



**Intelligent Plans**  
and examinations

# **Report on Buckden Neighbourhood Development Plan 2020 - 2036**

**An Examination undertaken for Huntingdonshire District Council with the support of Buckden Parish Council on the June 2020 submission version of the Plan.**

Independent Examiner: Andrew S Freeman BSc(Hons) DipTP DipEM FRTPI

Date of Report: 23 October 2020

## Contents

|                                                          | Page |
|----------------------------------------------------------|------|
| <b>Main Findings</b> - Executive Summary                 | 4    |
| <b>1. Introduction and Background</b>                    | 4    |
| • Buckden Neighbourhood Development Plan 2020-2036       | 4    |
| • The Independent Examiner                               | 5    |
| • The Scope of the Examination                           | 5    |
| • The Basic Conditions                                   | 6    |
| <b>2. Approach to the Examination</b>                    | 6    |
| • Planning Policy Context                                | 6    |
| • Submitted Documents                                    | 7    |
| • Site Visit                                             | 7    |
| • Written Representations with or without Public Hearing | 7    |
| • Modifications                                          | 8    |
| <b>3. Procedural Compliance and Human Rights</b>         | 8    |
| • Qualifying Body and Neighbourhood Plan Area            | 8    |
| • Plan Period                                            | 8    |
| • Neighbourhood Plan Preparation and Consultation        | 8    |
| • Development and Use of Land                            | 9    |
| • Excluded Development                                   | 9    |
| • Human Rights                                           | 9    |
| <b>4. Compliance with the Basic Conditions</b>           | 9    |
| • EU Obligations                                         | 9    |
| • Main Issues                                            | 9    |
| - Issue 1: Housing Need                                  | 11   |
| - Issue 2: Building Design                               | 11   |
| - Issue 3: Flood Risk and Drainage                       | 12   |
| - Issue 4: Conservation Area and Historic Assets         | 12   |
| - Issue 5: Transport                                     | 12   |
| - Issue 6: Footpaths and Cycling                         | 13   |
| - Issue 7: Community Services                            | 14   |
| - Issue 8: Business                                      | 14   |
| - Issue 9: Biodiversity                                  | 14   |
| - Issue 10: Green Space                                  | 15   |
| - Issue 11: Great Ouse Valley                            | 15   |
| - Issue 12: Landscape                                    | 16   |
| • Other Matters                                          | 16   |
| <b>5. Conclusions</b>                                    | 16   |
| • Summary                                                | 16   |

|                                |           |
|--------------------------------|-----------|
| • The Referendum and its Area  | 17        |
| • Overview                     | 17        |
| <b>Appendix: Modifications</b> | <b>18</b> |

## **Main Findings** - Executive Summary

From my examination of the Buckden Neighbourhood Development 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 – Buckden Parish Council;
- The Plan has been prepared for an area properly designated – the Buckden Neighbourhood Area as shown on the map on Page 9 of the Plan;
- The Plan specifies the period to which it is to take effect – 2020 - 2036; 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**

### *Buckden Neighbourhood Development Plan 2020-2036*

- 1.1 Buckden is one of the larger villages in Huntingdonshire within the county of Cambridgeshire. It lies mainly to the east of the A1 principal road with Huntingdon to the northeast and St Neots to the south. Cambridge is about 27 km away to the east-southeast. To the west, the Parish and designated area extends nearly as far as Grafham Water. The river Great Ouse forms the eastern boundary.
- 1.2 Those parts of the designated area beyond the village itself are rural in nature and properties are mainly scattered. The attractive open countryside includes man-made lakes to the north, east and south of the village. These have been formed as a result of sand and gravel extraction with restoration as nature reserves.
- 1.3 Preparation of the Neighbourhood Plan commenced in earnest in August 2018 when, prior to designation, a working group was set up by the Parish Council. Thereafter, the Plan was written using feedback from public consultation and a neighbourhood plan questionnaire. Professional advice

was taken from specialist consultants on matters such as planning, housing, wildlife and biodiversity.

### *The Independent Examiner*

- 1.4 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Buckden Neighbourhood Development Plan by Huntingdonshire District Council, with the agreement of Buckden Parish Council.
- 1.5 I am a chartered town planner and former government Planning Inspector with over forty years' experience. I have worked in both the public and the private sectors. I am an independent examiner and do not have an interest in any of the land that may be affected by the draft Plan.

### *The Scope of the Examination*

- 1.6 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
  - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
  - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.7 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 Sections 38A and 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”).

1.8 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.

### *The Basic Conditions*

1.9 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.

1.10 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.<sup>1</sup>

## **2. Approach to the Examination**

### *Planning Policy Context*

2.1 The Development Plan for this part of Huntingdonshire District, not including documents relating to excluded minerals and waste development, is Huntingdonshire’s Local Plan to 2036 as adopted in May 2019.

---

<sup>1</sup> 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.

2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published on 19 February 2019. All references in this report are to the February 2019 NPPF and its accompanying PPG.<sup>2</sup>

### *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 draft Buckden Neighbourhood Plan 2020-2036, June 2020;
- a map which identifies the area to which the proposed Neighbourhood Development Plan relates (page 9 of the draft Neighbourhood Plan);
- the Consultation Statement, June 2020;
- the Basic Conditions Statement, June 2020;
- all the representations that have been made in accordance with the Regulation 16 consultation;
- the Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report, June 2020, prepared by Huntingdonshire District Council; and
- the requests for additional clarification sought in my letter of 11 September 2020 and the response of 24 September 2020 from Buckden Parish Council.<sup>3</sup>

### *Site Visit*

2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 23 September 2020 to familiarise myself with it and visit relevant sites and areas referenced in the Plan and evidential documents.

### *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 clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum.

### *Modifications*

---

<sup>2</sup> See paragraph 214 of the NPPF. The Plan was submitted under Regulation 15 to the local planning authority after 24 January 2019.

<sup>3</sup> View at: <https://www.huntingdonshire.gov.uk/planning/neighbourhood-planning/>

- 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.

### **3. Procedural Compliance and Human Rights**

#### *Qualifying Body and Neighbourhood Plan Area*

- 3.1 The Buckden Neighbourhood Plan has been prepared and submitted for examination by Buckden Parish Council, which is a qualifying body for an area that was designated by Huntingdonshire District Council on 5 September 2018.
- 3.2 It is the only Neighbourhood Plan for Buckden Parish and does not relate to any 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 2020 to 2036.

#### *Neighbourhood Plan Preparation and Consultation*

- 3.4 Details of plan preparation and consultation are set out in the Parish Council's Statement of Consultation dated June 2020. Application for designation as a neighbourhood area was made on 4 September 2018 and approved by Huntingdonshire District Council on 5 September 2018.
- 3.5 Consultation took place in several distinct phases. Initial awareness was created in the period September to December 2018. Early consultation and feedback, including preparation of a questionnaire and consultation with relevant bodies and organisations, was carried out between September 2018 and February 2019. Development of the Plan and the collection of further evidence then took place between February and October 2019 with on-going consultation and further feedback over the period March to October 2019.
- 3.6 At the Regulation 14 stage (undertaken between 25 November 2019–12 January 2020), representations were submitted by approaching 30 different consultation bodies, organisations or individuals. Changes to the Plan were made with the aim of addressing the representations, all as documented in the Statement of Consultation.
- 3.7 At the Regulation 16 stage (undertaken between 21 July 2020 and 1 September 2020), representations were received from 14 different parties. Three were from developers/landowners, four were from residents and the remainder were from "official" bodies. I am satisfied that, at both the Regulation 14 and the Regulation 16 stages, the consultation process met the legal requirements and there has



been procedural compliance. Regard has been paid to the advice on plan preparation in the PPG.

#### *Development and Use of Land*

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

#### *Excluded Development*

3.9 The Plan does not include provisions and policies for “excluded development”.

#### *Human Rights*

3.10 Buckden Parish Council is satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998). From my independent assessment, I see no reason to disagree.

### **4. Compliance with the Basic Conditions**

#### *EU Obligations*

4.1 The Neighbourhood Plan was screened for Strategic Environmental Assessment (SEA) by Huntingdonshire District Council, which found that it was unnecessary to undertake SEA. Having read the Strategic Environmental Assessment Screening Opinion, I support this conclusion.

4.2 The Neighbourhood Plan was further screened for Habitats Regulations Assessment (HRA), which also was not triggered. The Plan would not have an adverse effect on any European designated nature site. Natural England supported the conclusion that the Plan will not have a significant effect on the environment, including adverse effect on the integrity of internationally designated sites, hence HRA (and SEA) are not required.<sup>4</sup>

#### *Main Issues*

4.3 Before I deal with the main issues, I have a few observations to make with regard to the representations. First, the Buckden Neighbourhood Development Plan should be seen in the context of the wider planning system. This includes Huntingdonshire’s Local Plan to 2036 as well as the NPPF and PPG. It is not necessary, and it would be inappropriate, to repeat in the Neighbourhood Plan matters that are quite adequately dealt with elsewhere.<sup>5</sup>

4.4 Secondly, the Neighbourhood Plan does not have to deal with each and every topic raised through the consultation. In this regard, the content of

---

<sup>4</sup> Correspondence dated 17 February 2020, Page 19 of the Screening Report.

<sup>5</sup> See NPPF Paragraph 16 f).

the Neighbourhood Plan and the scope of the policies is largely at the discretion of the qualifying body, albeit informed by the consultation process and the requirements set by the Basic Conditions.

- 4.5 Thirdly, my central task is to judge whether the Neighbourhood Plan satisfies the Basic Conditions. Many of the representations do not demonstrate or indicate a failure to meet those conditions or other legal requirements. Similarly, many of the suggested additions and improvements are not necessary when judged against the Basic Conditions. Be this as it may, non-material changes, including suggestions and corrections set out in the representations, can be incorporated into the final version of the Plan.
- 4.6 The following section of my report sets out modifications that are necessary in order to meet the Basic Conditions. Some of the proposed modifications are factual corrections.<sup>6</sup> Others are necessary in order to have closer regard to national policies and advice. In particular, plans should contain policies that are clearly written and unambiguous.<sup>7</sup> In addition, the policies should be supported by appropriate evidence.<sup>8</sup>
- 4.7 Having regard for the Buckden Neighbourhood Development Plan, the consultation responses and other evidence, I consider that there are twelve main issues relating to the Basic Conditions for this examination. These relate to:
- Housing Need;
  - Building Design;
  - Flood Risk and Drainage;
  - Conservation Area and Historic Assets;
  - Transport;
  - Footpaths and Cycling;
  - Community Services;
  - Business;
  - Biodiversity;
  - Green Space;
  - Great Ouse Valley; and
  - Landscape.

### Issue 1: Housing Need

- 4.8 Policy Housing Need 1 concerns development outside the existing built-up area of Buckden. However, the policy is unclear in the sense that it could be seen as relating to all types of development, not just housing development. To accord with the intention of the Neighbourhood Plan,

---

<sup>6</sup> Modifications for the purpose of correcting errors is provided for in Paragraph 10(3)(e) of Schedule 4B to the 1990 Act.

<sup>7</sup> NPPF Paragraphs 15 and 16.

<sup>8</sup> PPG Reference ID: 41-041-20140306.

and to align with Local Plan policies on rural exception sites and the countryside, the Plan should be amended as in proposed modification **PM1**.

- 4.9 Amongst other things, Policy Housing Need 2 is supportive of housing on rural exception sites where a significant proportion of the market and affordable housing is appropriate for meeting the needs of the elderly, disabled and infirm. What constitutes a “significant proportion” is to be determined by reference to the current or future housing needs assessment. However, the basis of the determination is not clear from the policy wording. Bullet point two should be re-worded as in proposed modification **PM2**.
- 4.10 The third bullet point of Policy Housing Need 2 is supportive of developments of almshouses on rural exception sites. However, there is no definition of almshouses. For clarity, a definition should be included within the Plan. Proposed modification **PM3** refers.
- 4.11 The second paragraph of Policy Housing Need 3 (Housing Mix) concerns the place of dwellings with four or more bedrooms. However, the meaning of the paragraph is not clear. For clarity and having consulted the Parish Council<sup>9</sup> on the purpose of the policy, an alternative form of wording is needed (proposed modification **PM4**).
- 4.12 Under Policy Housing Need 4, and amongst other things, affordable housing will be supported “*where possible* it provides 70% of new affordable housing units as social or affordable rented properties and 30% as Low-Cost Ownership or other affordable tenure options”. However, this policy (and others) should be unambiguous. “Where possible” should be deleted as in proposed modification **PM5**. There will always be the possibility of divergence from the policy where material circumstances dictate.
- 4.13 Other parts of Policy Housing Needs 4 (bullet points three to six) replicate requirements in the Local Plan (in Policies LP8 and LP24). As such, in order to have regard to national policy they should be deleted as in proposed modification **PM6**.

## Issue 2: Building Design

- 4.14 Policy Building Design 2 includes provisions regarding shared usage roads. However, the wording is unclear. Taken literally, the policy would not allow such roads to link to any other streets. I can understand that the Parish Council would not wish shared usage roads to be used as through links or to serve more than four dwellings; but an alternative form of wording is needed (proposed modification **PM7**) to address these matters.

## Issue 3: Flood Risk and Drainage

---

<sup>9</sup> Buckden Parish Council Response to Examiner’s Questions.

- 4.15 With regard to surface water flooding and sustainable urban drainage systems (SuDS), substantial guidance is provided in Cambridgeshire County Council's (the Lead Local Flood Authority) Flood and Water Supplementary Planning Document (2017). Additional guidance is set out in the County Council's Surface Water Management Plan (2014). To secure unambiguous guidance, reference to this information should be provided in the text of the Plan (proposed modification **PM8**).
- 4.16 In terms of the related policy (Flood Risk and Drainage Policies 1 – Surface Water), there is reference to the Environment Agency's national standards. However, this document is no longer current and responsibility for commenting on surface water management has passed to the Lead Local Flood Authority. Related changes to the policy and reference to current guidance and responsibilities are necessary (proposed modification **PM9**).
- 4.17 Within Flood Risk and Drainage Policies 3 there is reference to Building Research Establishment Digest 365. The digest will be of assistance to developers in meeting the requirements of the competent authorities. However, the digest does not apply to smaller soakaways as outlined in Part H of the Building Regulations. To avoid conflict, the applicability of the provisions needs to be clarified (proposed modification **PM10**). The remainder of the policy offers sound guidance given the nature of the local drainage system and the presence of aquifers.

#### Issue 4: Conservation Area and Historic Assets

- 4.18 The location and relationship of heritage assets to the existing road network is of key importance to the village. Within the Plan, this matter is addressed in Policy Transport 1 (Traffic Impact Assessment). However, this is a heritage consideration that is outside the normal scope of a Transport Assessment or Transport Statement. For clarity, provision should be made within a new policy within the section on the Conservation Area and Historic Assets. Proposed modification **PM11** refers.

#### Issue 5: Transport

- 4.19 Policy Transport 1 concerns traffic impact assessment. Given the nature of traffic conditions in Buckden, it is helpful for the Plan to amplify what is to be expected in such assessments. However, the terminology used is not consistent. In addition, the requirements should be applied only where there would be a significant impact, not *any* impact. In addition, the evidence indicates<sup>10</sup> that the junction of Leadens Lane and Mill Road should be added to the list of junctions likely to require assessment. Necessary changes to meet the Basic Conditions are set out in proposed modification **PM12**.

---

<sup>10</sup> See representation of Mrs B Angel and Buckden Parish Council Response to Examiner's Questions.

4.20 Having regard to the traffic conditions in Buckden, it will be useful for applicants to know what are the mitigation measures that would be required in the circumstances described in the Plan. This matter is addressed in Policy Transport 2 – Traffic Impact Mitigation. However, the policy contains a number of anomalies:

- It is set in the context of a site-specific Local Plan policy (BU 1 - East of Silver Street and South of A1, Buckden), yet is intended to apply to all development proposals.
- It would not make allowance for the traffic effects of unbuilt developments on allocated sites which do not have planning permission.
- Reference to the Ratio of Demand Flow to Capacity should also include applications for full planning permission.
- The Ratio of Demand Flow to Capacity should be measured by reference to conditions in the peak hours.
- The policy does not make clear that excessive queue lengths or degradation of a road's Level of Service (as stated in the policy) would be regarded as severe impacts to the road network.

4.21 To address these matters and ensure clarity, a number of changes are necessary. These are detailed in proposed modification **PM13**.

4.22 The aim of Policy Transport 3 is to prevent construction traffic from entering the village's conservation area. However, there is no evidence to suggest that this would be practical or harmful in all circumstances. An alternative approach (proposed modification **PM14**) is to seek to minimise any harmful effects, which would meet the Basic Conditions.

#### Issue 6: Footpaths and Cycling

4.23 Policy Footpath and Cycling 1 sets out the circumstances under which the enhancement of footpaths, cycleways and bridleways will be supported. However, it should be made clear that the policy only applies within the Neighbourhood Plan area. This would be achieved under proposed modification **PM15**.

4.24 The object of Policy Footpath and Cycling 2 is to maintain the alignment of public rights of way where they pass through development sites. However, factors such as enhancement are also relevant. In addition, use of the phrase in the policy "There is every expectation that" does not convey the clarity that is needed in determining planning applications. The policy should be amended as in proposed modification **PM16**.

#### Issue 7: Community Services

4.25 Policy Community Services 1 addresses the provision of infrastructure capacity. Many of the matters covered are already dealt with under the Local Plan (including in Policies LP 4 and LP 29). In addition, off-site provision or financial contributions can only be required in the circumstances set out in national policy and guidance, for example, in Paragraph 56 of the NPPF. Further, no policy requirement stems from the reference to recreational facilities at the end of the policy. To recognise the points, amendments are necessary as in proposed modification **PM17**.

#### Issue 8: Business

4.26 Support for and the requirements concerning employment proposals are addressed in Policy Business 1. Within the policy, there is a need for certainty over the criteria that will apply (avoiding the term "are expected to demonstrate"). In addition, and to enable general conformity with strategic Local Plan Policy LP 10 (The Countryside), there should be reference to the built-up area of Buckden. These matters are covered in proposed modification **PM18**.

#### Issue 9: Biodiversity

4.27 Under Policy Biodiversity 1, sites of biodiversity value and importance for Priority Species would be protected (as detailed in the Wildlife Review evidence document). Adverse impacts on biodiversity would not be supported other than in the circumstances set out in the policy.

4.28 Having regard to policy in the NPPF (Paragraphs 174-177), I am concerned that blanket protection and lack of support where there would be *any* adverse impact, however small, would not be justified. In addition, I am aware that some findings from the Wildlife Review have been challenged. In the circumstances, a more nuanced approach is needed (proposed modification **PM19**) including one that would allow for evidence other than that provided by the Wildlife Review.

4.29 Policy Biodiversity 2 indicates that all developments should provide significant net gains at both habitat and species level. However, the reference in Paragraph 170 d) of the NPPF is simply to "net gains". This is in circumstances where a mandatory requirement is likely to be imposed through the emerging Environment Act. In order to have regard to national policy, the word "significant" would be removed under proposed modification **PM20**.

#### Issue 10: Green Space

4.30 Policy Green Space 1 is on the subject of Local Green Space. As drafted, development on Local Green Spaces would not be supported save where such development would support and enhance the existing use of the land. However, the NPPF states that policies for managing development within a Local Green Space should be consistent with Green Belt policy

(Paragraph 101).<sup>11</sup> This would allow development that is “not inappropriate”. To ensure appropriate regard for national policy, the wording needs to be changed (proposed modification **PM21**).

- 4.31 Notwithstanding, having considered the available evidence and inspected the sites, I agree that the four sites listed in the policy should be designated as Local Green Spaces. They meet the NPPF criteria for designation.
- 4.32 Policy Green Space 2 is concerned with other important green spaces within Buckden. However, through use of the phrase “it is expected that they be preserved as green spaces”, the policy fails to give sufficient clarity to an applicant or the decision maker. This would be corrected in proposed modification **PM22**.

#### Issue 11: Great Ouse Valley

- 4.33 There are a number of inconsistencies in the Great Ouse Valley policies and the supporting text:
- In Paragraph 13.2.6, there are inaccurate reference to the provisions of the Local Plan.
  - There is ambiguity over the boundary of the Ouse Valley.
  - The second paragraph of Policy Great Ouse Valley 1 is contrary to Local Plan Policy LP 3 Green Infrastructure in that exceptions should not be limited to those put forward by Anglian Water.
  - There is a lack of clarity in the phrases “It is expected that” and “is expected to”.
- 4.34 Necessary changes to Policy Great Ouse Valley 1 – Protection of Ouse Valley and the supporting text would be effected under proposed modification **PM23** to meet the Basic Conditions. A change to Policy Great Ouse Valley 2 – Light Pollution is addressed in proposed modification **PM24**.

#### Issue 12: Landscape

- 4.35 Policy Landscape 1 relies heavily on the Buckden Landscape Appraisal. I appreciate that this was published in 1995. However, from my perusal of the document and visit to the area, I am satisfied that it provides an adequate basis for consideration. More up-to-date information can be adduced where necessary. Having said that, there is inadequate evidence to support the maintenance of several “strategically important” gaps as

---

<sup>11</sup> See also the October 2020 judgment in *R on the Application of Lochailort Investments Limited v Mendip District Council*. Case Number: C1/2020/0812.

referred to in the policy. This provision should be deleted as other development plan policies would offer protection.

- 4.36 The above matter would be dealt with through proposed modification **PM25**. In addition, the correct figure (Figure 36, not Figure 35) would be referred to in the first bullet point of the policy.
- 4.37 With regard to Policy Landscape 3, I am recommending its deletion (proposed modification **PM26**). The first part of the policy repeats provisions in Policy Landscape 1. In addition, the “protected areas” referred to in the second sentence of the policy are undefined. Sites of biodiversity value and importance for priority species however would be safeguarded under Policy Biodiversity 1.

### *Other Matters*

- 4.38 I have reviewed the following remaining policies, which I consider meet the Basic Conditions without need for modification:
- Housing Need 5 – Lifetime Homes;
  - Building Design 1 – Context;
  - Flood Risk and Drainage Policies 2 – Local Aquifers;
  - Conservation Area 1 – Local Character;
  - Conservation Area 2 – Key Landmarks;
  - Community Services 2 – Enhancement and Retention of Village Services;
  - Great Ouse Valley 3 – Landscape Character and Views; and
  - Landscape 2.
- 4.39 All other policies have been considered in the foregoing discussion. With the modifications that I have recommended, the Plan would meet the Basic Conditions. Other minor changes (that do not affect the Basic Conditions), including changes suggested by Huntingdonshire District Council, could be made prior to the referendum.

## **5. Conclusions**

### *Summary*

- 5.1 The Buckden Neighbourhood Development 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. The Buckden Neighbourhood Development Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan 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 It is evident that a considerable amount of time and effort has been devoted to the development and production of this Plan and I congratulate those who have been involved. The Plan should prove to be a useful tool for future planning and change in Buckden over the coming years.

*Andrew S Freeman*

Examiner

## Appendix: Modifications

| <b>Proposed modification number (PM)</b> | <b>Page no./ other reference</b> | <b>Modification</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------------------|----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PM1                                      | Page 23                          | At the beginning of Policy Housing Need 1, replace "Development" with "Housing development".                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| PM2                                      | Page 23                          | Substitute the following for the wording of the second bullet point in Policy Housing Need 2: "where a significant proportion (to be determined by reference to the current Housing Needs Assessment or any subsequent Housing Needs Survey within the Neighbourhood Plan area) of the market and affordable housing is appropriate for meeting the needs of the elderly, disabled and infirm; or"....                                                                                                                                                   |
| PM3                                      | Page 22                          | Add a new paragraph after Paragraph 5.3.2 stating: "An almshouse is a unit of residential accommodation (usually a house or flat) which belongs to a charity and is provided exclusively to meet the charity's purpose such as but not limited to the relief of financial need or infirmity and is occupied or is available for occupation under a licence by a qualified beneficiary who may be required to contribute a weekly sum towards its maintenance. An almshouse charity is a charity which is established to provide one or more almshouses." |
| PM4                                      | Page 23                          | Replace the second paragraph of Policy Housing Need 3 with the following: "Proposals for residential development of more than 10 dwelling shall not include dwellings with four or more bedrooms unless there is demonstrable evidence that the inclusion of such dwellings is necessary to achieve viability of the development."                                                                                                                                                                                                                       |
| PM5                                      | Page 23                          | In the second bullet point in Policy Housing Need 4, delete "where possible".                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

|      |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PM6  | Page 24         | In Policy Housing Need 4, delete bullet points three to six.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| PM7  | Page 27         | In Policy Building Design 2, replace the bullet point relating to shared usage roads with the following text: "Shared usage roads are expected to be built to adoptable standards, be used only for the lowest order of roads, serve no more than four dwellings and avoid acting as a through link to other streets."                                                                                                                                                                                                          |
| PM8  | Page 29         | Add the following paragraph after Paragraph 5.7.4: "Detailed guidance on flood assessment and provision of SuDS within developments is provided in the Cambridgeshire Flood and Water Supplementary Planning Document. The Cambridgeshire Surface Water Management Plan (2014) identifies Buckden as a surface water flooding wetspot and should be referred to for specific information."                                                                                                                                      |
| PM9  | Pages 29 and 30 | In Policy Flood Risk and Drainage Policies 1 delete the text and substitute the following: "The design of any new development shall respect the fragile nature of Buckden's drainage network and minimise surface water flood risk by demonstrating that the run-off rate is consistent with the guidance outlined in the Cambridgeshire Flood and Water SPD and Anglian Water's Surface Water Policy. SuDS shall be designed to meet the standards identified by the adopting body."<br><br>Delete the related table footnote. |
| PM10 | Page 30         | At the end of the first paragraph of Flood Risk and Drainage Policies 3, add: "This provision does not apply to smaller soakaways as outlined in Part H of the Building Regulations."                                                                                                                                                                                                                                                                                                                                           |
| PM11 | Page 35         | Add a new policy (Conservation Area 3 – Heritage Statements) with the following wording: "The location and relationship of                                                                                                                                                                                                                                                                                                                                                                                                      |

|      |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|------|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      |                 | heritage assets to the existing road network is of key importance to the village. Where required, a Heritage Statement shall assess and report on the potential impact of any proposal on affected heritage assets and their settings.”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| PM12 | Pages 42 and 43 | <p>Replace the text at the beginning of Policy Transport 1 with the following: “Proposals that will have a significant impact on the highways network shall be accompanied by a Transport Assessment or Transport Statement as appropriate to the scale of the development proposed. This shall include consideration of...”.</p> <p>In the second paragraph, add “significant” before “impact”.</p> <p>Add an additional bullet point: “The junction of Leadens Lane with Mill Road”.</p>                                                                                                                                                                                                                                                                                                                                                               |
| PM13 | Pages 43 and 44 | <p>Change the beginning of Policy Transport 2 so that it says, “development proposals shall provide...”.</p> <p>Change the second sentence of Policy Transport 2 so that it says, “Any development which, taken with all existing, allocated and permitted but unbuilt development...”.</p> <p>Change the end of the first paragraph of Policy Transport 2 so that it reads, “...an average of more than 15 vehicles at peak times shall be considered to represent a severe impact to the road network.”.</p> <p>Change the third paragraph of Policy Transport 2 so that it reads, “...a current Ratio of Demand Flow to Capacity in a peak hour of over 1.0, at the time of the full or outline planning application...”.</p> <p>At the end of the fourth paragraph, add: “shall be considered to represent a severe impact to the road network.”</p> |
| PM14 | Page 44         | In Policy Transport 3, substitute “prevents construction traffic from accessing the                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

|      |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      |                 | village's Conservation Area" for "minimises any harmful effects of traffic entering the village's Conservation Area".                                                                                                                                                                                                                                                                                                                                                               |
| PM15 | Page 50         | Change the beginning of Policy Footpath and Cycling 1 to read, "In so far as they fall within this Neighbourhood Plan area, proposals that enhance...".                                                                                                                                                                                                                                                                                                                             |
| PM16 | Page 50         | Replace the wording of Policy Footpath and Cycling 2 with the following:<br>"Developments affecting existing public rights of way shall seek to retain the existing route unless an alternative would significantly enhance the public enjoyment of using the route."                                                                                                                                                                                                               |
| PM17 | Pages 56 and 57 | In Policy Community Services 1, at the end of the first sentence in the second paragraph, add the following: "...including but not limited to primary and early years educational facilities and GP services within the village".<br><br>In the same paragraph, at the end of the second sentence, add: "in accordance with HDC's Developer Contributions Supplementary Planning Document (2011) or any successor documents".<br><br>Delete paragraphs three, four, five and seven. |
| PM18 | Page 59         | In the first sentence of Policy Business 1, delete "Buckden" and insert: "the built-up area of Buckden or on land well-related to the built-up area".<br><br>In the same sentence, replace "are expected to" with "shall".                                                                                                                                                                                                                                                          |
| PM19 | Page 65         | Change the end of the first sentence of Policy Biodiversity 1 so that it reads, "...will be safeguarded from development, with protection prioritised (as informed by the Wildlife Review evidence document)."<br><br>In the second paragraph, replace "an adverse impact" with "a significant adverse impact".                                                                                                                                                                     |

|      |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|------|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PM20 | Page 65             | In the first sentence of Policy Biodiversity 2, delete "significant" before "net gains".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| PM21 | Page 68             | In the first sentence of Policy Green Space 1, add, "is in accordance with Green Belt policy and" before "will support and enhance".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| PM22 | Page 68             | In Policy Green Space 2, replace the text after "character of the village" with "and development will not be supported in these areas unless the proposal preserves the openness of the open green space".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| PM23 | Pages 70, 71 and 72 | <p>In Paragraph 13.2.6, delete ":4.23 LP 2" and replace with "starting from Paragraph 4.26 and including Policy LP 3".</p> <p>Use the correct information concerning the boundary of the Ouse Valley<sup>12</sup> (replacement of Figure 27).</p> <p>Amend the beginning of Policy Great Ouse Valley 1 such that it reads, "Development proposals shall not take place in, or encroach into, the Great Ouse Valley as defined in Policy LP 3 of the Huntingdonshire Local Plan and surrounding...".</p> <p>Replace the second paragraph of Policy Great Ouse Valley 2 with: "Exceptionally, development proposals to support Anglian Water's infrastructure footpath and cycle provision or conservation projects may be supported."</p> |
| PM24 | Page 72             | Change the beginning of Policy Great Ouse Valley 2 to read: "Any development in Buckden shall demonstrate...".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| PM25 | Page 82 and 83      | <p>In the first bullet point of Policy Landscape 1, change "Figure 35" to "Figure 36".</p> <p>Delete the fourth bullet point of the policy.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

<sup>12</sup> As supplied by Huntingdonshire District Council at Pages 11 and 12 of its Regulation 16 representations.

|      |         |                            |
|------|---------|----------------------------|
| PM26 | Page 83 | Delete Policy Landscape 3. |
|------|---------|----------------------------|