

TITLE: The making of the Modified Witchford Neighbourhood Plan

Committee: Special Council

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Author: Strategic Planning and Development Control Manager

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Contact officer: David Morren

david.morren@eastcambs.gov.uk, 01353 665555, The Grange, Ely

1.0 Issue

- 1.1. Witchford Neighbourhood Area, which matches the Witchford parish area, already has a made Neighbourhood Plan adopted by Full Council on 21 May 2020.
- 1.2. However, Witchford Parish Council has decided it would like the existing plan to be modified, so that it introduces a new chapter relating to climate change. Having passed all the necessary stages to prepare a modified plan, Full Council has to decide whether to formally make the modified plan part of the Development Plan for East Cambridgeshire (alongside the 2015 Local Plan (as amended 2023) and other made Neighbourhood Plans).

2.0 Recommendations

- 2.1. That Council:
 - (i) congratulates Witchford Parish Council on their preparation of a successful modification of their Neighbourhood Plan; and
 - (ii) formally makes the Witchford Neighbourhood Plan (as modified 2025) (attached at Appendix 1) part of the Development Plan for East Cambridgeshire with immediate effect.

3.0 Background/Options

- 3.1. Witchford Parish Council successfully prepared a Neighbourhood Plan, culminating in its adoption in May 2020. Whilst there is no legal requirement to update or review any such plan, the Parish Council recently decided to do.
- 3.2. When updating an already existing neighbourhood plan, a parish council can choose to prepare either:
 - (a) a full new neighbourhood plan, to replace the existing one (this is what Sutton recently successfully did); or
 - (b) a modification to their existing plan, with unaltered parts carrying forward.
- 3.3. The parish council decided option (b) was their preference, which was sensible in this case because the parish council did not want to change what was in the existing plan, but instead to simply add new content. This new content is formally described as a 'modification' of the existing plan, and it is the modification aspects which are consulted upon and tested.

- 3.4. The process of consultation and examination is similar to the preparation of a full neighbourhood plan, albeit the scale of examination does vary considerably depending on the scale of modifications proposed. For this plan, the modifications were neatly packaged in a new chapter, comprising five new policies relating to climate change and the natural environment.
- 3.5. After due consultation, an independent Examiner (David Kaiserman BA DipTP MRTPI) then reviewed the modified plan and published an Examiner's Report (attached at Appendix 2).
- 3.6. Aside from several relatively minor adjustments, the Examiner was satisfied the modified plan passed all necessary tests and has recommended it be made part of the development plan for the area.
- 3.7. One interesting aspect of a modification plan is whether or not the modifications require a referendum. For a full plan (new or replacement), a referendum is always required. For a modification plan, the Examiner has to decide whether a referendum is necessary. In this case, for reasons set out in his report, he has decided it is not necessary. Whilst during the examination stage, ECDC's representation stated that a referendum was "likely necessary" (due to the scale of policies being introduced), the Examiner disagrees. His reasoning in this regard is considered sound. In any event, the decision whether a referendum is necessary or not rests with the Examiner, not ECDC (unless we believe such a decision is fundamentally flawed, which in this case it is not considered to be so).
- 3.8. As no referendum is needed, this obviously speeds up the process to adoption (or making of the plan). The legislation (s18A of The Neighbourhood Planning (General) Regulations 2012) requires ECDC to make the plan part of the development plan (unless it has good reason not to) within 5 weeks of receiving the Examiner's Report "or such later date as may be agreed in writing by the local planning authority and the qualifying body."
- 3.9. We received the Examiner's Report on 6 March 2025, therefore meaning the five-week rule ends on 11 April 2025. This Full Council meeting therefore is timely.
- 3.10. Full Council's options are somewhat limited and are set out in s14 of Schedule A2 of the Planning and Compulsory Purchase Act 2004. In essence, Full Council must approve the modifications and make the modified plan part of the development plan for the area, and can only refuse to do so if, by doing so, it "would breach, or would otherwise be incompatible with, any assimilated obligation or any of the Convention rights". No such known breach exists, and none have been brought to our attention.
- 3.11. The submitted plan has therefore been adjusted to meet the Examiner's requests and is attached at Appendix 1. Unless Full Council can identify a breach of any obligation or Convention right, then it should make the Witchford Neighbourhood Plan (as modified 2025) part of the development plan for the area.

4.0 Arguments/Conclusions

- 4.1. A duly prepared modified Witchford Neighbourhood Plan has been consulted upon and examined, with an Examiner concluding the modified plan should be approved and made part of the development plan for the area.

- 4.2. As there is no known breach of any legal requirement, Full Council is obliged to make the modified plan part of the development plan for the area. In doing so, we should congratulate Witchford Parish Council's efforts, and their success at being the first parish in the district to successfully modify their plan.

5.0 Additional Implications Assessment

- 5.1 In the table below, please put Yes or No in each box:

Financial Implications No	Legal Implications Yes	Human Resources (HR) Implications No
Equality Impact Assessment (EIA) No	Carbon Impact Assessment (CIA) No	Data Protection Impact Assessment (DPIA) No

Legal implications

- 5.2. ECDC is duty bound (s18A of the Neighbourhood Planning (General) Regulations 2012) to determine whether to make a Neighbourhood Plan part of the development plan for its area within 5 weeks of receiving a positive Examiner's Report. This means the council must make a decision no later than 11 April 2025, unless a delay can be agreed with the parish council.
- 5.3. Once made by Full Council, the plan achieves the statutory status of forming part of the development plan for the area. The council, in its capacity as local planning authority, will be duty bound to use the plan to help it determine planning applications and do so in accordance with various town and country planning acts.

Equality Impact Assessments and Carbon Impact Assessments

- 5.4. Whilst EIA and CIA assessments are listed as 'no' in the above table for the purpose of this report, Members should note that a wide range of equality and sustainability implications are required by legislation to be considered by the parish council, the district council and the examiner throughout the preparation of the modified plan and must pass the various statutory tests accordingly. As such, these two elements have been thoroughly tested and independently examined throughout the process. Consequently, separate such EIA and CIA are not required at this committee stage of the process.

6.0 Appendices

Appendix 1: Witchford Neighbourhood Plan (as modified 2025)
Appendix 2: Examiner's Report

7.0 Background documents

None

