

Decision Statement (Reg. 18): Cheveley Neighbourhood Plan

27 June 2024



East Cambridgeshire
District Council

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 East Cambridgeshire District Council's decision and proposed actions following receipt of the Examiner's Report into the Cheveley Neighbourhood Plan.

This decision has been taken by the Director, Community as per the Council's Constitution (Part 3(23), version March 2024).

The Cheveley Neighbourhood Plan (as examined), this Decision Statement and the Examiner's Report are available to view and download from the Council's website at:

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

Subject to a request in advance, paper or electronic copies may be inspected at East Cambridgeshire District Council's Customer Service Centre at The Grange, Ely, Cambridgeshire CB7 4EE during normal opening times. Please refer to the Council's website for details.

Further information about the neighbourhood planning process, including the purpose of the examination and referendum, is provided on the Council's website.

Background

The Cheveley Neighbourhood Area was designated by East Cambridgeshire District Council in December 2018. A map of the area is available at:

<https://www.eastcambs.gov.uk/local-development-framework/neighbourhood-planning>

The Cheveley Neighbourhood Plan (the Plan) and supporting evidence documents, were submitted to the Council by Cheveley Parish Council in February 2024.

The Council published the Plan for consultation from 19 February 2024 to 8 April 2024. Following publication, the District Council submitted the Plan for independent examination.

The main purpose of the independent examination is to assess whether or not the Plan satisfies certain "basic conditions" and other legal requirements which must be met before a Neighbourhood Plan can proceed to a local referendum.

The independent Examination was primarily held from April 2024 to early June 2024. The Plan was examined by Mr Andrew Ashcroft MRTPI. The examination was carried out through written representations, meaning no public hearing session was required, and included a site visit to the Neighbourhood Area.

Council's Decision

The independent Examiner's recommendations are set out in the *Examiner's Report* which accompanies this Decision Statement and available at:

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

In his report, the Examiner concludes that, subject to applying a number of *recommended modifications*, the Plan meets the basic conditions for the preparation of a neighbourhood plan.

The Examiner also confirms that he is satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act.

Consequently, the Examiner concludes that provided his recommended modifications are applied, the Cheveley Neighbourhood Plan would meet the basic conditions and should proceed to a referendum.

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

The regulations require the District 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 decided, following consultation and agreement with Cheveley Parish Council (the *Qualifying Body*), that the Cheveley Neighbourhood Plan will be modified as per the Examiner's recommendations.

Based on the Examiner's findings and recommendations, the District Council is satisfied that the Cheveley Neighbourhood Plan, where modified as informed by the Examiner's recommendations, meets the basic conditions and is otherwise legally compliant.

Referendum arrangements

Following this decision, the District Council will proceed to arrange and hold a referendum. The purpose of the referendum is to enable local people to vote on whether the District Council should use the Cheveley Neighbourhood Plan (once the recommendations of the Examiner have been incorporated) in taking planning decisions.

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

The Examiner is required to consider whether the referendum area should be extended beyond the Cheveley Neighbourhood Area boundary (the Cheveley Neighbourhood Area's boundary is coterminous with Cheveley Civil Parish boundary). The Examiner concluded that such an extension is not necessary. East Cambridgeshire District Council has no reason to disagree and will proceed on that basis.

The referendum will be held within 56 working days of publication of this Decision Statement, as per the statutory requirements. Formal details of the referendum arrangements will be confirmed on publication of the Information Statement in due course. Please keep up to date by viewing our website.

Summary

East Cambridgeshire District Council is satisfied that, subject to applying the modifications recommended by the independent Examiner, the Cheveley Neighbourhood Plan meets the basic conditions and other legal requirements and will proceed to referendum.

Attached:

Appendix 1: Summary of Examiner's Recommendations

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The following table provides a summary of the Examiner’s recommendations. For full details, refer to the Examiner’s Report. If there is any conflict between what is summarised below and what is stated in the Examiner’s Report, then the content of the Examiner’s Report takes precedence.

Table 1: Summary of Independent Examiner’s recommendations

Examiner’s report paragraph no.	Neighbourhood Plan (submission version) reference	Recommendation
7.9	Para 1.6	At the end of paragraph 1.6 add: ‘The Plan period is 2023 to 2035.’
7.22	Para 5.7	At the end of paragraph 5.7 add: ‘For clarity the Policies Map only shows the Development Envelope within the parish. In this context it does not affect the inclusion of land west of Duchess Drive within the Newmarket Fringe Development Envelope as shown in Map 8.29 of the Local Plan (which is in Woodditton parish).’
7.26	Para 6.11	At the end of paragraph 6.11 add: ‘Policy CHEV2 addresses this important issue. It acknowledges the findings of the Housing Needs Assessment. Where appropriate, developments which propose a different proportion of house types should be accompanied by detailed information about the way in which they would address up-to date housing needs in the parish.’
7.32	CHEV 4	In the third part of the policy replace ‘plan’ with ‘Plan’ In the penultimate paragraph replace ‘may be permitted’ with ‘will be supported’
7.43	CHEV 5	In i. replace ‘significant adverse’ with ‘unacceptable’ Replace ii. with ‘it would not result in the loss or unacceptable erosion of the gaps between the various settlements in the parish.’
7.43	Para 7.5	Replace paragraph 7.5 with ‘Policy CHEV5 provides further considerations that will ensure proposals in the parish have regard to local characteristics. As such it complements the provisions of Policy EMP5 of the Local Plan. It also includes detailed criteria about the way in which such development proposals should be accommodated in a countryside location.’
7.47	CHEV 6	In the first part of the policy delete ‘Housing’
7.52	CHEV 7	In the third part of the policy replace ‘as appropriate they:’ with ‘as appropriate to their scale, nature, and location, they:’

		Delete the final bullet point (on electric vehicle charging).
7.73	Para 10.6	<p>Replace paragraph 10.6 with:</p> <p>'The minimum requirements for biodiversity net gain required by the Environment Act now have effect. In addition to national legislation, within the neighbourhood area, residents and developers are encouraged to deliver a measurable net gain in biodiversity as part of planning proposals. Cambridgeshire County Council has produced a Biodiversity Checklist and Biodiversity Guidance Notes which provides more information on habitats for developers and the District Council's "Natural Environment" Supplementary Planning Document provides a framework for the consideration of proposals. Given that the Supplementary Planning Document has gone through a consultation process ahead of it being adopted, Policy CHEV14 is included in the Plan to ensure it is given greater weight when determining planning applications. It has been carefully designed to complement national legislation. It applies to householder proposals and to proposals which create new or enhanced access points.'</p>
7.83	General	Modification of general text (where necessary) to achieve consistency with the modified policies, to accommodate any administrative and technical changes, and to ensure that the Plan is up-to-date.