

Whittlesey Neighbourhood Plan 2021-2040

A report to Fenland District Council

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Executive summary

I was appointed by Fenland District Council on 12 September 2022, with the agreement of Whittlesey Town Council, to carry out the independent examination of the Whittlesey Neighbourhood Plan 2021-2040.

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 19 October 2022.

Whittlesey is a parish with a population of around 16,000, lying about seven miles east of the City of Peterborough (in Cambridgeshire). The town and its villages have seen considerable growth in recent years; this is ongoing, and the Neighbourhood Plan's vision is to accommodate further sustainable development in the period up to 2040, in a way that reflects local needs and aspirations and takes full account of the area's history and distinctive landscapes.

Subject to a number of recommendations, I have concluded that the Whittlesey 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.

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Introduction

1. This report sets out the findings of my examination of the Whittlesey Neighbourhood Plan 2021-2040 (the WNP), submitted to Fenland District Council (FDC) by the Whittlesey Town Council in June 2022. The Neighbourhood Area for these purposes is the same as that of the Civil 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 WNP 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 WNP area.
5. I am independent of the Town 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 Whittlesey Neighbourhood Plan either
 - be submitted to a local referendum; or
 - should 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 WNP
 - the draft WNP Baseline Report
 - the Basic Conditions Statement (May 2022)
 - the Consultation Statement (June 2022)
 - the Strategic Environmental Assessment Determination Statement and Screening Report

(August 2021)

- the Whittlesey Local Green Space Assessment and other supporting material, as appropriate
 - the representations made to the WNP 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 19 October 2022, when I looked at the overall character and appearance of the town, 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 Whittlesey lies about seven miles east of Peterborough, at the western edge of Fenland District. At the 2011 census, the population was around 16,000², concentrated in Whittlesey Town but also including the smaller settlements of Eastrea, Coates, Turves and Pondersbridge. The first two of these are separated from each other and from Whittlesey Town by relatively narrow gaps of open land (which the Neighbourhood Plan is keen to maintain). The area has experienced substantial growth in recent years, with new housing having extended the built-up area, especially of the town itself, into the surrounding open countryside. It was clear from my visit that this expansion is continuing, with major new housing schemes nearing completion on the eastern edge (as provided for in the Fenland Local Plan), as well as a smaller scheme to the east of the Thorney Road, just north of the town.
12. The area has a long history, including an important Bronze Age settlement discovered in clay-pits to the west of the town. There are 61 listed buildings within the Parish, and the impressive grade 1 Church of St Mary lies close to the town centre, near the historic marketplace. An unusual feature of the Parish is its mud walls, which receive their own mention in the Plan. The overall townscape is very varied, although a feature is the compactness of Whittlesey Town itself, despite recent expansions. The flat waterlands of the typical Fenland landscape are never far away, much of this being home to important wildlife habitats.
13. There is a considerable amount of economic activity in the area, much of which generates movements of heavy goods vehicles through the town centre itself. While the Plan notes the

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

² Source: Wikipedia – the neighbourhood plan itself does not provide a figure

significance of (an expanding) Peterborough, it is also clear that Whittlesey is a strong community in its own right: there are three primary schools and a secondary school/ community college and, from what I have read, a lively local cultural scene. The town centre, focused around the marketplace (with its weekly outdoor market), is compact and walkable. Whittlesea railway station provides services to Peterborough, March, Ely and Ipswich. The line itself, which the Plan says also carries substantial flows of freight traffic, necessitates the negotiation of seven level-crossings within the Parish (an eighth until recently affected the A605 on the western approaches to the town close to a major new logistics hub, but this has now been replaced by a substantial bridge which affords views of the brickworks, flooded clay-pits and the distinctive water-tower, creating an impressive gateway to the town from Peterborough).

The basic conditions

14. 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 065³ 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.

15. The Basic Conditions Statement (BCS) is dated May 2022. It begins by describing the key statutory provisions and how the Plan satisfies the basic legal requirements. Table 2 sets out the relationship between the Plan’s policies and relevant paragraphs of the NPPF, and table 3 explains how the conclusion is reached that the Plan is in general conformity with the strategic policies of the adopted Fenland Local Plan (no reference is made to the emerging review of the Local Plan). The BCS then briefly summarises the process which led to the decision that a full environmental assessment was not required (see below). Appendices set out the relevant provisions of the Planning and Compulsory Purchase Act 2004, and the full SEA and Habitats Regulations Assessment Screening Report.

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 Town 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

³ PPG paragraph 065. ID: 41-065-20140306

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 WNP is 2021 to 2040; and
- that no “excluded development” is involved (this primarily relates to development involving minerals and waste and nationally significant infrastructure projects).

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. FDC’s determination statement is dated 24 August 2021 and includes the screening assessment and the results of the statutory consultations. It notes that the WNP does not seek to increase the overall level of growth beyond that provided for in the Local Plan, and that its other policies generally accord with the LP (the potential environmental effects of which were assessed as part of the plan-making process). For these reasons, FDC considers that it is unlikely that any significant environmental effects will arise from the implementation of the WNP, and therefore that a full SEA would not be necessary. Full details of the considerations which support their conclusions are set out in the document, 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 a recommendation I make under Policy 12, 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 Planning Practice Guidance on neighbourhood planning, an online resource which is continually updated by Government. I have borne particularly in mind the advice in paragraph 041 of the PPG⁴ 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 includes the Fenland Local Plan, which was adopted in May 2014. A key policy for the purposes of my examination is LP3, which deals with the spatial strategy and settlement hierarchy for the district. In planning for a pattern of sustainable growth for the period to 2011-2031, this policy focuses the majority of future growth on the four market towns of the district (March, Wisbech, Chatteris and Whittlesey).

⁴ PPG Paragraph 041. ID: 41-041-20140306

The settlement hierarchy provides the basis for decisions to be taken on the provision of services and facilities: the market towns are the priority followed by four groups of villages with varying degrees of capacity for growth. Outside these named settlements, development is restricted to that which is essential to agriculture, outdoor recreation, minerals and waste activities and other uses appropriate to the open countryside.

23. The Local Plan sets a 20-year growth target of 11,000 new homes, allocating (in Policy LP4) specific figures for the four market towns. Whittlesey's anticipated share of this is approximately 1000. Section 4.6 of the LP explains that the town has a close functional relationship with Peterborough, which has led to its emergence as a popular settlement for people working in the city. Nevertheless, it is recognised as a service centre in its own right, and Policy LP11 (specific to Whittlesey) contains the following key elements:
- that it should be a focus for some growth in housing, employment and retail provision
 - a strategic allocation is made for development on land north and south of Eastrea Road, mainly for housing (around 500 dwellings), the broad location of this growth area being shown on the key diagram for the town. I noted from my visit to the area that much of this development has already been completed and is occupied
 - there is a need to address the way traffic (including freight vehicles) moves around the town and its environs
 - there is recognition of the flood risk issues and the sensitivity of the local environment.
24. 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 009 of the relevant PPG⁵ 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 consideration of the basic conditions against which a neighbourhood plan is tested."
25. I am aware of the fact that FDC has embarked upon a review of the Local Plan, with the current expectation that it would be adopted by February 2024⁶. Its period of validity is given as 2021-2040, and the first paragraph of the WNP states that its own policies are intended to align with that time frame. However, I was unable to find in the Plan any further reference to the emerging LP Review (and it is not listed as a source of information in Section 4). This is not in any sense an issue for my examination, but in order to remove any possible confusion, ***I recommend either that the reference in paragraph 1.1.1 to the emerging Fenland Local Plan be deleted, or that the emerging Local Plan should be the subject of a paragraph (to be added to Section 3.1) which explains the current relationship between the two plans and how that might develop over time, and makes it clear that all references to the Local Plan in the WNP are to the adopted version only.***

The consultation exercise (Regulation 14)

26. This regulation requires the Town 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

⁵ PPG Paragraph 009. ID: 41-009-20190509

⁶ Source: report to FDC's Cabinet 3 February 2022, available online.

what was done in this respect, and how the qualifying body responded to any matters which arose as a result of the consultation process.

27. The Consultation Statement is dated June 2022. It is a lengthy document recording in detail what the aims of the consultation process were and how it was carried out. It describes the parish-wide survey based on questionnaires sent in March 2017 to every house within the neighbourhood area, which resulted in an impressive 2582 responses (over half of which were from children and students from the Community College). The statement also includes coverage of workshops to explore the Plan's vision and objectives and policy options. It notes how the exigences of the Covid pandemic introduced an unwelcome constraint, especially during the pre-submission period; the Council and its volunteer colleagues are to be congratulated for getting the Plan to the submission stage in a timely manner despite the difficulties. The Consultation Statement concludes with seven appendices setting out all the key data in detail.
28. 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

29. The Plan itself is well laid out and logically arranged. Each paragraph is numbered, and the policies are clearly differentiated from the supporting text which precedes them by being placed in coloured boxes. Eight maps are grouped in the appendices: these are reproduced to a high standard, making for ease of interpretation⁷.
30. Section 1 of the Plan begins with a brief explanation of neighbourhood plans. ***I recommend that this be expanded slightly to include reference to the basic conditions which such plans must satisfy (PPG paragraph 065).*** Paragraph 1.5.4 says that the WNP must have regard "to the following [16] Local Plan policies". While it may be that these are the key (or only) LP policies which have had a direct influence on the Plan, I consider that this reference should be changed slightly to avoid any misunderstanding. ***I recommend that it read: "Basic condition e) requires the Neighbourhood Plan to be in general conformity with the strategic policies in the development plan for the local area. The following policies of the adopted Fenland Local Plan (in particular) have informed the Neighbourhood Plan's approach:"***
31. This preliminary part of the Plan also includes an introduction to the area's physical, historical and social characteristics and a straightforward explanation of what neighbourhood plans are and how they must be prepared.
32. Section 2.1 sets out a delightfully quirky vision for the future: this is done by imagining what a visitor to Whittlesey might find on their first visit to the Parish in 2037, noting in particular its impressive heritage and a thriving town centre. A market-stall holder describes to the visitor how the area has changed over the years, especially as a result of new people having moved in, attracted by the well-designed new housing, good public transport and excellent local services. He describes a strong community and a population composed of a satisfying mix of younger and older residents.
33. The vision is supported by the key objectives which emerged from the consultation process. To summarise them, they are to secure:

⁷ As a minor issue, I note that Map 7 has been printed upside down, when compared with the others. It would be helpful if this were corrected.

- high-quality homes which meet the needs of the Parish, without compromising its character or setting
- proportionate growth which delivers a range of housing and maintains or enhances local employment
- the regeneration of the town centre
- improvements to transport, especially in relation to east-west movements and the impact of HGVs on residential areas, but including public transport, walking and cycling
- ongoing improvements to flood defences and other infrastructure
- promotion of the general health and well-being of residents and visitors.

34. Section 3 sets out the Plan’s 13 policies⁸. Section 4 lists 11 sources of information which provide context. One of these is a Baseline Report: containing many photographs, maps and diagrams, this is a high-quality and easily-accessible summary of the key characteristics and issues which the Plan seeks to address.

Representations received (Regulation 16)

35. FDC considers that the Plan “appears capable of satisfying the basic conditions and other relevant legal obligations”, but they make a number of detailed suggestions which are aimed at improving the clarity of the text and supporting maps. None of these impacts on the basic conditions or is otherwise controversial, and they would be helpful in improving the overall utility of the Plan. They are available in full on the Council’s website. ***I recommend that, with a few exceptions, they be adopted in full, including the clarifications relating to maps 1A, 1B, 2, 4, and 7.*** I make specific reference to a small number of these points under the relevant policy headings below and it will be seen that the only occasions where I have elected not to accept FDC’s suggestions are noted under Policies 1e), 11 and 13.
36. There were 12 representations from members of the public commenting on a range of matters, but generally expressing support for the Plan. None of the points made raises issues for the basic conditions, and so it is not necessary for me to address them in this examination. Natural England and the National Grid, as statutory consultees, had no concerns. Public Health Whittlesey/Cambridgeshire County Council made a lengthy submission; while this was supportive of the Plan, it contained a considerable number of detailed suggestions, not all of which relate to land-use planning. None raise any issues for meeting the basic conditions.
37. P Wilson and Co, on behalf of clients who own land in Whittlesey, support the Plan but make comments about the growth assumptions and seek to promote an additional land allocation (Policy 1b) and to modify the boundaries of the proposed Green Buffer (under Policy 11). A very similar submission is made by Robert Doughty Consultancy on behalf of Rose Homes (EA) Ltd. Matrix Planning, on behalf of Postland Developments, are also generally supportive, but make some comments about Policy 2f and 11. Messrs Hodsons make an observation about land at Church Street designated as a local green space. I will return to these representations under the relevant headings.

⁸ The table of contents on page 2 of the Plan omits reference to Policy 13 “Adapting to and mitigating climate change”: this should be rectified

The policies

38. Paragraph 1.1.3 of the Plan states that it does not include policies which are already found in the Local Plan or in the NPPF, the focus being on providing clarity on these topics at the local level. This is in line with Government guidance (although it is fair to say that the intention is not always fully observed).
39. 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 1: Spatial strategy

40. Policy 1 sets out the basic framework for the sustainable development of the NP area in geographical terms, mirroring Local Plan Policy LP11. It says that Whittlesey town and land immediately adjacent to it will be the main focus for both residential and commercial growth, with Coates and Eastrea having only limited opportunities for new development. These three built-up areas are to remain physically distinct. Local Plan LP11 designates Eastrea and Turves as "small" villages, where development will normally be of a very limited nature, essentially residential infilling or a small business opportunity; and Pondersbridge is an "other" village, the lowest level in the settlement hierarchy, where residential development will normally be restricted to single dwelling infill sites within an otherwise built-up frontage. Outside these urban elements of the Parish, development will be limited to that which requires a countryside location. All new development will need to take account of flood risk, Whittlesey's landscape and the need for appropriate infrastructure.
41. Policy 1b supports the Local Plan strategic allocations north and south of Eastrea Road, adding that development here will be expected to contribute towards the delivery of new and improved infrastructure, including a new country park (the subject of Policy 6). The group of maps at the end of the Plan does not include one showing the broad location of this important element of the proposals for the Parish. ***I recommend that the key diagram from page 53 of the Local Plan (or something similar) be included and noted under Policy 1b.*** FDC points out the scope for misinterpretation in the first line of Policy 1b. I agree and ***recommend that it be amended to read "Significant new housing development should be located predominantly east of the town....."***.
42. P Wilson and Co and Robert Doughty Consultancy both criticise the Plan for failing to include an annual housing growth target based on the latest Housing Needs Assessment for Whittlesey (2017), which suggests a figure of 115 dwellings per annum. It is clear, however, that in coming to this view the objectors are taking issue with the emerging Local Plan, the strategy of which they say is based on existing planning permissions rather than "a positive statement of aspiration for the community" (Doughty) or "looking for new opportunities for future growth" (Wilson). The Doughty Consultancy goes further by saying that "neither the adopted [nor] emerging local plans provide a context for neighbourhood planning for the area and this task needs to be defined by the Neighbourhood Plan process itself".
43. I do not agree with the last statement, which is effectively concluding that the WNP fails to meet basic condition e). I am satisfied (as is FDC) that the WNP spatial strategy accords fully with the strategic policies in the development plan for the area, and specifically all relevant Local Plan policies. There is no obligation on a neighbourhood plan to provide for more housing than is anticipated in the adopted local plan.

44. Policy 1e says that Coates and Eastrea “are likely to provide some limited opportunities for new development.” FDC sees the need to clarify the scale and types of development that would be appropriate in these terms, but I consider that the guidance provided by LP Policy LP3, referenced in Policy 1e, would suffice. This is therefore one of the suggestions made by FDC that I do not recommend need be followed.

Policy 2: Local housing need

45. Policy 2 lists the factors that new development proposals will need to take into account, much of which is spelled out in more detail in the Housing Needs Assessment prepared for the Town Council by AECOM Ltd in 2017. The policy requires regard to be had to the findings of the HNA: the main issues relate to affordable housing (the basic requirements for which are set out in the Local Plan); the need for smaller homes and housing suitable for families; accessibility and adaptability; opportunities for self-build and custom-build; and encouragement for residential care homes and supported housing.

Policy 3: Primary retail frontages

46. Map 3 identifies the street frontages to which this policy applies (the designations having been informed by the consultation process). The policy itself reflects the national and local approach to the location of retailing activity by giving priority to the town centre, and also by encouraging the retention of existing shops. However, the great majority of its scope is already fully covered by Policy LP6 of the Local Plan; and where there are some differences of expression or emphasis there could be scope for confusion. In addition, there are some references (such as the desire to oppose the loss of retail floorspace) which do not take into account recent changes to the permitted development regime (even though this is mentioned in paragraph 3.3.5). Given the stated intention of the Plan not to duplicate other policies (which I fully support), there ought to be no difficulty in simplifying Policy 3.
47. ***I recommend that Policy 3 be replaced with the following: “Proposals for new retail development will be required to give priority, first to the primary shopping frontages shown on Map 3, and then to town centre locations generally, in accordance with the detailed requirements of Local Plan Policy LP6. Where planning permission is required, changes of use of retail floorspace to non-retail uses within the primary shopping frontages will only be supported where the proposal, including any extant planning permissions, would retain the predominant retail element within the frontage; where there is no impact on the vitality and viability of the centre as a whole; and where all other relevant policies in this plan are satisfactorily addressed”.*** The second sentence here reproduces the wording of LP6.

Policy 4: Open space

48. The preamble to Policy 4 notes the significant under-provision of accessible open space in the WNP area. The policy itself includes a presumption against the loss of public open space unless suitable replacement is secured. The first sentence of Policy 4b says that new housing schemes will be required to provide open space in accordance with the standards set out in the Local Plan, and the rest of this section deals with its delivery, in a way which appears to summarise the Local Plan’s provisions. To avoid any confusion, ***I recommend that Policy 4b be replaced with the following: “All proposals for new dwellings will be required to provide open space in accordance with the criteria set out in Appendix B to the Fenland Local Plan”.***

Policy 5: Local green spaces

49. 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; and
 - local in character and is not an extensive tract of land.
50. A local green space assessment was published in September 2021 on behalf of the Town Council. It explains the NPPF's approach to LGS and sets out in detail how the above criteria were interpreted on the ground. Initially, some 44 parcels of land were assessed against these criteria; this was reduced to 37 following the assessment exercise, now shown in four maps. With the exception of the representation noted below, there have been no objections to the designation of any of these sites as LGS (FDC made a number of essentially editorial points), and I have no reason of my own to question any of the conclusions reached as to their suitability.
51. Hodsons (a web search indicates them to be estate agents in Whittlesey) commented on a parcel of land at Church St, in the town centre (ref: StA3). They understand that a prerequisite of LGS designation is that the land is to have public access, but this is not one of the criteria set out in the NPPF.

Policy 6: Country Park

52. As written, Policy 6 does not relate to any particular site. It simply supports the idea of a country park "on a suitable site and location in relation to Whittlesey ... provided it is accessible to the majority of residents by sustainable methods of transport", and subject to a number of more detailed expectations as to its character and function. Many neighbourhood plans would treat something like this as a "community aspiration", rather than a land-use policy (the WNP does not have a section under this heading). However, I note that paragraph 3.6.2 refers to a planning permission which identifies the preferred site for a country park. A web search shows that the proposal is, or was at the time, part of a wider scheme involving a food supermarket, with associated roadworks.
53. I sought some clarification from the Councils on this point.⁹ They have told me that the planning permission involving the supermarket is not being taken forward, and other proposals have since emerged. However, there remains some optimism that development of the land may still include a country park, although from what the Councils have said, for the time being at least, alternative possibilities should be allowed for. In the light of their response, ***I recommend that paragraph 3.6.2 be modified slightly in order to reflect the current position in relation to the aspirations for the site; that this is supplemented by a map showing the preferred broad location of the country park; and that an additional bullet point be included in the policy itself, to read "[The Country Park should.....] provide suitable access, car parking arrangements and foot and cycle links to the surrounding public rights of way, the national cycle route network and nearby residential developments".***

⁹ Examiner's Question 1, 17 October 2022

Policy 7: Design quality

54. This policy sets out a long and detailed list of expectations from new development within the WNP area, in terms of how well it integrates with the existing settlement pattern both functionally and visually. There are no specific issues to address here; however, not all of the factors listed will be relevant in all cases. ***I therefore recommend that the opening paragraph of the policy be modified to read: "The design of new development will respect the character, identity and setting of Whittlesey and its villages. Specifically, where relevant, and in proportion to its scale, nature and specific context, new development will be expected to ..."***

Policy 8: Historic environment

55. The preamble to Policy 8 summarises the key features of the town's historic assets, including a recently discovered Bronze Age settlement; two fine parish churches; Whittlesey Conservation Area (split into two parts and containing over 60 listed buildings) and a separate one in Coates village; and the unusual "mud walls" in Whittlesey and Eastrea, which the two Councils and local volunteers are keen to protect. Policy 8 requires all new development to respect and, where possible, enhance these features and their contexts.
56. The wording of the second paragraph of the policy needs to be clarified (as FDC points out). ***I recommend that it be replaced with "Proposals for development which would affect designated or non-designated historic assets and their settings must ensure that these assets are conserved or enhanced, in accordance with Fenland Local Plan Policy LP18 and national planning policy"***. FDC points out that the final paragraph of the policy omits mention of the Coates Conservation Area, and ***I recommend that this be rectified.***

Policy 9: Garden development

57. While I understand the development management issues here, it is not clear to me why it should be necessary to include a policy specifically directed to the use of garden land for building. Much of the ground it covers is already provided for under Policy 7, and Policy 9 itself contains some duplication (second and third bullet-points). ***I recommend that Policy 9 be deleted, but that if there remain any matters specifically relating to garden development which it is considered should be retained in the Plan, these should be added to Policy 7.***

Policy 10: Flood risk

58. The supporting material to Policy 10 explains the critical nature of this issue for the WNP area and points out that this is likely to increase in significance due to the effects of climate change and other factors, and with fluvial and coastal sources of flooding both needing consideration. The preamble also includes a summary of the sequential approach to dealing with flood risk established by national policy, and the steps taken by FDC and the Cambridgeshire and Peterborough Combined Authority to address the matter.
59. I do not doubt the seriousness of this issue, and the significance of it in terms of development management. However, I can see little in Policy 10 which adds to the comprehensive way flood risk and drainage issues are addressed by Local Plan Policy LP14(B). I also note the reference in the preamble to the relevance of the Cambridgeshire Flood and Water Supplementary Planning Document, prepared in 2016 by the County Council as the Lead Local Flood Authority.

60. I raised this issue with the Councils¹⁰, and they would have no objection to the policy being removed. ***I therefore recommend that Policy 10 be deleted.***

Policy 11: Coalescence of villages

61. This policy gives effect to the clear desire to maintain the distinctiveness of the main settlements of the Parish. It supplements Policy 4 by seeking to ensure that the existing physical separation between Whittlesey town, Eastrea and Coates is maintained, with Map 8 (green buffers) showing in diagrammatic form where the important gaps are.
62. Messrs Wilson and Doughty, on behalf of their clients, support the principle of the green buffer separating Whittlesey and Eastrea, but argue for an adjustment to the south-western boundary in order to remove Gothic Farm from the land to be safeguarded from development. The principal reason for this is given as the need to ensure the farm's continued operation – but there is nothing to suggest that any of the NP's policies would inhibit the continuing operation of an agricultural enterprise, nor indeed of its expansion. (I would add that, at the time of my visit, there was no sign of any farming activity associated with the site, and the principal buildings appeared vacant, if not derelict). Wilsons also suggest that the proposed boundaries of the green buffer are arbitrary and that, since much of the gap is in Flood Zone 3, they are also unnecessary. However, it seems to me that the case for maintaining the separation of the two settlements stands in its own terms, and it is not for me to question the judgements that have led to the illustration of the broad zones shown on Map 8.
63. FDC suggests that the proposed green buffer between Eastrea and Coates, which at present is only shown to the south of Eastrea Road, should be extended to include land to the north of that road as well. However, this idea has not been the subject of any consultation, and consequently I think it would not be appropriate for me to respond to it. This is therefore another of the suggestions made by FDC that I decline to follow.

Policy 12: Delivering sustainable transport

64. The preamble to this policy includes the first reference in the Plan to the document "Growing Fenland: Whittlesey – a Market Town for the Future", described as a "masterplan" for the town approved by the Cambridgeshire and Peterborough Combined Authority in 2020. Paragraph 3.12.10 says that, in order to deliver this vision for the town, certain transport improvements are considered necessary. There is also reference in paragraphs 3.12.2 and 3.12.14 to the Whittlesey Market Town Transport Strategy, part of the Local Transport Plan for Cambridgeshire, each of which have informed the approach taken by the WNP.
65. Several of the objectives set out in Policy 12 are not land-use planning issues, and in some parts of the policy I think it would be difficult for applicants for planning permission to be clear what exactly would be expected of them. ***I recommend that Policy 12 be replaced with the following: "Where appropriate to their scale and nature, development proposals should contribute towards the delivery of the transport objectives of the Fenland Local Plan, Local Transport Plan (including the Whittlesey Market Town Transport Strategy), and Growing Fenland masterplan for Whittlesey. The precise nature and scale of such contributions will be the subject of negotiations as part of the consideration of planning applications for development"***. There would be no difficulty if the supporting material set out the priorities for improvement currently included in the policy itself, so long as it was made clear which of these were capable of being addressed through the development management process.

¹⁰ Examiner's Question 2, 17 October 2022

Policy 13: Adapting to, and mitigating, climate change

66. The final policy of the Plan contains a list of requirements designed to limit the environmental impact of development. While there is some overlap with Local Plan Policy LP14(A), they form a coherent package.
67. FDC suggests that Policy 13a, which requires all new dwellings to satisfy the sustainability and energy efficiency requirements set out in the Buildings Regulations, is not a planning matter and that it should therefore be removed. I think there must be some doubt about this contention, given the momentum there is within the planning system for contributing fully towards sustainability objectives, and the general encouragement for this set out in the NPPF. I note, for example, that East Suffolk and Milton Keynes Councils (and there may well be more) have each approved supplementary planning documents covering the same ground as Policy 13a. I have therefore decided not to accept FDC's suggestion that it be deleted.
68. ***I would make some relatively minor recommendations: that the phrase "where appropriate to their scale and nature" precede the second paragraph of Policies 13e and 13f; and that the phrase "where practicable" precede the third sentence of Policy 13g.***

Other matters

69. It is customary (but not mandatory) for neighbourhood plans to give some indication of their approach to monitoring and review. ***If this is something to which the Town Council has given any consideration, I recommend that a short statement be included after the policies section.***

Conclusions on the basic conditions

70. I am satisfied that the Whittlesey 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

71. I have concluded that, provided that the recommendations set out above are followed, the Whittlesey 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

21 November 2022

APPENDIX 1 – SUMMARY TABLE OF 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