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Report on West Wickham Neighbourhood Plan 2020 - 2031

An Examination undertaken for South Cambridgeshire District Council with the support of West Wickham Parish Council on the November 2021 submission version of the Plan.

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Main Findings - Executive Summary

From my examination of the West Wickham Neighbourhood Plan (the Plan) and its supporting documentation, including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – West Wickham Parish Council;
- The Plan has been prepared for an area properly designated – West Wickham Parish– Figure 2 on Page 2 of the Plan;
- The Plan specifies the period to which it is to take effect – 2021 - 2031; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

West Wickham Neighbourhood Plan 2021 - 2031

- 1.1 West Wickham is a civil parish in the undulating uplands of southeast Cambridgeshire, some 19 km to the southeast of Cambridge and 15 km south-southwest of Newmarket. Haverhill lies to the southeast. The parish is centred on the village of West Wickham itself. Towards the southern boundary of the parish is the hamlet of Streetly End. Beyond lies Horseheath, a village linked to Streetly End and West Wickham by a C-class road but located outside the parish boundary.
- 1.2 The area was designated by South Cambridgeshire District Council in November 2015 since when plan preparation has proceeded in a number of distinct phases, drawing on an earlier village survey and a Parish Plan. The resultant Neighbourhood Plan has an overarching vision, two key objectives and 11 individual policies.

The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the West Wickham Neighbourhood Plan by South Cambridgeshire District Council with the agreement of West Wickham Parish Council.
- 1.4 I am a chartered town planner and former government Planning Inspector with over forty year's experience. I have worked in both the public and the private sectors. I am an independent examiner and do not have an interest in any of the land that may be affected by the draft Plan.

The Scope of the Examination

- 1.5 As the independent examiner, I am required to produce this report and recommend either:
 - (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ("the 1990 Act"). The examiner must consider:

- Whether the plan meets the Basic Conditions.
- Whether the plan complies with provisions under Section 38A and Section 38B of the Planning and Compulsory Purchase Act 2004 (as amended) (“the 2004 Act”). These are:
 - it has been prepared and submitted for examination by a qualifying body for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for “excluded development”; and
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.
- Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) (“the 2012 Regulations”).

1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

- 1.8 The “Basic Conditions” are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan for the area;
 - be compatible with and not breach European Union (EU) obligations (Note: the existing body of environmental regulation is retained in UK law); and
 - meet prescribed conditions and comply with prescribed matters.

- 1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017. This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

2. Approach to the Examination

Planning Policy Context

- 2.1 The Development Plan for this part of South Cambridgeshire District Council, not including documents relating to excluded minerals and waste development, is the 2018 South Cambridgeshire Local Plan.
- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. All references in this report are to the July 2021 NPPF and its accompanying PPG

Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including:
- the draft West Wickham Neighbourhood Plan 2021 - 2031, November 2021;
 - figure 2 of the Plan which identifies the area to which the proposed Neighbourhood Development Plan relates;
 - the Consultation Statement, December 2021;
 - the Basic Conditions Statement, December 2021;
 - all the representations that have been made in accordance with the Regulation 16 consultation;
 - the Strategic Environmental Assessment (SEA) and Habitat (sic) Regulations Assessment Screening Determination Statement (May 2021) prepared by consultants acting on behalf of South Cambridgeshire District Council;
 - the West Wickham Housing Need Survey, January 2017;
 - the West Wickham Character Assessment, 2018;
 - the West Wickham Assessment of Green Spaces, undated; and
 - the request for additional clarification sought in my letter dated 4 April 2022 and the response from West Wickham Parish Council approved on 11 May 2022.

These documents can be viewed at:

<https://www.scams.gov.uk/planning/local-plan-and-neighbourhood-planning/west-wickham-neighbourhood-plan/>

Site Visit

- 2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 11 April 2022 to familiarise myself with it and visit relevant sites and areas referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

- 2.5 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum.

Modifications

- 2.6 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The West Wickham Neighbourhood Plan has been prepared and submitted for examination by West Wickham Parish Council, which is a qualifying body for an area that was designated by South Cambridgeshire District Council on 17 November 2015.
- 3.2 It is the only Neighbourhood Plan for West Wickham Parish and does not relate to land outside the designated Neighbourhood Plan Area.

Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2021 to 2031.

Neighbourhood Plan Preparation and Consultation

- 3.4 Details of plan preparation and consultation are set out in the Parish Council's Consultation Statement dated December 2021. Application for designation as

a neighbourhood area was made in August 2015, with designation being approved by South Cambridgeshire District Council on 17 November 2015.

- 3.5 Plan preparation was undertaken in a number of distinct phases. At the inception stage, from 2014 onwards, the Parish Council established a steering group to investigate support for a neighbourhood plan. Following area designation, and from 2016, initial Plan development took place with the working group gathering information, undertaking consultation and beginning to formulate policies. By 2019, the working group was carrying out further consultation and producing a pre-submission draft of the Neighbourhood Plan.
- 3.6 There followed formal pre-submission consultation under Regulation 14 between 1 May 2021 and 30 June 2021. The Consultation Statement, at Appendix 13, records some 72 discrete comments from statutory consultees. Residents' and landowners' comments are logged in Appendix 14 and number approximately 93. The Working Party's response to the comments, and changes made, are set out in Appendix 15 of the Consultation Statement.
- 3.7 At the Regulation 16 consultation stage, which ran between 18 January and 15 March 2022, 11 consultees submitted representations (including 2 late representations). The majority of the responses are from statutory consultees but include also comments from residents and landowners.
- 3.8 I am satisfied that, at both the Regulation 14 and the Regulation 16 stages, the consultation process met the legal requirements and there has been procedural compliance. Regard has been paid to the advice on plan preparation and engagement in the PPG.

Development and Use of Land

- 3.9 The Plan sets out policies in relation to the development and use of land in accordance with Section 38A of the 2004 Act.

Excluded Development

- 3.10 The Plan does not include provisions and policies for "excluded development".

Human Rights

- 3.11 West Wickham Parish Council is satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998). From my independent assessment, I see no reason to disagree.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The Neighbourhood Plan was screened for Strategic Environmental Assessment (SEA) on behalf of South Cambridgeshire District Council, which found that it was unnecessary to undertake SEA. Having read the Strategic Environmental Assessment Screening Determination, I support this conclusion.
- 4.2 West Wickham Neighbourhood Plan was further screened for Habitats Regulations Assessment (HRA), which also was not triggered. The site is not in close proximity to a European designated nature site. Natural England agreed with this conclusion in correspondence dated 29 April 2021. From my independent assessment of this matter, I have no reason to disagree.

Main Issues

- 4.3 Having regard to the West Wickham Neighbourhood Plan, the consultation responses and other evidence, and the site visit, I consider that there are eight main issues relating to the Basic Conditions for this examination. These concern:
- Settlement Patterns and Identity
 - Built Environment Characteristics
 - Heritage Assets
 - Local Green Spaces
 - Biodiversity and Green Infrastructure
 - Access to the Countryside
 - Delivering Smaller Homes
 - The Village Hall.
- 4.4 Before I deal with the main issues, I have a few observations to make with regard to the representations and comments. Firstly, the West Wickham Neighbourhood Plan should be seen in the context of the wider planning system. This includes the 2018 Local Plan as well as the NPPF and PPG. It is not necessary, and it would be inappropriate, to repeat in the Neighbourhood Plan matters that are quite adequately dealt with elsewhere (see NPPF, Paragraph 16 f).
- 4.5 Secondly, the Neighbourhood Plan does not have to deal with each and every topic raised through the consultation. In this regard, the content of the Neighbourhood Plan and the scope of the policies is largely at the discretion of the qualifying body, albeit informed by the consultation process and the requirements set by the Basic Conditions.

- 4.6 Thirdly, my central task is to judge whether the Neighbourhood Plan satisfies the Basic Conditions. Many of the representations do not demonstrate or indicate a failure to meet those conditions or other legal requirements. Similarly, many of the suggested additions and improvements are not necessary when judged against the Basic Conditions.
- 4.7 The following section of my report sets out modifications that are necessary in order to meet the Basic Conditions. Some of the proposed modifications are factual corrections (modifications for the purpose of correcting errors is provided for in Paragraph 10(3)(e) of Schedule 4B to the 1990 Act). Others are necessary in order to have closer regard to national policies and advice. In particular, plans should contain policies that are clearly written and unambiguous (NPPF, Paragraphs 15 and 16). In addition, the policies should be supported by appropriate evidence (PPG Reference ID: 41-041-20140306).

Issue 1: Settlement Patterns and Identity

- 4.8 Amongst other things, Policy WWK/1 (Settlement patterns and identity) seeks to avoid adverse impacts on locally distinctive and locally valued views. Key views are defined on Policy Map 2. In addition, as described in Paragraph 4.23 of the Plan, the policy is intended to apply to other attractive views in the parish.
- 4.9 I have two concerns with the provisions as written. First, the policy would require the avoidance of any adverse impact, even adverse impacts that could be regarded as insignificant. Secondly, in seeking to cover attractive views that are undefined, the policy would be too vague. There would be uncertainty in the minds of both applicants and the decision maker on the views to which the policy would apply.
- 4.10 I appreciate that there may be views beyond those identified on Policy Map 2 to which, justifiably, the policy should apply. However, I consider that, in such cases, the local planning authority (with potential input from the Parish Council) should demonstrate to an applicant the appropriateness of applying the policy.
- 4.11 A further matter arising from the policy is reference to the District Council's Design Guide Supplementary Planning Document (SPD). A link to this specific document would provide clarity and assist in decision making.
- 4.12 Proposed modifications are set out in under **PM1**. With these modifications in place, the policy would have appropriate clarity.

Issue 2: Built Environment Characteristics

- 4.13 Policy WWK/2 contains reference to the West Wickham Character Assessment 2018. For clarity and assistance in decision making, a link should be provided to the appropriate document.
- 4.14 There is also reference to “Local Plan policy” on on-plot parking. The Parish Council’s answers to my questions has confirmed that the relevant policy is Local Plan Policy TI/3. Again, for clarity, reference to the specific policy should be made.
- 4.15 On an additional point, the policy calls for the retention and enhancement of trees, walls and hedges that contribute positively to the street scene. In this regard, there is no evidence to suggest that, to meet the objectives of the policy, both retention and enhancement are necessary. As a minimum, retention would also be acceptable if enhancement were not possible.
- 4.16 Proposed modification **PM2** sets out amendments that would ensure clarity and regard for the evidence.

Issue 3: Heritage Assets

- 4.17 With regard to heritage assets (Policy WWK/3), there are four matters where additional clarification is required:
- to give details, in a table, of the non-designated heritage assets that are currently identified only by a small red dot on Policy Map 4;
 - to refer to Policy Map 8 as a plan where the Roman Road (Wool Street) can be identified;
 - to provide a link to the Cambridgeshire Historic Environment Record; and
 - to identify Paragraph 194 of the NPPF as the source of relevant guidance on desk-based assessments of heritage assets.
- 4.18 Such clarification would be provided through proposed modification **PM3**.

Issue 4: Local Green Spaces

- 4.19 Within the Plan, Local Green Spaces (LGS) are designated under Policy WWK/4. Land in front of Maypole Croft and Land around the Village Hall are proposed for LGS designation. As explained in Paragraph 102 of the NPPF, LGS designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) 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; and c) local in character and is not an extensive tract of land. LGS should also be capable of enduring beyond the end of the Plan period (NPPF, Paragraph 101). Having seen both LGS on the site visit, I consider that they meet the criteria for designation outlined in the NPPF.

- 4.20 As drafted, development of these sites will not be acceptable “other than in very special circumstances in line with national policy for the Green Belt” However, national policy in the NPPF would also allow for development that is “not inappropriate”. To ensure appropriate regard for national policy, the wording needs to be changed. Proposed modification **PM4** refers.

Issue 5: Biodiversity and Green Infrastructure

- 4.21 Policy WWK/7 (Biodiversity and green infrastructure) seeks the retention of features of biodiversity value. Some are identified within the policy. Others are not. The policy indicates that development proposals which cause loss or harm will not be permitted unless “the need for and benefits of the development demonstrably and substantially outweigh any adverse impacts”.
- 4.22 The need to substantially outweigh adverse impacts represents a high threshold. Bearing in mind that all but the listed features are unidentified, I consider that there is no evidence or other justification for such a test, a test which would also surpass requirements in Paragraph 180 of the NPPF.
- 4.23 I appreciate that a balancing exercise needs to take place. However, this could be based on a judgement as to whether, in the circumstances, the need for and benefits of development would outweigh adverse impacts. A simpler test, reflecting the evidence, is expressed in proposed modification **PM5**.

Issue 6: Access to the Countryside

- 4.24 Policy WWK/8 (Access to the countryside) indicates that enhancements to the existing network of rights of way, footpaths and bridleways will be encouraged from development proposals. This could include proposals such as small extensions to houses where the provision could be seen as excessive. Be that as it may, the provision is not mandatory. It is one of encouragement. In the circumstances, I do not see any conflict with the Basic Conditions.

Issue 7: Delivering Smaller Homes in West Wickham

- 4.25 Policy WWK/9 (Delivering smaller homes in West Wickham) is aimed at prioritising the delivery of smaller homes over larger homes. However, there is a lack of clarity in that “smaller” and “larger” homes are not defined. The matter would be addressed through proposed modification **PM6**.

- 4.26 Whilst on the topic of smaller homes, the Plan has been criticised (Regulation 16 representation of Mr P Coulson) for its failure to identify suitable sites, specifically at White Gables, 104 High Street. For my part, I have already noted that the scope of the Neighbourhood Plan is largely at the discretion of the Parish Council. In this regard, there is no requirement to allocate sites. Rather, the Parish Council has chosen to improve the housing stock via policies such as Policy WWK/9, working with suitable sites as defined in the existing and emerging Local Plans

Issue 8: The Village Hall

- 4.27 Policy WWK/11 applies to the Village Hall site as identified in red on Policy Map 11 (and Policy Map 6). The rear of the site is surrounded by a recreation ground, play area and allotment which in themselves constitute a Local Green Space under Policy WWK/4.
- 4.28 Policy WWK/11 indicates that the quantity and quality of the open recreation space is to be retained, re-provided or enhanced. However, given that the recreation space is outside the defined limits of the Village Hall site, this provision has been included in error. The reference would be deleted under proposed modification **PM7**.

Other Matters

- 4.29 There remain a number of policies that have not been the subject of discussion in the above report. These concern Countryside Frontages (Policy WWK/5), Dark Landscape (Policy WWK/6) and West Wickham Exceptional Circumstances (Policy WWK/10). To a greater or lesser extent, these topics are covered in NPPF Sections 5 (Delivering a sufficient supply of homes) and 15 (Conserving and enhancing the natural environment). I find that there has been regard for national policy and that the Basic Conditions have been met.
- 4.30 With the modifications that I have recommended, the Plan would meet the Basic Conditions. Other non-material changes and up-dating (that do not affect the Basic Conditions), including suggestions set out in SCDC's representation, can be incorporated into the final version of the Plan.

5. Conclusions

Summary

- 5.1 The West Wickham Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the

responses made following consultation on the Neighbourhood Plan and the evidence documents submitted with it.

- 5.2 All of the policies in the draft Plan have been considered in the above report. I have made recommendations to modify the policies and text to ensure that the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The West Wickham Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

Overview

- 5.4 It is evident that a considerable amount of time and effort has been devoted to the development and production of this Plan and I congratulate those who have been involved. The Plan should prove to be a useful tool for planning and change in West Wickham over the coming years.

Andrew S Freeman

Examiner

Appendix: Modifications

PM means Proposed Modification.

Page references are to those in the submitted draft West Wickham Neighbourhood Plan.

PM1, Page 27

Replace the text in Clause d) of Policy WWK/1 with the following:

“avoid significant adverse impacts on the locally distinctive and locally valued views defined on Policy Map 2 and, where demonstrated by the local planning authority, other such views within the Parish;”

Add a footnote to Clause f) of the policy, providing a link to the District Council’s Design Guide SPD.

PM2, Page 36

In Policy WWK/2, add a footnote to the policy providing a link to the West Wickham Character Assessment 2018.

Replace “retained and enhanced” with “retained or enhanced”.

Replace “Local Plan policy” with “Local Plan Policy TI/3: Parking Provision”.

PM3, Page 41

In relation to Policy WWK/3:

- provide a table giving the names and addresses of the non-designated heritage assets;
- after “(Wool St)”, add “- Policy Map 8”;
- add a footnote to the policy providing a link to the Cambridgeshire Historic Environment Record; and
- before “the NPPF” add “Paragraph 194 of”.

PM4, Page 47

Replace the final paragraph of Policy WWK/4 with the following:

“Development on these sites will not be acceptable unless consistent with national policy for Green Belts.”

PM5, Page 61

In Policy WWK/7, replace the penultimate paragraph with the following:

“Any development proposals which would cause loss or harm to features of biodiversity value will not be permitted unless the need for and benefits of the development outweigh any adverse impacts and where replacement habitats are provided as part of the proposal.”

PM6, Page 67

In Policy WWK/9, after “smaller homes”, insert “(with one or two bedrooms)”. After “larger homes”, add “(three or more bedrooms)”.

PM7, Page 68

In Policy WWK/11, modify the text by deleting proviso a) on open recreation space.

Merge the first sentence of the policy with proviso b) as follows:

“Development associated with the expansion and/or enhancement of Village Hall facilities on or adjacent to the existing Village Hall (shown Policy Map 11) will be supported subject to provision of onsite car parking in line with Local Plan Policy TI/3: Parking Provision to meet the additional needs generated by the development.”