



Decision Statement: Witchford Neighbourhood Plan

09 February 2020

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 Witchford Neighbourhood Plan.

This decision has been taken by the Director (Commercial) as per the Council's Neighbourhood Planning governance arrangements¹.

The Witchford Neighbourhood Plan, this Decision Statement and the Examiner's Report are available to view and download from the Council's website². 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 Witchford Neighbourhood Area was designated by East Cambridgeshire District Council in August 2016. A Community Governance Review in 2018 brought into effect changes to a number of parish boundaries in East Cambridgeshire, including Witchford parish. Following submission of a new Neighbourhood Area application by Witchford Parish Council, the Witchford Neighbourhood Area boundary was amended in February 2019 to align it with the current parish boundary.

The Witchford Neighbourhood Plan (the Plan) and supporting evidence documents, were submitted to the Council by Witchford Parish Council on 17 October 2019.

The Council published the Plan for a period of six weeks from 17 October to 28 November 2019. Following the publication period, 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 it can proceed to a local referendum.

The independent examination was held from December 2019 to February 2020. The Plan was examined by Mr Peter Biggers BSc Hons MRTPI of Trevor Roberts Associates. The

¹ http://www.eastcambs.gov.uk/sites/default/files/agendas/fc080115_P157.pdf

² <https://www.eastcambs.gov.uk/local-development-framework/witchford-neighbourhood-plan>

examination was carried out through written representations. No public hearing session was required.

Council's Decision

Following his examination of the Witchford Neighbourhood Plan (WNP), which included a site visit to the Neighbourhood Area, it is the examiner's view that, subject to modifications, the Witchford Neighbourhood Plan reflects the views of the community and sets out a clear vision and suite of policies and proposals for the Neighbourhood Area.

Subject to applying the examiner's recommended modifications, the examiner's report concludes that:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority;
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the plan.

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

In addition the examiner recommends that, provided the Plan is modified in accordance with his recommendations, the Plan may proceed to referendum.

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 Witchford Parish Council, the Qualifying Body, that the Witchford 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 Witchford Neighbourhood Plan, where modified in accordance with the examiner's recommendations, meets the basic conditions and is otherwise legally compliant.

Referendum arrangements

Following this decision, the Council will proceed to hold a referendum. The purpose of the referendum is to enable local people to vote on whether the Council should use the Witchford Neighbourhood Plan in taking planning decisions.

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

The examiner gave consideration to whether the referendum area should be extend beyond the boundary of the Witchford Neighbourhood Area (which is coterminous with the Witchford Civil Parish boundary). The examiner concluded that the referendum area should not be extended. The Council will therefore apply the Witchford Neighbourhood Area as the referendum area. A map of Witchford Neighbourhood Area is provided in Appendix 2 and on the Council's website.

The referendum will be held within 56 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 Witchford Neighbourhood Plan meets the basic conditions and other legal requirements and will proceed to referendum.

Appendix 1: Summary of Examiner's Recommendations

A summary of the examiner's recommendations. For full details, refer to the Examiner's Report³. References in bold are to the policy or section of the submitted version of the Witchford Neighbourhood Plan.

Table of examiner's recommendations

Recommendation 1 –

1A – Reverse the order of paragraphs 6.1 and 6.2 in Section 6 and amend the wording to signpost the 'Projects' in a new appendix as follows:

"6.1 A number of projects have been directly derived from the Neighbourhood Plan questionnaires ...that particularly concerned them.

6.2 These projects are not directly related to the development and use of land and therefore cannot form part of the neighbourhood plan but complement the planning policies ...vision of the plan:"

(Reinstate the vision here)

"6.3 The list of projects is set out at Appendix 2 at the end of the Plan"

Relocate the projects listed at 6.3 and 6.4 to a new Appendix 2.

1B – Delete last sentence of paragraph 3.2 and insert:

"These are outlined in Appendix 2 to the plan."

1C – Make consequent changes to the table of contents inserting the new Appendix 2.

1D - Insert policy reference numbers into the key to Map 5 the Policy Inset Map.

Recommendation 2 –

2A – Amend the first line of policy WNP SS1 to read:

"The permitted housing sites WFD H1, WFD H2 and WFD H3 will deliver approximately 330 homes during the plan period 2019-2031. In addition other proposals....."

2B – Delete the last sentence of the policy.

2C – Change the key reference in Map 5 "Housing Sites" to read:

"Major committed housing sites"

2D – Section 5.1.2 2nd paragraph Line 1 amend to read:

"The development envelope is based on that set out in the East

³ Available at: <https://www.eastcambs.gov.uk/local-development-framework/witchford-neighbourhood-plan>

Cambridgeshire Local Plan 2015 for Witchford but amended to include within it the recent major housing commitments particularly those to the north of Witchford extending out to the A142. It is shown on Policy Map 6. Development proposals....”

2E – Section 5.1.2 3rd paragraph Line 8 insert ‘*Neighbourhood Plan*’ before the words ‘spatial strategy’

2F - Section 5.1.2 4th paragraph Line 6 insert “(c 2 per year)” after the word ‘dwellings’

2G- Delete the 8th paragraph of section 5.1.2 including the bullet points. The paragraph does not assist the understanding of the indicative housing requirement.

ECDC should include more detail as to how the indicative requirement meets the guidance in the NPPF using wording along the lines of that used in paragraphs xi – xiii of the report above.

2H - Section 5.1.2 10th paragraph (including table) replace as follows:
“The neighbourhood plan therefore includes the following housing provision:

Committed development on major sites	Land north of Field End (WFD H1A)	128 homes
	Land off Marroway Lane (WFD H1B)	40 homes
	Land at Common Road (WFD H2)	116 homes
	Land to south of Main Street (WFD H3)	<u>46 homes</u>
		330 homes
Infill development within development limits	2019-31 (Assumed approx. 2 per year)	24 homes
Total	2019-31	354 homes

2J - Section 5.1.2 11th paragraph - Delete whole paragraph.

2K - Section 5.1.2 12th paragraph - Make the following changes:
 - Line 1 change 2018 to 2019 as this is the stated start of the plan period.
 - Line 2 change ‘a minimum of 330 homes’ to ‘*around 350 homes*’
 - Delete 4th sentence starting – ‘These will be delivered’.

Recommendation 3

Replace the text in the 2nd clause of Policy WNP G11 after ‘amenity value’ to read:

“...of any public right of way involved in the development”.

Recommendation 4

Amend policy WNP H1 last sentence to read:

“Where there is up to date evidence of a need for homes to be accessible and adaptable they should be built to the accessible and adaptable dwellings M4(2) standard other than where it can be demonstrated in a full financial appraisal that the application of the standard would make the development unviable.”

Recommendation 5

Add at the end of paragraph 2 of policy H3 the following:

“....or similar assessment demonstrating sustainable design”.

Recommendation 6

6A – Policy WNP WFDH1 Retitle “Housing Proposal WNP WFDH1B”. Amend first

sentence to read:

“Land is proposed for housing development off Marroway Lane for up to 40 homes.

The following.....requirements will apply to reserved matter applications and any future applications on this site”

6B – Amend second bullet to delete the reference to Field End:

6C - Amend last bullet to read:

“Delivery of the section of the west –east pedestrian and cycle spine route ‘from Marroway Lane eastward to Field End’.”

6D - 5.6.1 - 1st paragraph - Delete first and last sentence. Reword remainder to read:

“Development is consented for 128 new homes in the eastern part of WFDH1 (WFD H1A) and is under construction. The western part of the site (WFD H1B) has outline planning consent for the development of 40 new homes”.

6E – 5.6.1 2nd paragraph line 4-5 – Delete ‘the eastern part of the site’ in line 4 and ‘the western part of the site’ in line 5 and substitute “WFD H1A” and “WFD H1B” respectively.

6F – Policy WNP WFD H2 Retitle “Housing Proposal WNP WFDH2”. Amend first sentence to read:

“Land is proposed for housing development at Common Road for up to 120 homes.

The following.....requirements will apply to reserved matter applications and any future applications on this site”.

(Note this policy should be deleted in the event that reserved matters permission is granted before the plan goes forward to referendum because at that point the policy can no longer have any influence over the final form of the development.)

6G – Paragraph 5.6.3 Line 1 – Delete the words ‘is subject to an application for’ substitute “*The site has the benefit of outline planning consent.*”

6G - Change all references to ‘the allocated site’ to “*the housing proposal*” in the supporting text to policies WNP WFD H1B and WNP WFD H2

6H – Delete policy WNP WFDH3 and its supporting text as the site now has full planning permission and the policy no longer has any influence over the final form of the development.

Recommendation 7

7A - Policy WNP IC1 Amend first bullet to read:

“Improving pedestrian and cycle links from Witchford to provide greater connectivity between Witchford and Ely.

7B - Amend the last sentence of the policy to read:

All development proposals in the plan area should *contribute towards infrastructure priorities where it is necessary to make the development acceptable and where directly, fairly and reasonably related in scale and kind to the development.*

7C – Section 5.7.1 2nd Paragraph – Add at end:

“*It is recognised that as the A10 junction is outside the neighbourhood area the WNP cannot make proposals relating to it but developments can contribute to the improvement of sustainable transport infrastructure within the neighbourhood area.*”

Recommendation 8

Policy WNP IC2 Line 2 – Insert after ‘open space’ the words “*as defined on Map 12*”

Recommendation 9

9A – Amend introduction to bullet points in Policy WNP T1 to read:

“Opportunities will be sought *through development proposals* to:”

9B - Amend first bullet to read:

“Improve existing pavements *servicing the development* to make them...”

9C - Amend third bullet point to read: -

“*Implement the pedestrian and cycle spine route...*”

9D – Amend fourth bullet point to read

“Implement local transport improvements *related to and necessary for the development* as required by...”

9E – Amend last paragraph of policy to read:

“*In all Major Development* where necessary to.....users of the development *and*

where directly, fairly and reasonably related in scale and kind to the development, contributions towards these initiatives will be sought.”

Recommendation 10

10 A – Reword the first section of policy WNP C1 to read:

“The creation of a sustainable and safe segregated cycle and pedestrian route towards Ely within the neighbourhood area is strongly encouraged. It should feature as part of any future upgrade to the A142 highway network.”

10 B – Reword the second section of policy WNP C1 to read:

“Where necessary to deliver sustainable development and where directly, fairly and reasonably related in scale and kind to the proposed development, off-site contributions will be secured to achieve the pedestrian and cycle route from Witchford towards Ely.”

10C – Reword Section 5.9.1 1st paragraph lines 1-2 of the supporting text to policy WNP C1 to read:

“The current highway network presents....by foot or cycle.”

Delete second sentence but retain third sentence.

Delete 2nd paragraph of Section 5.9.1

10D – Amend the text in section 5.9.2 to reflect these modifications to the policy.

This could be in the following form or similar:

“The provision of a safe cycle and pedestrian route between Witchford and Ely has long been an aspiration of the Parish Council and as development increases the need for a safe sustainable transport route increases. The neighbourhood plan and developments within Witchford can contribute to the delivery of this route and policy WNP C1 seeks to achieve that.

The A10 and its junction with the A142 Witchford Road is an obstacle in realizing a safe route and a segregated crossing point over the A10 would be the preferred solution. Indeed the Parish Council has a policy supporting the provision of a bridge over the A10 into Ely from Witchford “as it not only meets all the objectives but also provides a truly attractive and usable route which we feel will encourage more journeys via sustainable modes of transport”.

This crossing point does not fall within the Witchford Neighbourhood Area and as such the neighbourhood plan cannot directly make proposals in respect of such a crossing. However as this is a key project in delivering safe and sustainable transport routes serving the Witchford area the Parish Council includes this as one of the ‘Projects’ aimed at delivering the vision and objectives of the neighbourhood plan set out at Appendix 2.

The Parish Council will work with Cambridgeshire County Council, East Cambridgeshire District Council and the City of Ely Council to ensure development proposals within Witchford contribute to the provision of a safe and segregated sustainable transport route towards Ely.

Delete the rest of the text on page 64.

10E – Delete Map 13

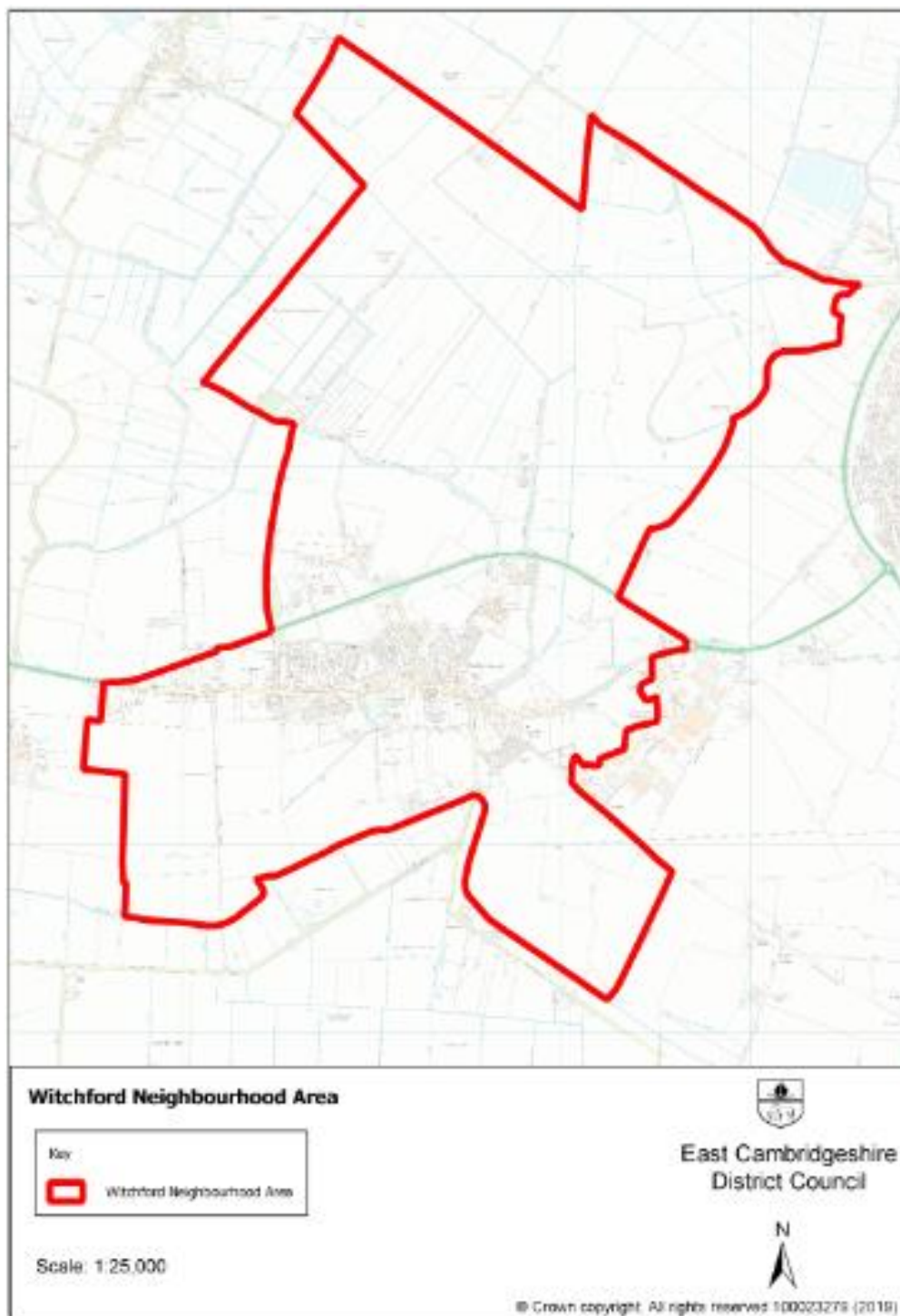
10F – Add “*Improved crossing facilities for pedestrians and cyclists at the A10/A142 junction*” to the list of Projects in Appendix 2 (as per Recommendation 1) which the Parish Council will support and lobby for.

Recommendation 11

Insert the following text in policy WNP E2 line 2 after the word ‘Park’:
“*within the allocated area WFD E1 shown in Map 14 will be supported...*”

Recommendation 12 – Make typographical and grammatical corrections as set out in Appendix 2 at the end of this report.

Appendix 2: Map of Neighbourhood Area



Do not scale. Full version available at:

https://www.eastcambs.gov.uk/sites/default/files/WFD_NA_Feb19_0.pdf