

# Decision Statement (Reg. 18): Soham and Barway Neighbourhood Plan

6 August 2024



East Cambridgeshire  
District Council

## Purpose

This Decision Statement has been prepared and published in accordance with Regulation 18(2) of the Neighbourhood Planning Regulations 2012 (as amended). This statement sets out East Cambridgeshire District Council's decision and proposed actions following receipt of the Examiner's Report into the Soham and Barway Neighbourhood Plan.

This decision has been taken by the Director, Community as per the Council's Constitution (Part 3(24), version July 2023).

The Soham Neighbourhood Plan (as examined), this Decision Statement and the Examiner's Report are available to view and download from the Council's website at <https://www.eastcambs.gov.uk/local-development-framework/soham-and-barway-neighbourhood-plan>.

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

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

## Background

The Soham Neighbourhood Area, a map of which is available at <https://www.eastcambs.gov.uk/local-development-framework/neighbourhood-planning>, was designated by East Cambridgeshire District Council on 12<sup>th</sup> June 2019.

The Soham and Barway Neighbourhood Plan (the Plan) and supporting evidence documents, were submitted to the Council by Soham Town Council on 12 April 2024.

The Council published the Plan for consultation from 23 April to 3 June 2024. Comments were received from fourteen respondents during this period. Following publication, the District Council submitted the Plan for independent examination.

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

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

## Council's Decision

The independent Examiner's recommendations are set out in the *Examiner's Report* which accompanies this Decision Statement, and is available at <https://www.eastcambs.gov.uk/local-development-framework/soham-and-barway-neighbourhood-plan>.

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

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

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

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

The regulations require the District Council to take a decision as to what action to take in response to the recommendations of the Examiner, including what modifications to make to the draft plan. The Council has decided, following consultation and agreement with Soham Town Council (the *Qualifying Body*), that the Soham and Barway Neighbourhood Plan will be modified as per the Examiner's recommendations.

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

### **Referendum arrangements**

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

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

The Examiner is required to consider whether the referendum area should be extended beyond the Soham Neighbourhood Area boundary. The Examiner concluded that such an extension is not necessary. East Cambridgeshire District Council has no reason to disagree and will proceed on that basis.

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

### **Summary**

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

### **Attached:**

Appendix 1: Summary of Examiner's Recommendations

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

Table 1: Summary of Independent Examiner's recommendations

Examiner's report paragraph no.	Neighbourhood Plan (submission version) reference	Recommendation
7.20	SBNP 1	<b>In the final part of the policy replace 'Planning permission will only be granted if it can be demonstrated that there is, or will be, sufficient infrastructure capacity to support and meet all the necessary requirements arising from a proposed development. Development...'</b> <b>With</b> <b>'Development proposals will only be supported if it can be demonstrated that there is, or will be, sufficient infrastructure capacity to meet all the necessary requirements arising from a proposed development. Where appropriate, development...'</b>
7.24	SBNP 2	<b>In i replace '25%' with 'approximately 25%'</b> <b>In ii replace '8%' with 'approximately 10%'</b> <b>In iii replace '67%' with 'approximately 65%'</b>  <i>At the end of paragraph 5.20 add: 'This matter is addressed in the second part of Policy SBNP2. The precise breakdown of the type of affordable housing will reflect the outcome of detailed discussions between the applicant and the District Council as part of the determination of the relevant planning application.'</i>
7.37	SBNP 3	<b>Combine the first (To make...) and second (Priority...) parts of the policy.</b>  <b>Delete the final part of the policy.</b>  <i>At the end of paragraph 5.30 add the deleted final part of the policy</i>
7.43	SBNP 4	<b>In the second part of the policy replace 'must' with 'should'</b> <b>Delete the third part of the policy.</b>  <i>At the end of paragraph 5.39 add the deleted third part of the policy</i>
7.48	SBNP 5	<b>In v replace 'adversely' with 'unacceptably'</b> <b>In vi delete 'adversely'</b>  <b>In the second part of the policy replace 'The proposal, where relevant' with 'Where relevant, development proposals'</b>
7.57	SBNP 7	<b>In the opening part of the policy delete 'modest'.</b>  <b>Replace the final two criteria with: 'opportunities to reuse</b>

		existing buildings have been explored or, where relevant, the development relates to the expansion of existing tourism sites.'
7.62	SBNP 8	Replace the opening element of the second part of the policy with: 'Development proposals that would result in the loss of valued facilities or services, defined as retail and office premises, public houses, community halls, education and other public services, (or premises last used for such purposes), unless otherwise the use concerned is promoted by the Town Centre Opportunity Sites Policies SOH 12, SOH 13 and SOH 14 in the Local Plan, will only be supported where:'
7.70	SBNP 10	Replace the third and fourth parts of the policy with: 'For major development proposals of over 50 homes or the provision of a building or buildings where the floor space to be created by the development is 5,000 square metres or more, the development's contribution to healthier communities and reducing health inequalities should be demonstrated through a Health Impact Assessment, which should include details of implementation and monitoring.  For other developments, measures that will help contribute to healthier communities and reduce health inequalities should be incorporated in a development as appropriate to the scale and nature of the proposal and where it is practicable to do so.'
7.76	SBNP 11	In the first part of the policy replace the two uses of 'must' with 'should'.  In the second sentence of the first part of the policy delete the first comma (after proposals).  Replace the second part of the policy with:  'Development proposals should have no significant adverse impact on the quality, character, accessibility, and biodiversity value of the Commons and should incorporate substantive transitional landscape buffers between built development, the Commons, and the surrounding landscape. In addition, development proposals should address opportunities to improve biodiversity, access, and landscape improvements on the Commons.'  Replace the first sentence of the third part of the policy with:  'Development proposals which will increase the number of visitors to the Commons should contribute towards measures which will mitigate the adverse impacts on the biodiversity and wildlife habitats on the Commons, and, where practicable, address opportunities to enhance the Commons as a local asset for Soham residents.'
7.81	SBNP 12	In the first part of the policy replace 'All' with:  'As appropriate to their scale, nature and location,'

		<p>Delete the fourth part of the policy. In the final part of the policy replace ‘shall’ with ‘should’</p> <p><i>At the end of paragraph 7.31 add the deleted fourth part of the policy</i></p>
7.88	SBNP 13	<p>Replace the opening element of the first part of the policy and ‘Specifically’ with: ‘As appropriate to their scale, nature, and location, development proposals should respond positively to the distinctive landscape and settlement character of the area, as described in the Soham Design Guidance and Codes and Soham Assessment of Views and to the following criteria;’</p> <p>Replace criterion v with: ‘where appropriate, development proposals should retain or enhance existing features of landscape value (including Lodeside Walks, trees, hedgerows, water features) within the site and respect existing features of landscape value in its wider surroundings; and’</p> <p>Replace the penultimate part of the policy with: ‘Development proposals which would have potential impacts on Soham and Barway’s distinctive landscape character should demonstrate their accordence with the principles in the preceding element of the policy through the submission of an assessment of landscape and visual impacts (proportionate to the scheme proposed) and which draws on the contents of the Soham Design Guidance and Codes.’</p> <p>Replace the final part of the policy with: ‘Development proposals on the edge of settlements should ensure that they are sensitively screened and assimilated into their surroundings. Where appropriate, the creation of landscaped buffers (comprising native planting of hedges, trees, and copses to frame and soften the village edges) should be incorporated into proposals.’</p>
7.97	SBNP 14	In the final part of the policy replace ‘acceptable unless consistent’ with ‘supported unless they are consistent’
7.102	SBNP 15	<p>In the first part of the policy replace the two uses of ‘Development’ with ‘Development Proposals’ In the second part of the policy replace ‘a Conservation Area’ with ‘the Conservation Area’</p> <p>In the final part of the policy replace ‘should be considered’ with ‘will be assessed’</p>
7.107	SBNP 16	<p>Replace the policy with:</p> <p>‘Wherever practicable, development proposals should retain and protect buildings of local interest, as identified in the East Cambridgeshire Register of Buildings of Local Interest (February 2017) and any adopted subsequent Register.</p>

		<p><b>Development proposals that would affect non-designated heritage assets, as identified in Figure 1 below, or identified by Cambridgeshire County Council’s local heritage list, will be considered taking account of the scale of any harm or loss and the significance of the non-designated heritage assets as set out in the NPPF, Local Plan Policy ENV13, and as described in a Design and Access Statement or Heritage Statement.’</b></p> <p><i>At the end of paragraph 8.15 add: ‘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.’</i></p>
7.114	SBNP 17	<p><b>In the first part of the policy (first sentence) replace ‘must’ with ‘should’</b></p> <p><b>In the first part of the policy (second sentence) replace ‘Proposals for new development’ with ‘Development proposals should’</b></p> <p><b>In the second part of the policy replace ‘must’ with ‘should’</b></p> <p><i>At the end of paragraph 9.5 add: ‘Criterion ii in the part of Policy SBNP17 which relates to residential development advises about the height of new buildings. Proposals for residential development higher than two and a half storeys may be appropriate where they are located at key locations and where their height, scale and massing would respect the character of the immediate location and not dominate the wider streetscape.’</i></p>
7.118	SBNP 18	<p><b>Replace the first part of the policy with:</b></p> <p><b>‘Development proposals should contribute towards the transition to a low carbon future in a changing climate. As appropriate to their scale and nature, proposals should contribute to reductions in greenhouse gas emissions, minimising vulnerability and improve resilience, the reuse of existing resources, including the conversion of existing buildings, and supporting renewable and low carbon energy and associated infrastructure.’</b></p> <p><b>In the second part of the policy replace ‘must’ with ‘should’</b></p> <p><b>Replace the opening element of the fourth part of the policy with: ‘As appropriate to their scale and nature, development proposals should be accompanied by a Sustainability Statement that demonstrates:’</b></p> <p><b>Delete the final part of the policy.</b></p> <p><i>At the end of paragraph 9.23 add: ‘Policy SBNP18 advises about the Plan’s expectations for the details to be submitted with planning applications. Where a robust Sustainability Statement is not provided or demonstrates that reasonable</i></p>

		<i>opportunities to achieve the expectations set out in this policy have not been taken, the proposal concerned will not be supported.'</i>
7.126	SBNP 20	<p><b>In the first and second parts of the policy replace 'must' with 'should'</b></p> <p><b>Replace the third part of the policy with:</b></p> <p><b>'Major development proposals should demonstrate that there is sufficient capacity at the Soham Waste Water Treatment Works, or that the necessary upgrades are secured through an appropriate planning obligation, to meet the demand of the development. Such development proposals should also demonstrate that they will not cause an unacceptable deterioration of water quality in the neighbourhood area.'</b></p>
7.132	SBNP 21	<p><b>Replace the opening element of the final part of the policy with:</b></p> <p><b>'As appropriate to their scale, nature and location, development proposals should incorporate a Surface Water Drainage Strategy, which should:'</b></p>
7.137	SBNP 22	<p><b>Replace the second part of the policy with:</b></p> <p><b>'Development proposals which would impact adversely on the local highway network, either individually or cumulatively, should mitigate their impact by providing or contributing towards road safety measures or improved parking provision, particularly where the proposal would have an impact on highway safety.'</b></p> <p><b>Delete the third part of the policy.</b></p> <p><b>In the fourth part of the policy replace 'welcomed' with 'supported'</b></p> <p><b>In the fifth part of the policy delete ',which reduces car parking on the High Street,'</b></p> <p><b>In the fifth part of the policy replace (first sentence) 'it' with 'they' and (second sentence) 'must' with 'should'.</b></p> <p><b>Delete the sixth part of the policy</b></p> <p><i>At the end of paragraph 10.2 add the third part of the policy (as submitted).</i></p> <p><i>At the end of paragraph 10.3 add: 'The provision of electric vehicle charging points is now addressed nationally in the Building Regulations.'</i></p>
7.141	SBNP 23	<p><b>Replace the policy with:</b></p> <p><b>'The Plan designates the following routes (as shown on maps 16, 17, and 18) as priority walking, cycling and bridleway routes: [Then list Routes 1-8 (as set out in the submitted Plan)]</b></p>

		<p>Wherever practicable, development proposals should be designed to:</p> <ul style="list-style-type: none"> <li>• help to create and maintain pedestrian, cycle, and bridleway priority routes to and from key destinations including between new housing developments, employment sites, education, health centre facilities, community spaces and open spaces;</li> <li>• implement pedestrian and cycle priority measures and result in sustainable access between the key destinations;</li> <li>• help to create and maintain bridleways or the connections between them; and</li> <li>• ensure that any potential conflict between children on their way to school and vehicles is minimised.'</li> </ul> <p>Development proposals which would conflict with the delivery of the Wicken Fen to Soham Cycleway will not be supported.'</p>
7.146	SBNP 24	In the first part of the policy replace 'will be expected to' with 'should'
7.149	SBNP 25	Replace the opening element of the final part of the policy with: 'As appropriate to their scale, nature and location, development proposals which generate movement of residents, workers, and shoppers should take every available opportunity to meet the following criteria:'
7.154	General	<i>Revise the colour of the biodiversity Community Actions (5 to 7) so that it matches the colour used for the other Community Actions.</i>
7.155	General	<i>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.</i>