

# **Cheveley Neighbourhood Development Plan 2023-2035**

**A report to East Cambridgeshire District Council on  
the Cheveley Neighbourhood Development Plan**

**Andrew Ashcroft  
Independent Examiner  
BA (Hons) MA, DMS, MRTPI**

**Director – Andrew Ashcroft Planning Limited**

## **Executive Summary**

- 1 I was appointed by East Cambridgeshire District Council in April 2024 to carry out the independent examination of the Cheveley Neighbourhood Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood area on 24 April 2024.
- 3 The Plan is a good example of a neighbourhood plan. It includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. It proposes the designation of a series of Local Green Spaces and includes a package of policies to safeguard the character and appearance of the parish.
- 4 The Plan has been underpinned by community support and engagement. All sections of the community have been engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report, I have concluded that the Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum area should coincide with the neighbourhood area.

**Andrew Ashcroft**

**Independent Examiner**

**12 June 2024**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Cheveley Neighbourhood Development Plan 2023-2035 ('the Plan').
- 1.2 The Plan was submitted to East Cambridgeshire District Council (ECDC) by Cheveley Parish Council (CPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012, 2018, 2019, 2021 and 2023. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this results from my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope and can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the existing development plan. It seeks to provide a context in which the neighbourhood area can maintain its character and appearance.
- 1.6 Within the context set out above, this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then become part of the wider development plan and be used to determine planning applications in the neighbourhood area.

## **2 The Role of the Independent Examiner**

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by ECDC, with the consent of CPC, to conduct the examination of the Plan and to prepare this report. I am independent of both ECDC and CPC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have 41 years' experience in various local authorities at either Head of Planning or Service Director level and more recently as an independent examiner. I have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

### *Examination Outcomes*

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted should proceed to a referendum; or
  - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
  - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Section 8 of this report.

### *Other examination matters*

- 2.6 In examining the Plan, I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
  - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
  - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report and am satisfied that they have been met.

### 3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the SEA/HRA screening report (November 2023).
- the Design Guide.
- the Housing Needs Assessment.
- the Appraisal of Views.
- the Local Green Spaces Evidence.
- the representations made to the Plan.
- CPC's responses to the clarification note.
- the adopted East Cambridgeshire Local Plan (2015).
- the Single-Issue Review of the Local Plan.
- the East Cambridgeshire District Council Natural Environment Supplementary Planning Document (September 2020).
- the National Planning Policy Framework (December 2023).
- Planning Practice Guidance.
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 24 April 2024. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I concluded that the Plan could be examined by way of written representations. I was assisted in this process by the comprehensive nature of many of the representations and the professional way in which the Plan has been developed.

## 4 Consultation

### *Consultation Process*

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development management decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended), CPC prepared a Consultation Statement. It is proportionate to the neighbourhood area and its policies. It is a very good example of a Statement of this type. It is commendably brief with the various details set out in a series of appendices.
- 4.3 The Statement records the various activities that were held to engage the local community and the feedback from each event.
- 4.4 The Statement also provides specific details on the consultation processes that took place on the pre-submission version of the Plan (September to October 2023). Sections 4 and 5 of the Statement (as supplemented by Appendices 5, 6 and 7) advise about the extent to which the Plan was refined as the outcome of this process. This helps to explain the way that the Plan has evolved.
- 4.5 In the round, I am satisfied that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation. From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. ECDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

### *Consultation Responses*

- 4.7 Consultation on the submitted plan was undertaken by ECDC. It ended on 8 April 2024. This exercise generated representations from the following organisations:
- Anglian Water
  - East Cambridgeshire District Council
  - Environment Agency
  - Historic England
  - National Highways
  - Natural England
  - Ramblers Association
  - The Jockey Club
- 4.8 Comments were also received from a parishioner. I have taken account of all the representations in preparing this report. Where it is appropriate to do so, I refer to specific representations on a policy-by-policy basis.

## 5 The Neighbourhood Area and the Development Plan Context

### *The Neighbourhood Area*

- 5.1 The neighbourhood area is the parish of Cheveley. Its population in 2021 was 2023 persons living in 920 households. The parish is located to the south-east of Newmarket. It has a diverse character. It was designated as a neighbourhood area in December 2018.
- 5.2 Cheveley village lies to the south of the parish with Broad Green hamlet to the south and Cheveley Park to the west. The village was originally three small settlements - Broomstick Corner to the north, Cheveley, and Little Green to the south. Development in the last century has resulted in the three hamlets joining together to create the current village. The central part of Cheveley is a designated Conservation Area and contains an early 14th Century church and several thatched cottages.
- 5.3 The northern part of the parish (known as Newmarket Fringe) is essentially the triangular-shaped, residential area between Duchess Drive and Ashley Road and is a suburb of Newmarket. As such it looks to the services and facilities provided within the town itself.

### *Development Plan Context*

- 5.4 The East Cambridgeshire Local Plan was adopted in April 2015. An amendment to Policy Growth 1 was adopted in October 2023. It sets out the basis for future development in East Cambridgeshire up to 2031.
- 5.5 Policies Growth 1-4 set the scene for new development in East Cambridgeshire. Policy Growth 2 sets out the following important principles:
- *The majority of development will be focused on the market towns of Ely, Soham and Littleport. Ely is the most significant service and population centre in the district, and will be a key focus for housing, employment, and retail growth. More limited development will take place in villages which have a defined development envelope, thereby helping to support local services, shops, and community needs.*
  - *Within the defined development envelopes housing, employment, and other development to meet local needs will normally be permitted – provided there is no significant adverse effect on the character and appearance of the area and that all other material planning considerations are satisfied.*
  - *Outside defined development envelopes, development will be strictly controlled, having regard to the need to protect the countryside and the setting of towns and villages.*
- 5.6 Cheveley has a separate section in the Local Plan (8.10) and an inset map for both Cheveley Village (8.10) and the Newmarket Fringe (8.29). Section 8.10 comments as follows:
- ‘Cheveley is likely to continue to grow at a slow rate, with new housing being built on suitable ‘infill’ sites within the village. This may include development on the derelict ‘Home Office bungalows’ site on the southern edge of the village. Additionally, two new housing allocation sites are proposed for approximately 20 dwellings – on land to the*

rear of Star and Garter Lane, and land between 199-209 High Street. Details of the allocation sites are set out in the section below.

A ‘development envelope’ has been drawn around Cheveley to define the built-up part of the village where development (infill and the allocation sites) may be permitted. The purpose is to prevent sprawl into the open countryside. Development on infill sites will need to be in line with Policy GROWTH 2. Development on the allocation sites will need to be in line with Policies CHV1 and CHV2.

Outside the development envelope, housing will not normally be permitted – unless there are exceptional circumstances, such as essential dwellings for rural workers, or affordable housing. Housing schemes outside the development envelope will be assessed against Policy GROWTH 2 and other Local Plan policies as appropriate and deliver a higher quality scheme.’

5.7 The following other policies in the Local Plan are also relevant to the submitted Plan:

- Policy HOU1 Housing Mix
- Policy ENV1 Landscape and Settlement Character
- Policy ENV2 Design
- Policy ENV11 Conservation Area
- Policy ENV12 Listed Buildings
- Policy COM3 Retaining Community Facilities

5.8 The submitted Plan has been prepared within its up-to-date development plan context. In doing so, it has relied on up-to-date information and research that has underpinned existing planning policy documents. This is good practice and reflects key elements in Planning Practice Guidance on this matter. The submitted Plan seeks to add value to the different components of the development plan and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.

*Visit to the neighbourhood area*

5.9 I visited the neighbourhood area on 24 April 2024. I approached it from Newmarket. This helped me to understand its position in the wider landscape in general and its accessibility to the strategic road network.

5.10 I looked initially at the Newmarket Fringe. I saw its relationship to the town and the scale and nature of the houses in this part of the parish.

5.11 I then drove to Cheveley. I saw the importance of St. Mary’s Church, the Primary School, and the Red Lion P.H.

5.12 I then drove to Broad Green along Coach Lane. I saw the significance of the proposed Local Green Space and the way in which the houses were arranged along its northern edge. I also appreciated the tranquillity of this part of the neighbourhood area.

5.13 Thereafter I drove back to Cheveley and then along Park Road to Duchess Drive and back towards Newmarket. I looked at the proposed Local Green Space off Meadow Lane. I saw the relationship of the various green spaces with the surrounding homes.

5.14 The importance of the horse-riding industry to the parish and the wider area was self-evident throughout the visit.

## 6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped in the preparation of this section of the report. It is an informative and well-presented document.
- 6.2 As part of this process, I must consider whether the submitted Plan meets the basic conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the 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 in the area;
  - not breach and be otherwise compatible with the assimilated obligations of the European Union (EU) obligations and European Convention on Human Rights (ECHR); and
  - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

I assess the Plan against the basic conditions under the following headings.

### *National Planning Policies and Guidance*

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework December 2023 (NPPF).
- 6.4 The NPPF sets out a range of land-use planning principles to underpin both plan-making and decision-taking. The following are particularly relevant to the Cheveley Neighbourhood Development Plan:
- a plan-led system - in this case the relationship between the neighbourhood plan and the East Cambridgeshire Local Plan;
  - building a strong, competitive economy;
  - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
  - taking account of the different roles and characters of different areas;
  - highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
  - conserving heritage assets in a manner appropriate to their significance.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.

- 6.7 Having considered all the evidence and representations available as part of the examination, I am satisfied that the submitted Plan has had regard to national planning policies and guidance subject to the recommended modifications in this report. It sets out a positive vision for the future of the neighbourhood area. It includes a series of policies on a range of development and environmental matters. It has a focus on designating local green spaces and improving the quality of design associated with new development.
- 6.8 At a more practical level, the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance. Paragraph ID: 41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. It also advises that policies should also be concise, precise, and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. Most of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

*Contributing to sustainable development*

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social, and environmental. I am satisfied that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan sets out a development strategy (Policy CHEV1). In the social dimension, it includes policies on housing types (Policies CHEV 2 and 3), community facilities (Policy CHEV6) on local green spaces (Policy CHEV15). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has policies on design (Policy CHEV7), on flooding and drainage (Policy CHEV9), and on built heritage (Policies CHEV11 and 12). This assessment overlaps with the details on this matter in the submitted Basic Conditions Statement.

*General conformity with the strategic policies in the development plan*

- 6.11 I have already commented in detail on the development plan context in East Cambridgeshire in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted development plan. Subject to the recommended modifications in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

*Strategic Environmental Assessment*

- 6.13 The Neighbourhood Plan (General) (Amendment) Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the

Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.

- 6.14 In order to comply with this requirement, ECDC undertook a screening exercise in November 2023 on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. It concludes that the Plan is unlikely to have a significant effect on the environment and therefore does not require a SEA.

#### *Habitats Regulations Assessment*

- 6.15 ECDC also prepared a Habitats Regulations Assessment (HRA) of the Plan at the same time. It assesses the potential impact of the Plan's policies on the following protected sites outside the parish:

- Fenland SAC (including Wicken Fen, Woodwalton Fen and Chippenham Fen Ramsar);
- Ouse Washes SAC/SPA/Ramsar;
- Devil's Dyke SAC; and
- Breckland SAC/SPA

- 6.16 The HRA concludes that the neighbourhood plan will not give rise to likely significant effects on these protected sites, either alone or in combination with other plans or projects, and that Appropriate Assessment is not required.

- 6.17 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns about these matters. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of neighbourhood plan regulations.

#### *Human Rights*

- 6.18 In a similar fashion I am 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. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

#### *Summary*

- 6.19 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

## 7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. It makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 The recommendations focus on the policies in the Plan given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the neighbourhood area. The wider community and CPC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda. The Plan has two important elements. The first is the way in which several of the policies are directly underpinned by technical Appraisals. The second is its clear and attractive presentation. The structure of the Plan and its policies is very understandable and the use of colour and well-chosen photographs makes the document very attractive and user-friendly.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (ID:41-004-20190509) which indicates that neighbourhood plans should address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan.
- 7.6 For clarity, this section of the report comments on all the Plan's policies.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

### *The initial parts of the Plan (Sections 1 to 4)*

- 7.8 The Plan is very well-organised and presented. It has been prepared with much attention to detail and local pride. It makes an appropriate distinction between the policies and their supporting text.
- 7.9 The initial elements of the Plan set the scene for the policies. They are proportionate to the neighbourhood area and the subsequent policies. The Introduction comments about the neighbourhood plan agenda in general terms and identifies the neighbourhood area (in Map 1). Whilst the Plan period is shown on the front cover, I recommend that it is included in the Introduction.

### *At the end of paragraph 1.6 add: 'The Plan period is 2023 to 2035.'*

- 7.10 The Introduction also comments about the way in which the Plan was prepared. The breakdown of events overlaps with the Consultation Statement.
- 7.11 Section 2 provides information about the neighbourhood area. The interesting and comprehensive details help to set the scene for the policies.
- 7.12 Section 3 comments about national and local planning policies which influenced the preparation of the Plan. It refers both to the NPPF and to the adopted Local Plan.

7.13 Section 4 sets out the vision and objectives for the Plan. It makes a strong functional relationship between the various issues and, in several cases, they feed directly into the resulting policies. The Vision neatly summarises the ambition for the parish as follows:

*'In 2035, Cheveley Parish will continue being an attractive and desirable place to live, with varied thriving sustainable communities. All our residents will feel valued and connected. Our heritage features, countryside and access to open space will be retained and enhanced. Our community facilities will be protected to ensure that these valuable assets continue to support our communities.'*

7.14 The Vision is underpinned by twelve objectives. They provide the context for the presentation of the policies on a topic-by-topic basis in Sections 6-10 of the Plan.

7.15 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

#### General Comments

7.16 The policies are presented in a very effective way in the Plan. Each section of the Plan begins with a box which shows the relationship with the Plan's objectives, the key evidence used and the policies in the adopted Local Plan. This is best practice.

7.17 ECDC comments that there is an overlap in the wording of Policies CHEV 1, 5 and 16. I have considered this matter carefully, together with CPC's response to the clarification note. On the balance of the evidence, I am satisfied that the approach taken is appropriate. The repetition involved is modest in the overall context of the Plan. In addition, Policy CHEV 16 provides a greater explanation as to how the impact of proposed development on the identified Locally-Important Views will be assessed. I do not repeat this conclusion within the commentary on the three policies concerned.

#### Policy CHEV 1 - Development Strategy

7.18 As its title suggests, the policy sets out a development strategy for the parish.

7.19 The policy advises that the focus for new development will be within the defined Development Envelopes of both Cheveley Village and Newmarket Fringe. It also comments that land outside the Development Envelopes is defined as countryside where development will normally only be allowed in accordance with national and district-level policies. The policy provides specific advice for policies in such locations.

7.20 In the round, I am satisfied that the policy takes a positive approach to this matter. It will focus new development in sustainable locations and the range of commercial and community facilities.

7.21 ECDC comment about the relationship between the Policies Map and Map 8.29 of the Local Plan about the Newmarket Fringe Development Envelope. The comment relates to the need for a neighbourhood plan to relate only to land within the neighbourhood area. It is common ground between ECDC and CPC that the submitted Plan does not intend to 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). Nevertheless, for clarity I recommend that the supporting text is expanded to address the issue.

- 7.22 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

*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).'*

#### Policy CHEV 2 - Housing Mix

- 7.23 This policy sets out a proposed housing mix for new residential developments. It is underpinned by the submitted Housing Needs Assessment (HNA). It provides detailed advice about the mix of house sizes for development sites which would deliver ten or more homes.

- 7.24 In the round, I am satisfied that the policy takes an appropriate approach to this matter and has regard to Section 5 of the NPPF.

- 7.25 I have considered the way in which the policy addresses house types very carefully. At face value there are potential tensions within the policy. On the one hand, it is directly underpinned by the HNA and there has been no direct challenge to the integrity of its details. As such, the policy is clearly evidence-based. On the other hand, the figures used are very prescriptive and are likely to be impractical to apply at the lower end of the size threshold used in the policy. On the balance of the evidence, I am satisfied that the approach taken is appropriate. Any potential modification to the detailed figures in the policy (such as rounding up or down to the nearest 5% so that they have a less mathematical and precise format) would add further complication to the matter. Nevertheless, I recommend that the supporting text is expanded so that it comments more comprehensively about how the policy will be applied.

- 7.26 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

*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.'*

#### Policy CHEV 3 - Affordable Housing mix

- 7.27 This policy comments about the mix of affordable housing. The Plan advises that whilst affordable housing is addressed generally in the Local Plan, it does not specify the proportion or type or the precise mix in terms of tenure. The Local Plan advises that this will be determined by local circumstances at the time of the planning permission, including housing need. The submitted Plan also advises that whilst it does not allocate housing sites, CPC considered it important to specify an affordable housing tenure mix for the parish which is justified through local, up to date evidence (in this case the HNA

2023) should any larger sites come forward for development during the Plan period. The HNA 2023 suggests affordable rented tenures should be prioritised as this responds to those on the housing waiting list.

- 7.28 The policy comments that on major developments (10 or more homes) where affordable housing is to be provided, the proportions of affordable tenures should be provided as 65% affordable housing for rent and 35% affordable home ownership. The policy also sets out a policy approach where on-site provision cannot be achieved.
- 7.29 I am satisfied that the policy supplements the details in the adopted Local Plan and is evidence-based. This also applies to the second part of the policy which comments about circumstances where affordable housing cannot be delivered on the development site concerned. In this context the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

#### Policy CHEV 4 - Affordable Housing on Rural Exception Sites

- 7.30 The policy comments that proposals for the development of small-scale affordable housing schemes, including affordable rent and affordable home ownership products, on rural exception sites will be supported, where there is a proven local need and that the housing provided meets a series of criteria.
- 7.31 In the round, the policy addresses a range of related issues both to support rural exception sites on the one hand whilst ensuring that appropriate environmental and occupancy matters are addressed.
- 7.32 I recommend two modifications to the policy to bring the clarity required by the NPPF and to ensure that appropriate language is used for a neighbourhood plan. They do not affect the role or the intention of the policy. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**In the third part of the policy replace 'plan' with 'Plan'**

**In the penultimate paragraph replace 'may be permitted' with 'will be supported'**

#### Policy CHEV 5 - Equine Related Activities outside the Development Envelope

- 7.33 This is an important policy in the Plan. It acknowledges the importance of the horse racing industry both in the parish and the wider area.
- 7.34 The policy sets of a series of locally-distinctive criteria to supplement Policy EMP5 of the Local Plan. It has attracted representations from The Jockey Club and ECDC. I address the two comments in turn.
- 7.35 The Jockey Club representation on the policy advises generally about the importance of the horse-riding industry and comments that:

*'Whilst the Plan recognises the importance of equine activities in Cheveley, and includes an objective which supports this, the Plan does not explicitly acknowledge that Policy EMP6 is a strategic policy and does not demonstrate how this strategic policy will be*

*implemented through the Neighbourhood Plan. This lack of clarification appears inconsistent with the objectives of the Neighbourhood Plan, which recognises the importance and significance of the equine activities in Cheveley for the horse-riding industry more broadly.'*

7.36 In its response to the clarification note CPC commented that:

*'(it) is of a view that Policy EMP 5 of the adopted Local Plan provides a generic approach to the consideration of proposals for equine related development. However, reflecting the characteristics of the landscape of Cheveley parish, additional and locally derived criteria are also required to supplement and work alongside the Local Plan. It is noted that The Jockey Club considers Policy EMP 6 to be a strategic policy. However, then District Council has not indicated as such in making representations on this and other neighbourhood plans. Regardless, the Parish Council is of the opinion that the policy is in conformity with Policy EMP6.'*

7.37 I have considered this matter very carefully. The Local Plan pre-dates the need for the identification of strategic policies. As such, it provides no guidance on the extent to which any of its policies are strategic. Neither the key issues (in Section 2.3) nor the Objectives (in Section 2.5) of the Local Plan include the equine industry. On the balance of the evidence, I conclude that Policy EMP6 is non-strategic in the context of paragraph 28 of the NPPF.

7.38 Irrespective of this judgement, I am satisfied that there is no inherent tension between the policy in the submitted Plan and Policies EMP 5 and 6 of the Local Plan. The Jockey Club does not provide any details about any inconsistencies between the two policies. As CPC comment, the submitted policy seeks to add a parish-based dimension to the wider approach taken in the Local Plan. In addition, its wording advises that its contents are 'in addition' to those of Policy EMP5 of the Local Plan. Nevertheless, I recommend that paragraph 7.5 of the Plan is expanded so that it more fully explains the relationship between the two policies.

7.39 The ECDC representation addresses the wording used in the policy. It comments that it:

*'has no objection to the principle or broad content of the Policy, other than uncertainty over what is meant by criterion (ii), which states: "it would not result in the loss or erosion of settlement gaps as identified on the Policies Map". Similarly, criterion (b) in the policy refers to avoiding "diminishing gaps". It is not apparent that such 'gaps' are identified on the Policies Map, so it will be unclear to a future decision taker whether a proposal falls within such a 'gap'. Overall, and taking account the wider policies in both the Neighbourhood Plan and the Local Plan (which have the effect of controlling development outside of Development Envelopes), the two criteria are probably not necessary and could be deleted. If they are to be retained, where such gaps are needs defining more clearly, and probably requires some form of notation on the Policies Map to identify where such gaps are.'*

7.40 In its response to the clarification note, CPC advised that:

*'It is acknowledged that the Policies Map does not illustrate Settlement Gaps but there are distinct settlements (defined by the Development Envelope) and other distinct clusters of development such as found at Broad Green and at Oak Tree Corner, Saxon Street Road that are an important characteristic of the parish. Development that would otherwise be in accordance with Policy CHEV 5 could have the effect of eroding these gaps without careful consideration of visual impact.'*

- 7.41 I have considered this matter carefully. On the one hand, I am satisfied that there are clear gaps between the settlements in the parish. In general terms, they are largely defined by the Development Envelopes. However, on the other hand, there are no specific 'gaps' shown on the Policies Map for the purpose of this policy. I recommend that criterion ii of the policy is modified so that it is worded in a more general way. In the broader context of the policy, I am satisfied that this will allow ECDC to apply the policy in a balanced way.
- 7.42 I also recommend that the wording used in criterion i. is modified so that it has the clarity required by the NPPF and relates better to the wording used elsewhere in the Plan.
- 7.43 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

**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.'**

*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.'*

Policy CHEV 6 - Infrastructure and Community Facilities

- 7.44 This policy addresses community facilities in a wide-ranging way. It offers support for new facilities and seeks to retain existing facilities.
- 7.45 I looked carefully at the existing facilities during the visit. Their importance to the local community was clear. I am also satisfied that the selection of the facilities is appropriate to the parish.
- 7.46 The second part of the policy takes a practicable approach towards proposals which would involve the loss of community facilities. It acknowledges that their viability may change in the Plan period or that replacement facilities may come forward.
- 7.47 In general terms the policy takes a positive approach to this matter and has regard to Section 8 of the NPPF. I recommend a modification to the wording used in the first part of the policy to describe the Development Envelope. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**In the first part of the policy delete 'Housing'**

Policy CHEV 7 - Design Considerations

- 7.48 This is a key policy of the Plan. It seeks to ensure that new development is high-quality, safe, and sustainable. It is underpinned by the Design Guidance and Codes and the Development Design Checklist.
- 7.49 It comments that proposals for new development must positively contribute to the individual characteristics of both Cheveley village and Newmarket Fringe through the provision of high quality, safe and sustainable development. It continues by advising that planning applications should, as appropriate to the proposal, demonstrate how they satisfy the requirements of the Cheveley Design Guidance and Codes and the Development Design Checklist in Appendix 2.
- 7.50 The policy also identifies a series of design principles with which development proposals should comply.
- 7.51 In the round I am satisfied that this is an excellent policy. It provides a very positive local response to Section 12 of the NPPF. In this context I recommend that the third part of the policy is modified so that ECDC can apply its contents in a proportionate way. I also recommend that the final design principle (on electric vehicle charging) is deleted as this matter is now administered nationally through the Building Regulations.
- 7.52 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**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).**

Policy CHEV 8 - Dark skies

- 7.53 This policy celebrates the dark skies in the parish.
- 7.54 It advises that, wherever practicable, development proposals should not incorporate external lighting. It also comments that any required external lighting systems should be designed to reduce the consumption of energy by promoting efficient outdoor lighting technologies, keeping the night-time skies dark and reducing glare. Finally, it comments that the details of lighting schemes should minimise their impact on the environment, light pollution, and any effects on wildlife.
- 7.55 In the round, the policy takes a balanced approach to this matter. In addition, it avoids prescriptive wording. I am satisfied that it meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Policy CHEV 9 - Flooding and Sustainable Drainage

- 7.56 The policy comments that proposals for all new development will be required to submit schemes appropriate to the scale of the proposal detailing how on-site drainage and water resources will be managed so as not to cause or exacerbate surface water and

fluvial flooding elsewhere. It also comments that proposals should, as appropriate, include the use of above-ground open Sustainable Drainage Systems (SuDS).

- 7.57 The policy takes a positive approach to flooding and sustainable drainage and has regards to Section 14 of the NPPF. I have considered the comments made by Anglian Water. Whilst they would consolidate the approach taken in the policy, they are not necessary to ensure that the Plan meets the basic conditions.
- 7.58 I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

#### Policy CHEV 10 - Sustainable Building Practices

- 7.59 This policy seeks to encourage and support new development which incorporate sustainable building practice. Paragraph 9.14 of the Plan advises that the role of a neighbourhood plan on such matters is limited. This acknowledges that the approach to building sustainability is largely controlled nationally through the Building Regulations.
- 7.60 The policy comments that proposals that incorporate latest best practice in energy conservation will be supported where such measures are an integral element of the design of the buildings and minimise any impacts on the buildings or their surroundings. The policy includes detailed criteria for such buildings.
- 7.61 In the round the policy takes a positive approach to these matters and has regard to Section 14 of the NPPF. In addition, its non-prescriptive approach is consistent with the contents of the Written Ministerial Statement of December 2023 Planning: Local Energy Efficiency Standards. Finally, the second part of part is worded in a way which will allow ECDC to apply its contents and intentions in a proportionate way.
- 7.62 I have considered the representation made by Anglian Water. Whilst the suggested modifications would consolidate the approach taken in the policy, they are not necessary to ensure that the Plan meets the basic conditions.
- 7.63 I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

#### Policy CHEV 11 - Heritage Assets

- 7.64 This is a wide-ranging policy on built heritage assets. It sets out a series of requirements for development proposals.
- 7.65 The policy takes a positive approach to this matter and has regard to Section 16 of the NPPF. I am satisfied that it meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

#### Policy CHEV 12 - Buildings and Features of Local Heritage Significance

- 7.66 The context to the policy is that there are buildings in the parish which do not satisfy the criteria for listing at a national level but are locally important. At the time of preparing the Plan, the wall to the Recreation Ground was included on the East Cambridgeshire Buildings of Local Interest Register. However, as part of a County wide initiative, the

Register was being updated to include additional buildings and structures. The preparation of the Plan has identified candidate buildings and structures which will be assessed by the ECDC as part of the update.

- 7.67 The policy comments that development proposals should ensure that the retention and protection of local interest, as identified in the East Cambridgeshire Register of Buildings of Local Interest, will be secured. It also advises that proposals for any works that would lead to the loss of, or substantial harm to, a building of local significance should be supported by an appropriate analysis of the significance of the asset together with an explanation of the wider public benefits of the proposal.
- 7.68 In the round, the policy takes a positive approach to this important matter and has regard to Section 16 of the NPPF. Its format is designed to be future-proof and to accommodate additional non-designated heritage assets when they are brought forward by ECDC on the Local Register. In addition, its contents provide a local interpretation of paragraph 209 of the NPPF. In this context I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

#### Policy CHEV 13 - Conserving and Enhancing Internationally Designated Sites

- 7.69 The context to the policy is provided by the District Council's Supplementary Planning Document (SPD) "Natural Environment", adopted in September 2020. It sets out a detailed supporting policy in respect of considering development proposals that might affect internationally designated sites in the district. However, the submitted Plan advises that the SPD is not part of the development plan for the area and therefore has only limited weight in the decision-making process. In the absence of an up-to-date policy being set out in a Local Plan, the submitted Plan has included the SPD policy as a formal planning policy which will ensure that it carries more weight in the decision-making process
- 7.70 The policy advises that the highest level of protection will be afforded to international sites designated for their nature conservation importance. It comments that:
- proposals having an adverse impact on the integrity of such sites, either alone or in combination, that cannot be avoided or adequately mitigated to remove any adverse effect, will not be permitted other than in exceptional circumstances.
  - development will only be permitted where the local planning authority is satisfied that any necessary avoidance and/or mitigation measures are included to ensure there are no adverse effects on integrity either alone or in-combination.
- 7.71 In the round the Plan takes a positive approach to this matter which has regard to Section 15 of the NPPF. In addition, it consolidates the approach taken in the development plan in the District. In this context I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

#### Policy CHEV 14 - Biodiversity Net Gain

- 7.72 The policy has been designed within the context that key elements of the Environmental Act (2021) are now operational. As such it applies specifically to householder proposals and to proposals which create new or enhanced access points. In this context I am satisfied that the policy takes an appropriate approach and has regard to Section 15 of the NPPF.
- 7.73 I recommend modifications to the supporting text so that it accords with the approach taken in the policy on its overlaps with the Environment Act 2021. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

*Replace paragraph 10.6 with:*

*'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.'*

#### Policy CHEV 15 - Local Green Space

- 7.74 This policy proposes the designation of five local green spaces (LGSs). It is underpinned by the details in the submitted LGS Appraisal.
- 7.75 I looked at the proposed LGSs carefully during the visit. I saw that they make an important contribution to the openness and character of the parish both individually and collectively.
- 7.76 In the round I am satisfied that the proposed LGSs meet the criteria in paragraph 106 of the NPPF. The Recreation Ground In Cheveley (LGS1) and Broad Green (LGS3) are precisely the type of green spaces which the authors of the NPPF would have had in mind.
- 7.77 In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 105 of the NPPF. Firstly, I am satisfied that their designation is consistent with the local planning of sustainable development. They do not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. They are an established element of the local environment and has existed in its current format for many years. In addition, no evidence was brought forward during the examination

that would suggest that the proposed LGSs would not endure beyond the end of the Plan period.

7.78 The policy takes the matter-of-fact approach as set out in paragraph 107 of the NPPF.

7.79 I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

#### Policy CHEV 16 - Locally Important Views

7.80 The policy identifies Important views from public vantage points either within the built-up area or into or out of the surrounding countryside. It is underpinned by the Appraisal of Views. It comments that any proposed development should not detract from the key landscape features of these views.

7.81 The second part of the policy comments about the way in which development proposals outside the Development Envelope can be incorporated into the countryside and its landscape setting.

7.82 In the round the policy takes a very positive approach to locally important views. The views have been carefully selected and the Study provides proportionate evidence. I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

#### Other Matters - General

7.83 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly because of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan because of the recommended modifications to the policies. Similarly, changes may be necessary to paragraph numbers in the Plan, to accommodate other administrative matters, and to ensure that the Plan is otherwise up-to-date. It will be appropriate for ECDC and CPC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

*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.*

## **8 Summary and Conclusions**

### *Summary*

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2035. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community to safeguard the character and setting of the neighbourhood area and to designate Local Green Spaces.
- 8.2 Following the independent examination of the Plan, I have concluded that the Cheveley Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

### *Conclusion*

- 8.3 On the basis of the findings in this report, I recommend to East Cambridgeshire District Council that subject to the incorporation of the modifications set out in this report that the Cheveley Neighbourhood Development Plan should proceed to referendum.

### *Other Matters*

- 8.4 I am required to consider whether the referendum area should be extended beyond the neighbourhood area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council in December 2018.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth manner. The responses to the clarification note were detailed, informative and delivered in a very timely fashion.

**Andrew Ashcroft**  
**Independent Examiner**  
**12 June 2024**