

Houghton and Wyton Parish Council

Houghton & Wyton Neighbourhood Development Plan 2015 - 2036

Independent Examiner's Report

By Ann Skippers BSc (Hons) Dip Mgmt (Open) PGC(TLHE)(Open) MRTPI FHEA FRSA AoU

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Summary

I have been appointed as the independent examiner of the Houghton and Wyton Neighbourhood Plan.

The Houghton and Wyton Neighbourhood Plan is the second neighbourhood plan to reach examination stage in Huntingdonshire. It has clearly been driven by a strong desire to protect the special character of the villages.

I have found it necessary to suggest a number of modifications to the Plan to ensure it meets the basic conditions and subject to those modifications I am satisfied that the Plan:

- Has regard to national policies and advice
- Contributes to the achievement of sustainable development
- Is in general conformity with the strategic policies of the development plan for the area
- Does not breach, and is otherwise compatible with EU obligations and the European Convention of Human Rights and
- Meets all other requirements that I am obliged to examine.

I am therefore pleased to recommend that the Houghton and Wyton Neighbourhood Plan can go forward to a referendum subject to the modifications I have suggested. However, it will be noted that there is a tension between two of the basic conditions and so I have also suggested that Huntingdonshire District Council reconsiders the need for a Strategic Environmental Assessment if the Plan is modified in accordance with these recommendations.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers
Ann Skippers Planning
14 December 2015

Ann Skippers Planning is an independent consultancy that provides professional support and training for local authorities, the private sector and community groups and specialises in troubleshooting, appeal work and neighbourhood planning.

W www.annskippers.co.uk
E ann@annskippers.co.uk



1.0 Introduction

This is the report of the independent examiner into the Houghton and Wyton Neighbourhood Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

The Houghton and Wyton Neighbourhood Plan is just the second neighbourhood plan in Huntingdonshire District to reach examination stage. The two villages lie side-by-side on the northern side of the River Great Ouse, about two miles west of St Ives and a similar distance from Huntingdon which lies to the west.

With a rich heritage including Houghton Mill, a traditional working water mill saved from demolition by local residents in the 1930s and the River Great Ouse and its meadows, the area is popular with visitors as well as residents.

2.0 Appointment of the independent examiner

I have been appointed by Huntingdonshire District Council (HDC) with the agreement of the Parish Council, to undertake this independent examination.

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over twenty-five years experience in planning and have worked in the public, private and academic sectors. Over the last two years I have examined a number of neighbourhood plans throughout England. I therefore have the appropriate qualifications and experience to carry out this independent examination.

3.0 The role of the independent examiner

The examiner is required to check¹ whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation

¹ Set out in paragraph 8 (1) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The basic conditions² are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations and
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two basic conditions in addition to those set out in primary legislation and referred to in the paragraph above. These are:

- The making of the neighbourhood plan is not likely to have a significant effect on a European site³ or a European offshore marine site⁴ either alone or in combination with other plans or projects
- Having regard to all material considerations, it is appropriate that the neighbourhood development order is made where the development described in an order proposal is Environmental Impact Assessment development (this is not applicable to this examination as it refers to orders).

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or

² Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

³ As defined in the Conservation of Habitats and Species Regulations 2012

⁴ As defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case Huntingdonshire District Council. The plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

4.0 Compliance with matters other than the basic conditions

I now check various matters set out above in section 3.0 of this report.

Qualifying body

Houghton and Wyton Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This complies with this requirement.

Plan area

The Plan covers the parish of Houghton and Wyton which is coterminous with the Parish Council administrative boundary. HDC approved the designation of the area on 19 December 2012. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. Figure 1 on page 2 of the Plan shows the area.

Plan period

The Plan covers a period of 21 years from 2015 – 2036. This time period appears on the front cover of the Plan and again in the Basic Conditions Statement, but paragraph 1.4 on page 1 of the Plan refers to 2014 – 2036. In the interests of consistency I recommend a modification later on in this report that brings these two dates in line with one other.

Excluded development

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement.

Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. Where I consider a policy or proposal to fall within this category, I have recommended it be moved to a clearly differentiated and separate section or annex of the Plan or contained in a separate document. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but non-land use matters should be clearly identifiable.⁵ Subject to any such recommendations, this requirement can be satisfactorily met.

5.0 The examination process

It is useful to bear in mind that the examination of a neighbourhood plan is very different to the examination of a local plan.

The general rule of thumb is that the examination will take the form of written representations.⁶ However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of the issue or to ensure a person has a fair chance to put a case.

After consideration of the documentation and representations, I decided it was not necessary to hold a hearing.

I did however seek further written factual clarification of a number of issues. My queries addressed to both the Parish and District Councils are appended to this report. The responses I received from both Councils are of course a matter of public record. I have referred to these queries and the responses as appropriate throughout this report.

I am very grateful for the exemplary support and quick responses that the officers at HDC and representatives of the Parish have given me during the course of the examination.

I undertook an unaccompanied site visit to Houghton and Wyton and the surrounding area on 3 November 2015.

⁵ Paragraph 004 of Planning Practice Guidance

⁶ Schedule 4B (9) of the Town and Country Planning Act 1990

6.0 Consultation

A Consultation Statement (CS) has been submitted. This details the engagement activities carried out which included two surveys, events and exhibitions. In addition articles in newspapers and a local magazine, radio features, posters and a website have kept residents up to date.

A summary results leaflet on the second survey, the Issues and Options survey has been included as Appendix E and given that the CS indicates that 645 responses were received to this survey, the leaflet is an eye catching and interesting way to capture and importantly feed back those responses to the community.

Targeted engagement with various consultees and those attending village groups such as the Baby and Toddler Group have helped to ensure that widespread engagement has taken place.

Interestingly, this has included engagement with visitors to the area as well as residents and local businesses through an initial vision survey.

The pre-submission draft of the Plan was published for seven weeks from 14 November 2014 to 3 January 2015, sensibly giving a little bit more time over the Christmas period. Statutory and non-statutory consultees were notified by email and local people were notified through a flyer delivered to every household and notices in the village. Two drop-in surgeries were held and as well as copies on the website, hard copies were made available from the Parish Council and the Post Office. This mix of notification and availability of both online and hard copy version of the draft Plan is to be welcomed.

The CS summarises the responses to the pre-submission consultation, but takes a rather minimalist approach in places in explaining how they have been addressed.

Following on from the pre-submission period, the submission Plan six week consultation period from 19 June 2015 to 31 July 2015.

This attracted a number of representations which I have taken into account in preparing this report.

A representation⁷ on behalf of a local landowner suggests that the pre-submission period of consultation should be rerun as there is little evidence to suggest any consideration of sites beyond the village edges took place during the Plan's evolution and that the landowner in question has not been contacted. Another landowner⁸ also feels that there has been insufficient contact with landowners. This is a great pity, not least because of the importance of the sites that both these landowners have interests in. Nevertheless there seems to have been a fairly comprehensive campaign in

⁷ Pegasus Planning

⁸ Representation from Barford+co on behalf of the Biotechnology and Biological Sciences Research Council

publicising the Plan and whilst more can always be done, on balance, there seems to have been adequate opportunity for interested parties including land owners, to participate.

A representation from St Ives Town Council indicated that their comments on the pre-submission version have not been included in Appendix G of the CS. The CS should contain details of the persons and bodies consulted, explain how they were consulted, summarise the main issues and concerns and describe how these have been considered and, where relevant, addressed. As a result I sought confirmation from the Parish Council that a) the CS met this requirement and b) that all those responding have been included in it. I have received satisfactory confirmation of these points.

Some representations offered support for the Plan. Others sought additions for instance the inclusion of Houghton Hill as a character area or more on affordable housing. It is not my role to add to or improve the Plan, but rather to consider the submitted Plan against the basic conditions. However, I feel sure that the qualifying body will carefully consider these suggestions and incorporate them as appropriate in any future versions of the Plan.

I have also specifically referred to some representations, as I have done here in this section, and sometimes identified the person or organisation making that representation. However, I have not referred to each and every representation in my report. Nevertheless each one has been considered carefully and I reassure everyone that I have taken all the representations received into account during the examination.

7.0 Compliance with the basic conditions

National policy and advice

The main document that sets out national planning policy is the National Planning Policy Framework (the NPPF) published in 2012. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in Local Plans, plan positively to support local development, shaping and directing development that is outside the strategic elements of the Local Plan and identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with the neighbourhood plan to proceed.⁹

The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. They

⁹ NPPF paras 14, 16

cannot promote less development than that set out in the Local Plan or undermine its strategic policies.¹⁰

On 6 March 2014, the Government published a suite of planning practice guidance. This is an online resource available at www.planningguidance.planningportal.gov.uk. The planning guidance contains a wealth of information relating to neighbourhood planning and I have had regard to this in preparing this report. This is referred to as Planning Practice Guidance (PPG) in this report.

The NPPF indicates that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.¹¹

PPG indicates that a policy should be clear and unambiguous¹² to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the context and the characteristics of the area.

Sustainable development

A qualifying body must demonstrate how a neighbourhood plan contributes to the achievement of sustainable development. The NPPF as a whole¹³ constitutes the Government's view of what sustainable development means in practice for planning. The Framework explains that there are three dimensions to sustainable development: economic, social and environmental.¹⁴

The development plan

The local planning authority for the area is Huntingdonshire District Council (HDC). The current development plan for the area and relevant to this examination consists of:

- The Core Strategy (adopted September 2009) which sets the spatial vision, objectives and strategic directions of growth to 2026 and
- Saved policies from the Local Plan 1995 and the Local Plan Alteration 2002.

The Core Strategy indicates that Huntingdonshire lies within the designated London/Stansted/Cambridge/Peterborough Growth Area and the southern part of the District lies in the Cambridge sub-region, but is still predominantly rural in character.

¹⁰ NPPF para 184

¹¹ *Ibid* para 17

¹² PPG para 041

¹³ NPPF para 6 which indicates paras 18 – 219 of the NPPF constitutes the Government's view of what sustainable development means in practice

¹⁴ *Ibid* para 7

Emerging policy context

The District Council is currently producing a new Local Plan for the area. The Local Plan will cover the period up to 2036 and, once adopted, will replace all current parts of the development plan including the Core Strategy 2009 and the saved policies of the Local Plan 1995 and the Local Plan Alteration 2002.

According to HDC's website, following targeted consultation in January 2015, work is progressing on the local plan and it is expected that the pre-submission local plan will be finalised and out to public consultation in Autumn 2016. The Plan has usefully taken account of the emerging Local Plan.

A representation¹⁵ points out that two proposals in the emerging Local Plan are of particular interest; one is SEL 3 which relates to about 254 hectares of land at Wyton airfield proposed for a mix of uses, but which lies outside the Plan area (although still with the potential for impacting upon the Plan area) and the other is SI 1.

In relation to SEL 3, a representation¹⁶ considers that the Plan should acknowledge the strategic development at Wyton airfield and plan positively to support it including consideration of brownfield sites which are close by and fall within the Plan area. The Plan might well have taken the opportunity to address such issues, but its omission of doing so does not mean that the Plan as currently presented would not meet the basic conditions.

SI 1 St Ives West is a proposed allocation of some 47 hectares of land for a mix of uses to the west of St Ives in the Stage 3 consultation draft Local Plan to 2036 which was the last full public consultation version of the emerging Local Plan. The site has been extended to 54 hectares in the targeted consultation draft of January 2015. Part of the proposed allocation falls within the Plan area.

A representation¹⁷ contends that the (neighbourhood) Plan should not proceed until there is an up to date adopted development plan on which the Plan can be based or tested against. Based on advice in PPG¹⁸ and a judgment handed down in a judicial review,¹⁹ it is widely accepted that a neighbourhood plan can be developed before or at the same time as the production of a local plan. I accept though that both the LPA and the qualifying body should work proactively together to minimise any conflicts.²⁰

European Union Obligations

A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into United Kingdom law, in order to be legally compliant.

¹⁵ James Holden

¹⁶ Pegasus Group

¹⁷ Gladman Developments Ltd

¹⁸ PPG para ref id 41-009-20140306

¹⁹ Gladman Developments Ltd v Aylesbury Vale District Council [2014] EWHC 4323 (Admin)

²⁰ PPG para ref id 41-009-20140306

Strategic Environmental Assessment

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment is relevant. Its purpose is to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes. This Directive is commonly referred to as the Strategic Environment Assessment (SEA) Directive. The Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004.

There is however no legal requirement for a neighbourhood plan to have a Sustainability Appraisal or Assessment.

In relation to the SEA Directive, a screening exercise has been carried out by Huntingdonshire District Council dated February 2015 and concluded that the Plan is unlikely to have significant environmental effects and that an environmental assessment would not be required.

Natural England²¹ and English Heritage,²² now known as Historic England, agreed with this conclusion. However, the Environment Agency (EA)²³ expressed concern over flooding and indicated that both a SEA and a Level 2 Strategic Flood Risk Assessment (SFRA) would be needed. After discussion, the EA agreed that if the Plan's scope was altered by including objectives and policies to avoid any additional less vulnerable, more vulnerable or highly vulnerable development in Flood Zones 2 and 3 as this would mean there would be significantly less flood risk to consider, then a SEA and Level 2 SFRA would "probably not be essential".²⁴ As these objectives and policies suggested by the EA would go beyond the stance of national policy, it appears that some lengths have been taken to avoid the need to undertake a SEA.

HDC has therefore concluded that a SEA is not needed provided appropriate amendments to the Plan are made. It appears that the submission plan (i.e. the version subject of this examination) incorporates such amendments and therefore by implication would seem not require a SEA based on the information before me.

However, representations from the Environment Agency, and indeed HDC, on various policies throughout the Plan suggest that various policies are changed from referring to "all vulnerable development" to more vulnerable and highly vulnerable to bring the policies in line with the NPPF.

The NPPF²⁵ sets out what PPG describes as strict tests to protect people and property from flooding.²⁶ It advocates a sequential, risk-based approach to the location of development. Plans should be informed by an appropriate assessment of flood risk and ensure policies steer development to areas of lower flood risk as far as possible. Any

²¹ see response of 28 November 2014

²² see response of 26 November 2014

²³ see response of 27 November 2014

²⁴ see email from EA of 12 February 2015

²⁵ NPPF Section 10

²⁶ PPG para ref id 7-001-20140306

development in an area at risk of flooding should be safe for its lifetime taking account of climate change impacts. Finally flood risk to and from the Plan area should be managed so that flood risk is not increased overall and any opportunities to reduce flood risk are taken through, for example, the inclusion of policies on sustainable drainage systems.

PPG²⁷ explains that the sequential test steers new development to Flood Zone 1 (areas with a low probability of flooding). Where there are no reasonably available sites in Flood Zone 1, the flood risk vulnerability of land uses should be taken into account and sites in Flood Zone 2 (medium probability of flooding) should be considered, applying an exception test if necessary. Only if there are no sites in Flood Zones 1 or 2 should Zone 3 (high probability of flooding) be considered taking into account the vulnerability of land uses and applying the exception test if required. Land uses are categorised according to their vulnerability and further tables 'map' those categories against the flood zones to see where development is appropriate and where it should not be permitted.

If the comments from the EA and HDC (received as representations on the submission plan) were acted upon and these changes made, this would appear, on the face of it, to be at odds with the previous advice given by the EA referred to above in relation to whether a SEA is required or not. There is, by the way, no implied criticism of either organisation in my comments.

I have considered this issue carefully at length. I take the view that the basic condition of most relevance to this discussion is whether it is appropriate to make the neighbourhood plan having regard to national policies and advice contained in guidance issued by the Secretary of State. In relation to flooding, a number of policies in the Plan as it is currently presented do go beyond the stance taken in the NPPF on flooding.

Whilst they do so on the basis of specific advice from the EA, this advice has been given in relation to the need for a SEA rather than on the basis of any evidence that the requirements of national policy on flooding need to be exceeded in this specific locality.

Therefore I judge it to be appropriate for me to recommend modifications to bring the objectives and policies on flooding in the Plan in line with the NPPF. Whilst then I have reached the view that the submitted Plan can be said to be compatible with EU obligations in relation to the need for a SEA (as it accords with EA advice given at the screening stage), if the recommendations of this examination report were to be accepted, this then in my view would mean that it would be prudent for the local planning authority to explore again the question of whether a SEA be needed.

In reaching this view, I am also mindful that ultimately PPG advises that it is the responsibility of the local planning authority to decide whether the Plan is compatible with EU obligations.²⁸

²⁷ PPG para ref id 7-019-20140306

²⁸ *Ibid* ref id 11-032-20140306

It is also clear from the representations from the EA that there would be benefit in obtaining more and up to date information about flood risk. For me this illustrates well the circumstance envisaged by PPG²⁹ whereby the reasoning and evidence that informs the (emerging) Local Plan process may be relevant to the development of a neighbourhood plan and a collaborative approach between the bodies concerned should be taken.

Habitats Regulations Assessment

Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora known as the Habitats Directive aims to protect and improve Europe's most important habitats and species. It identifies whether a plan is likely to have a significant effect on a European site either alone or in combination with other plans or projects. If a plan is considered to be likely to have a significant effect on a European site then an appropriate assessment of the implications of the plan for that site, in view of the site's conservation objectives, must be undertaken.³⁰ If it is considered that an appropriate assessment would be required, then a SEA will also usually be needed.

A number of European sites namely the Portholme Special Area of Conservation (SAC), Ouse Washes SAC, Ouse Washes Special Protection Area and Ramsar site, Fenland SAC and Woodwalton Fen Ramsar site are located within 15km of the neighbourhood plan area.

HDC concludes in their screening report of February 2015 that an appropriate assessment is not required. Natural England agree that the Plan, alone and in combination with other relevant plans, is unlikely to have a significant effect on the European sites.³¹

European Convention on Human Rights (ECHR)

The Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998. There is nothing in the Plan that leads me to conclude there is any breach of the Convention or that the Plan is otherwise incompatible with it.

Other Directives

I am not aware of any other European Directives which apply to this particular neighbourhood plan and in the absence of any substantive evidence to the contrary, I am satisfied that the Plan is compatible with EU obligations.

²⁹ PPG para ref id 41-009-20140306

³⁰ NPPF para ref id 11-029-20150209

³¹ Natural England email of 28 November 2014

8.0 Detailed comments on the Plan and its policies

In this section I consider the Plan and its policies against the basic conditions. Where I recommend modifications in this report they appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics***.

General

The Plan is presented simply and clearly and is well written. It is an inviting document with attractive photographs that give a real flavour of the Parish. The layout used is easy to follow and the Plan is simple to navigate with a useful detailed contents page and index of policies.

However, I found some of the figures very hard to read and decipher and I note that HDC has offered to provide maps. Given that the Plan will be used in determining planning applications, it is critical that any maps, plans and figures in the Plan are easily read and interpreted. This is a helpful offer from HDC and one that I would urge the Parish Council to accept.

1 Introduction

This section sets the scene for the Plan well explaining what the purpose of the Plan and where it fits into the hierarchy of planning documents.

The explanation in paragraph 1.10 and the blue box on 'how to read this document' on page 2 which provide very clear and succinct guidance and are very useful to include in the Plan.

There are one or two minor issues that would benefit from revision in the interests of accuracy, as some provisions of the Localism Act came into effect in 2011, and in the interests of consistency, as the front cover of the Plan highlights that the Plan period commences in 2015 rather than 2014 as I have already highlighted.

In addition paragraph 1.11 and the contents page whilst very welcome in principle do not tie up with the section headings or numbers in the submission version of the Plan.

Finally, paragraph 1.11 refers to site specific allocations for new development whereas paragraph 1.5 states the Plan does not allocate sites. Indeed the Plan contains some other references to "allocated sites" throughout, but the Plan itself does not allocate any sites. As a result I sought clarification on this point from the Parish Council who confirm that any mention of allocated sites is an oversight as whilst a call for sites was made, a decision was taken before the pre-submission version of the Plan not to include

any allocations. In the interests of consistency and accuracy, these minor and easily made glitches should be remedied.

I therefore recommend the following modifications:

- **Change the date from “April 2012” to “2011” at the end of paragraph 1.1 on page 1**
- **Change the date from “2014” to “2015” in paragraph 1.4**
- **Ensure that the contents page, section headings and numbers as well as figures together with paragraph 1.11 on page 3 are consistent and tie up with each other and accurately reflect the Plan’s contents**
- **Remove any references throughout the Plan to allocated sites or similar as appropriate** (please note that this recommended modification is not repeated at every instance and so applies to the Plan as a whole)

2 Local context

This is a very interesting and informative section which provides context on the Parish and highlights some of the key issues of importance and concern to the community.

It usefully contains a plan of the Conservation Area on page 6. However, I found this quite hard to read and therefore I recommend that this useful and important plan is included at a larger scale and that the Conservation Area boundary is better defined for clarity. Given that the Plan indicates the Conservation Area has recently been enlarged, the most up to date plan should, of course, be included.

Following my query on the latest position for a proposal for the Great Ouse Valley and Washes to become an Area of Outstanding Beauty (AONB) referred to in paragraph 2.22 of the Plan, this paragraph should be deleted or be moved to a separate aspirational section of the Plan or to a separate document. This is because the most recent advice from Natural England is that this aspiration is unlikely to be considered until 2018/19. Therefore in the interests of accuracy and to avoid the Plan being open to accusations of being misleading, this should not be included as it is currently presented in the Plan.

I note that there are a number of references throughout the Plan to the proposed AONB and all references should be deleted for the reasons given above.

There is also a need to update the contents of paragraph 2.29; it might be useful to consider how this part of the Plan can be ‘future proofed’ so that it does not become out of date quickly. For instance this paragraph could explain the successes of the 2013, 2014 and, hopefully 2015, music festivals, and then indicate it is hoped that more will be held in the future.

Paragraph 2.30 on page 8 refers to the “arduous” and “dangerous” nature of the access to and from the village; this may well be the case, but unless there is evidence to support these claims they are probably best expressed as a perception or opinion. For instance the paragraph could be rephrased to indicate that “the community feels...” or similar.

Paragraph 2.38 on page 10 repeats the information given in an earlier paragraph (2.6 on page 4). Given that paragraph 2.6 sits well and contains a little more information, I suggest that paragraph 2.38 is deleted; either way the repetition should be removed. A quick general check of the Plan before preparing the referendum version with a view to removing any repetitious elements may well be of benefit.

I therefore recommend the following modifications:

- **Improve the clarity of Figure 2 on page 6 and ensure it is the most up to date plan of the Conservation Area**
- **Delete paragraph 2.22 or revise and update the wording and move this issue to a separate aspirations section or document**
- **Remove all other references to the proposed AONB throughout the Plan** (please note that this recommended modification is not repeated at every instance and so applies to the Plan as a whole)
- **Update paragraph 2.29 on page 8**
- **Make it clear in paragraph 2.30 on page 8 that the claims about the access are opinions or add in the evidence which supports these claims**
- **Delete paragraph 2.38 on page 10 or ensure that any repetition is removed between this paragraph and earlier ones**

3 Vision and objectives

Starting off with eleven challenges for the Parish, the Plan articulates an unusual, original and clearly locally driven vision which is to be welcomed. The vision is:

“We are an active, thriving, dynamic and cohesive community; proud to live in this special landscape which we are keen to share with others.”

The vision is then further developed in subsequent paragraphs which explain the key ways in which the vision might be achieved.

The only paragraph that gives me some concern is paragraph 3.8 on page 13. This states that “as an infill village for housing, our needs will be for a limited number of quality designed houses aimed at both the younger and older members of the

community.”. It seems to me that this tries to set policy in this section and that it might be premature to do this in this part of the Plan; therefore I recommend this paragraph be deleted.

This section then articulates 17 objectives relating each one to the relevant policy in the Plan. I have the following comments on the objectives.

Objective 1 seeks to restrict any further loss of grazing or agricultural land. The NPPF supports a prosperous rural economy and promotes the development and diversification of agricultural and other land based rural businesses. It also indicates that whilst the economic and other benefits of the best and most versatile agricultural land should be taken into account, if development of agricultural land is necessary then areas of poorer quality land should be used in preference to land of a higher quality.³² This objective then is too restrictive as it does not take account of the possibility of diversification (which is recognised in objective 9) or the quality of the land concerned. Therefore it should be modified to address this.

I note that Natural England particularly supports objectives 1 (notwithstanding my comments above), 4 and 5.

Objective 17 refers to flooding. I note that there is support from the Environment Agency for this particular objective. Given the issue over flooding that has been rehearsed already in my report, this objective should be worded to be more flexible.

Objective 13 refers to Houghton Grange; I have recommended that the section of the Plan that relates to Houghton Grange be deleted or moved to a clearly identified and separate aspirational section of the Plan or a separate document. Therefore objective 13 should be deleted.

I also notice a small typo in paragraph 3.1: it should be “the” instead of “he” in the last bullet point challenge.

A representation³³ queries the accuracy of visitor numbers quoted in paragraph 3.11. Whilst I do not have any evidence before me whether the figure cited is accurate or not, and I note it is an estimate, it is important that information contained within the Plan is accurate and does not mislead. Therefore this should be checked and modifications made as appropriate.

The following modifications are therefore recommended to ensure the Plan meets the basic conditions:

- **Delete paragraph 3.8 on page 13**

(modifications continued on next page)

³² NPPF paras 28 and 112

³³ Representation from HDC

- **Reword objective 1 to read: “To protect and enhance the green spaces of importance within the parish and to *resist the loss of the best and most versatile agricultural land wherever possible.*”**
- **Delete objective 13 (consequential amendments will be needed)**
- **Reword objective 17 to read: “To steer new development to areas of lower flood risk as far as possible.”**
- **Correct typo in paragraph 3.1; “the” instead of “he”**
- **Check the figure of 150,000 visitors cited in paragraph 3.11 for accuracy and make any necessary changes**

4 Village limits/built up area

Policy HWNP1

This policy introduces a presumption in favour of sustainable development within the built up area of Houghton and Wyton. An “indicative” built up area is shown on Figure 3 on page 17 (Incorrectly referred to as Figure 4.1 in paragraph 4.5 incidentally). I sought to clarify whether it was the intention of the qualifying body to define their own built-up area boundary in the Plan, whether a built-up area boundary is defined in any adopted development plan and whether the emerging Local Plan seeks to propose such an area and if so, the differences, if any, between these areas.

The Parish Council advise that they do seek to define a built up area; indeed this is what is indicated in the Basic Conditions Statement.

I am advised that village limits were defined in the Local Plan 1995 and that the policies in that Local Plan relating to village limits remain extant. The Core Strategy³⁴ takes the approach of defining what might constitute a built up area in words rather than defining a boundary on a plan. This approach seems to be continued in the current iteration of the emerging Local Plan which would have a written definition of what the built up area is and rely on a case by case interpretation.

Therefore paragraph 4.2 seems incorrectly to state that the village limits have been retained in the Core Strategy.

There is no reason why a neighbourhood plan cannot define its own built up area boundary. In this case however, that approach differs from the one taken in the development plan. In these circumstances I would expect to find some supporting evidence or at least explanation of how the built up area has been defined in relation to

³⁴ Core Strategy para 5.15

the strategic approach and why it has been defined as it has in this locality. Paragraph 4.5 attempts to do this but only in a very limited way.

Whilst representations variously advise me that the built up area boundary is too generous or overly restrictive, HDC, rightly I think, consider that defining a boundary might be counterproductive.

From my observations at my site visit, the built up area boundary shown on Figure 3 did not make much sense to me insofar it did not seem to me to form an obvious boundary in the absence of any solid explanation for it. In addition the inclusion of an open area to the west of Houghton Grange seemed to me to be at odds with the community's desire to ensure separation between Houghton and St Ives. Given that PPG³⁵ advises that proportionate and robust evidence should support the choices made and the approach taken, I am not convinced that this policy is underpinned satisfactorily by evidence.

The supporting text to the policy quotes from the Core Strategy and the emerging Local Plan. Paragraph 4.3 incorrectly quotes from paragraph 5.15 of the Core Strategy. Whilst the definitions between the two are not necessarily at odds with each other, they do differ.

In addition given that the supporting text quotes extensively from an emerging Local Plan there is no guarantee that the emerging Local Plan will remain intact or be adopted in its current form. Whilst I consider it good practice for the Plan to have taken account of emerging policy, it is a harder argument for it to rely on something that may well change or even be deleted.

Furthermore when I consider the wording of the policy, it introduces a presumption in favour of sustainable development within the built up area, but the NPPF's presumption applies everywhere and is not qualified or restricted in that way and so the policy takes a narrower approach than national policy.

Outside the built up area i.e. the countryside, rural activities and quiet tourism are supported by the policy, but there is little to define what type of activities this phrase might or might not include which gives rise to some uncertainty. In addition the NPPF's support for a prosperous rural economy does not differentiate between quiet and noisy tourism for example although I accept the NPPF supports tourism which respects the character of the countryside and that this could arguably be quiet tourism.

The issue of flooding has already been rehearsed earlier in this report and I do not intend to discuss it at every juncture. However, paragraph 4.6 does not appear to reflect PPG accurately.

Therefore given the lack of evidence for this policy and the very limited explanation of the built up area boundary, its unclear definition on the map and the stance of the

³⁵ PPG para ref id 41-040-20140306

policy itself, in order for the basic conditions to be met, I recommend deletion of the policy.

- **Delete Policy HWNP1 and its supporting text**

5 Natural environment

This section contains a number of figures identifying various sites and areas that subsequent policies refer to.

Figure 4 on page 19 identifies a Site of Special Scientific Interest (SSSI) and County Wildlife Sites (CWS). Unfortunately I find this figure hard to read and to distinguish between the different designations. In the interests of clarity, this figure should be made more legible by being included at a larger scale and with different and clearer site designations. There is no need to include the Conservation Area designation on this figure.

Figures 5 and 6 on pages 19 and 20 refer to common land. Common land has a particular meaning and the law restricts the kinds of activities that can be carried out on commons. Following my query about these two areas, confirmation has been given to me that both areas are common land. It is therefore not necessary for these areas to be specifically identified or included in the policies and therefore these two figures should be deleted.

- **Make Figure 4 more legible and simpler**
- **Delete Figures 5 and 6 showing common land**

Policy HWNP2

This policy seeks to do two things; it seeks to resist development that would have a harmful impact on the SSSI, CWSs and common land and to enhance and extend the wildlife sites and habitats to create better connectivity between them. I have already referred to the two areas of common land.

The conservation of biodiversity makes a significant contribution to the achievement of sustainable development. The NPPF and other guidance on designated sites and protected species distinguishes between the hierarchy of international, national and locally designated sites so that protection is commensurate with their status and appropriate weight is given to their importance and wider contribution.³⁶

³⁶ NPPF para 113

The first element of the policy seeks to resist development that would have an adverse impact on these three categories of sites except in exceptional circumstances. This has two implications; firstly the policy does not offer any protection for biodiversity other than on the three areas of land specified and secondly, whilst the NPPF refers to exceptional circumstances³⁷ it does so in relation to major development in national parks, the Broads and Areas of Outstanding Natural Beauty, none of which apply to this Plan area. In relation to SSSIs, the NPPF³⁸ does refer to exceptions but then goes on to qualify that. The policy in introducing this exception to CWSs and common land goes beyond the stance national policy takes. Therefore the policy does not adequately recognise the hierarchy of designated sites or the principles in the NPPF sufficiently.

The second element of the policy seeks to support development that would enhance the habitats and extend the wildlife sites and enhance connectivity. Whilst on the face of it this is a positive stance to take, the effect of it might be to support otherwise unwanted development if it facilitated these aims and this is probably not the intention of the policy. The intention of the policy has regard to the NPPF in that impacts on biodiversity should be minimised and net gains should be provided wherever possible.

Therefore to ensure that regard is given to the NPPF and that the policy will contribute to the achievement of sustainable development, it is recommended that the policy be reworded.

- **Policy HWNP2 should be reworded as follows:**

“All new development should protect and, wherever possible, enhance biodiversity and establish, enhance or extend ecological corridors and the connectivity between them.

Development on land within or outside a SSSI likely to have an adverse effect on a SSSI interest, either individually or cumulatively, should not normally be permitted. Where an adverse effect is likely, permission should only be granted where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the site’s features and any wider impacts on the national network of SSSIs.”

- **Consequential amendments to the supporting text will be necessary**

Policy HWNP3

Coalescence between settlements is a recognised planning issue. It is important to prevent neighbouring settlements merging into one another and for local identity and distinctiveness to be reinforced and promoted. The Plan seeks to identify a “local settlement gap” on the east of the Plan area and to the west of St Ives. It identifies the

³⁷ NPPF para 116

³⁸ NPPF para 118

proposed gap clearly on Figure 7 on page 22. The effect of the policy would be to protect the specific area or feature of the land in question although I recognise the policy is carefully worded so as not to exclude development per se, it sits within a section titled “natural environment”. This is clearly a matter of great importance to the local community and one that has a long history.

My request for clarification included providing me with a copy of the High Court judgment³⁹ and the HDC Officer Position Statement in relation to St Ives West dated 29 September 2014.

Policy CS2 of the Core Strategy (as the most recent adopted plan for the area) identifies that, as part of the St Ives Spatial Planning Area, provision will be made in the following “general” location for homes “in a significant greenfield development to the west of the town” i.e. St Ives. The precise area is not identified on any plan, but a directional arrow on a map shows the direction of growth. The principle then of development in this general location is established by the Core Strategy, but no further detail has emerged. The Court case referred to above quashed a subsequently produced urban design framework for the area. The Officer Position Statement explains that decisions about which specific parcels of land should be developed “should be determined through the full Local Plan process”.

The emerging Local Plan, referred to in the supporting text, seeks to allocate St Ives West (Policy S1 1) for a mix of uses. The land identified as the proposed settlement gap clearly falls within this proposed allocation and is the easternmost part of the proposed allocation that falls within the Parish following changes to the Parish boundary a few years ago.

The basic conditions refer to the need for neighbourhood plans to be in general conformity with the strategic policies of the development plan. I consider Policy CS2 of the Core Strategy to be such a policy and HDC have confirmed that this is their view too. I consider Policy CS2 to be of most relevance to this discussion, but have also taken Local Plan 1995 Policy En15 which deals with open spaces and gaps for protection into account as the notation for that policy shown on the proposals map extends partway along the proposed local settlement gap in the Plan.

HDC rightly point out that the Core Strategy predates the NPPF. I consider that the Core Strategy and Policy CS2 have regard to the NPPF and are consistent with it.

A balance must be struck between the Government’s support for localism and its drive to provide more housing. I have carefully considered this issue and have, on balance, reached the conclusion that the identification of a proposed gap cannot be considered to meet the basic conditions.

This is for a number of reasons. First of all I do not consider the proposal to be in general conformity with Core Strategy Policy CS2. PPG⁴⁰ sheds light on what is meant

³⁹ [2013] EWHC 1476 (Admin)

⁴⁰ PPG para ref id 41-074-20140306

by “general conformity”; it is whether the neighbourhood plan policy or proposal supports and upholds the general principle that the strategic policy is concerned with, the degree of conflict if any between the neighbourhood plan policy or proposal and the strategic policy, whether the neighbourhood plan provides an additional level of detail or a distinct local approach without undermining that policy and the rationale for the approach taken and the evidence to justify that approach.

In this case although the Core Strategy policy does not specify or allocate a site, the designation of the gap, land known as the BBSRC field, would not uphold the general principle in Core Strategy Policy CS2. Therefore designation of the gap would prevent, or, at the very least, make it harder for the District Council to plan for the strategic needs of the District, particularly given various constraints including flooding in the area. As a result I consider the proposed gap cannot be said to be in general conformity with the relevant strategic policies in the development plan or pay sufficient regard to national policy and advice or would contribute to the achievement of sustainable development.

A representation⁴¹ on behalf of the landowner also goes further by explaining that the BBSRC field, the gap, is an essential part of the delivery not only of Core Strategy Policy CS2, but also of Policy CS9 which deals with strategic green infrastructure enhancement.

This proposal does not provide an additional level of detail or a distinct local approach which does not undermine the strategic policies.

However, I do recognise and fully accept that it is important to ensure that the village does not merge with St Ives. I noted the desire to ensure separation between the two settlements in my comments on Policy HWNP1 earlier in this report. Whilst there is little evidence in the Plan to support the identification of the BBSRC field as a settlement gap as, for example, a feature of the landscape or for its visual importance and so on (and this would have been particularly helpful given that part of the proposed gap contains various buildings on it which I understand have been used for research and development in the past), it seems to me that the intent of the policy can be supported. The supporting text⁴² describes this as “to protect the village character and distinctiveness by retaining and enhancing a clear and obvious open land gap between the village and the neighbouring town of St Ives”.

I therefore consider that whilst the designation of the proposed gap on a map would not support the strategic development needs of the District, would pay insufficient regard to the NPPF and would undermine the potential to achieve sustainable development, a more general policy that might be termed an ‘anti-coalescence’ policy would be regarded as appropriate and in line with the basic conditions.

As a result I recommend that Figure 7 identifying a specific area of land is deleted and Policy HWNP3 be reworded. These modifications are to be found on the next page.

⁴¹ Barford+co on behalf of the Biotechnology and Biological Sciences Research Council

⁴² Page 21 of the Plan

- Delete Figure 7 on page 22
- Reword Policy HWNP 3 as follows:

“Development proposals should respect the individual and distinct identities of the village of Houghton and the town of St Ives. Development will not be permitted if, individually or cumulatively, it would result in the loss of the visual and physical separation of these two settlements or lead to their coalescence.”

Policy HWNP4

This policy seeks to designate three areas of Local Green Space (LGS). These are shown on Figure 8 on page 23 of the Plan. Once again I personally find it hard to distinguish the extent of the areas from the small scale of the figure and the lack of distinctive colours used and this should be remedied in the interests of clarity. In addition the name of each area on Figure 8 does not coincide with descriptions of each area that follow. This should also be remedied in the interests of clarity.

The NPPF⁴³ is clear that local communities have the opportunity of designating LGS, but that such a designation will not be appropriate for most green areas or open space. It lists a number of criteria that such a designation needs to meet. It further states that identifying land should be consistent with local planning of sustainable development.

Taking each of the three areas in turn: the playing field or recreation ground is in the heart of the village, close to the community it serves. The supporting text explains that a number of regular activities take place there as well as events. It is described as a meeting place and is clearly special to the local community and meets the requirements of the designation.

The Elms Gardens is described as a natural setting to The Elms, a large private building that appears to have been converted into apartments. It is renowned for its snowdrops and aconites and other flora and fauna and has some historical significance.

A number of representations point out that the Gardens are in private ownership and there is no public access. PPG⁴⁴ advises that land without public access can be considered and gives the example of green areas valued for their wildlife, historic significance and so on. Such a designation does not confer any rights of public access over what exists at present. Nevertheless the policy for managing development within a LGS should be consistent with policy for Green Belts.

I consider that the Plan does not provide sufficient demonstration of why the Elms is special to the local community. Given that such a designation may also prevent

⁴³ NPPF paras 76, 77, 78

⁴⁴ PPG para ref id 37-017-20140306

development usually associated with a private residence coming forward, this needs to be satisfactorily demonstrated.

In respect of both these areas, I note that most of the areas fall outside the indicative built up area shown on Figure 3, but a part of both falls inside the boundary. I have recommended deletion of Policy HWNP1 and so the point is perhaps of little relevance, but should in the future a built up area be defined it would seem sensible to ensure consistency.

The third area proposed is described as the BBSRC field. This area seems to be exactly the same as the area proposed as a local settlement gap under the previous policy.

The NPPF is clear that designating any LGS should be consistent with local planning of sustainable development and complement investment in sufficient homes, jobs and services. PPG⁴⁵ explains LGS designation should not be used in a way that undermines the aim of plan making to identify sufficient land in suitable locations to meet identified development needs. PPG⁴⁶ explains that the area in question should not be an extensive tract of land and that “blanket designation of open countryside adjacent to settlements” will not be appropriate. Had the built up area boundary been retained in an earlier policy, this area would have been adjacent to that settlement boundary.

The supporting text details the history of the field and quotes from a number of texts and other sources in support of this. Therefore the historical significance and beauty of the area are given as main reasons, together with the importance of the land as a buffer. However, part of this site has buildings on it. I have already found in the discussion of the previous policy that designating this land as a settlement gap would not meet the basic conditions. The same arguments apply here. Overall there is insufficient and persuasive evidence to support a LGS designation and I am also mindful that LGS should not be used to undermine plan making or as a back door to prevent development.

Whilst I have found that only one of the areas meets the criteria for designation as a Local Green Space as outlined in the NPPF,⁴⁷ the wording of the policy requires amendment to bring it in line with the wording in the NPPF and to update the relevant figure number for accuracy. Subject to these modifications Policy HWNP4 accords with the basic conditions.

- **Delete The Elms and the BBSRC field as Local Green Spaces from Policy HWNP4 and undertake consequential amendments to the supporting text and figure**
- **Revise Figure 8 on page 23 so that the area of Local Green Space retained is clearly shown and easily distinguishable from the background colour wash (or remove the colour wash) and ensure that the name of the LGS is the same as in the text (or vice versa) (modifications continue on next page)**

⁴⁵ *Ibid* para ref id 37-007-20140306

⁴⁶ *Ibid* para ref id 37-015-20140306

⁴⁷ NPPF paras 76, 77 and 78

- Replace the sentence “...and will be strongly protected from development:...” in Policy HWNP4 to “...and will be protected from development other than in very special circumstances:..”
- Change the reference in Policy HWNP4 from “Figure 4.3” to “Figure 8” (or ensure consistency)

Policy HWNP5

This short policy seeks to protect and enhance the greens and verges in the built-up area of the Parish. Its preamble rightly identifies such areas as important both for their contribution to the character of the Parish and its distinctiveness and for biodiversity.

Pages 27 to 32 identify the more significant of these areas and considerable work has gone into then identifying, describing and photographing these areas. I requested a map showing the areas and have been provided with detailed maps of each area. At my site visit these did seem to be inconsistently identified and I saw a number of other areas and verges that usefully could be subject to this policy. As a result, on balance, and I am conscious of the work that has gone into producing numerous maps for my benefit, it might be better for the policy and its preamble to consider listing, describing or using the mapping so that the policy is clear about which areas it applies to. Any references to common land should be deleted in line with the earlier discussion in this report.

The policy is worded so that *any* development that achieves protection is supported and so, similar to a point made earlier in the report, the policy needs some reworking to avoid supporting development that achieves the policy’s objectives, but would clearly be unacceptable in other ways.

It also refers to greens and verges within the built up area; firstly this has been recommended for deletion, but secondly and in any case some of the identified areas are not within the built up area.

The policy also indicates the need to work in partnership with landowners which include the National Trust. This is useful and should be placed in the supporting text rather than form part of the policy itself as this is not a development and use of land matter.

Therefore in order to meet the basic conditions, the policy should be reworded.

- **Reword Policy HWNP5 as follows:**

“The green areas and verges identified on Figure X [or on pages XXXX] are valued for their biodiversity and contribution to the village’s character and distinctiveness. Development that protects and enhances the openness and

biodiversity of these areas will be supported. Development that would detract from the special characteristics or biodiversity of these areas will be resisted.”

- **Consequential amendments to the supporting text and a decision on how best to identify the areas concerned will be needed**

Policy HWNP6

Biodiversity is rightly identified as a key component of the Parish’s location next to the River Great Ouse. Both the NPPF and the Core Strategy recognise the importance of biodiversity.

Policy HWNP6 seeks to protect and enhance the landscape and biodiversity of the Parish which is in principle to be welcomed and will help to achieve sustainable development. However the wording of the latter part of the policy appears to accept “significant loss of biodiversity as part of development” and its replacement elsewhere on the same development site.

The policy approach taken by Policy HWNP6 is, in my view, at odds with the NPPF’s approach. This is because the NPPF conserves and enhances biodiversity and if significant harm resulting from development cannot be avoided (and this includes location on an alternative site with less harmful impacts), adequately mitigated or compensated for, it states permission should be refused.⁴⁸ Therefore the wording of the policy needs alteration so that it takes account of the NPPF and is therefore able to meet the basic conditions.

It may also be useful to cross check any changes to this policy with any changes to Policy HWNP2 and to ensure there is no overlap or repetition. In addition paragraphs 5.16 and 5.17 offer fairly short, selective quotes from the NPPF and it might be useful to add more explanation.

- **Reword Policy HWNP6 as follows:**

“Development is expected to protect and enhance biodiversity assets including species-rich meadows, the River Great Ouse and areas of semi-natural habitat associated with the river. If significant harm resulting from a development cannot be avoided, adequately mitigated or, as a last resort, compensated for, permission will be refused.”

- **Consider any overlap with (the modified) Policy HWNP2 and amend supporting text as necessary**

⁴⁸ NPPF para 118

Policy HWNP7

The supporting text indicates that this policy seeks to introduce a presumption against development that reduces grazing and agricultural land and is therefore similar to objective 1 discussed earlier in this report.

The NPPF supports a prosperous rural economy and promotes the development and diversification of agricultural and other land based rural businesses. It also indicates that whilst the economic and other benefits of the best and most versatile agricultural land should be taken into account, if development of agricultural land is necessary then areas of poorer quality land should be used in preference to land of a higher quality.⁴⁹ I indicated the objective was too restrictive and recommended a modification to it. Likewise the supporting text at paragraphs 5.27 and 5.28 on page 35 are at odds with the NPPF and given the introduction of a presumption against development that results in the loss of such land and the introduction of time scales, these paragraphs are far too onerous and restrictive and should be deleted.

However, the policy wording itself does not reflect the accompanying text (recommended for deletion) or the NPPF sufficiently and adds a further criterion about benefits outweighing the retention of land in agricultural use. Nevertheless the sentiments expressed in the policy would help to achieve sustainable development and with suitable rewording can be retained.

With regard to other more minor matters, paragraph 5.24 on page 34 refers to Figure 5.5, but the figure is titled Figure 9 and so this should be amended in the interests of accuracy. This seems to be a commonly occurring theme and I suspect that there is a wider point here about the need to ensure that Figure numbers tie up with references in the supporting text and policy throughout the Plan. Therefore any recommendations throughout this report that detail a change to a figure number or similar should be interpreted as simply ensuring that everything ties up. Given that once again I find Figure 9 hard to read, it might be better to simply refer in text to the latest classifications for reasons of clarity and to ensure the figure is not out of date quickly.

Paragraph 5.26 quotes correctly from the NPPF, but refers to a paragraph in it that deals with the use of minerals. As a result it is not appropriate to include this reference in the Plan. Paragraph 5.28 incorrectly refers to Policy HWNP6.

- **Amend text in paragraph 5.24 on page 34 to refer to “Figure 9” rather than “Figure 5.5”**
- **Ensure that Figure 9 is up to date or refer to the most recent classifications in the supporting text and avoid the need for a figure as this could be out of date quickly (modifications continue on next page)**

⁴⁹ NPPF paras 28 and 112

- Delete paragraphs 5.26, 5.27 and 5.28 on page 35
- Reword Policy HWNP7 as follows:

“Development of the best and most versatile agricultural land (as defined in the NPPF) will normally be resisted unless it can be demonstrated that significant development of agricultural land is necessary and no other land of a poorer agricultural quality is available.”

6 Tourism

Policy HWNP8

This is a well-worded and clear policy that supports tourism development in line with national policy and it will help to achieve sustainable development. It therefore complies with the basic conditions and no modifications are recommended.

Policy HWNP9

Tourist accommodation is the subject of this policy. It seeks to support new tourist accommodation where there no harm would be caused to the village road network or to the character or appearance of the Conservation Area and setting of listed buildings and where pedestrian and cycle access is available. In principle the support this policy offers to tourist accommodation aligns with national policy and will help to achieve sustainable development. However, the three criteria together represent a relatively high hurdle for development to jump over and therefore I recommend that the wording of the policy is modified so that it includes more flexibility so that the high hurdle it presents does not hinder the sustainable growth of this sector in the Parish.

HDC indicate that paragraph 6.9 incorrectly cites Policy LP11 of the emerging Local Plan. Given the stage the emerging Local Plan is at, this Plan cannot be read alongside it. Therefore the Parish Council should be satisfied that this policy (as reworded) is what they intended.

- Reword Policy HWNP9 as follows:

“Proposals for new or expanded accommodation for tourists will be supported provided that the following criteria are met:

- ***the impact on the existing road network would be acceptable; and***
- ***pedestrian and cycle access to services in the village is provided wherever possible and ideally via footpaths and cycle routes; and***

- ***there would be no adverse impact on the character or appearance of the Conservation Area or the setting of any listed building in the Parish or the countryside.***

Policy HWNP10

This policy seeks to resist the change of use of tourist accommodation into permanent dwellings unless it can be demonstrated that the property is no longer viable as a going concern over a period of 18 months. There is little evidence to illustrate what the issues might be beyond reducing the stock of visitor accommodation and little justification for requiring 18 months marketing beyond representing two trading seasons. On the face of it this policy is too inflexible and onerous. Therefore it is recommended that the policy be reworded.

Paragraph 6.12 seems to incorrectly cite Policy LP11 of the emerging Local Plan. Given the stage the emerging Local Plan is at, this Plan cannot be read alongside it.

- **Reword Policy HWNP10 as follows:**

“The change of use of tourist accommodation to permanent dwellings will only be permitted when it can be reasonably demonstrated that the tourist accommodation is no longer viable. Evidence may include details of the business case and marketing of the property as a going concern at a market price over a period of months normally taken to be representative of two trading seasons.”

7 Community infrastructure

Policy HWNP11

Community facilities that meet the recreational, educational, social and cultural needs of the community are supported through this policy. The supporting text rightly recognises that needs can change over time and seeks to ‘future proof’ such provision with maximum flexibility.

The second paragraph refers to the use of private facilities for community needs; this is not a development and use of land matter, but one of management. Therefore this paragraph should be moved to the supporting text.

The policy also prevents such development being located in Flood Zones 2 or 3 (with the exception of sports changing room facilities). This accords with the EA’s requirement in relation to SEA, but goes beyond national policy and guidance and therefore should be

deleted to ensure that the policy takes account of national policy and guidance. The modifications recommended are:

- **Delete the second paragraph from Policy HWNP11 and include it as part of the supporting text**
- **Delete the third paragraph from Policy HWNP11**

8 Developer contributions for community infrastructure

Policy HWNP12

CIL is usefully included in the Plan. The policy recognises that 25% of receipts from CIL will be given to the Parish and that priorities will be drawn up and reviewed regularly. However, the policy merely repeats the current factual situation and that the Parish Council will continue to work in partnership with others on infrastructure projects. As it is currently written the policy does not relate to a development and use of land matter and is aspirational. Therefore whilst it would be appropriate to retain this in the Plan as an aspiration it is not a policy that meets the basic conditions.

- **Delete or change Policy HWNP12 into a ‘community aspiration’ or similar ensuring that it is clearly differentiated from the policies in the Plan**
- **Consequential changes will need to be made to paragraph 9.1 which refers to this policy**

9 Traffic and transport

Policy HWNP13

In response to a query, the Parish Council have confirmed that there is a typo in paragraph 9.4: the first “formal” should be informal.

The supporting text to Policy HWNP13 includes, at paragraph 9.6 on page 41, a reference to a planning application at Houghton Grange. This is site specific and does not seem to have any wider relevance to this section. Its inclusion could be regarded as misleading and therefore it should be deleted.

Policy HWNP13 does a number of things; firstly any new development along the A1123, A141 and B1090 are to demonstrate a need (in traffic terms) for any new access points along these roads. It seems that there is a preference to use existing access points and to upgrade these if needs be. Secondly, the policy requires new buildings to be positioned so that natural screening can be maximised. Thirdly, any trees, hedges or

ditches are to be retained except where a new access is made. Finally the policy applies to developments of three or more dwellings and any other development providing 500 square metres or more of new floor space.

The policy appears to apply within and outside the Plan area and of course it cannot apply outside the Parish boundaries. It then sets an onerous task for any prospective developers or applicants as well as on the decision making authorities to make a judgment that might well be unnecessary to undertake. It seems to cover matters that would usually form part of a transport assessment. The NPPF⁵⁰ is clear that developments that generate a significant amount of movement should be supported by a transport statement or assessment. This then leads me onto the thresholds of development that the policy introduces. It is not clear to me where this threshold has come from or why it is appropriate for Houghton and Wyton. There are often technical solutions that can satisfactorily overcome highway or traffic movement concerns.

For a number of reasons then the policy and its supporting text does not provide the practical framework for decision-making that the NPPF requires. I am not in a position to suggest a rewording of this policy to bring it in line with the basic conditions based on the information before me. Therefore the only element of the policy that can be retained is paragraph three.

- **Delete Policy HWNP13 with the exception of paragraph three**
- **Consequential amendments will need to be made to the supporting text**

Policy HWNP14

This policy sets out car parking standards for new residential development explaining that there are high levels of car ownership and given public transport in the area, it is reasonable to expect cars will be a main mode of transport for residents and visitors. In principle the setting of a local parking standard is supported by national policy. I also recognise that in certain areas other means of transport cannot always be practical. However, there is little explanation of the rationale for setting the standard as it is put forward and therefore no sense of what impact this would have on the deliverability and viability of new housing or for the village. In addition there may be other solutions to the provision of parking that this policy would discourage from coming forward. Therefore the 'standards' element of the policy should be deleted as it would not support the achievement of sustainable development.

A second element to the policy is the support given to additional car parking for the village. I assume this refers to public car parking. It would be appropriate to retain this element of the policy.

⁵⁰ NPPF para 32

I also notice that the photograph of parking in the village centre on page 43 of the Plan is identified as “Figure 8.1”. First of all other photographs are not identified in this way and secondly this numbering is inconsistent with the other figures in the Plan. This should be remedied in the interests of consistency and clarity. Whilst I have pointed it out here (and I may have missed other instances), this comment does of course apply throughout the Plan and further checks of presentation should be made before the next version of the Plan is finalised. Recommended modifications are on the next page.

- **Delete the first paragraph and all parking standards from Policy HWNP14**
- **Retain the last sentence of the policy and insert the word “*public*” after “...additional...” and before “...car parking...”**
- **Ensure that the identification of photographs and figures is consistent**
- **Consequential amendments to the supporting text will be needed**

Policy HWNP15

Sustainable modes of transport such as footpaths and cycleways are encouraged by this policy. The supporting text provides a persuasive rationale for the policy’s ambitions. The policy will help to achieve sustainable development. As it meets the basic conditions no modifications to the policy itself are recommended.

However, the supporting text only allows new developments not to provide new footpaths and cycleways where “it is physically not possible to make such provision...” in paragraph 9.14 on page 44. It is also important that such provision does not adversely affect the viability and deliverability of development; so it is necessary to add a further sentence to this paragraph to reflect this and to offer a greater degree of flexibility.

- **Add “...or demonstrably unviable...” after “...physically not possible...” and before “...to make such provision..” to paragraph 9.14 on page 44**

10 Flood risk and drainage

Policy HWNP16

I appreciate that flooding is of major concern to the community. This issue has been discussed earlier in the report in relation to the requirement for SEA. Anglian Water and the EA have made various suggestions for changes to the wording of this policy.

In light of the issues raised generally and more specifically in representations, I consider that the policy should be revised to bring it in line with national policy and guidance and to take account of representations from Anglian Water, the EA and HDC.

- **Delete the first paragraph from Policy HWNP16**
- **Reword the (existing) second paragraph of Policy HWNP16 to: “Development will only be permitted in areas benefitting from defences where the sequential and exception tests are passed and residual risk of flooding has been considered and it can be demonstrated that the development will be safe.”**
- **Amend the (existing) third paragraph to read: “Any development which would reduce the *flood plain* storage capacity of a site will not be permitted unless an alternative storage facility is provided to compensate within the site on a level-for-level and volume-for-volume basis. *Reference should be made to the SFRA maps which define the extent of the functional flood plain and any such facilities should be approved by the Environment Agency or other appropriate body.*”**
- **Amend the (existing) fifth paragraph to read: “Replacement dwellings and buildings *will only be permitted in areas at risk of flooding if it can be demonstrated they will be substantially safer and will reduce flood risk, taking into account the effects of climate change.*”**
- **Amend the (existing) sixth paragraph to read “All developments will be expected to demonstrate they have followed the surface water management hierarchy to ensure that infiltration *and other methods of surface water disposal are considered and provided for before ahead of maintaining any connection to existing surface water sewers.*”**
- **Replace the word “applications” in (existing) eighth paragraph with “permissions”**
- **Consequential changes may be needed to the supporting text**

11 Business

Policy HWNP17

This is a long and complex policy that addresses many different issues. As well as support for new or expanding businesses, strong encouragement is given to start-up businesses. The loss of retail or leisure facilities is resisted unless alternative appropriate provision can be made. The impact of businesses is then considered. Proposals are then said to be favourably considered if they address one of three criteria. Finally, development along the A1123, A141 or B1090 is considered.

The NPPF is clear that the sustainable growth and expansion of all types of business and enterprise in rural areas should be supported. In addition the retention of local services and community facilities is promoted. Essentially the general thrust of the policy is in line with national policy, but there are certain elements that are too inflexible or overly restrictive. In addition the policy is complex and so in the interests of providing a practical framework, I suggest it is reworded.

Paragraph 6.12 seems to incorrectly cite Policy LP11 of the emerging Local Plan. Given the stage the emerging Local Plan is at, this Plan cannot be read alongside it.

In order for the policy to meet the basic conditions, the following modification is recommended:

- **Reword Policy HWNP17 as follows:**

“Proposals for new or expanding businesses will be supported provided that they are appropriate to their rural setting and respect the character of the village, the countryside and wider landscape including views in and out of the area. Any such use will need to ensure that its impact on light, noise and air is acceptable.

Proposals that provide suitable space for start-up or incubator businesses, develop the Parish’s agricultural base or increase retail space in the village centre are particularly encouraged.

The loss of existing retail or other community services and facilities will be resisted unless alternative or enhanced provision is made elsewhere in suitable and accessible locations in the Parish or it can be demonstrated that the use is no longer viable.

New development along the A1123, A141 or B1090 should seek to retain existing trees, hedges and ditches wherever possible to protect the rural setting.

Any new development should not increase flood risk. Planning applications for development within the Plan area must be accompanied by a site-specific flood risk assessment in line with the requirements of national policy and advice, but may also be required on a site by site basis based on locally available evidence.”

Policy HWNP18

This policy supports the provision of retail premises such as farm shops in certain circumstances. As the Plan recognises farm shops allow farmers to sell direct to the public which is of benefit to the farmer and the consumer providing a supply of locally

produced fresh food. Planning permission is not always necessary for farm shops or other retail outlets selling produce produced on associated land if, for instance an existing building is used for the sale of goods mainly produced on the farm itself. This is usually a judgment made by the local planning authority based on the particular circumstances of the unit.

This policy contains four criteria that would need to be met for retail units to be supported. The first two relate to what I regard as matters of fact and degree and will largely determine whether planning permission is required, the third relates to the impact on the viability of existing shops in the village; this is not generally regarded to be a planning consideration as the market will determine which might survive and the fourth criterion relates to flooding.

Therefore the conclusion I reach is that this policy is not appropriate for inclusion in the Plan and in order for the Plan to meet the basic conditions, it should be deleted.

- **Delete Policy HWNP18 in its entirety and its supporting text**

12 Housing

Policy HWNP19

The preamble to this policy deals essentially with the needs of the community and the type of housing to be provided. The policy encourages small scale windfall residential development so long as it meets a number of criteria.

Taking each of these criteria in turn, the first one stipulates no more than 4 – 5 dwellings or the plot should be no larger than 0.15 hectare. There is little evidence to indicate why these thresholds have been selected or what the impact might be of introducing such a threshold. To do so could well thwart the achievement of sustainable development.

The second seeks to prevent development in Flood Zones 2 or 3; an issue already discussed in this report at length.

The third criterion expresses a preference for one or two bedroom properties built to Lifetime Homes standards. The NPPF provides for a wide choice of homes. Given the information on demographics and affordable housing put forward this can be justified in terms of encouraging smaller units provided there is some flexibility, but the wording lacks clarity.

The Government has also created a new approach to setting technical standards for new housing development. A Written Ministerial Statement (WMS)⁵¹ made it clear that

⁵¹ Written Ministerial Statement of 25 March 2015

neighbourhood plans cannot set out any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. Optional new technical standards can now only be required through Local Plan policies. The policy therefore cannot require dwellings to be built to Lifetime Homes standards.

The fourth criteria relates to sheltered accommodation for older people, but there are many other types of housing that can also address the needs of older people. This then unnecessarily limits the options and would, in my view, be likely to prevent sustainable development coming forward although I appreciate the sentiment of this criterion. In my suggested modifications I have therefore widened this requirement to maximise options in providing homes for older people.

The fifth criterion concerns the effect on the Conservation Area and listed buildings. This would be a usual planning consideration in any case and it tends, in my view, to confuse the issue when essentially the policy is about the type of housing development the Plan will support.

The last criterion supports self-build which is in line with current Government thinking.

Therefore it will be apparent that the policy needs rewording in order for it to meet the basic conditions. This should also address the concerns raised by HDC.

In addition, paragraph 12.3 refers to Policy HWNP1 and its accompanying figure which I have recommended for deletion and so consequential amendments will be needed.

Representations raise points about the accuracy of paragraph 12.5 and the availability of more up to date information pertaining to paragraph 12.7. These matters should be checked and amended as appropriate in the interests of accuracy.

- **Reword Policy HWNP19 as follows:**

- ***“Residential development on windfall sites in the villages that meets local needs will be supported. In particular, the provision of one or two bedroomed units and housing that meets the needs of older people is particularly encouraged. Self-build units will be supported on appropriate sites.”***

- **Consequential amendments to the supporting text will be needed including ensuring that paragraph 12.14 is brought into line with national policy and advice and reflects recommended changes to the issue of flooding made throughout this report**

13 Design of new development

Policy HWNP20

This policy is long and complex as it refers to the design of new development and outlines nine criteria for new development to address. As the preamble to the policy recognises the NPPF places emphasis on the quality of development and good design is regarded as a key aspect of sustainable development. Alongside this, there is support for the reinforcement and promotion of local distinctiveness. The policy ties in with the objectives of the Core Strategy and saved Local Plan policies support this.

Reference is made in the supporting text to Appendix A which contains information about the character areas identified for the Parish. Whilst an unusual approach has been taken to the definition of these character areas as it is usual to cover the whole built-up area or Parish rather than select very small areas, this information does, in my view, help to articulate those aspects which make up the local distinctiveness of the Parish and are important to the community.

However, some 'tidying up' of the policy is needed for it to provide the practical framework national policy seeks. In addition there needs to be more recognition of flexibility and there is little benefit in repeating requirements that would be the preserve of the local planning authority such as the requirement for a landscaping scheme to be implemented before occupation. Not only would this fall to the local planning authority to police, it is also an unreasonable requirement bearing in mind planting seasons and so on.

Finally as mentioned in the discussion of the previous policy, the Government has created a new approach to setting technical standards for new housing development. Therefore references to energy efficiency should be removed.

I have therefore recommended the policy be reworded to take account of these concerns to bring it in line with the basic conditions. This will also address the concerns of representators.

Paragraphs 13.2 and 13.3 refer to the emerging Local Plan and Building for Life standards. As indicated before, it may be better not to rely on emerging policies. However, for the avoidance of any doubt, the references to Building for Life standards can be retained.

Finally, paragraph 13.11 on page 54 refers to Policy HWNP21. There is no such policy in the submission version of the Plan and I assume this should be a reference to Policy HWNP20.

The suggested modifications are shown on the next page.

- **Reword Policy HWNP20 as follows:**

“New development will be supported where it can demonstrate that the following criteria are all met:

- *it respects the character or appearance of the village and its heritage assets including the Conservation Area and the setting of the Great Ouse Valley*
 - *it responds positively to the heritage and distinctive features of any Character Area in which it is situated and pays particular attention to the site’s topography and height, scale, spacing, layout, orientation and materials*
 - *it is of a high quality design and, where appropriate, is of a distinctive and individual character*
 - *it retains and incorporates, where possible, existing natural features such as trees, hedgerows and ponds*
 - *it takes any opportunity available to provide safe, accessible and well-connected footpath and cycle routes to the village centre, and*
 - *where the development is located at the edge of the settlement it takes account of, and respects, the character of adjacent countryside by providing landscaping and / or developing at a lower height as appropriate to reflect its fringe location.”*
- **Consequential amendments to the supporting text will be needed**
 - **Change reference in paragraph 13.11 from “Policy HWNP21” to “Policy HWNP20”**

14 Existing development sites – Parish needs and intentions

This section refers to two sites: Houghton Grange and Beer’s Garage site. From the information in the Plan both sites have the benefit of planning permission for up to 90 dwellings and four dwellings respectively. The section sets out what can be described as the Parish’s aspirations for both these sites under a heading of “Parish Intention”.

These aspirations are not formulated as site specific policies for the two sites. However, it is not particularly clear what the status of the requirements which are set out are. Given that these sites appear to have the benefit of planning permission, I take this section to be one of aspiration. It is not appropriate to be included as part of the Plan in this format. This section should therefore be moved to a separate and clearly labeled separate section or appendix of the Plan or should be removed in its entirety. This is to ensure that there is no doubt about the status of the contents of this section, particularly in view of paragraph 1.0 and the ‘how to read this document’ section at the start of the Plan.

In addition, paragraph 14.7 refers to sui generis uses and it is not clear to me what this refers to; it seems to be a superfluous reference in any case. This should be remedied in the interests of clarity.

Incidentally paragraph 14.13 on page 57 seems to refer to Beer's Garage site but sits within the Houghton Grange section. This should be remedied in the interests of clarity.

In order to meet the basic conditions, the following modifications are recommended:

- **Move section 14 in its entirety to a separate section (which does not appear as part of the Plan) or appendix of the Plan which is clearly labeled 'community aspirations' or delete in its entirety**
- **Clarify or remove the reference to sui generis uses in paragraph 14.7**
- **Move paragraph 14.13 so that it sits within the correct section**
- **Consequential changes may be required**

15 Monitoring and community action plan

Monitoring is an important planning activity and whilst it is not a requirement for neighbourhood plans, despite the lack of any detail, the intentions set out in this section are a welcome addition.

It is not clear to me what paragraph 15.4 refers to. Paragraph 15.5 refers to a Community Action Plan contained in Appendix B.

The section also refers to the community right to bid and lists three assets of community value. This seems to be for information purposes and so can be included in a separate appendix or clearly labeled separate section of the Plan, but should be removed from the Plan itself as this does not relate to development or use of land matters.

- **Clarify paragraphs 15.4 and 15.5 further**
- **Move the part of section 15 headed "Community Right to Bid" in its entirety to a separate section (which does not appear as part of the Plan) or appendix of the Plan which is clearly labeled or delete in its entirety**

Glossary

A short glossary is usefully included.

Appendix A

Contains information about each of the Character Areas mentioned in connection with Policy HWNP20.

Appendix B

This is the community action plan which covers non planning matters that the Parish Council wish to capture as a result of its work on neighbourhood planning.

Appendix C

Contains a list and map of the listed buildings in the Parish. Again I find the plan hard to read and consideration should be given to whether this can be included in a more legible way. There is no need for this appendix to be included in the Plan, particularly given it does not contain any specific policies on heritage assets and the list may well become out of date over the Plan period. However, I do not consider it necessary for me to make a recommendation about this appendix in relation to the basic conditions. However, if retained it would be useful to add a proviso that information should always be checked with the relevant authority.

9.0 Conclusions and Recommendations

I am satisfied that the Houghton and Wyton Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to Huntingdonshire District Council that, subject to the modifications proposed in this report, the Houghton and Wyton Neighbourhood Development Plan can proceed to a referendum. However, it will be noted that I have also suggested that the local planning authority reconsiders the need for a Strategic Environmental Assessment if the Plan is modified in accordance with these recommendations. In this regard please refer to the section on Strategic Environmental Assessment for a more detailed discussion of this issue.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Houghton and Wyton Neighbourhood Plan area.

I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion. I therefore consider that the referendum area be based on the Houghton and Wyton Neighbourhood Plan area approved by Huntingdonshire District Council on 19 December 2012.

Ann Skippers
Ann Skippers Planning
14 December 2015

Appendix 1 List of Documents specific to this Examination

Houghton and Wyton Neighbourhood Development Plan Submission Plan May 2015

Houghton and Wyton Neighbourhood Development Plan Consultation Statement May 2015

Houghton and Wyton Neighbourhood Development Plan Basic Conditions Statement May 2015

Core Strategy September 2009

Huntingdonshire Local Plan Part One adopted December 1995

Huntingdonshire Local Plan Alteration adopted December 2002

Huntingdonshire's Local Plan to 2036 Targeted Consultation 2015

Response to Clarification Questions from the Examiner from HDC and from the Parish Council and documents referred to or linked into in those responses

Officer Position Statement on St Ives West dated 29 September 2014

Judgment [2013] EWHC 1476 Admin

List ends

Appendix 2 Clarification Questions from Examiner

Houghton and Wyton Neighbourhood Plan Examination Questions of clarification from the Examiner to the PC and HDC

Having completed an initial review of the Neighbourhood Plan (NP), I would be grateful if the Parish and District Councils could kindly assist me in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information.

1. Section 4 and Policy HWNP1 of the Plan refer to a built-up area.
 - a) Paragraph 4.3 quotes from the Core Strategy and then the emerging Local Plan. Please indicate where the emerging Local Plan references are from i.e. policy and/or page number for both the quotes on page 15 and the reference to the policy for building in the countryside on page 16
 - b) Can you please confirm whether paragraph 4.4 is also a quote from the emerging Local Plan (it seems to read this way) and if so, again please point me in the direction of where I might find this in the source document
 - c) The built-up area is shown on Figure 3 of page 17 of the Plan. Please confirm the following:
 - Whether Figure 3 is intended to define a built-up area as the figure is titled “indicative”
 - Whether a built-up area boundary is defined in any adopted development plan document and, if so, please let me know which development plan(s) and send me a copy of the defined and adopted built-up area(s) plans
 - Whether the emerging Local Plan seeks to propose a built-up area and if so which version and send me a copy of the area
 - Point out any differences between the adopted plan built-up area, the emerging Local Plan built-up area and the HWNP proposed (if this is the case) built-up area
2. Section 4 and Policy HWNP1 refer to the threat of flooding. Paragraph 4.6 makes reference to the strategy for growth and directing less, more and highly vulnerable land uses away from flood zones 2 and 3. Although the paragraph states this is in accordance with PPG and advice from the Environment Agency, it does not seem to reflect PPG advice that I can find. Therefore please provide me with the relevant extracts or para numbers from PPG and the advice received from the EA to support this paragraph in the Plan and the stance of Policy HWNP1 and other policies in the Plan that prevent development in Flood Zones 3 and 3.
3. The Plan makes references to a proposal for the Great Ouse Valley and Washes to be an Area of Outstanding Natural Beauty. Please could you update me on the latest position?

4. Section 5 refers to two areas of common land; the first along the A1123 and the second along Splash Lane. Common land has a particular meaning and the law restricts the kind of activities that can be carried out on commons. Please confirm that these two areas (shown on Figure 5 and 6 of the Plan) are 'common land' within the usual meaning and provide the register entry for each site (which HDC should hold). If these areas are not 'common land', given there is no description or reference to them in the Plan, please provide me with short factual information on each site including ownership details if possible. The Group may wish to take advice on this from the LPA or their advisers.
5. The supporting text to Policy HWNP3 (local settlement gap) refers to:
 - a) The extent of the St Ives Spatial Planning Area in the Core Strategy. Please confirm whether the SPA has been identified on a plan and if so provide me with a copy of the plan or signpost me to where I might find it
 - b) Policy CS2 of the Core Strategy. Please can HDC confirm whether they regard this policy as a strategic policy
 - c) Please provide me with a copy of the court case judgment referred to in the Plan
 - d) The Plan makes reference (page 21) to previous Inspector's comments relating to HDC Local Plans. Please provide me with the requisite sections of these reports so I can see which Local Plans and policies are being referred to and exactly what the Inspector said
6. There are references throughout the Plan to the Great Ouse Valley as an area of green (space) enhancement in both the Core Strategy and emerging Local Plan. As far as I can see the Core Strategy refers to this area as an area of green space enhancement whilst the emerging LP refers to Strategic Green infrastructure enhancement; am I correct?
7. The preamble to Policy HWNP5 lists a number of significant verges and greens. Please could these be identified on a map(s) clearly labeled so that I can see their location and the extent of these areas? As an aside I am generally finding the figures hard to read and distinguish from the background colour wash and so given this personal difficulty please could this be borne in mind in providing this information to me?
8. Is the agricultural land classification data in Figure 9 on page 34 the most recent available?
9. There are some references throughout the Plan to "allocated sites" (for example paragraph 5.28 on page 35). Please clarify what this refers to given the Plan does not allocate sites itself?
10. Is there a typo in paragraph 9.4 on page 41 of the Plan? Should the sentence about new development taking the opportunity to replace an existing formal access point with a new formal access point be the replacement of an existing *informal* access point?

11. The representation from St Ives Town Council indicates that their comments on the pre-submission version have not been included in Appendix G of the Consultation Statement. The Consultation Statement should contain details of the persons and bodies consulted, explain how they were consulted, summarise the main issues and concerns and describe how these have been considered and, where relevant, addressed. I seek confirmation that the Consultation Statement meets this requirement (Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 and a comment from the Parish Council about whether all those responding have been included in it.

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that as the Examination progresses other queries may come to light.

With many thanks.

Ann Skippers
24 September 2015