

# **Witchford Neighbourhood Plan 2019-2031**

## **Climate Change Single-Issue Review**

**A report to East Cambridgeshire District Council**

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**March 2025**

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## Executive summary

I was appointed by East Cambridgeshire District Council (ECDC) on 6 February 2025 with the agreement of Witchford Parish Council, to carry out the independent examination of a proposal to modify the Witchford Neighbourhood Plan 2019-2031 (WNP).

ECDC and the Parish Council are in agreement that these changes would be “material” in terms of the legislation, and therefore that they should be subject to independent examination. The Parish Council, as the qualifying body, does not believe that they would be so significant or substantial as to change the nature of the Plan such that a referendum would be necessary; ECDC, on the other hand, is of the view that the policies would change the way planning applications in the Parish would be considered, and has therefore concluded that a referendum is likely to be necessary. For reasons which are set out below, I have recommended that no referendum would be needed in this case.

Subject to a number of recommendations for alterations to the text, I have concluded that the Witchford Neighbourhood Plan, modified as proposed, meets all the necessary legal requirements and that it can be made without a referendum.

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## Introduction and procedural matters

1. The Witchford Neighbourhood Plan (WNP) was made (ie formally adopted) by East Cambridgeshire District Council on 21 May 2020, since which time it has been a part of the statutory development plan for the area. Modifications of neighbourhood plans are provided for in the legislation, and the Parish Council now wishes to add a further section with five new policies to the WNP; these being solely designed to strengthen its response to the challenges of climate change. The proposed modifications do not involve any alteration to the WNP's existing policies, which are therefore not subject to examination. The title given to the proposed modification is the Climate Change Single Issue Review (CCSIR).
2. I am independent of the Parish 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.
3. Planning Practice Guidance<sup>1</sup> explains that there are three types of modification which can be made to a neighbourhood plan:
  - minor modifications which would not materially affect the policies in the plan and which would not require independent examination or a referendum;
  - material modifications which do not change the nature of the plan and would require examination, but not (unlike the original plan) a referendum; and
  - material modifications which change the nature of the plan which would require both examination and a referendum.
4. The Parish Council (WPC) considers that the proposed changes, while "material", fall within the second of these categories, their reasons being set out in a statement published under Regulation 15(1)(f) of the Neighbourhood Planning (General) Regulations 2012. ECDC agrees that the modifications are material but considers that they would change the nature of the Plan, and that a referendum would likely be necessary because the new policies would alter the way planning applications within the Parish would need to be determined. My own conclusion on this procedural point is found towards the end of this report.
5. There is no general requirement to review or update a neighbourhood plan<sup>2</sup>. It is therefore important to note that, while I have broadly familiarised myself with the content of the existing version of the WNP, I have restricted my examination to the proposed changes to it. These are found in the introductory chapters (including a new objective, namely, to actively identify and promote climate change mitigation and resilience measures); and in five additional planning policies (numbered WNP CC1-CC5). Amplification of the background to these changes is found in a new section 5.11 entitled "Addressing the Climate Change Emergency in Witchford".

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<sup>1</sup> PPG Reference ID: 41-106-20190509

<sup>2</sup> PPG Reference ID: 41-084-20190509

6. In carrying out my assessment, I have had regard to relevant elements of the following principal documents:

- the existing (made) WNP 2019-2931<sup>3</sup>
- the Basic Conditions Statement relating to the proposed CCSIR (October 2024)
- Witchford NP Landscape Appraisal Final Report 2018
- the representations made to the proposed modification to the WNP under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012
- the Statement by the Parish Council made under Regulation 15(1f) of the Neighbourhood Planning Regulations 2012
- any relevant policies of the adopted East Cambridgeshire Local Plan 2015 (as amended 2023), together with related Supplementary Planning Documents as necessary
- relevant paragraphs of the National Planning Policy Framework (December 2024)
- relevant paragraphs of the Planning Practice Guidance (March 2014 and updates).

7. The general rule is that neighbourhood plan examinations, including those relating to modifications, should be carried out on the basis of written representations only. Having considered all the information before me, I have been satisfied that the proposed modification to the WNP could be examined without the need for a public hearing (and it should be noted that there were no representations to the contrary). Given the nature and scope of the examination, I did not consider it necessary to visit the neighbourhood plan area.

### **The Parish of Witchford and the existing Plan**

8. The Plan relates to the mainly rural Parish of Witchford, which lies within a typical Fenland landscape about three miles south-west of Ely. The village has experienced considerable growth in recent years, and this has had what the existing Plan describes as both positive and negative impacts. The population in 2015 is given as 2360, and the Plan suggests that the Parish is still facing “massive unexpected and unplanned change”.
9. The made version of the WNP contains policies governing the spatial strategy for the Parish and policies relating to green assets; housing (including specific allocations for a total of some 330 dwellings); infrastructure; traffic; connectivity; and the local economy. The five new policies as proposed deal with various aspects of how Witchford might respond to the effects of climate change, and it is these (together with any explanatory material, as necessary) which are the focus of this examination.

### **The Basic Conditions and the Basic Conditions Statement**

10. I am not required to come to a view about the soundness of the plan as it would be modified; instead, I must principally address whether or not it is appropriate to make it, having regard to certain basic conditions, as listed at paragraph 11(2) of Schedule A2 to the Planning and Compulsory Purchase Act 2004. I must also be satisfied that it is generally legally compliant. Recommendations may be made concerning changes both to policies and any supporting text.

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<sup>3</sup> Incorporated within the submitted CCSIR

To this extent, the provisions are the same as those governing the examination of the original Plan. The modified WNP must:

- have regard to national policy and guidance (Condition a);
- contribute to the achievement of sustainable development (Condition b);
- be in general conformity with the strategic policies in the development plan for the local area (Condition c);
- not breach, and otherwise be compatible with, EU obligations, including human rights requirements (Condition d);
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017; and
- comply with any other prescribed matters.

11. The Basic Conditions Statement is dated October 2024. Tables 3 and 7 are designed to show how each policy of the CCSIR relates to relevant paragraphs of the NPPF and policies of the East Cambridgeshire Local Plan (ECLP), respectively. A similar tabular approach is taken to sustainable development goals. As far as the Local Plan is concerned, the conclusion in each case is that the five new policies would have the effect of complementing, in particular, policies ENV4, ENV6, ENV7 and ENV9 by adding more local detail or providing a necessary update. Where necessary, I comment below on the extent to which I consider this has been achieved in practice.

### **Other statutory requirements**

12. 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 Parish Council is the appropriate qualifying body (Localism Act 2011) able to lead preparation and modification of a neighbourhood plan;
- that what has been prepared is a modification to a Neighbourhood Development Plan, as formally defined by the Localism Act (it remains the case 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 remains 2019-2031); and
- that no “excluded development” is involved (this primarily relates to development involving minerals and waste and nationally significant infrastructure projects).

### **National policy**

13. National policy is set out primarily in the National Planning Policy Framework (NPPF), a key theme being the need to achieve sustainable development. The NPPF is supported by Planning Practice Guidance (PPG), an online resource which is continually updated by Government. I have borne particularly in mind the advice in paragraph 041 of the PPG that a policy in a neighbourhood plan should be clear and unambiguous, concise, precise and

supported by appropriate evidence. In addition, I have had regard, where appropriate, to the requirement set out in the NPPF itself, at paragraph 16f), that “plans should ... serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area” [for example, those already in place in the relevant local plan].

14. I note here that the Basic Conditions Statement was prepared in the context of the version of the NPPF published in December 2023, whereas the current iteration dates from December 2024. Other than the fact that paragraph numbers have in some cases changed, I am not aware of any substantive issues for the WNP deriving from the NPPF update. ***I nevertheless recommend that the opportunity be taken to either modify the BCS to take account of the new references, or to publish an annexe to deal with the same point.***

### **The existing development plan for the area**

15. The principal element of the statutory development plan for the area is the East Cambridgeshire Local Plan (ECLP) 2015 (as amended in 2023 in respect of the strategic housing policy GROWTH 1). Alongside the Local Plan, ECDC has adopted a number of Supplementary Planning Documents which have relevance for the CCSIR. I am satisfied that the Plan as it is proposed to be modified would have no implications for the other main element of the development plan, the Cambridgeshire and Peterborough Minerals and Waste Local Plan.

### **Representations received (Regulation 16)**

16. The need for, and general background to, the proposed modifications is set out in the Regulation 15 Statement (undated). The draft modified Plan was subject to public consultation between 27 November 2024 and 14 January 2025, and this resulted in a total of eight representations, all of which were from the statutory consultees (including ECDC). I will refer to any substantive points under each of the policies, set out below.

### **The Policies - introduction**

17. The made Plan includes seven objectives to support the overriding vision for the Parish, which is “to value and protect the rural character and community spirit of Witchford, ensuring that future development meets local needs”. The CCSIR proposes a small addition to this, namely “... ensuring that future development is sustainable and meets local needs”.
18. No changes are proposed to any of the existing objectives, but a new one is put forward: to “actively identify and promote climate change mitigation and resilience measures”. To give effect to this, a new chapter 5.11 includes five new planning policies, supported by appropriate contextual material in the Plan’s introduction and in the section on Key Issues. The intention is to highlight local measures which can be taken to manage and reduce greenhouse gas emissions; to improve the Parish’s resilience to climate change; and to assist the recovery of local nature assets. These represent additions to policies within the existing Plan designed to have similar objectives.
19. Policies are distinguished from supporting text by being placed within a shaded box. Each is followed by a comprehensive section providing context and reasoned justification. In the following assessments I have not thought it necessary to describe in any great detail the scope or content of either the policies or related supporting material.

### **Policy WNP CC1: Delivering sustainable buildings**

20. In the interests of brevity, I have edited the title of this policy, which in full reads: “Delivering sustainable buildings fit for a net zero carbon future which are resilient to the effects of climate change” and ***recommend that this shorter version be adopted in the final version of the Plan<sup>4</sup>.***
21. The policy requires development to be designed in such a way that it is compatible with a net zero carbon future. It sets out a number of “design expectations”, listed in order of priority and generally based on what is considered to be best practice in this field. A particular requirement is the submission of a sustainability statement which is intended to demonstrate how specific aspects of sustainable construction would be achieved.
22. ECDC notes with approval the fact that the policy contains no absolute requirements, and I agree with their appraisal. What is being set out here is an expectation of how more sustainability can be achieved in a practicable manner. To reinforce this, however, ***I recommend that the opening line of the policy by slightly amended to read: “As appropriate to its scale and site, new development must be designed.....”***
23. Anglian Water welcome the policy’s encouragement for the more efficient and sustainable use of water but ask for it to include a target standard of 100 litres per person per day (which I take to relate to residential schemes), which is a little more ambitious than the current optional national figure. I have decided not to make a recommendation for any change to the wording of the policy since there are no implications for the basic conditions.

### **Policy WNP CC2: Protecting and enhancing ecological assets**

24. The title of this policy as it stands reads “Protecting existing habitats in Witchford and seeking opportunities to strengthen parish-wide ecological networks”. As with Policy CC1, I have suggested a more concise wording and ***recommend that this shorter version be adopted in the final version of the Plan.***
25. The policy introduces additional detail to Policies WNP G13 and Local Plan Policy ENV7, by identifying parish-level information about sites of biodiversity value. It is accompanied by a new Map 15 and Appendix 4.
26. Anglian Water have pointed out that a number of the networks shown on Map 15 include part of their important water supply and wastewater infrastructure, and they are concerned that the policy might introduce “an unnecessary policy burden”. They therefore object to the inclusion of these areas unless the matter can be clarified. However, it is not clear to me that, simply by identifying specific sites, the policy would add any constraints in relation to safeguarding critical infrastructure to what already exists under Policies WNP G13 and LP ENV7. I have therefore concluded that no recommendation is needed on the point.

### **Policy WNP CC3: Delivering biodiversity net gain**

27. This policy notes the national mandatory minimum for qualifying development to achieve a 10% biodiversity net gain but encourages a 20% target for Witchford. A range of other initiatives are also suggested, including some applying to those proposals which are exempt from the statutory requirement. While this approach represents more of an aspiration than a

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<sup>4</sup> It will be noted that I have used the shorter version in the list of contents, as I have with Policy WNP CC2.

policy requirement, I see no strong reason to make any recommendation for changing it.

#### **Policy WNP CC4: Trees, woodland and carbon sequestration implications of proposals**

28. Policy WNP CC4 is a comprehensive list of measures designed to ensure the maintenance and improvement of existing trees and woodland, and includes encouragement for new planting where appropriate. The explanation of the policy intent is that it “introduces a Witchford specific planning policy” based on Policy SPD.NE8 of ECDC’s Natural Environment Supplementary Planning Document, which deals with trees and woodland, and which itself builds upon elements of Local Plan Policy ENV7. However, other than a brief reference to areas of peatland located in the north of the Parish where tree planting would not be appropriate, there is little here which, in development management terms, adds to what already exists in the planning framework for the area, and for that reason it seems to me largely redundant.
29. I have nevertheless decided not to recommend its deletion on those grounds; but for clarity, ***I recommend that a note be added to the supporting material drawing attention to those specific aspects of the policy which are additional to the ground already covered in the SPD, and therefore which should be read in conjunction with it.***
30. A separate paragraph of the policy is under the heading “Carbon sequestration implications of proposals”. It begins by stating that “The net increase or decrease in tree cover as a consequence of a development will be a material consideration in the decision-making process in terms of the carbon sequestration consequences of the proposal”. On the face of it, this could be seen as the Plan attempting to make a general legal point about materiality; though I am sure this was not the intention.
31. More broadly, however, I consider that the policy could be expressed more simply to aid understanding. ***I recommend that the paragraph be replaced with the following: “Proposals which result in a significant increase in tree cover (and hence make a positive contribution to carbon sequestration) will be strongly supported in principle. Conversely, and depending on the scale of any harm, schemes involving the loss of tree cover (and hence making a negative contribution to carbon sequestration) will not be supported in principle.”***

#### **Policy WNP CC5: Supporting renewable energy infrastructure**

32. This policy supports the principle of the creation of renewable energy infrastructure, subject to a number of criteria (which vary according to the nature and scale of the proposal). Separate elements of the policy encourage (but, properly, do not require) the establishment of some kind of local benefit fund in connection with commercial-scale schemes; and also include specific safeguards for the “Swan and Goose” Impact Risk Zone, which includes the northern part of the Parish.
33. As with the previous policy, there is some duplication with the Local Plan and a Supplementary Planning Document - in this case Policy ENV6 and the Renewable Energy (Commercial Scale) SPD. ***I therefore recommend that a note be added to the supporting material, as I have recommended in relation to Policy WNP CC4.***
34. In relation to this point, I agree with the comment by Historic England about the use of the phrase “very significant weight” when dealing with the case for domestic and business-use scale renewable energy projects (given that the term adopted by the NPPF is simply “significant weight”). I also agree that the reference to “visual” harm in relation to the impact of domestic scale renewable energy infrastructure is too narrow.



35. *I therefore recommend that the second paragraph of the policy be modified to read: “Where a household is required to gain planning permission prior to installation of a domestic scale wind turbine, solar panel or low carbon energy infrastructure, the presumption is in favour of such proposals unless harm deriving from consideration of other relevant development plan policies clearly outweighs the scheme’s benefits in terms of renewable energy”. I also recommend that the word “very” be deleted from the third paragraph of the policy (very significant weight).*
36. Historic England suggest that reference should be made in the supporting material to their Advice Note 18: *Adapting Historic Buildings for Energy and Carbon Efficiency*. This is not an issue for the basic conditions, but it would not seem out of place in the way the CCSIR has been approached, and I am content that a decision about its inclusion should be a matter for the Parish Council’s discretion.

### **Other matters**

37. Cambridgeshire County Council, as the Lead Local Flood Authority, asks for a policy to be included in the Plan dealing with the way development responds to flood risks in the Parish. In doing so, CCC refer to the adopted Cambridge Flood and Water Supplementary Planning Document, as well as other sources of advice. This response does not raise any issue in terms of the basic conditions, and I have concluded that no recommendation from me is necessary.

### **Conclusions on the Basic Conditions**

38. I am satisfied that the Witchford Neighbourhood Plan, as it is proposed to be modified by the alterations described above, continues to make appropriate provision for sustainable development. I conclude that in this and in all other material respects, subject to my recommendations, it has appropriate regard to national policy and guidance. I also conclude that the modified Plan would remain in general conformity with the strategic policies in the development plan for the local area. There is no evidence before me to suggest that it is not compatible with EU obligations, including human rights requirements.
39. As explained above, the Parish Council and ECDC differ as to the need for a referendum. In my opinion, if they became part of the development plan, the new policies would not result in any significant change to the way planning applications would be decided. In coming to this view, I have given weight to the scope and detailed content of existing policies in the Local Plan, other elements of the neighbourhood plan itself, ECDC’s Supplementary Planning Documents and the NPPF, all of which would continue to have relevance in appropriate cases. It is also clear from the scale and nature of the representations to the proposed modifications that they have resulted in no controversy locally, such that a referendum would be thought desirable.

### **Formal recommendation**

40. I have concluded that, provided that the recommendations set out above are followed, the Witchford Neighbourhood Plan would continue to meet the basic conditions if it were revised as suggested, and that the Local Planning Authority should make the draft Plan with the modifications proposed and without the need for a referendum.

David Kaiserman

David Kaiserman BA DipTP MRTPI, Independent Examiner  
6 March 2025

## Appendix 1 – Summary table of recommendations

Examiner's report paragraph	NP reference	Recommendation
14	Basic Conditions Statement	<ul style="list-style-type: none"> <li>Either modify the BCS to take account of the new references in the December 2024 NPPF or publish an annexe to it.</li> </ul>
20	Policy WNP CC1	<ul style="list-style-type: none"> <li>Shorten the title of the policy as suggested.</li> </ul>
22	Policy WNP CC1	<ul style="list-style-type: none"> <li>Amend the opening line of the policy as suggested.</li> </ul>
24	Policy WNP CC2	<ul style="list-style-type: none"> <li>Shorten the title of the policy as suggested.</li> </ul>
29	Policy WNP CC4	<ul style="list-style-type: none"> <li>Add a note to the supporting material drawing attention to those specific aspects of the policy which are additional to the ground already covered in the SPD.</li> </ul>
31	Policy WNP CC4	<ul style="list-style-type: none"> <li>Replace the final paragraph of the policy which relates to carbon sequestration as suggested.</li> </ul>
33	Policy WNP CC5	<ul style="list-style-type: none"> <li>Add a note to the supporting material drawing attention to those specific aspects of the policy which are additional to the ground already covered in the SPD.</li> </ul>
35	Policy WNP CC5	<ul style="list-style-type: none"> <li>Modify the second paragraph of the policy as suggested</li> <li>Delete the word 'very' from the third paragraph of the policy.</li> </ul>