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Report on Histon and Impington Neighbourhood Plan 2019-2031

An Examination undertaken for South Cambridgeshire District Council with the support of the Histon and Impington Parish Council on the Version 3: Submission version of the Plan.

Independent Examiner: R J Yuille MSc DipTP MRTPI

Date of Report: 9 March 2020

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Appendix: Modifications

See separate attachment

Main Findings - Executive Summary

From my examination of the Histon and Impington Neighbourhood Plan (the Plan) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – Histon and Impington Parish Council;
- The Plan has been prepared for an area properly designated – Map 1 of the Plan;
- The Plan specifies the period to which it is to take effect – 2019 - 2031; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Histon and Impington Neighbourhood Plan 2019-2031

- 1.1 The villages of Histon and Impington are located in Green Belt immediately to the north of Cambridge from which they are separated by the A14. Originally the two villages were separate but over time they have merged and are now treated as a single settlement for planning purposes.
- 1.2 Work on the Plan began in 2013 and a Neighbourhood Planning Team was established to ensure that the local community had an input into the Plan's preparation.

The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Plan by South Cambridgeshire District Council (the District Council), with the agreement of Histon and Impington Parish Council (the Parish Council).
- 1.4 I am a chartered town planner and former government Planning Inspector, with over 20 years' experience of examining development plans. I am an

independent examiner, and do not have an interest in any of the land that may be affected by the Plan.

The Scope of the Examination

1.5 As the independent examiner I am required to produce this report and recommend either:

(a) that the Plan is submitted to a referendum without changes; or

(b) that modifications are made and that the modified Plan is submitted to a referendum; or

(c) that the Plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:

- Whether the Plan meets the Basic Conditions;
- Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development';
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
 - whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

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The Basic Conditions

- 1.8 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood 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 for the area;
 - Be compatible with and not breach European Union (EU) obligations; and
 - Meet prescribed conditions and comply with prescribed matters.
- 1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.¹

2 Approach to the Examination

Planning Policy Context

- 2.1 The Development Plan for the area, not including documents relating to minerals and waste development, is the adopted South Cambridgeshire Local Plan 2018 (the Local Plan). There is a commitment to undertake an early review of the adopted Local Plan. This will be called the Greater Cambridge Local Plan. Work has commenced but is at an early stage.
- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (the Framework). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published on 19 February 2019, and all references in this report are to the February 2019 NPPF and its accompanying PPG.²

¹ This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

² See paragraph 214 of the Framework. The Plan was submitted under Regulation 15 to the local planning authority after 24 January 2019.

Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the Version 3: Submitted version of the Plan 2019-2031;
 - Map 1 of the Plan, which identifies the area to which it relates;
 - the Consultation Statement, dated May 2019;
 - the Basic Conditions Statement, dated May 2019;
 - all the representations that have been made in accordance with the Regulation 16 consultation;
 - the Strategic Environmental Assessment (SEA) Screening determination Statement, commissioned by the District Council and dated October 2018;
 - Correspondence with the owners of the Jam Factory and agents representing potential developers of part of this site; and
 - the Statement of Common Ground and answers produced in response to my letter of 14 August 2019; the answers to the questions raised in my letter of 24 October 2019 and the answers to my letter of 13 December 2019.³

Site Visit

- 2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 29 November 2019 to familiarise myself with it, and visit relevant sites and areas referred to in the Plan and in written evidence.

Written Representations with or without Public Hearing

- 2.5 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses and other written evidence clearly articulated the objections to the Plan, and presented arguments for and against the Plan's suitability to proceed to a referendum.

Modifications

- 2.6 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix to this report.

³ All the documents referred to in this list are on the District Council's web site. View at: <https://www.scams.gov.uk/planning/local-plan-and-neighbourhood-planning/neighbourhood-planning/histon-impington-neighbourhood-plan/>

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Plan has been prepared and submitted for examination by the Parish Council, which is a qualifying body for an area that was designated by the District Council on 9 September 2014.
- 3.2 It is the only Neighbourhood Plan for the Plan area, and does not relate to land outside the designated Neighbourhood Plan Area.

Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2019 to 2031.

Neighbourhood Plan Preparation and Consultation

- 3.4 Local people and organisations have been involved in the preparation of the Plan by way of workshops, surveys and focus groups. They have been kept informed of progress on the Plan by way of articles in the Parish Newsletter, library displays and posters. Meetings have been held with the public, with businesses and landowners likely to be affected by the Plan and with individuals likely to be affected by the Interesting Buildings policy.
- 3.5 Consultations were carried out at the Regulation 14 stage between 1 October and 16 November 2018 and the results of this exercise led to a number of follow up meetings with individuals and stakeholders. The Plan was modified in response to a number of comments made at the Regulation 14 stage.
- 3.6 Consultations were also carried out at the Regulation 16 stage between 19 June and 31 July 2019. This exercise led to a number of responses⁴, all of which have been considered in the preparation of this report.
- 3.7 Consultation and engagement are, of course, no guarantee of agreement and I am aware that Policy HIM04, which deals with the Windmill in the village, is contentious. Nonetheless, I note that although unanimity has not been reached, objectors have been given the opportunity to meet the Neighbourhood Planning Team to air their views and this policy and its supporting text have been re-written to explain the existing restrictions on development and to explain how development can take place.

⁴ These can be found on the District Council's website:

<https://www.scambs.gov.uk/planning/local-plan-and-neighbourhood-planning/neighbourhood-planning/histon-impington-neighbourhood-plan/>

- 3.8 With the above points in mind I am satisfied that the Plan has been publicised in a manner that is likely to bring it to the attention of people who live, work or carry on business in the Parish; that the consultation process has met the legal requirements and that it has had due regard to the advice on plan preparation and engagement in the PPG.

Development and Use of Land

- 3.9 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

- 3.10 The Plan does not include provisions and policies for 'excluded development'.

Human Rights

- 3.11 The Parish Council is satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998). The District Council has made no adverse comments in this regard and from my independent assessment I see no reason to disagree.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The Plan was screened for SEA by the District Council, which found that it was unnecessary to undertake SEA.⁵ In the same document, the Plan was screened for Habitats Regulation Assessment (HRA), which was determined to be unnecessary. These conclusions have not been disputed by the statutory consultees and, on the basis of my independent examination, I have no reason to disagree.

Main Issues

- 4.2 Having considered whether the Plan complies with the various legal and procedural requirements, it is now necessary to deal with the question of whether it complies with the remaining Basic Conditions (see paragraph 1.8 of this report), particularly the regard it pays to national policy and guidance, whether it is in general conformity with strategic development plan policies and the contribution it makes to sustainable development. I also consider whether the policies are sufficiently clear and unambiguous, having regard to

⁵ Histon & Impington Neighbourhood Plan: Strategic Environmental Assessment (SEA) Screening Determination. October 2018.

advice in the PPG. A policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.⁶

- 4.3 I should say at this point that the purpose of the examination is not to delve into matters that do not fundamentally affect the Plan's ability to meet the Basic Conditions. I do not, therefore, deal with representations which, in effect, seek to improve the Plan but which are not necessary to meet the Basic Conditions. So, for example I have not dealt with the suggestion that various maps in the report be consolidated into one Policies Map, as this is not a requirement of the Basic Conditions. Similarly, when judged against the Basic Conditions I see no overriding reason why Section 5 of the Plan should be split into smaller sections. In this context, it may also be noted that paragraph 12(6)(e) of Schedule 4B to the 1990 Act enables the local authority to make modifications for the purpose of correcting errors.
- 4.4 From my reading of the Plan, the consultation responses and other evidence, I consider that in this examination there are two main issues relating to the Basic Conditions. These are:
- General issues of compliance of the Plan as a whole; and
 - Specific issues of compliance of the Plan's policies.

General Issues of Compliance

Regard to National Policy and Guidance

- 4.5 The Plan seeks:
- to ensure high quality design (Policy HIM01);
 - to conserve and enhance the historic character of the village (Policies HIM02 and HIM04);
 - to ensure appropriate and adequate parking provision (Policy HIM05);
 - to provide for a successful economy (Policies HIM06, HIM07, HIM08 and HIM09);
 - to safeguard community uses (Policies HIM10, HIM11, HIM12, HIM14 and HIM17);
 - to safeguard important natural habitats (Policy HIM13);
 - to protect and enhance walking and cycling routes (Policy HIM15);
 - to ensure environmental enhancement alongside the A14 (Policy HIM16); and
 - to ensure the provision of housing (Policies HIM03, HIM18 and HIM19).

4.6 These policies have regard to the Framework insofar as it;

⁶ PPG Reference ID: 41-041-20140306.

- seeks to achieve well designed places (Chapter 12);
- seeks to conserve and enhance the historic environment (Chapter 16);
- allows for the setting of local parking standards (paragraphs 105 and 106);
- seeks to enable the growth and expansion of all types of business in rural areas (paragraph 83);
- seeks to retain and develop accessible local services and community facilities (paragraph 83) and allows for the designation of Local Green Spaces (paragraphs 99 to 101);
- seeks to conserve and enhance the historic environment (Chapter 16);
- seeks to promote sustainable transport (Chapter 9);
- seeks to encourage the provision of safe and accessible green infrastructure (paragraph 91); and
- seeks to deliver a sufficient supply of homes (Chapter 5).

4.7 I am satisfied therefore that, with the modifications I propose later in this report, the policies of the Plan have regard to national policies and advice and meet the Basic Conditions in this respect.

General Conformity with Strategic Development Plan Policies

- 4.8 The Local Plan takes a similar approach to that in the Plan in that it also:
- requires new development to be of high quality design (Policy HQ/1);
 - seeks to safeguard the character of the village and protect, sustain and enhance heritage assets both designated and non designated (Policies NH/11 and NH/14) and ensure that Important Countryside Frontages are not compromised (Policy NH/13);
 - seeks to secure appropriate parking provision (Policy TI/3);
 - seeks to protect village services and facilities (Policy SC/3) and resist the loss of viable employment land (Policy E/14);
 - seeks, amongst other things, to promote the provision of open space (Policy SC/7); to safeguard Protected Village Amenity Areas (PVAA) (Policy NH/11); to protect existing recreation areas, allotments and community orchards (Policy SC/8) and to protect Local Green Spaces (Policy NH/12);
 - seeks to conserve and enhance biodiversity (Policy NH/4);
 - seeks to promote sustainable transport (Policies S/2 and TI/2);
 - seeks to conserve and enhance green infrastructure (Policy NH/6); and
 - seeks to ensure the provision of a suitable number and mix of housing in Histon and Impington (Policies S/6, H/1d, E/8 & H/9).
- 4.9 With these points in mind I am satisfied that the Plan, with the modifications I propose later in this report, is in general conformity with the strategic policies of the Local Plan and meets the Basic Conditions in this respect.

Contribution to Sustainable Development

- 4.10 There are three aspects to sustainable development: economic, social and environmental. The Plan contains a range of policies which seek to meet local housing needs (for example Policies HIM03 and HIM18) and promote a successful economy (for example Policies HIM06 to HIM09 and HIM19). In this manner, it makes a contribution to the economic aspects of sustainable development.
- 4.11 The Plan also seeks to provide for a vibrant community by promoting and safeguarding community uses and spaces (for example Policies HIM10, HIM11, HIM12, HIM14 and HIM17). In this manner, it contributes to the social aspects of sustainable development.
- 4.12 Finally the Plan seeks to safeguard important natural habitats and promote green infrastructure (for example Policies HIM13 and HIM16). It encourages means of transport other than the private car, while ensuring adequate parking provision (Policies HIM15 and HIM05) and conserving the historic character of the Plan area (Policy HIM02 and HIM04). The Plan also seeks to ensure high quality design (Policy HIM01). In all of these ways the Plan thus contributes to the environmental aspect of sustainability.
- 4.13 I am satisfied, therefore that as proposed to be modified, the Plan makes a contribution to sustainable development and meets the Basic Conditions in this respect.

Specific Issues of Compliance

Policy HIM01 High Quality Design – Residential Development

- 4.14 The Parish Council and District Council have agreed a number of changes to the wording and word order of this policy. In the interests of accuracy and clarity I consider that Policy HIM01 should be modified as shown in **PM1**. With these modifications in place, and having regard to the general points made about this policy in paragraphs 4.5 to 4.8 above, I am satisfied that Policy HIM01 meets the Basic Conditions.

Policy HIM02 Interesting Buildings (Non-designated Heritage Assets)

- 4.15 Policy HIM02 identifies a number of buildings and structures of local interest, which are to be treated as non-designated heritage assets. It is entirely legitimate for local communities to nominate heritage assets which help to make their community what it is as long as this is based on sound evidence.⁷

⁷ PPG Reference ID 18a-040-20190723.

In this instance, it is agreed between the District Council and the Parish Council that the criteria used in identifying and selecting the non designated heritage assets have been derived from the relevant advice.⁸

- 4.16 Having read the various appraisals of these buildings contained in the evidence base I am satisfied that they variously allude to the role of these buildings in the history of the community, their significance to the community, their architectural quality and, where relevant, make the judgement that they are good examples of their type.
- 4.17 Moreover, for the most part, the District Council has no unresolved objections to the various buildings referred to in Table 1 being identified as non-designated heritage assets. The only exception to this is the wall of the garden of The Gables at 25 High Street. This, the District Council has confirmed, is a Listed structure. Therefore, it is a designated heritage asset and there is nothing to be gained by declaring it a non-designated heritage asset. Reference to the wall at the Gables should, therefore, be deleted as shown in **PM2**. The text of Table 1 should also be modified to make clear that it is the north façade of the house at 3 School Hill which is the feature of interest. This modification is also shown in **PM2**.
- 4.18 The Parish Council and District Council have agreed a number of modifications to the wording of this policy and its supporting text to make them easier to interpret. In the interests of achieving clarity, I agree that these modifications should be made as shown in **PM3**.
- 4.19 I also note that as part of the Regulation 14 consultation, a letter was sent to all owners and occupiers of buildings affected by this policy which made clear the implications of the proposed designation.
- 4.20 Having regard to the points made above, the modifications proposed and the general comments on this policy made in paragraphs 4.5 to 4.8 above, I am satisfied that Policy HIM02 is based on sound evidence, has been properly consulted on and in all other respects meets the Basic Conditions.

Policy HIM03 Size, Scale and Location of New Housing

- 4.21 As currently worded Policy HIM03 and its supporting text could be interpreted as supporting development in Green Belt. That is not the Parish Council's intention – rather it wishes to express its view on the size and location of housing if, in the future, Green Belt boundaries were changed. The policy should, therefore, be modified to reflect this intention as shown in **PM4**. The third paragraph of Policy HIM03, which deals with the provision of infrastructure, simply repeats the requirements of Local Plan Policy SC/4.

⁸ Section 7 of Local Heritage Listing: Historic England Advice Note 7.

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The Framework cautions against the duplication of policy⁹ and this paragraph should, therefore, be deleted as also shown in **PM4**.

- 4.22 Policy HIM03 specifies that entry to any estate should be within 800m of one of the two Community Centres in the village but Map 7, which accompanies this policy, does not indicate where these centres are. In the interests of clarity, it should, as shown on **PM5**.
- 4.23 It is suggested that the figure of 800m is too prescriptive and the policy should be worded more flexibly. I do not agree. It is reasonable for the Plan to seek to ensure that future occupants of any houses are within easy walking or cycling distance of local facilities and I have seen no evidence that this requirement would unreasonably constrain future development opportunities. If, in the future, new community facilities were provided, it might be considered necessary to revise the position of the 800m radii but this is something that could be dealt with through a review of the Plan.
- 4.24 Local Plan Policy H10 states that sites of 11 or more houses will be expected to deliver 40% affordable housing. Paragraph 5.32 of the Plan, on the other hand, sets the threshold for such delivery at 10 or more houses. In order to ensure general conformity with the strategic Local Plan policy, paragraph 5.32 should be amended as shown in **PM6**.
- 4.25 With the modifications set out above in place, and having regard to the general points made about this policy in paragraphs 4.5 to 4.8 above, I am satisfied that Policy HIM03 meets the Basic Conditions.

Policy HIM04 The Windmill

- 4.26 The Windmill in Impington is described in the Plan as being ‘...perhaps the most visible and significant historic building in the community’. The Windmill is a Grade II listed building and it, together with the area immediately to the west, is designated as a PVAA as under the terms of Local Plan Policy NH/11. These designations confer an element of protection on the building and its setting.¹⁰ However, the aim of policy is to protect the Windmill not just as a building but also as a working Mill. The policy seeks, therefore, to

⁹ National Planning Policy Framework Paragraph 16 f).

¹⁰ Section 66(i) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that the decision maker ‘...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses’. Local Plan Policy NH/11 does not allow for development within or adjacent to PVAAs if it would have ‘...an adverse effect on the character, amenity, tranquillity or function of the village’. Local Plan Policy NH/14 states, amongst other things, that ‘Development proposals will be supported when they sustain and enhance the significance of heritage assets including their settings...’.

prevent development within the defined policy area which would cause further loss of wind to the Mill.

- 4.27 This policy has proved controversial. It has attracted both support and objections from within the community. However, I see nothing in national policy or the strategic policies of the Local Plan which preclude returning the Mill to its original use as a way of retaining this important historical and architectural asset. Indeed, the Framework states¹¹ that a positive strategy for the conservation and enjoyment of the historic environment should take into account, amongst other things, putting heritage assets to '*viable uses consistent with their conservation*'. It would be difficult to argue that returning the Mill to its original use would not be consistent with its conservation and the evidence is that further loss of wind to the Mill would render that original use unviable.
- 4.28 It is common ground that in the past the Mill has not been solely dependent on wind power but has used an engine to provide supplementary power. However, it appears that the intention of the current owner is to rely on wind power.
- 4.29 The Plan refers to the Molen Biotoop Method as a way of assessing the impact of obstacles on wind flow to windmills. The District Council questions whether it has the resources or expertise to apply this methodology and queries whether there may be other methodologies. However, no other simple, cheap and accessible methodologies have been put forward and the Molen Biotoop Method is an established approach used in the Netherlands. Consequently, I do not consider the case has been made to widen the terms of the policy to refer to other unspecified methods of measuring the effect of obstacles on wind at the Mill. As to the question of expertise, it is a matter for the District Council to decide whether its officers can apply this method or whether it needs to take outside advice. This is not a question that goes to the Basic Conditions.
- 4.30 It has also been argued that the intention to restore the Mill should not be given priority over the rights of people in the area to develop their property, but ultimately this is a matter for the community to decide on. Accordingly, that opportunity will be provided if/when the Plan goes to referendum.
- 4.31 I am satisfied, therefore, that Policy HIM04 meets the Basic Conditions as it has regard to the Framework, particularly paragraph 185, and is in general conformity with the strategic policies of the Local Plan, particularly Policies NH/11 and NH/14, insofar as these seek to conserve and enhance the historic environment and safeguard the character of the village.

¹¹ National Planning Policy Framework Paragraph 185.

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Policy HIM05 Parking Provision for Cars and Cycles

- 4.32 The Parish Council and District Council have agreed that a number of changes should be made to Policy HIM05. In particular it is considered:
- that the term 'restricted streets' should be more prominently defined and the position of these shown in the Plan;
 - that the conflict between Policy HIM06 (which encourages parking in the commercial core) and Policy HIM05 (which restricts it) should be resolved by introducing more flexible wording;
 - ambiguity over visitor parking in non-designated streets should be removed;
 - that references to the dimensions of garages and drives are consistent with the Local Plan;
 - that there is flexibility in the provision of cycle parking; and
 - that local character is respected.
- 4.33 I consider these modifications are necessary in the interests of clarity and general conformity with strategic Local Plan policies and that Policy HIM05 and its supporting text should be modified as shown in **PM7**.

Policy HIM06 Commercial Core

- 4.34 Policy HIM06 defines the Commercial Core, supports appropriate development within it and seeks to resist the loss of shops, services, community facilities and car parking spaces. It was established in paragraphs 4.5 to 4.8 that this policy is in line with national and local policy, which seeks to boost businesses in the rural area. The Parish Council and District Council propose some minor amendments to the policy and its supporting text and, in the interests of clarity, I agree that these should be made as shown in **PM8**.
- 4.35 In addition the third bullet point of Policy HIM06 refers to maintaining easy and efficient access for large delivery vehicles. It has correctly been pointed out that this should not be at the expense of safety. This aspect of the policy should be modified as is also shown in **PM8**. With these proposed modifications in place, I am satisfied that Policy HIM06 meets the Basic Conditions.

Policy HIM07 The School Hill Site

- 4.36 Policy HIM07 set out criteria for the redevelopment of the School Hill Site. It has been established in paragraphs 4.5 to 4.8 above that this policy is generally consistent with the aims of national and local policy. The Parish Council and District Council have agreed a number of modifications which, in the interests of clarity, I consider should be made. These are set out in **PM9**.

- 4.37 As with the previous policy, the point has been made quite correctly that the reference to easy access for large delivery vehicles should not be at the expense of pedestrian safety. This part of the policy should, therefore, be modified as is also shown in **PM9**.

Policy HIM08 The Jam Factory

- 4.38 The intention of Policy HIM08 is, amongst other things, to retain the Jam Factory site in employment use while allowing for the possibility of small-scale residential development if current levels of employment were maintained or increased. The policy also stresses that in order to protect residential amenity, a green separation between the employment site and adjacent housing shall be retained.
- 4.39 In response to representations from the District Council questioning the clarity of the policy, a number of modifications were proposed. The most contentious of these involved identifying on the map accompanying the policy (Map 12) the precise extent of the '*Green areas to be retained*' within the site.
- 4.40 However, as has been pointed out by the owners of this site and its potential developers, these green areas are the subject of an extant and partially implemented planning permission for open storage and car parking. That being so it would not be appropriate for these areas to shown as '*Green areas to be retained*' or indeed as '*Existing green areas*', a notation that has also been suggested by the Parish Council.
- 4.41 Another contentious point is the ecological value of these areas. They have been the subject of an Ecology and Protected Species Survey which concludes that '*No ecological constraints were found to be associated with plans to develop this land*'. However, this does not mean that the site has no ecological value. The ecological survey itself identifies a number of precautionary measures and ecological enhancements that would be required to ensure legal compliance and no net loss of diversity if the site were developed.
- 4.42 It is entirely appropriate, therefore, that Policy HIM08 should identify ecological matters as a key consideration in considering proposals to redevelop the site. However, reference to this matter in the policy should be updated by deleting mention of an area of scrubland that has now been cleared. This is shown in **PM10**.
- 4.43 In the interests of clarity the word 'allow' should be deleted from the third bullet point of Policy HIM08 as shown in **PM11**.

- 4.44 I see no objection to Map 12 being modified to indicate the position of the Community Orchard and the general direction of High Street, as also shown in **PM11**.
- 4.45 With these proposed modifications in place, and having regard to the general comments made about this policy in paragraphs 4.5 to 4.8 of this report, I am satisfied that Policy HIM08 meets the Basic Conditions.

Policy HIM09 Vision Park

- 4.46 Policy HIM09 seeks to safeguard Vision Park as an employment site. As established in paragraphs 4.5 to 4.8 above, this approach is consistent with national and local strategic policy. In the interests of accuracy, Policy HIM09 should refer to the presence of the officially recorded public bridleway, granting rights to pedestrians, cyclists and horse riders alongside the Guided Busway, as shown in **PM12**.

Policy HIM10 Bypass Farm

- 4.47 Policy HIM10 seeks to safeguard Bypass Farm for community outdoor use and to specify the size of any building footprint development that may take place, and the parking requirements for such development.
- 4.48 Dealing with this latter point first, no substantial evidence is put forward to justify the very precise requirements set out in the policy other than to indicate that these are based on the space requirements necessary for outdoor activities pursued by youth groups. I am not satisfied that this amounts to the proportionate, robust evidence required to support the policies in neighbourhood plans.¹² As to the safeguarding element of the policy, this simply repeats the requirement of Local Plan Policy SC/1 which allocates this site as an open space. As noted previously, the Framework cautions against the duplication of policy.¹³
- 4.49 For these reasons I am not satisfied that Policy HIM10 meets the Basic Conditions and it, together with its supporting text and Map 14, should be deleted as shown in **PM13**.

Policy HIM11 School Hill Garden

- 4.50 Policy NH/11 of the Local Plan identifies a number of PVAAs within Histon & Impington. Policy HIM11 proposes the designation of a further such area at School Hill Garden. I have no reason to doubt that this area is of amenity value to the local community and its proposed designation is consistent with

¹² PPG Reference ID:41-040-20160211.

¹³ National Planning Policy Framework Paragraph 185.

Policy NH/11 and with the Framework's aim of promoting healthy and safe communities.¹⁴ The Parish Council and District Council have agreed a revised wording to this policy. In the interests of clarity, I agree that this modification should be made as shown in **PM14**.

Policy HIM12 Local Green Space

- 4.51 Policy HIM12 identifies a number of Local Green Spaces. The Framework acknowledges that local communities should be able identify these but advises¹⁵ that, amongst other things, this designation should only be used where; firstly, the green space is in reasonably close proximity to the community it serves; secondly, the green space is demonstrably special to a local community and holds particular local significance; and thirdly, it is local in character and not an extensive tract of land.
- 4.52 The Parish Council has confirmed that the owners of these sites were consulted in a timely manner and opportunities were given to them to make representations on their proposed designation.
- 4.53 Having visited these sites I am satisfied that they are all within easy reach of the village. In particular I noted on my site visit that the site referred to as Northern Buxhall Farm, one of the more peripheral sites proposed for this designation, is within twenty minutes' walk of large areas of the northern parts of the village and I regard this as being within easy walking distance.
- 4.54 I have no reason to doubt that the sites proposed as Local Green Space are demonstrably special to the local community and hold particular local significance. In particular, I note that the land at Northern Buxhall Farm provides an accessible area of tranquil open countryside close to the village, which is valued by walkers and nature lovers. The Infant School Field, on the other hand is centrally located and which will, when the Infant School is re located and full-time public access will become possible, serve a valuable role in addressing the serious deficit of formal and informal play provision in the area. It has been pointed out that the Infant School Site is designated as a PVAA in the Local Plan, this is a point I deal with later in this report.
- 4.55 As to the question of whether these sites are local in character and not extensive tracts of land, there are no hard and fast rules about how big a Local Green Space can be and a degree of judgment will inevitably be needed.¹⁶ For that reason, I have looked with particular care at three of the larger sites proposed as Local Green Spaces - these being Northern Buxhall

¹⁴ National Planning Policy Framework Chapter 8.

¹⁵ National Planning Policy Framework Paragraphs 99 and 100.

¹⁶ PPG Reference ID: 37-015-20140306.

Farm which is 12 hectares (ha), Cawcutt's Lake and adjacent land which is 11.6 ha, and Manor Park Field and Histon Wood which is 6 ha.

- 4.56 My site inspection led me to the conclusion that Histon and Impington sits in a landscape of broad, open fields similar in size or larger than these proposed sites. In a landscape of this scale none of the proposed sites gives the impression of being a particularly large tract of land. Moreover, much of Cawcutt's Lake is occupied by water and Manor Park Field and Histon Wood are separated by the track of the Guided Busway and its associated cycleway and bridleway. I am satisfied, therefore, that all of the Local Green Spaces proposed in Policy HIM12 are local in character and not extensive tracts of land.
- 4.57 A number of the proposed Local Green Spaces are in Green Belt where protection from development is the norm. The question posed in the PPG is, therefore, what additional local benefit would be gained by the proposed designation?¹⁷ In answering this question, the Parish Council point to the same paragraph in the PPG which makes clear that where there could be exceptions to the protection from development afforded by Green Belt, then a Local Green Space designation could help to identify areas that are of particular importance to the local community and have confirmed that that is the case in this instance. I consider this to be a valid approach for sites on the edge of village where sites could be considered for release in the future to meet, for example, housing needs.
- 4.58 Similarly a number of proposed Local Green Spaces are in Conservation Areas. Again, the question posed in the PPG is what additional local benefits would be gained by the proposed designation?¹⁸ The Parish Council argue that the two designations serve different purposes and state that '*Conservation Areas constrain the type of development whereas Local Green Space designation protects against development where none currently exists*'.
- 4.59 I accept the general proposition that different types of legislation are intended to achieve different purposes. I note that all of the sites in Conservation Areas which are proposed as Local Green Spaces are open areas or predominantly open areas with a number being parks, one being a Village Green and one a Peace Memorial.
- 4.60 However, I do not accept that Conservation Areas do not protect against development on open land where none currently exists. Conservation Areas are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.¹⁹ Having visited

¹⁷ PPG Reference ID:37-010-20140306.

¹⁸ PPG Reference ID:37-011-20140306.

¹⁹ Section 69 i) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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all of these sites, I am of the opinion that the predominantly open spaces referred to above are an integral part of the character and appearance of the areas in which they stand and as such the desirability of preserving or enhancing them must be taken into account when considering any proposal to develop them. I am not satisfied, therefore, that any additional local benefit would be gained by designating them as Local Green Spaces. The designation of these sites does not, therefore, meet the Basic Conditions and reference to them should be deleted as shown in **PM15**.

- 4.61 Six of the proposed Local Green Spaces are already designated in the Local Plan as PVAA's, where according to the terms of Local Plan Policy NH/11 development will not be permitted that would have an adverse effect on the character, amenity, tranquillity or function of the village. Once again, therefore, the question has to be asked as to what additional local benefits would be gained by designating these sites as Local Green Spaces?
- 4.62 In answer to this question, the Parish Council point to the fact that a Local Green Space designation affords a site protection that is consistent with that for Green Belt²⁰ and it considers that the sites in question are important enough to warrant the rigorous examination of development proposals that would be carried out in Green Belt. Moreover, two of the proposed Local Green Spaces (Crossing Keeper's Copse and Impington Coppice) would benefit from the protection that would be afforded to them because of the richness of their wildlife - a protection not specifically afforded by PVAA status.
- 4.63 I am satisfied that these are indeed additional local benefits that warrant allocating sites which are already PVAA's as Local Green Spaces.
- 4.64 The Parish and District Councils consider that a wording change to Policy HIM12 would add to its clarity. I agree. These changes are set out in **PM16**. With the changes (including the deletions) referred to above in place, I am satisfied that Policy HIM12 meets the Basic Conditions.

Policy HIM13 Important Natural Habitats

- 4.65 Policy HIM13 seeks to ensure that the biodiversity value of Important Natural Habitats is identified and is maintained or enhanced as a result of any development. The sites which are proposed as Important Natural Habitats have been selected on the basis of detailed site assessments and no substantial evidence has been brought forward to invalidate these. Therefore, I consider that this policy is based on sound evidence and that its aims are compatible with Local Plan Policies, such as NH/4 which seek to safeguard

²⁰ National Planning Policy Framework Paragraph 101.

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biodiversity and with chapter 16 of the Framework, insofar as it seeks to conserve and enhance the natural environment.

- 4.66 In the interests of clarity, I agree that some restructuring of the text supporting this policy is needed and Map 18 needs to show the boundaries of certain sites more clearly. Its key should also indicate that the numbers on the map relate to the open spaces listed in Table 4 of the Plan.
- 4.67 Table 6 contains details of individual sites and this would be more appropriately placed in the evidence base and the Plan should be modified accordingly.
- 4.68 It is also appropriate to deal with Map 17 at this time, as this relates to Policy HIM13. This map shows important natural habitat sites which provide ecological connectivity. The Parish Council has confirmed that, with the exception of the Important Natural Habitats, which are already shown on Map 18, the various sites shown on Map 17 have no policy significance. They are shown solely because connectivity and ecological networks are a key criterion for designating Important Natural Habitats. As such Map 17 would also be more appropriately included in the evidence base to the Plan rather than the Plan itself.
- 4.69 All the changes referred to above are shown in **PM17** and with these in place I am satisfied that Policy HIM13 meets the Basic Conditions.

Policy HIM14 Maximising Recreational Space

- 4.70 Policy HIM14 seeks to safeguard two existing playing fields in the village. Such an approach aligns with Local Plan Policy SC/8, which aims to achieve the same end and has regard to Chapter 8 of the Framework (which seeks to promote healthy and safe communities).
- 4.71 Policies in neighbourhood plans should relate to the development and use of land. It is suggested that Policy HIM14 goes beyond this when it refers to encouraging initiatives which support the management of the two playing field sites in order to maximise their total use for public recreation. To my mind, the broad thrust of this phrase clearly relates to the use of land so it is valid to include it in the policy.
- 4.72 It is also pointed out that Policy HIM14 also refers to supporting the provision of a green linkage between the two sites but does not indicate where this would be. However, I see nothing to indicate that it should do so in order to comply with the Basic Conditions.

4.73 The Parish Council and District Council have concluded that the wording of the policy should be modified as shown in **PM18**. I agree that, in the interests of accuracy and clarity, this should be done. Map 19 should also be modified to make clear what its annotations refer to. This is also dealt with in **PM18**.

Policy HIM15 Walking and Cycling Routes

4.74 As its name implies, Policy HIM15 deals with walking and cycling routes. It is suggested that it should also deal with horse riding. However, as the PPG makes clear²¹, neighbourhood plans are not bound to have policies addressing all types of development and, within prescribed limits, it is for the community to determine the specific topics that such plans cover.

4.75 I see no evidence of a widespread desire in the community to cover the topic of horse riding. In order to meet the Basic Conditions, therefore there is no need for the scope of Policy HIM15 to be widened to include this topic. I note that the Parish Council is open to the suggestion that a policy relating to horse riding could be included in a review of the Plan.

4.76 It has been pointed out that the Plan omits to mention bridleways and public rights of way in a number of places. The Parish Council accepts that in the interests of accuracy it should. I agree. These changes, and a further change agreed between the Parish Council and District Council, are shown in **PM19**.

Policy HIM16 A14 Mitigation Sites

4.77 Highway works around the A14 roundabout at the southern edge of the village has led to the destruction of an area of woodland. In the eyes of local residents, this has undermined the essentially rural character of Histon and its sense of separation from both the road itself and from Cambridge. Policy HIM16 seeks, therefore, to maintain and strengthen green infrastructure and planting in this area as a way of mitigating the adverse impact of the A14.

4.78 Most of the sites referred to in this policy are in Green Belt; some are proposed in the Plan as Local Green Spaces; some are proposed as Important Natural Habitats and some fall into all three of these categories. The question has been raised, therefore, as to why they need to be designated under Policy HIM16?

4.79 However, I am satisfied that these different designations are intended to serve different purposes. Green Belt and Local Green Space are intended primarily to safeguard the openness of these sites, while designation as Important Natural Habitats are intended to promote and safeguard biodiversity. Policy HIM16 on the other hand, is concerned with promoting planting and the

²¹ PPG Reference IDs 41-040-20160211 & 41-004-20190509.

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provision of green infrastructure to reduce the effect on the village of noise, dust and air pollution from the A14. This is linked to, but different from, openness and habitat creation and retention.

- 4.80 The District Council and Parish Council have agreed that Map 22 which accompanies Policy HIM16 should be modified to show the boundaries of various sites more clearly, to explain the annotations of the map and to confirm whether certain sites are within the boundaries of the relevant Development Consent Order. I consider that, in the interest of clarity, these changes should be made as shown in **PM20**.
- 4.81 Policy HIM16 has regard to the Framework insofar as it seeks the provision of green infrastructure²² and is generally consistent with Local Plan Policy NH/1, which seeks to achieve the same end. Policy HIM16 therefore meets the Basic Conditions.

Policy HIM17 The Infant School Site

- 4.82 The Infant School Site is due to become vacant when a new school is developed in the village. Policy HIM17 seeks to safeguard the site for Community Uses in order to deal with a shortfall in community provision in the village.
- 4.83 It is pointed out that there is no absolute guarantee planning permission will be granted on the new school site but that has no bearing on the wording of this policy. If the site is not vacated, it will continue in use as a school and a school is a community use.
- 4.84 The point is also made that while Policy HIM17 would particularly welcome the provision of health facilities on this site, the site's owner has received no direct approach from health care providers. This is not entirely surprising as the site is currently in use as a school and such approaches could be made in the future.
- 4.85 I note that the owner of the site intends to promote it for housing but Policy HIM17 does not rule this option out entirely, it simply says that the principal use of the site for community facilities should be maintained. I do not agree with the suggestion that the policy is over restrictive. The policy expresses various preferences but does not rule out other suitable options.
- 4.86 The policy contains a clause which introduces some flexibility by allowing for other development to take place if, during the Plan period, it becomes evident that there is no demand for community uses. The District Council and Parish Council have agreed that this should be replaced by a clause that states that

²² National Planning Policy Framework Paragraph 91.

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the site will be safeguarded for 10 years, after which other uses would be allowed.

- 4.87 The purpose of this is to reduce the risk of the building standing empty. However, this modification would appear to have the opposite effect in that it could mean that the building would stand empty for 10 years even if there was no demand for community uses. Whereas the policy, as worded, would allow for the building to be occupied earlier if it could be demonstrated that there was no such demand. Moreover, the Plan will not be 'made' before 2020 and only runs until 2031 – a period of 11 years.
- 4.88 I agree however that, in the interests of consistency and clarity, Policy HIM17 and its supporting text should refer to the fact that the school building is identified under Policy HIM02 as a non-designated heritage asset and to the terms of the Histon & Impington Village Design Guide. These modifications are shown in **PM21**.
- 4.89 With these modification in place, I am satisfied that Policy HIM17 meets the Basic Conditions in that, as referred to in paragraphs 4.5 to 4.8 above, it has regard to the Framework in so far as it seeks to retain and develop accessible local services and community facilities and is in general conformity with those Local Plan Policies which seek to safeguard community uses.

Policy HIM18 Meeting Local Needs – Housing Mix

- 4.90 Policy HIM18 seeks to ensure that housing developments include a mix of size and tenure of dwellings which meet local needs. However, Local Plan Policy H/9 is a detailed and wide ranging policy which covers the same ground and I agree with the District Council that it is not clear what Policy HIM18 adds to this. The Parish Council accepts that the two policies cover similar ground but consider that they say different things. However, they do not point to any significant and evidence-based ways in which the two policies differ. As noted previously, the Framework cautions against the duplication of policy.²³ Policy HIM18 and its supporting text should, therefore, be deleted as shown in **PM22**.

Policy HIM19 Station Site

- 4.91 Policy HIM19 starts by stating that it supports Policy E/8 of the Local Plan, which allocates the Station Site for mixed use development and adds a number of additional requirements. Like the District and Parish Councils, I do not consider it necessary for this policy, in effect, to repeat the requirements

²³ National Planning Policy Framework Paragraph 185.

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of Policy E/8²⁴ and Policy HIM19 should be modified to delete its first sentence, as shown in **PM23**.

- 4.92 In the interests of consistency and clarity I also agree with the District and Parish Councils that the area to which this policy applies should be made clear and that reference should be made to the Village Design Guide. These changes are also shown in **PM23**.

5. Conclusions

Summary

- 5.1 The Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. I consider that the Plan as modified has no policy or proposals significant enough to have an impact beyond its designated boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

Overview

- 5.4 The Neighbourhood Planning Team have taken a meticulous and rigorous approach to its task and the result is a thorough and comprehensive Plan, which will make an effective contribution towards the management of development in the village.

R J Yuille

Examiner

²⁴ National Planning Policy Framework Paragraph 185.