



Representations

Prepared on behalf of the Church Commissioners
for England

November 2019

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1 Introduction

- 1.1 Deloitte LLP ('Deloitte') is instructed by the Church Commissioners for England (hereafter referred to as 'the Commissioners') to submit representations to the consultation on the Submission version of the Witchford Neighbourhood Plan.
- 1.2 Once adopted the Neighbourhood Plan will form part of the formal Development Plan for the district of East Cambridgeshire. The Neighbourhood Plan is being prepared by Witchford Parish Council.
- 1.3 On behalf of the Commissioners we submitted representations to the Regulation 14 consultation on the draft Neighbourhood Plan in June 2019. These representations set out a series of fundamental objections to the draft Plan focusing on two policies: Policy WNP LC2 Witchford Green Wedge and the Local Green Space (LGS) proposal at Sandpit Drove (Policy WNP GI2).
- 1.4 The objections that we made to the draft Plan remain relevant to the Submission Plan. There has been no change to Policy WNP GI2 and little change to the policy wording for Policy WNP LC2, despite its re-naming as an Area of Separation. However, to support the re-naming of the policy, a new justification has been put forward for Policy WNP LC2, which we have addressed through Section 2 of this representation.
- 1.5 The key objections we raised to the Regulation 14 draft Plan consultation were:
- A Green Wedge is a Strategic Policy for the purposes of the National Planning Policy Framework (NPPF), which is a matter for a Local Plan not a Neighbourhood Plan.
 - There is no Green Wedge policy in the adopted district Local Plan. The proposed Green Wedge is therefore contrary to Government policy in the NPPF (paragraphs 17 and 18). It is not in general conformity with the Strategic Policies in the adopted Local Plan, and therefore fails the basic conditions test set out in part (a) and (e) of Schedule 4B of the Town and Country Planning Act 1990.
 - The Local Plan Inspector's requested Modifications were to delete entirely the Green Wedge policy (Witchford6) through the now abandoned emerging Local Plan. The application of a Green Wedge policy in this location has already been considered unsound and dismissed by an Inspector.
 - The application of a Green Wedge designation on an ad-hoc, settlement by settlement basis, through Neighbourhood Plans, would have very significant implications for the district's future Local Plan strategy and its ability to meet its employment and housing needs.
 - The community questionnaire results provided to support the proposed Green Wedge policy cannot be considered up to date, nor adequate or proportionate, nor focused tightly on supporting and justifying the Green Wedge policy, and are therefore contrary to the NPPF (para 31).
 - The Landscape and Character Appraisal (LCA) which underpins the proposed Green Wedge policy is not robust. It assumed that the proposed Green Wedge in the now abandoned Local Plan would be taken forward as the basis for its recommendation to expand the Green Wedge over a much larger area.
 - The land proposed for the Green Wedge designation does not meet any of the commonly used criteria to determine how Green Wedges should be applied. There is therefore no robust planning justification for the proposal.
 - Witchford has a defined village envelope and restrictive countryside protection policies, which entirely covers the land proposed for designation as Green Wedge. No consideration has been given to the effectiveness of these existing policies before proposing an additional restriction through a Green Wedge.

- It has been acknowledged in the LCA that the Local Green Space (LGS) proposal at Sandpit Drove (Policy WNP GI2) fails to meet all of the criteria for designating land as LGS in the NPPF (para 100).
- The Sandpit Drove LGS designation includes an area of land to its south which is a roughly surfaced area used as an informal parking area, which does not meet any of the criteria for LGS in the NPPF and should be removed.
- The Commissioners' landscape consultant, OPEN, does not accept that the Sandpit Drove Valley LLCA is an "*important open rural landscape*" which provides "*visual and physical separation between Lancaster Way Business Park and Witchford Village*".
- The Sandpit Drove Valley LLCA is not located within the line of sight in any of the appraisal's identified 'quintessential' views of Ely Cathedral.

1.6 This representation comments on the amendments proposed in the Submission Plan including the Basic Conditions Statement and the Statement of Consultation.

2 Detailed Comments

- 2.1 In our previous representations we commented on Policy WNP LC2 Witchford Green Wedge and Policy GI2 Local Green Space in relation to Sandpit Drove specifically. We focus again on these two policies in this representation.
- 2.2 Policy WNP LC2 in the Submission Plan replaces a proposed Green Wedge with a 'Witchford Area of Separation'. The reference to Green Wedge has now been removed entirely from the policy and supporting text. However, the proposed designation covers the same geographical area as the policy in the draft Plan, its policy objectives remain the same, and the policy text remains largely unchanged. The main change is the justification for the policy.
- 2.3 The objections that we raised during our previous representation to the draft Plan therefore equally apply to this replacement Policy and in addition we have further comments to make on the changes made.
- 2.4 The previous Green Wedge concept relied on the evidence put forward in the 2018 Alison Farmer Landscape and Character Appraisal (LCA) and the results of the Neighbourhood Plan questionnaire of February 2018. Our previous representations concluded that neither evidence document represented a reasonable or justifiable basis for the Green Wedge proposal.
- 2.5 No additional evidence has been put forward to fully explain why the Green Wedge concept is no longer applicable and why an Area of Separation is now proposed, the difference between them, or any methodology which underpins the proposal setting out how the land proposed for designation was identified and the other options considered.
- 2.6 Significantly, the new Policy WNP LC2 no longer relies on the LCA. The Consultation Statement, page 119, presented alongside the Submission Plan, states this clearly "*The designation does not rely on the Witchford Landscape Appraisal.*" The key evidence document which underpinned the previous concept of a Green Wedge is therefore no longer relevant to the proposed Area of Separation. The new Policy is therefore not supported by any thorough technical assessment which justifies the use of the policy or the specific designation of the land.
- 2.7 The remaining justification for the Policy appears to be largely based on a pictorial representation of the three reasons for the policy (which we comment on below) and the results of the Neighbourhood Plan questionnaire from February 2018. As we made clear in our previous representation, the comments received during the questionnaire process indicated that they were in the context of a proposal to develop the land subject to the Green Wedge. However, this was unfounded. There was and is no allocation for development of the land in the adopted Local Plan or the now abandoned emerging Local Plan and no planning application is under preparation or has been lodged. The land is designated as open countryside, beyond the defined settlement limit, which already constrains considerably any development coming forward in the future. The results of the questionnaire cannot therefore be relied upon and in any case provide insufficient evidence to justify the policy approach.
- 2.8 Turning to the wording of Policy WNP LC2, it is largely unchanged but there are some important amendments. The second criterion no longer refers to 'coalescence' but instead seeks to prevent any reduction in the physical or visual separation *between* (the word 'between' is not included but it's assumed it has been left out in error) Witchford Village and Ely. This sets a higher bar than the previous criterion and could be applied to any development which reduces, no matter how small, the reduction in separation between the settlements in a designation that is proposed to cover a very large area of land. This is not a practical or proportionate approach and could for example prevent the development of agricultural buildings associated with the ongoing use of the land.

- 2.9 The third criterion includes the word 'enjoyment' and in doing so seeks to expand the previous meaning which related to physical impacts only on public rights of way and countryside links. The policy is now ambiguous as it relates to how an individual enjoys the public right of way, which again could result in any development being resisted no matter the scale and whether it's consistent with national and local countryside policies. How a planning application could be determined against this policy criterion is unclear.
- 2.10 Leaving aside the lack of any technical evidence that supports the policy designation, the wording in the policy is ambiguous, not precise, and would not be clear to a decision maker and therefore fails to have regard to national policy and the Planning Practice Guidance (PPG).
- 2.11 Whilst the thrust of the policy and its wording remains largely as before, the supporting text to Policy WNP LC2 has been updated considerably. The reason now given for the policy is to reinforce a sense of place and a separate rural identity for Witchford in three key ways:
1. Providing a physical and visual gap between the urbanised area around Lancaster Way roundabout and Witchford Village.
 2. Providing a strong rural and characterful setting to the eastern edge of the village along Sandpit Drove Local Green Space.
 3. Reinforcing Witchford's status as an island settlement as distinct from the island settlement of Ely.
- 2.12 The new supporting text indicates the policy is to keep Witchford separate from Lancaster Way Business Park, and Witchford from Ely, and this is the focus of reasons 1 and 3. We comment on the 3 reasons below.

1. Reason 1 relates to land to the south and north of Main Street/ Witchford Road as it is perceived when approaching the village from the A142. It is concerned with the preservation of the gap between Witchford and the Lancaster Way Business Park, to the south of the road, but also refers to a glimpsed view from the road into the area that sits to the north of it, between the village and the A142.

The land to the south of Witchford Road is relatively open and a sense of separation is perceived when travelling along the road from east to west, when approaching the village from the A142 roundabout. The same cannot be said for the land to the north of Witchford Road, which is substantially concealed from view when approaching the village, with the exception of a glimpsed view from the roundabout itself and from occasional, but limited, gaps within the strong hedgerow.

While the unsubstantiated policy may serve to preserve this sense of separation between Witchford and the Lancaster Way Business Park, to the south, it would serve no meaningful function in respect of the land to the north, because it does not form a discernible gap. Views to the north from Witchford Road are few and far between and any sense of a perceived gap is very limited. Long term retention and management of the existing tree belt alongside the northern boundary of Witchford Road would be far more effective in preserving and reinforcing the sense of separation of Ely from Witchford along this approach into the village.

2. Reason 2 is unclear in its purpose but appears to suggest that the designation is needed for users to enjoy the use of the existing Broadway allotments and the public right of way at Sandpit Drove. No evidence has been put forward to justify why the designation or the widespread extent of it would be necessary to support this objective or indeed why the current agricultural use of the land and associated countryside policies does not already perform this function.

Reason 2 is inconsistent with the approach to an Area of Separation and provides no basis to support the policy.

3. Reason 3 for the policy focuses on the inter-visibility between Witchford and Ely of which the land proposed for designation is indicated as being central to the setting of these views. In our representation to the draft Plan, OPEN stated that Sandpit Drove LLCA does

not interrupt any 'quintessential' views of Ely Cathedral. These views to the Cathedral are aligned to the northeast of the A142. The Consultation Statement (p124) appears to accept this point. However, the third reason put forward to justify the policy in the Submission Plan erroneously states that views across Sandpit Drove to Ely Cathedral are identified in the Local Plan as quintessential views. This is simply incorrect and undermines entirely this reason for the policy.

While quintessential views are described in the Parish Council's own Landscape Character Appraisal (paragraphs 4.4.4 and Sandpit Drove Valley) this is clearly concerned with specific views from the A142 - in a north easterly direction towards Ely Cathedral and the rising slopes of the main Isle of Ely - as well as from the footpath through the proposed Sandpit Drove Local Green Space. These are focussed on a very specific point in the landscape (Ely Cathedral) and their protection, where merited, does not justify a blanket policy across the whole of the land to the north of Witchford Road. Such an approach would be unduly restrictive and unnecessary.

The text in the Submission Plan refers to the sensitivities of the valley landscape in this part of the Plan area described in the LCA. However, this would appear to conflict with the text referred to above in the Statement of Consultation that the Policy does not rely on the LCA.

Reason 3 provides no robust basis to support the Policy.

- 2.13 Policy WNP LC2 continues to conflict with national policy and therefore with it retained the Plan fails the basic conditions test. The replacement of the term Green Wedge with an Area of Separation has in no way addressed the objections that we raised in our previous representations.
- 2.14 There has been no change proposed in the Submission draft to Policy WNP GI2 Local Green Space relating to Sandpit Drove. The Statement of Consultation acknowledges our previous representation but rather than responding to the substantive point made over the extent of the designation, it focuses instead on whether it's appropriate to use the area for informal parking. This response fails to acknowledge or seek to address the issue being raised. The representation was clearly questioning the extent of the green space designation given the area at the southern extent of the proposed designation does not meet the stated requirements justifying the designation. We maintain that this point should be addressed and the Local Green Space designation at Sandpit Drove amended accordingly.

3. Summary

- 3.1 In summary, we consider that the Submission Neighbourhood Plan is flawed. For the reasons described in this representation, it does not meet the basic conditions test set out in legislation at Schedule 4B of the Town and Country Planning Act 1990 and does not comply with national policy and guidance in the NPPF and the PPG.
- 3.2 The proposed Witchford Area of Separation designation (Policy WNP LC2 and associated Policy Map 9) should be removed from the Plan in full and the extent of the Local Green Space designation at Sandpit Drove (Policy WNP GI2 and Policy Map 11) should be amended.
- 3.3 We continue to be open to a dialogue with the Parish Council in relation to the Commissioners' landholdings and would be pleased to be kept abreast of future progress with the Neighbourhood Plan.

Deloitte.

Real Estate

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