



# **Parson Drove Neighbourhood Plan 2019 to 2032**

**A report to Fenland District Council**

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MRTPI Independent Examiner**

**15 November 2019**

## Executive Summary

I was appointed by Fenland District Council on 18 October 2019, with the agreement of Parson Drove Parish Council, to carry out the independent examination of the Parson Drove Neighbourhood Plan<sup>1</sup>.

The examination was completed solely on the basis of the written representations received, no public hearing appearing to me to have been necessary. I made an unaccompanied visit to the area covered by the Plan on 6 November 2019.

Parson Drove is a rural parish in Cambridgeshire, about five miles west of Wisbech, and consists of two separate built elements (Parson Drove and Church End), with a combined population of around 1200 people. The Parish Council decided to embark upon the preparation of a neighbourhood plan in 2014, and it was formally submitted to Fenland District Council in September 2019.

The adopted Local Plan for the area designates Parson Drove as a “limited growth” village, where a small amount of development and new service provision would be encouraged; Church End is designated an “other” village, where residential development would be considered on its merits but would normally be restricted to single dwelling infill sites within an otherwise built-up frontage. Overall, the Neighbourhood Plan adopts throughout a positive attitude towards encouraging sustainable growth, subject to a range of appropriate safeguards.

Subject to a number of recommendations (principally for changes to the detailed wording of some policies), I have concluded that the Parson Drove Neighbourhood Plan meets all the necessary legal requirements at this stage of its preparation, and consequently am pleased to recommend that it should proceed to referendum.

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<sup>1</sup> The document accurately describes itself as The Parson Drove Neighbourhood *Development* Plan, but throughout my report I will use the simpler term of “Neighbourhood Plan”

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## Introduction

1. This report sets out the findings of my examination of the Parson Drove Neighbourhood Plan (the PDNP), submitted to Fenland District Council (FDC) by Parson Drove Parish Council in September 2019. The Neighbourhood Area for these purposes is the same as the Parish boundary.
2. Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to help local communities shape the development and growth of their area, and the intention was given added weight in the National Planning Policy Framework (NPPF), first published in 2012 but revised in July 2018 and February 2019, which continues to be the principal element of national planning policy. Detailed advice on neighbourhood planning is provided by national Planning Practice Guidance (PPG), first published in March 2014.
3. The main purpose of the independent examination is to assess whether or not the Plan satisfies certain “basic conditions” which must be met before it can proceed to a local referendum, and also whether it is generally legally compliant. In considering the content of the Plan, recommendations may be made concerning changes both to policies and any supporting text.
4. In the present case, my examination concludes with a recommendation that, subject to certain detailed recommendations, the Plan should proceed to referendum. If this results in a positive outcome, the PDNP would ultimately become a part of the statutory development plan, and thus a key consideration in the determination of planning applications relating to land lying within the NP area.
5. 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 Trevor Roberts Associates.

## Procedural matters

6. I am required to recommend that the Parson Drove Neighbourhood Plan either:
  - be submitted to a local referendum; or
  - that it should proceed to referendum, but as modified in the light of my recommendations; or
  - that it not be permitted to proceed to referendum, on the grounds that it does not meet the requirements referred to in paragraph 3 above.
7. In carrying out my assessment, I have had regard to the following principal documents:
  - the submitted PDNP (April 2019)
  - the pre-submission version of the PDNP
  - the PDNP Consultation Statement (April 2019)
  - the PDNP Basic Conditions Statement (undated but submitted alongside the Plan)
  - the PDNP Strategic Environmental Assessment Determination Statement (September 2019)
  - the SEA Screening Report (June 2018), which incorporates habitats considerations
  - the representations made under Regulation 16
  - selected policies of the adopted Local Plan for Fenland
  - relevant paragraphs of the National Planning Policy Framework

- relevant paragraphs of the national Planning Practice Guidance.
8. I carried out an unaccompanied visit to the Plan area on 6 November 2019, when I looked at the overall character and appearance of the Parish, together with its setting in the wider landscape and any areas affected by specific policies in the Plan. I refer to my visit as appropriate elsewhere in this report.
  9. It is expected that the examination of a submitted neighbourhood plan will not include a public hearing, and that the examiner should reach a view by considering written representations<sup>2</sup>. In the present case, I considered hearing sessions to be unnecessary, and none of the representations received at the Regulation 16 stage included a request for one.

### **A brief picture of the Neighbourhood Plan area**

10. Parson Drove is a rural parish about five miles west of Wisbech. It sits within a characteristic, flat fenland landscape, spreading for a little under two miles along both sides of the straight Main Road (B1166) from its junction with the B1187. There are two distinct parts to the village, Parson Drove and the smaller Church End, and for the most part these built elements consist of “ribbon” development with limited extensions of newer housing behind the frontages (principally on the south side of the main road). A similar ribbon extends along Back Road, across fields to the south in Murrow, although only a small proportion of this lies within the Parish; and there is a minor extension of the village east of the B1187.
11. There is a wide variety of building styles and layouts in the settlements, although local brick tends to dominate; and one noticeable feature of the area is the presence of many mature trees, contrasting with the generally treeless agricultural setting. The village has a population of around 1,200 and, for its size, has a good number of local facilities: these include a primary school, a post office / village shop, a surgery, a village hall, three churches and (if Murrow is included) three pubs. The Neighbourhood Plan lists the wide range of activities available, which are evidence of a strong local community.

### **The basic conditions**

12. I am not required to come to a view about the ‘soundness’ of the plan (in the way which applies to the examination of local plans); instead I must principally address whether or not it is appropriate to make it, having regard to certain “basic conditions”, as listed at paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The requirements are also set out in paragraph 065 of the Planning Practice Guidance. I deal with each of these conditions below in the context of the PDNP’s policies but, in brief, all neighbourhood plans must:
  - have regard to national policy and guidance (Condition a);
  - contribute to the achievement of sustainable development (Condition d);
  - be in general conformity with the strategic policies in the development plan for the local area (Condition e);
  - not breach, and otherwise be compatible with, EU obligations, including human rights requirements (Condition f);
  - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017
  - comply with any other prescribed matters.

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<sup>2</sup> Paragraph 9(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

13. The PDNP's Basic Conditions Statement (BCS) summarises the relevant statutory requirements, drawing particular attention to the fact that national planning policy permits a neighbourhood plan to provide for *more* development than is suggested by the relevant local plan. The BCS includes a short summary of the relationship between each PDNP policy and relevant NPPF and Fenland Local Plan policies, concluding that the basic conditions have been met.

### Other statutory requirements

14. 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 of a neighbourhood plan;
  - that what has been prepared is a Neighbourhood Development Plan, as formally defined by the Localism Act; that the plan area does not relate to more than one Neighbourhood Area; and that there are no other neighbourhood plans in place within the area covered by the plan;
  - that the plan period must be stated (which in the case of Parson Drove is 2019 to 2032); and
  - that no "excluded development" is involved (this primarily relates to development involving minerals and waste and nationally-significant infrastructure projects).
15. I have also borne in mind the particular duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of "preserving or enhancing the character or appearance" of any conservation area<sup>3</sup>.
16. A screening report is required in order to determine whether a neighbourhood plan needs to be accompanied by a Strategic Environmental Assessment (SEA), under the terms of the Environmental Assessment of Plans and Programmes Regulations 2004. It is the qualifying body's responsibility to undertake any necessary environmental assessments, but it is the Local Planning Authority's responsibility to engage with the statutory consultees.
17. Fenland District Council carried out a SEA screening exercise on the PDNP in April 2018<sup>4</sup> and sought the views of the Environment Agency, Historic England and Natural England on their conclusion that the plan was not likely to result in significant environmental effects. Historic England and Natural England agreed with FDC's view, while there was no response from the Environment Agency. The SEA Screening Report, dated June 2018, also confirmed that the nature of the SEA screening process was such that impacts upon habitats were also taken into account, and that this, together with the fact that the Fenland Local Plan was subject to a Habitats Regulations Assessment, leads to the conclusion that no separate exercise was required. I have no reasons of my own for coming to a different view.
18. It is a requirement under the Planning Acts that policies in neighbourhood plans must relate to "the development and use of land", whether within the Plan area as a whole or in some specified part(s) of it. I am satisfied that that requirement is met.

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<sup>3</sup> The conservation area for the village receives only a passing reference in the Plan document (paragraph 2.5), and there are no policies in the PDNP which affect it. Following a web-search, however, I was able to identify its location and extent for the purposes of my visit to the village.

<sup>4</sup> This was based on an emerging draft of the Plan, received by FDC in March 2018, but my understanding is that no significant changes were made to it prior to the completion of the version submitted for examination

## **National policy**

19. 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 the PPG that a policy in a neighbourhood plan should be clear and unambiguous, concise, precise and supported by appropriate evidence.<sup>5</sup>

## **The existing Development Plan for the area**

20. The current development plan for the area includes the Fenland Local Plan, which was adopted in May 2014. A key policy for the purposes of this examination is LP3, which deals with the spatial strategy and settlement hierarchy for the District. In planning for a pattern of sustainable growth for the period to 2011 - 2031, this policy focuses the majority of future growth on the four market towns of the District (March, Wisbech, Chatteris and Whittlesey). The settlement hierarchy provides the basis for decisions to be taken on the provision of services and facilities: the market towns are the priority followed by four "Growth Villages", five "Limited Growth Villages" (of which Parson Drove is one), nine "Small Villages" and, finally, eight "Other Villages" (one of which is Church End). Outside these named settlements, development is restricted to that which is essential to agriculture, outdoor recreation, minerals and waste activities and other uses appropriate to the open countryside.
21. The Local Plan sets a 20-year growth target of 11,000 new homes, allocating (in Policy LP4) specific figures for the four market towns, but not for any of the other settlement categories, which are required to find 1,200 in total. In Limited Growth Villages, "a small amount of development and new service provision will be encouraged and permitted, but less than would be appropriate in a Growth Village". In settlements such as Church End, "residential development will be considered on its merits and will normally be restricted to single dwelling infill sites situated within an otherwise built-up frontage".
22. LP Policy LP12 sets out in some detail the criteria which will be taken into account when development is proposed in villages such as Parson Drove/Church End, paragraph 4.7.3 having noted that none of the settlements in the District outside the four market towns would be provided with development area boundaries (which we are told is a change from the previous local plan). This strategy allows for a flexible approach to considering the needs of these rural areas over time, and this is a theme which the PDNP strongly reflects. I will return to Policy LP12 of the Local Plan later.
23. FDC have begun work on a new local plan for the District, but have made it clear that this does not have any implications for my examination.

## **The consultation exercise (Regulation 14)**

24. This regulation requires the Parish Council to publicise details of their proposals "in a way that is likely to bring [them] to the attention of people who live, work or carry on business in the area", and to provide details of how representations about them could be made. Regulation 15 requires the submission to the Local Planning Authority of a statement setting out the details of what was done in this respect, and how the qualifying body responded to any matters which arose as a result

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<sup>5</sup> Paragraph 041 Reference ID 41-041-20140306

of the consultation process.

25. The Consultation Statement is dated April 2019. It explains that a well-attended public meeting held in 2014 strongly supported the idea of preparing a neighbourhood plan for the Parish, an important context being a large-scale (and locally unwelcome) development proposal which was being considered by FDC at the time. Every household in the Parish received a questionnaire in October 2015 designed to elicit residents' views about the way forward, and 22% of households responded. A working group of residents was set up: this group then began working in close consultation with FDC planning officers in order to ensure that the formal requirements of neighbourhood plans would be met, as well as noting that, where the Local Plan adequately dealt with the local dimension, there would be no need for any duplication of policies.
26. Formal consultation on the draft of the PDNP (under Regulation 14) was carried out over an eight-week period between November 2018 and January 2019, and a list of those contacted is given in Appendix A of the Consultation Statement. More general opportunities for comment were provided throughout the area and on the Parish Council's website. The document concludes with a straightforward summary of the main issues raised as a result of the consultation process, and the changes which the working group decided to make (where they thought appropriate) to the draft version of the Plan.
27. I am satisfied, having read the Consultation Statement that the requirements of Regulation 14 have been fully met by the neighbourhood plan working group's activities.

### General observations about the Plan

28. The following points may be helpful in understanding the way I have approached my report on the Plan and the observations and recommendations which I make upon it:
  - the recommendations I make concentrate on the policies themselves, since that is what the basic conditions relate to;
  - I have addressed the policies broadly in the order that they appear in the submitted plan. I have set out my views about each of the policies, irrespective of whether or not any modification is thought necessary;
  - my recommendations for changes to the policies and any associated or free-standing changes to the text of the Plan are highlighted in ***bold italic print***.
29. The document opens with a plain English summary of the purpose of the Plan, and a brief explanation of its more detailed objectives. Paragraph 1.5 contains the key to the Working Group's view of the Plan's approach to new development: *"Because we believe that the generation of housing must be led by demand, we have not been prescriptive about the suitability of specific sites or types of housing but rather we have set out principles in the policies that will guide developers or self-builders on how to successfully develop schemes in the parish of Parson Drove."*
30. Part 2 of the Plan briefly describes Parson Drove in its physical, social and historical context; Part 3 establishes the relevant planning policy framework; and Part 4 summarises the way that local residents and others were involved in the development of the Plan. Part 5 includes the overall vision:



*“Parson Drove parish will maintain its vibrant community through proportionate growth which delivers a range of housing, retains or enhances employment opportunities within the parish, whilst protecting the rural setting of the settlements within it. Local people will have opportunities to live and work in the place they grew up in and will be well-served by local services which will remain important and thriving assets within the community.”*

31. This is supported in Part 6 by a statement of the intentions behind the Plan’s five policies, a prominent theme being the desire to welcome new residents and employment to the village “within the reasonable controls proposed”. The document, which contains two clear plans and a series of attractive colour photographs, is commendably succinct, setting out the issues and the preferred planning response in a logical and easy-to-read format.

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

32. Six representations were made in response to the submitted Plan. Five of these were from statutory bodies who raised no objections (Anglian Water, Natural England, Historic England, the Environment Agency and Sport England). Fenland District Council welcome the preparation of the Plan and commend the work of the Parish Council. I deal with FDC’s detailed responses shortly.

### **The policies**

#### **Policy 1: Housing growth**

33. The preamble to this policy summarises the strategic context for further development in the Parish, as set out in Local Plan policy LP12. It contains a calculation, based on the detailed provisions of LP12, which concludes that Parson Drove could allow for an increase of 33 dwellings during the period of the PDNP, with a further seven in Church End. This would represent 10% growth in each settlement. The policy states that proposals which (in combination with other development built since April 2011 or with planning permission) would result in an increase above that threshold in villages such as Parson Drove / Church End would need to be accompanied by “demonstrable evidence of clear local community support”. The Neighbourhood Plan seeks to raise this threshold for the Parish.
34. Policy 1 states that Parson Drove will be allowed to grow by 20% from the 2011 baseline (which equates to 66 dwellings up to 2031). The requirement for demonstrable local support set out in the Local Plan would therefore only be engaged when this new threshold is reached (but since Church End has already exceeded the 20% figure, the need for evidence of support would apply immediately). PPG paragraph 103 encourages those preparing neighbourhood plans to *exceed* local housing targets where possible, and so there is no inhibition in principle in the PDNP making provisions of this kind. The preamble to the policy candidly notes that its objectives could be seen as going against the grain of opinion locally; but the Parish Council “...is confident that it can gain majority support for steady growth, provided there are controls on the size of each scheme and a requirement for demonstrable local support for larger schemes”.
35. FDC point out that paragraph 65 of the NPPF requires strategic planning authorities to set out housing targets for designated neighbourhood areas, something which is not contained within the adopted Fenland Local Plan. The NPPF also requires local planning authorities to provide indicative figures if asked for them by a neighbourhood planning body (which PD Parish Council have not found it necessary to do).

36. FDC do not suggest any particular issue arises in relation to either of these points (which would also be my view), but they draw my attention to an appeal decision<sup>6</sup> involving a site in Manea (within Fenland District) in 2017. This case involved consideration of the “demonstrable support” criterion in Local Plan Policy LP12, with the Inspector essentially concluding that, in refusing planning permission, the Council had attached too much weight to public opinion, especially given the fact that the development proposal was clearly consistent with national and local planning policies. In a key passage of his decision (paragraph 11), he stated: “.....*I have serious misgivings with the Council’s very literal and rigid interpretation of Policy LP12.....In my view, it is not sufficient simply for a development proposal to be in conflict with the wording of a development plan policy for it to be necessarily objectionable. For example, if there would be no actual manifestation of harm then there would be no sensible purpose served by rejecting a development*”.
37. The significance of this decision may well be something to which FDC and others will have regard when proposals with a similar policy context come forward in the future. That will be a matter for the development management process in the usual way. I do not, however, consider that anything arises from it which suggests a need to alter the wording of PDNP Policy 1, especially since it is virtually identical to that of Local Plan Policy LP12 (and I should make it clear that FDC do not seek to suggest otherwise).
38. I am therefore satisfied that Policy 1 meets the basic conditions.

## Policy 2: Scale of housing development

39. This policy seeks to ensure that the type of housing scheme which comes forward within the context of Policy 1 is of an appropriate scale, “typically fewer than five dwellings”. There was clear support for this approach during the consultation stages of the Plan; however, the policy also allows exceptions where local support can be demonstrated, and this flexibility is something which is encouraged by national policy. FDC have raised no objection to this approach, and I am satisfied that it would meet the basic conditions.

## Policy 3: Affordable housing

40. Policy 3 seeks to provide further flexibility by allowing for the grant of planning permission for the development of exception sites<sup>7</sup>, where the sole purpose is to provide affordable homes, and where allocations would be made in accordance with a cascade giving priority to applicants with a local connection.
41. FDC suggest that it would be helpful if further clarification were given as to which types of site might typically qualify for consideration under the Policy, and I take this to mean that they might favour adopting wording closer to that in Local Plan Policy LP12. This would make it clear that any “exception” development in Parson Drove (a “limited growth” village in the settlement hierarchy) would need to be “in or adjacent to the existing developed footprint”, with proposals for Church End (as an “other” village) normally being restricted to infill sites only. This seems to me to be a desirable amplification, **and I recommend that it be adopted**. In addition, to avoid the possible suggestion that the policy would only apply to *applicants for planning permission* with a local

<sup>6</sup> Reference APP/D0515/W/17/3182366

<sup>7</sup> as defined in the NPPF (Appendix 2)

connection (which I am sure was not intended), ***the word “applicants” should be replaced with “future occupants”.***

#### **Policy 4: Maintaining separation between Parson Drove and Church End**

42. The Plan makes it clear in several references that these are two distinct settlements and that their continued separation is something which residents value. The background to this is explained in Appendix B of the Plan, which also contains a map indicating precisely which parcels of land the Plan suggests it is essential to leave free of future development.
43. There are no issues in principle here relating to the basic conditions; however, ***in order to make clear and to strengthen the status of the accompanying map, I recommend that Policy 4 be expanded slightly in order to make explicit reference to the map showing the area to be protected, with the map itself being brought from the Appendix into the main part of the Plan.*** I also consider that the relationship between the policy and Policy 5 should be clarified (see below).
44. FDC point out that some development could be acceptable within the protected gap without necessarily creating visual harm or coalescence of the two settlements, and cite changes of use, conversions or subdivision. While I accept that point, it is clear that the policy relates to “new dwellings and non-residential buildings”, so the problem in reality does not arise. I agree that any landscape impacts associated with such new buildings might be capable of mitigation, and assume that FDC would consider any application on its merits in such a situation. More generally, I take the view that it would significantly weaken the prime purpose of the policy were it to give prominence to the notion that exceptions to it might be favourably considered if landscape problems were resolved.
45. Drawing on a point made by FDC, ***I also recommend that, for clarity, Policy 4 state that the “exception” terms of Policy 3 do not apply to any of the land shown on the map defining the safeguarded land.***

#### **Policy 5: Road and pedestrian safety**

46. The final policy of the Plan makes support for new dwellings and non-residential buildings conditional upon the presence of adequate footways and road widths along the site frontage(s) or, where this is not the case, the developer makes provision for them. The requirement is relaxed where it would be impractical to meet it, or where it would result in an arrangement which would be detrimental to the safety and convenience of all users of the highway.
47. In its own terms, this is an entirely reasonable approach, and one which results in no difficulties for the basic conditions. The issues raised, including the question of viability (for example, when the matter of the scale of any contribution is at issue) are likely to be taken into account by FDC as part of the normal process of development management. The question of practicality is raised by FDC themselves in commenting on the policy, but I do not think it necessary to recommend any changes to its existing wording, which it seems to me includes appropriate flexibility and shows proper awareness of the realities of the development process.

## **Conclusions on the basic conditions**

48. I am satisfied that the Parson Drove Neighbourhood Plan makes appropriate provision for sustainable development. I conclude that in this and in all other material respects, subject to my recommended modifications, it has appropriate regard to national policy. Similarly, and again subject to my recommended modifications, I conclude that the Plan is in general conformity with the strategic policies in the development plan for the local area. There is no evidence before me to suggest that the Plan is not compatible with EU obligations, including human rights requirements.

## **Formal recommendation**

49. I have concluded that, provided that the recommendations set out above are followed, the Parson Drove Neighbourhood Plan would meet the basic conditions, and I therefore recommend that, as modified, it should proceed to a referendum. Finally, I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan Area, but I have been given no reason to think this is necessary.

David Kaiserman  
BA DipTP MRTPI Independent Examiner

15 November 2019

**APPENDIX 1 – SUMMARY TABLE OF RECOMMENDATIONS**

Examiner’s report paragraph	NP reference	Recommendation
41	Policy 3	<ul style="list-style-type: none"> <li>• adopt wording closer to that used in Local Plan Policy LP12</li> <li>• refer to “future occupants” instead of “applicants”</li> </ul>
43 45	Policy 4	<ul style="list-style-type: none"> <li>• make reference to the map and bring this into the main part of the Plan</li> <li>• make clear that the “exception” terms of Policy 3 do not apply</li> </ul>