB7 seeks to establish more general criteria for favourably considering schemes which might be promoted in this way as the opportunity arises.
57. I had reservations about the appropriateness in purely development management terms of the requirement for schemes to be “well managed and financially viable”. However, I have noted that this is already a requirement of ECLP Policy GROWTH 6. While there is a case for recommending the deletion of Policy SWB7 in order to avoid unnecessary duplication of policy⁸ – in this case of ECLP Policy GROWTH 6, which covers almost exactly the same ground – I have concluded that the importance of this aspect of the Plan to the community’s aspirations warrants its retention.

Policy SWB8: Cemetery/Pony Field site

58. Paragraph 5.8.2 of the Plan explains that three sites in the Parish have been considered for housing over a number of years, one of which is known as the Cemetery/Pony Field, close to the heart of the village and currently part of the significant open spaces running from the north-west to the south-east. It is outside the current and proposed development envelopes, as discussed under Policy SWB1, both of which are drawn in such a way as to reflect the three separate settlements of the Parish.
59. The policy allocates the site for up to 45 dwellings. It takes into account the criteria set out in Policy SWB7 (and ECLP Policy GROWTH 6), while adding a number of other requirements for its satisfactory development (the key physical elements of which are shown on Map 14). In addition to the more routine development management factors, the key criteria are:
- the provision of at least 40% affordable housing that meets locally identified needs
 - the inclusion of a balanced mix in terms of dwelling size and tenure
 - the scheme enjoying local support, with evidence that the resulting community benefits would be greater than would flow from an equivalent open market scheme
 - the provision of informal open space to limit the impact of increased recreational pressure on a nearby Site of Special Scientific Interest (or inclusion of appropriate mitigation measures)

⁸ See NPPF paragraph 16f

- respecting or contributing positively to the key physical characteristics of the area, including the heritage assets
- ensuring good pedestrian linkages
- delivering a well-integrated scheme which is tenure-neutral in design terms.

60. I am aware that the responses to the Plan at the Regulation 14 stage included a significant amount of opposition to the principle of development on this site. This has not been maintained at the submission stage. ECDC made two suggestions for refining the policy in order to fully reflect the wording in the accompanying Environment Report. While these do not impact on the basic conditions, they are sensible modifications that I am content for the Councils to discuss and reach agreement upon.

Policy SWB9: Swaffham Bulbeck Primary School

61. The preamble to this policy notes the general importance of the school in village life, and that the planned growth of the resident population would help to sustain it (although much of the attendance is from outside the Parish). The policy is actually an expression of support for development that would achieve that objective.

Policy SWB10: Community Pavilion

62. This policy reflects the work that has been going on for some time to improve the Parish's ability to house a wide range of community activities and events, the existing facility at The Denny being in clear need of replacement. Map 15 shows the extent of an area of land closely based on the present pavilion that would be safeguarded for the purpose. Nine criteria for its successful development are included in the policy: a number of these would normally be considered over-prescriptive in development management terms, but I make the assumption that this is unlikely to be a commercial project and so make no further observation.

Policy SWB11: Swaffham Bulbeck community infrastructure priorities

63. The section on Swaffham Bulbeck contained in part 8.35 of the Local Plan lists five community priorities identified by residents at the time of its preparation: one of these was the replacement of the pavilion, and the others relate to improving the public realm, pedestrian and cycle routes and the bus service to Ely, and potential upgrading of the local sewage works. These priorities have been confirmed and amplified by NP Policy SWB11, and one has been added (to help residents lower their carbon footprint).

64. SWB11 seeks to meet these expressed priorities by requiring development proposals to have regard to them "where it is necessary to make the development acceptable and where directly, fairly and reasonably related in scale and kind to the development" – which is an appropriate way of ensuring relevance and practicality.

Policy SWB12: Delivering sustainable design

65. SWB12 supports Local Plan policies which seek to deliver energy and water efficiency and focus on renewable energy development (ENV4 and ENV6); it also notes the more recent steps towards sustainability taken by ECDC and by the Government. The policy seeks to encourage development which demonstrates action in this regard and requires all proposals

to be accompanied by a sustainability statement which shows how a number of different aspects of this objective have been addressed.

66. The objectives covered by this policy give effect to these wider strategies. I had some concerns about the statement that “new homes and buildings in the Parish ... will not be permitted to be heated through oil or bottled gas”, and asked the Councils for their views as to its enforceability⁹. My question to them suggested that it would not be a material consideration in development management terms. In hindsight, this was not perhaps the best form of words since it appears to have given the Councils the impression that I was questioning whether *the need to take steps towards carbon reduction* was a material consideration in planning terms – clearly it is, whether in relation to plan-making or development management. The Councils were understandably keen to ensure that there was no dispute about this, and they also provided a detailed justification for the specific reference to oil and bottled gas, which included a discussion of the merit of anticipating future legislative changes.
67. After considering the Councils’ response, I have accepted the thrust of their arguments and have concluded that, so long as there is no conflict with strategic policies (which there clearly would not be in this case), there is no reason why the Plan should not include specific restrictions of the kind proposed. I therefore make no recommendations in relation to Policy SWB12.

Policy SWB13: Protecting and improving walking and cycling connectivity

Policy SWB14: The Swaffham Bulbeck rural footpath network

68. These policies are designed to build on the existing routes around and through the Parish, reflecting a recent increase in non-car activity and the value placed on this aspect of the area’s life by local residents. Paragraph 5.13.7 lists the physical links which are either missing or in need of improvement, and the policies seek both to protect existing routes and to take the opportunities as they arise to create new ones, based on these aspirations. (While not seeing this as requiring a formal recommendation, I would suggest that a map showing, even in schematic form, the location of the key routes described would be of benefit to those using the Plan. See also my observations under the “non-planning aspirations” section below). Policy SWB14 includes, in addition, the need to ensure that new development does not harm the visual assets of the public rights of way network (the extent of which is shown in Map 16).

Policy SWB15: Natural environment in relation to planning and development

69. There is a general intention at national planning policy level for net gains in biodiversity to be achieved as part of the development process (for example at NPPF paragraph 174d). ECDC has adopted a Natural Environment Supplementary Planning Document which sets out how this should be addressed through the management of development in the district. The Environment Act, which received Royal Assent in November 2021, now makes the achievement of a net gain mandatory; however, this requires amendments to the town and country planning legislation, something which the available information suggests is not likely to happen until the latter part of 2023.
70. Policy SWB15 explains the concept of Biodiversity Net Gain and lists the evidence that will be required to demonstrate it. To this extent, it effectively duplicates the present national and

⁹ Examiner’s Question 2, 13 September 2022

local approach to this issue; however, given the legislative position, it serves in the interim as useful guidance for potential developers. Map 17 shows the key wildlife corridors that would benefit from the policy.

Non-planning community aspirations

71. Part 6 of the Plan contains a number of local aspirations which the summary states can be met outside of the land-use planning system. These fall into eight categories and some of them duplicate matters which have already been the subject of formal policies (examples are those relating to the pavilion proposal, biodiversity, and improving footpath and cycle route connectivity). ***I recommend that, in order to avoid any confusion about the status of an aspiration, this section be edited to remove any overlap with the policies themselves. Where it is hoped to create new physical routes (or significantly improve existing ones), these should all be shown in one place, ideally with the support of a map (as suggested above).***

Plan monitoring

72. Part 7 of the SBNP states that it will “closely monitor new development ... to ensure the policies in the Plan are adhered to”, before adding commitments to track the impact of development on a Site of Special Scientific Interest and on the number of designated heritage assets (these being expectations of, respectively, Natural England and Historic England).
73. It is the practice in many neighbourhood plans for clear guidance to be given on the circumstances where (or when) a more comprehensive 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. For that reason, I do not propose to make a formal recommendation in relation to Part 7.
74. I would, however, suggest that the intention to ensure *adherence* to the Plan’s policies risks giving the impression of inflexibility – and is in any event not something that the Parish Council would itself be in a position to deliver. The Council may wish to substitute this for something which suggests that if there is evidence that any policy is having unintended consequences or is ineffective, then it will be reviewed. In any event, it would be good practice to commit to an overall review of the Plan no longer than five years after it has been made. I reiterate, however, that this is a matter for the Council to consider.

Other matters

75. The final sections of the Plan consist of a helpful glossary of terms, supplementary material to certain policies, and lists of the many maps, photographs, figures and tables which serve to enliven the document as a whole.

Conclusions on the basic conditions

76. I am satisfied that the Swaffham Bulbeck 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

77. I have concluded that, provided that the recommendations set out above are followed, the Swaffham Bulbeck 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

12 October 2022

APPENDIX 1 – SUMMARY TABLE OF RECOMMENDATIONS

Examiner's report paragraph	NP 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