

Decision Statement (Regulation 18): Whittlesey Neighbourhood Plan

11 January 2023

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 Fenland District Council's decision and proposed actions following receipt of the Examiner's Report into the Whittlesey Neighbourhood Plan.

This decision has been taken by the Corporate Director, in accordance with the Council's constitution.

The Whittlesey Neighbourhood Plan, the Decision Statement and Examiner's Report will be published on the Council's website. Paper copies may be inspected at *Whittlesey Library, 31-35 Market Street, Whittlesey, Cambs, PE7 1BA*, during normal opening times which can be viewed at this link: [Whittlesey Library \(cambridgeshire.gov.uk\)](https://www.cambridgeshire.gov.uk/whittlesey-library).

Background

The Whittlesey Neighbourhood Area was designated by Fenland District Council (FDC) in April 2015.

The Whittlesey Neighbourhood Plan (the Plan) and supporting evidence documents were submitted to FDC by Whittlesey Town Council in June 2022.

FDC published the Plan for a period of eight weeks from 8 July to 1 September 2022. Following the publication period, FDC 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 the plan can proceed to a local referendum.

The independent examination was held in September to November 2022. The Plan was examined by Mr David Kaiserman BA DipTP MRTPI of Penny O'Shea Consulting (POC). The examination was carried out through written representations. No public hearing session was required.

Council's Decision

The examiner concluded that, subject to applying his recommended modifications, the Whittlesey Neighbourhood Plan makes appropriate provision for sustainable development, has appropriate regard to national policy, and is in general conformity with the strategic policies in the development plan.

In addition, the examiner concluded that there is no evidence to suggest the Plan is not compatible with EU obligations, including human rights requirements.

Provided the Plan is modified in accordance with his recommendations, the examiner considers that the Plan meets the basic conditions and recommends it 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 Whittlesey Town Council, the Qualifying Body, that the Whittlesey Neighbourhood Plan will be modified as per the examiner's recommendations. A summary of the examiner's recommendations and modified policies are set out in Appendix 1 of this statement.

Based on the examiner's findings and recommendations, the Council is satisfied that the Neighbourhood Plan, as modified in accordance with the examiner's recommendations, meets the basic conditions and is otherwise legally compliant.

This Decision Statement is published alongside the 'Referendum Version' of the Whittlesey Neighbourhood Plan and is available to view and download from the 'Whittlesey Neighbourhood Plan' webpage on FDC's website¹. A paper copy is available for inspection at *Whittlesey Library, 31-35 Market Street, Whittlesey, Cambs, PE7 1BA*.

Referendum arrangements

Following this decision, FDC will proceed to hold a referendum. The purpose of the referendum is to enable local people to vote on whether FDC should use the Whittlesey Neighbourhood Plan when taking planning decisions. Where the Whittlesey Neighbourhood Plan is supported by the majority of voters, the plan will be then 'made' by FDC and will form part of the Development Plan for Fenland.

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

The referendum is expected to be held on 23 February 2023 and formal details will be confirmed on publication of the Information Statement.

Summary

Fenland District Council is satisfied that the Whittlesey Neighbourhood Plan (Referendum Version) meets the basic conditions and other legal requirements and will proceed to hold a referendum.

¹ [Whittlesey Neighbourhood Plan Examination - Fenland District Council](#)

Appendix 1 – Examiner’s Recommendations

Examiner’s report paragraph	NP reference	Recommendation
25	Paragraph 1.1.1	<ul style="list-style-type: none"> Delete reference to emerging Local Plan or add a new paragraph in Section 3.1 to provide further information about the emerging Local Plan
30	Section 1	<ul style="list-style-type: none"> Expand Section 1 to include reference to the basic conditions
30	Paragraph 1.5.4	<ul style="list-style-type: none"> Reword as suggested
35	Throughout the Plan	<ul style="list-style-type: none"> Adopt the suggestions made by FDC to improve the clarity of the text and supporting maps, with the exception of those highlighted under Policies 1e), 11 and 13.
41	Policy 1	<ul style="list-style-type: none"> Include the key diagram from page 53 of the Local Plan (or similar) in the Plan and refer to it under Policy 1b Reword the first line of Policy 1b as suggested
47	Policy 3	<ul style="list-style-type: none"> Replace the policy with the suggested wording
48	Policy 4	<ul style="list-style-type: none"> Replace Policy 4b with the suggested wording
53	Policy 6	<ul style="list-style-type: none"> Amend paragraph 3.6.2 as suggested Include a map showing the preferred location of the country park Add additional bullet point to the policy as suggested
54	Policy 7	<ul style="list-style-type: none"> Modify the opening paragraph as suggested
56	Policy 8	<ul style="list-style-type: none"> Replace the second paragraph of the policy as suggested Add reference to the Coates Conservation Area to the final paragraph of the policy
57	Policy 9	<ul style="list-style-type: none"> Delete the policy Add any matters specifically relating to garden development to Policy 7
60	Policy 10	<ul style="list-style-type: none"> Delete the policy
65	Policy 12	<ul style="list-style-type: none"> Replace the policy with the suggested wording
68	Policy 13	<ul style="list-style-type: none"> Make minor changes to the wording as suggested

Appendix 2 – Whittlesey Neighbourhood Area

