

South Cambridgeshire District Council Record of Executive / Chief Officer Decision

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Unless permission has been obtained from the Chairman of Council and the Chairman of the Scrutiny and Overview Committee that this decision be treated as a matter of urgency under Rule 12.19 of the Scrutiny and Overview Committee Procedure Rules, this decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless called in under Rule 7 of the Budget and Policy Framework Procedure Rules or Rule 12 of the Scrutiny and Overview Committee Procedure Rules.

Portfolio	Joint Director for Planning and Economic Development
Subject Matter	Great Abington Former Land Settlement Association Estate Neighbourhood Plan – Receipt of Examiners Report and Decision to Proceed to Referendum
Ward(s) Affected	Linton
Date Taken	30 October 2018
Contact Officer	Jenny Nuttycombe, Senior Planning Policy Officer, jenny.nuttycombe@scambs.gov.uk , 01954 713184
Key Decision?	No.
In Forward Plan?	No, this is not a key decision.
Urgent?	No.

Purpose / Background

Purpose

1. The purpose of this report is to consider the conclusions of the Examiner's Report on the Great Abington Former Land Settlement Association (LSA) Estate Neighbourhood Plan, and whether those conclusions should be acted upon and therefore that the Neighbourhood Plan should proceed to referendum. This includes considering whether the examiner's recommended modifications to the Neighbourhood Plan should be made, and whether the Council agrees that the Neighbourhood Plan meets the Basic Conditions.
2. Cabinet agreed at its meeting on 26 July 2018 that where the examiner has concluded that the Neighbourhood Plan is legally compliant, meets the Basic Conditions (with or without modifications), and should proceed to referendum, the Joint Director for Planning and Economic Development has delegated authority to make the decision on the way forward, in consultation with the Planning Lead Member.

Background

3. The former LSA estate at Great Abington is defined in planning terms as being in the countryside as it is located outside of the village framework of Great Abington, and therefore development is normally restricted to specific uses. However, as set out in the Neighbourhood Plan (see Appendix 2, paragraph 4.15), the former LSA estate is different from open countryside due to its parallel private roads, its regular pattern and layout of the

various buildings, and the significant number of original dwellings that have been extended and altered.

4. Great Abington Parish Council felt that there was a need for additional planning guidance for the former LSA estate, as a result of an inconsistency in the decisions made by South Cambridgeshire District Council (SCDC) and planning inspectors considering planning applications, appeals and enforcement cases for new dwellings and/or outbuildings within the former LSA estate. Great Abington Parish Council therefore decided to prepare a Neighbourhood Plan specifically for this area. The Great Abington Former LSA Estate Neighbourhood Area was designated on 5 September 2016.
5. Great Abington Parish Council carried out informal consultation on a draft Neighbourhood Plan in Spring 2017. A Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening was undertaken on a draft version of the Neighbourhood Plan, and a screening determination was published in July 2017.
6. Pre-submission formal public consultation on the draft Neighbourhood Plan was undertaken by the Parish Council between 24 July and 18 September 2017. A health check of the pre-submission Neighbourhood Plan was undertaken by Christopher Lockhart-Mummery QC (an independent examiner). Officers provided a formal response to the consultation, showing support for the intentions of the Neighbourhood Plan and providing some comments to assist the neighbourhood plan group with finalising the Neighbourhood Plan.
7. On 22 February 2018, Great Abington Parish Council submitted their Neighbourhood Plan to SCDC, having considered the comments received on the pre-submission version and made any necessary changes. The Neighbourhood Plan includes three planning policies that: (i) support extensions to and/or the rebuilding of existing dwellings; (ii) support the provision of one additional new dwelling for each original plot within the former LSA estate; and (iii) seek to preserve the character of the area by resisting development proposals that will result in significant changes to the estate roads or damage the residential amenity of the area through traffic generation.
8. Officers confirmed that the submitted version of the Neighbourhood Plan and its accompanying supporting documents complied with all the relevant statutory requirements at that stage of plan making. Formal public consultation on the submitted Neighbourhood Plan was therefore undertaken between 5 March and 16 April 2018.
9. Officers, in conjunction with Great Abington Parish Council, appointed Andrew Ashcroft of Andrew Ashcroft Planning Limited as the independent examiner¹ to examine the Neighbourhood Plan. On 30 May 2018, the Neighbourhood Plan, its accompanying supporting documents, and all comments submitted on the submission version of the Neighbourhood Plan, were provided to the examiner with a request for him to carry out the examination on the Neighbourhood Plan.
10. The examiner issued a series of clarification questions relating to the Neighbourhood Plan in June 2018, and both SCDC and Great Abington Parish Council provided responses. Also during the course of the examination, as a result of a case in the European Court that

¹ The examiner appointed to undertake the examination of the Neighbourhood Plan: must be independent of both the District Council and Parish Council; cannot be the same examiner that undertakes a health check of the Neighbourhood Plan; and must not have any interest in any land that may be affected by the Neighbourhood Plan.

changed the basis on which competent authorities are required to undertake HRAs, a review of the screening determination from July 2017 was undertaken. The review concluded that the earlier HRA screening determination was properly reached and that there was no need to undertake an Appropriate Assessment.

11. The Examiner's Report was received on 15 October 2018 (see Appendix 1). The examination of the Neighbourhood Plan was extended (and longer than anticipated) to wait for the Inspectors' Report on the South Cambridgeshire Local Plan to be published and the Local Plan to be adopted on 27 September 2018, so that the Neighbourhood Plan would be tested for general conformity against the strategic policies in the most up to date Local Plan. The examiner in his report concludes that subject to a series of recommended modifications the Great Abington Former LSA Estate Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum. He also recommends that the referendum should be held within the neighbourhood area only.
12. Now that the Examiner's Report has been received, the Council is required to consider the conclusions of the Examiner's Report, and whether those conclusions should be acted upon and therefore that the Neighbourhood Plan should proceed to referendum. This includes considering whether the examiner's recommended modifications to the Neighbourhood Plan should be made, and whether the Council agrees that the Neighbourhood Plan meets the Basic Conditions. The Council must publish its decision in a decision statement.

Considerations

13. Where an examiner has concluded that the Neighbourhood Plan meets the Basic Conditions (with or without modifications) and is legally compliant, and therefore that the Neighbourhood Plan should proceed to referendum, the Council has limited options in how to respond. The options are as follows:

Option 1: Act upon the conclusions in the Examiner's Report, including making any recommended modifications to the Neighbourhood Plan, and proceed to referendum, provided that the Council confirms that the Basic Conditions have been met.

Option 2: Take a decision substantially different from the Examiner's conclusions, wholly or partly as a result of new evidence or fact, or a different view is taken by the Council as to a particular fact, including that the Council is unable to confirm that the Basic Conditions have been met.

14. National regulations require the Council to make a decision on the Examiner's Report and whether the Neighbourhood Plan should proceed to referendum within 5 weeks of receipt of the report (unless an alternative longer timescale is agreed with the Parish Council).
15. Officers have concluded that Option 1 should be followed for the reasons set out in the following paragraphs of this decision statement. Officers agree with the examiner's conclusions, including his recommended modifications to the Neighbourhood Plan, and agree that the Neighbourhood Plan should proceed to referendum.

a. Meeting the Basic Conditions and Legal Requirements

16. To successfully proceed through its examination to a referendum, a Neighbourhood Plan must meet a number of tests known as the 'Basic Conditions'. The Basic Conditions are set

out in national planning regulations and are summarised as follows:

- (a) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Neighbourhood Plan;
- (b) the making of the Neighbourhood Plan contributes to the achievement of sustainable development;
- (c) the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area;
- (d) the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and
- (e) prescribed conditions are met in relation to the Neighbourhood Plan, including that the making of the neighbourhood plan is not likely to have a significant effect on a European wildlife site or a European offshore marine site either alone or in combination with other plans or projects.

The Council's Neighbourhood Planning Toolkit includes Guidance Note 11 (What are the Basic Conditions and How to Meet Them), which sets out further details on each of the Basic Conditions.

17. To proceed to a referendum, a Neighbourhood Plan must also meet a number of legal requirements, such as whether the Neighbourhood Plan has been prepared by a qualifying body, and meets the definition and scope of a Neighbourhood Plan.
18. The examiner concludes in the Executive Summary and paragraphs 2.14 and 8.2 of his report that subject to a series of recommended modifications the Great Abington Former LSA Estate Neighbourhood Plan meets the Basic Conditions and all the necessary legal requirements. The examiner's recommended modifications do not fundamentally change the role or purpose of the Neighbourhood Plan; they have been recommended by the examiner to provide clarity and precision.
19. Officers, in conjunction with Great Abington Parish Council, have reviewed the examiner's conclusions and recommended modifications, and officers and the Parish Council have agreed each of the recommended modifications considered necessary by the examiner for the Neighbourhood Plan to meet the Basic Conditions. A 'For Referendum' version of the Great Abington Former LSA Estate Neighbourhood Plan has been prepared including these modifications (see Appendix 2).
20. Additional non-material modifications to the Neighbourhood Plan have also been prepared by officers and agreed with Great Abington Parish Council, and these additional modifications are also included in the 'For Referendum' version of the Neighbourhood Plan (see Appendix 2). These modifications have been made in accordance with guidance set out in national planning guidance² which states that minor (non-material) updates to a Neighbourhood Plan that would not materially affect the policies in the plan can be made by the District Council at any time, provided they have the consent of the Parish Council, and that these modifications can be made without the need for consultation or examination.
21. In summary, these additional non-material modifications are:
 - updates to Chapters 1 and 2 of the Neighbourhood Plan to refer to the current stage in the plan making process and summarise the stages undertaken since the submission version of the Neighbourhood Plan was prepared;
 - updates to Chapters 3 and 6 of the Neighbourhood Plan to record and take account of the adoption of the South Cambridgeshire Local Plan in September 2018, and to remove

² National Planning Practice Guidance, Paragraph 085, Reference ID: 41-085-20180222

the references to the Core Strategy DPD and Development Control Policies DPD which were referred to in the Neighbourhood Plan and have now been superseded;

- updates to Chapters 3 and 6 of the Neighbourhood Plan to take account of the publication of the new National Planning Policy Framework (NPPF) in July 2018 and to explain that the references to the NPPF in the Neighbourhood Plan are to the previous NPPF 2012 as allowed under the transitional arrangements; and
- renaming of each of the three policies in the Neighbourhood Plan so that they have unique policy names within the development plan for South Cambridgeshire and to avoid confusion.

22. Officers have undertaken a Basic Conditions and Legal Compliance check of the 'For Referendum' version of the Neighbourhood Plan (see Appendix 3), and consider that the Neighbourhood Plan meets all the requirements.
23. As the modifications made to the Great Abington Former LSA Estate Neighbourhood Plan do not change the essence of its planning policies, the SEA and HRA screening undertaken on a draft version of the Neighbourhood Plan in May 2017, and the screening determination published in July 2017 remain valid.

b. Referendum

24. The examiner concludes in the Executive Summary and paragraphs 8.3-8.4 of his report that, subject to the incorporation of his recommended modifications, the Neighbourhood Plan should proceed to referendum. He also concludes that it is entirely appropriate for the referendum area to be the neighbourhood area designated by SCDC in September 2016.
25. The examiner's conclusions on the referendum area are consistent with that proposed by the Council in its response on the submission version of the Neighbourhood Plan (agreed by the Planning Portfolio Holder in March 2018). Therefore as it has been demonstrated by officers that the 'For Referendum' version of the Great Abington Former LSA Estate Neighbourhood Plan meets all the legislative requirements, officers concur with the examiner that the Neighbourhood Plan should proceed to referendum and that the referendum area should be the neighbourhood area.
26. National regulations set out that where it is concluded that the Neighbourhood Plan should proceed to referendum that the referendum should take place within 56 working days of the day after the publication of this decision statement (unless an alternative longer timescale is agreed with the Parish Council). If a Neighbourhood Plan is successful at referendum, the Neighbourhood Plan becomes part of the development plan for the area³, although the formal 'making' of the Neighbourhood Plan will not happen until SCDC's full Council are asked to do this at their next meeting following the referendum.
27. Progress on the Great Abington Former LSA Estate Neighbourhood Plan has been delayed as a result of the extended wait for the Inspectors' Report on and subsequent adoption of the South Cambridgeshire Local Plan. Both officers and Great Abington Parish Council considered that it was appropriate to wait for the adoption of the South Cambridgeshire Local Plan before concluding the examination. This was to ensure that the Neighbourhood Plan was explicitly considered against the strategic policies in the Local Plan (as part of considering whether the Neighbourhood Plan met the Basic Conditions), so as to reduce the possibility of future conflicts between the policies in the two plans and therefore any resulting

³ National Planning Practice Guidance, Paragraph: 064, Reference ID: 41-064-20170728

implications as to the weight that could be given to the Neighbourhood Plan in decision making.

28. Officers are therefore working with Great Abington Parish Council to enable the referendum to take place as soon as practicably possible, so that provided it is successful at referendum, planning decisions in the neighbourhood area will have to be made in accordance with the Neighbourhood Plan unless material considerations indicate otherwise. There are however statutory requirements relating to a referendum that must be adhered to, including that at least 28 working days before the referendum an information statement and specified documents must be published. In light of this, it is considered by officers that the earliest possible date for the referendum on the Great Abington Former LSA Estate Neighbourhood Plan is Thursday 13 December 2018. Alternative dates in December 2018 and January 2019 have been considered and rejected because there is not sufficient time to meet the statutory referendum requirements, specific statutory referendum requirements would fall within the Christmas and New Year period, or the referendum would be too far from the making of this decision to meet the aims of officers and Great Abington Parish Council to deliver the referendum as soon as practicably possible. The date of Thursday 13 December 2018 for the referendum is supported by Great Abington Parish Council.

Next Steps

29. At the referendum, if the majority of those that vote are in support of the Neighbourhood Plan, SCDC's full Council will be asked to 'make' (adopt) the Neighbourhood Plan at its next meeting. After a referendum on 13 December 2018, the next scheduled meeting of SCDC's full Council is 21 February 2019. National regulations set out that where a Neighbourhood Plan is successful at referendum it should be 'made' within 8 weeks (unless an alternative longer timescale is agreed with the Parish Council).
30. SCDC's full Council meeting in February 2019 will be 10 weeks after the date of the referendum, however Great Abington Parish Council have agreed to a longer timescale after the referendum.

Implications

31. In the writing of this report, taking into account financial, legal, staffing, risk management, equality and diversity, climate change, community safety and any other key issues, the following implications have been considered:
32. Financial: the costs of the examination and referendum have to be initially met by SCDC. However, the Council can claim a £20,000 government grant per Neighbourhood Plan once it has been through the examination and a referendum date has been set. The Council can therefore now claim this government grant in the next claims period.
33. Legal: where the examiner has concluded that the Neighbourhood Plan is legally compliant, meets the Basic Conditions (with or without modifications), and should proceed to referendum, the Joint Director for Planning and Economic Development has delegated authority to make the decision on the way forward, in consultation with the Planning Lead Member (as agreed by Cabinet at its meeting on 26 July 2018). National regulations and planning guidance for Neighbourhood Plans require that the Council considers the conclusions of the Examiner's Report, and whether those conclusions should be acted upon and therefore that the Neighbourhood Plan should proceed to referendum. This includes

considering whether the examiner's recommended modifications to the Neighbourhood Plan should be made, and whether the Council agrees that the Neighbourhood Plan meets the Basic Conditions. The Council's decision must be published in a decision statement.

34. Staffing: the responsibilities associated with delivering neighbourhood planning are being undertaken within the existing resources of the Planning Policy Team, drawing upon the expertise of other staff as required.
35. Equality and Diversity: these issues have been considered in the preparation of the Neighbourhood Plan, as to meet the Basic Conditions a Neighbourhood Plan must not breach, and is otherwise compatible with, EU obligations, including Human Rights. An assessment has been undertaken by Great Abington Parish Council to examine the impact of the Neighbourhood Plan policies on persons who have a 'protected characteristic' and this assessment concludes that the Neighbourhood Plan will not result in negative effects on persons who have a 'protected characteristic' and that there may be positive impacts on persons with a 'protected characteristic'.

Declaration(s) of Interest

Record below any relevant interest declared by any executive Member consulted or by an officer present in relation to the decision.

None.

Consultation

Record below all parties consulted in relation to the decision.

a. Consultation with Great Abington Parish Council (the qualifying body)

Officers, in conjunction with Great Abington Parish Council, have reviewed the examiner's conclusions and recommended modifications, and officers and the Parish Council have agreed each of the recommended modifications considered necessary by the examiner for the Neighbourhood Plan to meet the Basic Conditions. Additional non-material modifications to the Neighbourhood Plan have been prepared by officers and agreed with Great Abington Parish Council.

This decision statement, the 'For Referendum' version of the Neighbourhood Plan, and the Basic Conditions and Legal Compliance Check undertaken by officers have been shared with and agreed by Great Abington Parish Council.

b. Consultation with the Planning Lead Member

This decision statement, the 'For Referendum' version of the Neighbourhood Plan, and the Basic Conditions and Legal Compliance Check undertaken by officers have been shared with and agreed by the Planning Lead Member.

Other Options Considered and Reasons for Rejection

Where an examiner has concluded that the Neighbourhood Plan meets the Basic Conditions (with or without modifications) and is legally compliant, and therefore that the Neighbourhood Plan should proceed to referendum, the Council has limited options in how to respond. The options are as follows:

Option 1: Act upon the conclusions in the Examiner's Report, including making any

recommended modifications to the Neighbourhood Plan, and proceed to referendum, provided that the Council confirms that the Basic Conditions have been met.

Option 2: Take a decision substantially different from the Examiner's conclusions, wholly or partly as a result of new evidence or fact, or a different view is taken by the Council as to a particular fact, including that the Council is unable to confirm that the Basic Conditions have been met.

Officers have concluded that Option 1 should be followed for the reasons set out in this decision statement. Officers agree with the examiner's conclusions, including his recommended modifications to the Neighbourhood Plan, and agree that the Neighbourhood Plan should proceed to referendum. Officers have concluded that Option 2 should be rejected as there is no new evidence or fact, and officers are able to confirm that the Basic Conditions have been met (as set out in paragraph 22 in the Purpose / Background section of this decision statement).

Alternative options for the date for the referendum in December 2018 and January 2019 have been considered and rejected because there is not sufficient time to meet the statutory referendum requirements, specific statutory referendum requirements would fall within the Christmas and New Year period, or the referendum would be too far from the making of this decision to meet the aims of officers and Great Abington Parish Council to deliver the referendum as soon as practicably possible.

Final decision	Reason(s)
<p>That the Joint Director for Planning and Economic Development, having consulted with the Planning Lead Member, agrees:</p> <ol style="list-style-type: none"> a. that South Cambridgeshire District Council should act upon the conclusions in the Examiner's Report on the Great Abington Former LSA Estate Neighbourhood Plan (see Appendix 1) and that the Neighbourhood Plan should proceed to a referendum; b. the 'for referendum' version of the Great Abington Former LSA Estate Neighbourhood Plan (as set out in Appendix 2); c. that the area for the referendum should be the Neighbourhood Area; and d. that the referendum should take place on 13 December 2018. 	<p>The Examiner's Report on the Great Abington Former LSA Estate Neighbourhood Plan was received on 15 October 2018. The examiner concludes that subject to a series of recommended modifications the Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum. He also recommends that the referendum should be held within the neighbourhood area only.</p> <p>National regulations and planning guidance for Neighbourhood Plans require that the Council considers the conclusions of the Examiner's Report, and whether those conclusions should be acted upon and therefore that the Neighbourhood Plan should proceed to referendum. This includes considering whether the examiner's recommended modifications to the Neighbourhood Plan should be made, and whether the Council agrees that the Neighbourhood Plan meets the Basic Conditions. The Council's decision must be published in a decision statement. This report is the Council's decision statement for the purposes of those regulations.</p>

Signed	Name (CAPITALS)	Signature	Date
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Portfolio Holder	n/a	n/a	n/a
Lead Officer	STEPHEN KELLY	<i>SJ Kelly</i>	30 October 2018

Further Information

Appendices

Appendix 1: Examiner's Report on the Great Abington Former LSA Estate Neighbourhood Plan

Appendix 2: 'For Referendum' version of the Great Abington Former LSA Estate Neighbourhood Plan

Appendix 3: Legal Compliance Check on 'For Referendum' version of the Great Abington Former LSA Estate Neighbourhood Plan

Background Papers

Great Abington Former LSA Estate Neighbourhood Plan – earlier stages and supporting documents: www.scambs.gov.uk/GreatAbingtonFormerLSAEstateNP

National Planning Practice Guidance – Neighbourhood Planning:

www.gov.uk/guidance/neighbourhood-planning--2

- Basic Conditions: www.gov.uk/guidance/neighbourhood-planning--2#basic-conditions-for-neighbourhood-plan-to-referendum
- Examination: www.gov.uk/guidance/neighbourhood-planning--2#the-independent-examination
- Referendum: www.gov.uk/guidance/neighbourhood-planning--2#the-neighbourhood-planning-referendum

Neighbourhood Planning Toolkit: www.scambs.gov.uk/npguidance

Planning Portfolio Holder Decision (September 2016) – Great Abington former LSA estate Neighbourhood Area designation:

<http://scambs.moderngov.co.uk/ieDecisionDetails.aspx?Id=10122>

Planning Portfolio Holder Meeting (March 2018) – Council's response on submission version of Great Abington former LSA estate Neighbourhood Plan:

<http://scambs.moderngov.co.uk/ieListDocuments.aspx?CId=1059&MId=7246>

Cabinet Meeting (July 2018) – Neighbourhood Planning decision making process:

<http://scambs.moderngov.co.uk/ieListDocuments.aspx?CId=293&MId=7343>

Appendix 1

Great Abington Former Land Settlement Association (LSA) Estate Neighbourhood Development Plan

2018-2031

**A report to South Cambridgeshire District Council on the Great Abington
Former LSA Estate Neighbourhood Development Plan**

**Andrew Ashcroft
Independent Examiner
BA (Hons) MA, DMS, MRTPI**

Director – Andrew Ashcroft Planning Limited

Executive Summary

- 1 I was appointed by South Cambridgeshire District Council in May 2018 to carry out the independent examination of the Great Abington Former LSA Estate Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 12 June 2018.
- 3 The Plan includes three policies to bring forward positive and sustainable development in the neighbourhood area. In particular it seeks to provide clarity on extensions to existing dwellings and proposals for additional dwellings. The strength of the Plan is its sharp focus.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the submitted Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
15 October 2018

1. Introduction

- 1.1 This report sets out the findings of the independent examination of the Great Abington Former Land Settlement Association Estate Neighbourhood Development Plan 2018-2031 (the Plan).
- 1.2 The Plan has been submitted to South Cambridgeshire District Council (SCDC) by Great Abington Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012 and 2018. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. It can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It addresses a very specific range of issues in a very distinctive neighbourhood area. This sharp focus distinguishes the submitted Plan from many other neighbourhood plans.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider development plan.

2. The Role of the Independent Examiner

- 2.1. The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2. I was appointed by SCDC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both SCDC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3. I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

Examination Outcomes

- 2.4. In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

The Basic Conditions

- 2.5. As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
 - contribute to the achievement of sustainable development; and
 - be in general conformity with the strategic policies of the development plan in the area;
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
 - not be likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth and fifth bullet points above in paragraphs 2.6 to 2.12 of this report.

- 2.6. The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 2.7. In order to satisfy the regulations SCDC undertook a screening exercise. This process concluded that the Plan is unlikely to have significant environmental effects and therefore a Strategic Environmental Assessment is not required. Consultation was carried out with the three statutory bodies. Their responses are included in the screening report. This is best practice.
- 2.8. SCDC also undertook a Habitats Regulations Assessment (HRA) screening report on the Plan. The report is very thorough in its approach. It comments that there are two European sites within 20kms of the neighbourhood area (the Eversden and Wimpole Woods SAC and Devil's Dyke SAC). It concludes that the submitted Plan is unlikely to have significant effects on a European site and that an appropriate assessment is not required.
- 2.9. During the course of the examination a case in the European Court (People Over Wind and Peter Sweetman, April 2018) changed the basis on which competent authorities are required to undertake habitats regulations assessments. SCDC has given this matter due consideration and commissioned a re-assessment of the HRA screening work. That study comments that the conclusions of the earlier HRA screening determination were properly reached without regard to measures intended to avoid or reduce harmful effects on any EU protected site either alone or in combination. As such the recent Sweetman judgement does not affect the integrity of its early screening work on this important matter. In addition, there is also no need to progress to Appropriate Assessment.
- 2.10. I am satisfied that the Council has approached this issue in a sound and responsible manner. The outcome of the European Court case could not have been anticipated as the neighbourhood plan was being prepared.
- 2.11. Having reviewed the information provided to me as part of the examination I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 2.12. In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Other examination matters

2.13. In examining the Plan I am also required to check whether:

- the policies relate to the development and use of land for a designated neighbourhood plan area; and
- the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
- the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

2.14. Having addressed the matters identified in paragraph 2.13 of this report I am satisfied that all of the points have been met subject to the contents of this report.

3. Procedural Matters

3.1. In undertaking this examination I have considered the following documents:

- the submitted Plan;
- the Basic Conditions Statement;
- the Consultation Statement;
- the Character Assessment;
- the Transport Assessment;
- the Evidence on Dwelling Sizes;
- the Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report (May 2017);
- the update provided by SCDC on the Habitats Regulations Assessment after the publication of the People Over Wind/Sweetman case in the European Court (July 2018);
- the representations made to the Plan;
- the Parish Council's responses to my Clarification Note;
- the South Cambridgeshire Local Plan 2011-2031;
- the National Planning Policy Framework (March 2012);
- Planning Practice Guidance (March 2014 and subsequent updates); and
- relevant Ministerial Statements.

3.2. I carried out an unaccompanied visit to the neighbourhood area on 12 June 2018. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3. It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I concluded that the Plan should be examined by way of written representations.

3.4. On 24 July 2018 a revised version of the NPPF was published. The examination of the submitted Plan was taking place on that date. Paragraph 214 of the 2018 NPPF identifies transitional arrangement to address these circumstances. It comments that plans submitted before 24 January 2019 will be examined on the basis of the 2012 version of the NPPF. I have proceeded with the examination on this basis. Any references to paragraph numbers within the NPPF in this report are to those in the 2012 version.

4. Consultation

Consultation Process

- 4.1. Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2. In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This Statement is proportionate to the Plan area and its policies.
- 4.3. The Statement is particularly detailed in terms of its recording of the various activities that were held to engage the local community and the feedback from each event. It also provides specific details on the consultation processes that took place on the pre-submission version of the Plan (July-September 2017). It has internal consistency and integrity.
- 4.4. The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the various stages of the Plan. Sections 2-5 provide details about:
 - the specific nature of the neighbourhood area and the associated use of the Village Institute for holding consultation events;
 - the use of the Parish Council website;
 - full consultation and engagement with statutory bodies;
 - the organisation of open parish meetings;
 - the organisation of 'The Abingtons Open Day';
 - circulation of information in the Abington and Hildersham News; and
 - the organisation of a locally-based consultation exercise on an emerging draft Plan
- 4.5. The approach adopted has been particularly thorough. The Consultation Statement provides a detailed breakdown of the responses to the informal March 2017 consultation process (Tables 1 and 2). Appendices 1-4 of the Statement also reproduce letters that were sent to the various bodies as part of the consultation process. This provides a real sense of interest and detail to the Statement. This is reinforced by the effective use of photographs of the various community events. They add further to the integrity of the consultation process.
- 4.6. Section 6 of the Statement sets out how the submitted Plan took account of consultation feedback at the pre-submission phase. It does so in a proportionate and effective way. It helps to describe how the Plan has progressed to its submission stage. The detailed comments received at that stage are helpfully summarised in appendices.

4.7. Consultation on the submitted plan was undertaken by the District Council for a six- week period that ended on 16 April 2018. This exercise generated representations from the following persons and organisations:

- Valerie Hefford
- Tania and Mike O'Farrell
- Nigel and Jane Bowen
- Sport England
- Natural England
- West Suffolk (Forest Heath and St Edmundsbury Councils)
- Cambridgeshire Constabulary
- Hinxton Parish Council
- National Grid
- Environment Agency
- Andrew and Liz Pepperell
- SCDC
- David Hefford
- James Robson
- Julia Rogers
- Little Abington Parish Council
- Scott Rumble
- Nick Rumble
- Cristina Martinez-Blaya
- Julia Rumble
- Stephen Johnson
- Ann Rogers
- Emma Jones
- Alison Johnson
- Shelford Properties Limited
- Historic England

4.8. I have taken all the representations into account in examining the Plan. Where it is appropriate to do so I mention the person or organisation making the representation in this report.

5. The Plan Area and the Development Plan Context

The Neighbourhood Area

- 5.1. The neighbourhood area is the southern part of Great Abington parish. It consists of the former Land Settlement Association's Estate at Great Abington. It includes holdings on North Road, South Road and Chalky Road and three other holdings on the southern side of Pampisford Road. It is shown in Figure 1 of the submitted Plan. It was designated as a neighbourhood area on 5 September 2016.
- 5.2. The neighbourhood area continues to reflect its origins. The Estate was created in 1934 as part of a countrywide Land Settlement Association (LSA) initiative. It was based on providing work for unemployed persons after the depression which followed the First World War. The objectives of the LSA were 'to provide and equip land for cultivation by unemployed persons or persons in part-time employment and providing training and maintenance for prospective holders'. On the Great Abington Estate 688 acres of mainly arable land were laid out on a regular grid pattern of roads. It was divided into 62 holdings. The amount of land with each holding varied depending on the nature of the work of the inhabitant.
- 5.3. The original LSA houses on North Road, South Road and Pampisford Road were detached in nature. Those on Chalky Road were semi-detached. All the houses had two rooms upstairs and two downstairs. They all enjoyed a piggery and a small greenhouse. Whilst the holdings were originally intended for agricultural uses the poor nature of the land resulted in a shift towards more horticulture development including the construction of associated commercial greenhouses. The LSA initiative ended in 1983. At that point existing tenants were given an opportunity to purchase their holdings. Those which were not so purchased were sold on the open market. From this point the strategic control exercised over the neighbourhood area has inevitably changed. Whilst its overall character and very distinctive appearance remains, significant elements of former non-residential accommodation have crept into residential use, sometimes in an unauthorised fashion. Some of the development has a scale and/or design which is at odds with the design, layout and character of the original LSA Estate. The submitted Plan aims to address these very distinctive issues in general terms and through its Policies 1 and 2 in particular.

Development Plan Context

- 5.4. The South Cambridgeshire Local Plan 2011-2031 (the Local Plan) was adopted on 27 September 2018. It sets out the basis for future development in the District. It replaced the South Cambridgeshire Core Strategy and a number of other elements of the former development plan. The recently-adopted Local Plan is the development plan context against which I am required to examine the submitted Neighbourhood Plan. At the start of this examination the now-adopted Local Plan was at a very advanced stage of preparation. As such it was agreed by all parties that the examination of the neighbourhood plan should be aligned so that it concluded quickly

after the adoption of the Local Plan 2011-2031. In this context the following policies are particularly relevant to the neighbourhood area:

Policy S/7	Development Frameworks
Policy H/13	Extensions to dwellings in the countryside
Policy H/14	Replacement dwellings in the countryside
Policy H/17	Reuse of buildings in the countryside for residential use
Policy H/18	Working at home

- 5.5. The Basic Conditions Statement usefully highlights the key policies in the development plan and how they relate to policies in the submitted Plan. This is good practice. It provides confidence to all concerned that the submitted Plan sits within its local planning policy context.
- 5.6. The work undertaken on the Statement is particularly impressive. Due to the timing of the preparation of the Plan it assessed the relationship between the policies in the submitted neighbourhood plan with the former development plan and what is now the adopted Local Plan.
- 5.7. Plainly the recently-adopted Local Plan addresses a series of strategic growth issues. Policies H/13/14/17 have specific relevance to the Plan area. They provide a specific local context to national policy on development in the countryside.
- 5.8. The submitted neighbourhood plan has been prepared within its wider development plan context. In doing so it has relied on up-to-date information and research that has underpinned what were the existing and emerging planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

Site Visit

- 5.9. I carried out an unaccompanied visit to the Plan area on 12 June 2018. I was fortunate in selecting a bright and warm day.
- 5.10. I drove into the Plan area from Great Abington to the north-east. This helped me to understand the neighbourhood area in its wider landscape context.
- 5.11. I drove initially down Pampisford Road so that I could see the neighbourhood area from the north.
- 5.12. I then looked at North Road. I saw the relationship between the buildings, the parcels of land and the roadway.
- 5.13. I drove to the eastern end of North Road and turned into Chalky Road.
- 5.14. I then drove west along South Road.

- 5.15. I then spent some time looking at the range and variety of houses and other buildings in the neighbourhood area. I saw a significant range in terms of scale and size of the dwellings and their degree of maintenance.
- 5.16. I drove out of the neighbourhood area to the south along the service road running parallel to the A11. In doing so I saw the excellent accessibility of the neighbourhood area to the strategic highway network.

6. The Neighbourhood Plan as a whole

- 6.1. This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented, informative and very professional document.
- 6.2. The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the four basic conditions. Paragraphs 2.6 to 2.12 of this report have already addressed the issue of conformity with European Union legislation.

National Planning Policies and Guidance

- 6.3. For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012. Paragraph 3.4 of this report has addressed the transitional arrangements which the government has put in place as part of the publication of the 2018 version of the NPPF.
- 6.4. The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Great Abington Former LSA Neighbourhood Development Plan:
- a plan led system– in this case the relationship between the neighbourhood plan and the adopted South Cambridgeshire Local Plan 2011-2031;
 - proactively driving and supporting sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - always seeking to secure high quality design and good standards of amenity for all future occupants of land and buildings; and
 - conserving heritage assets in a manner appropriate to their significance.
- 6.5. Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.6. In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.

- 6.7. Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the neighbourhood area in general terms, and sets out to provide clarity and consistency on extensions to existing dwellings and the opportunities that exist for additional dwellings. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.8. At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041- 20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9. As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10. There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear to me that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes a policy for extensions to and the rebuilding of original dwellings (Policy 1) and for additional dwellings (Policy 2). In the social role Policies 1 and 2 reflect the very specific circumstances that exist in the neighbourhood area. In the environmental dimension the Plan has a specific policy on road usage (Policy 3). This assessment overlaps with the Parish Council's comments on this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.11. I have already commented in detail on the development plan context in the wider South Cambridgeshire District area in paragraphs 5.4 to 5.8 of this report.
- 6.12. I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted Local Plan. The Basic Conditions Statement helpfully relates the Plan's policies to the policies in the Local Plan. The examination was suspended so that it could be completed after the adoption of the Local Plan 2011-2031. On this basis I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

7. The Neighbourhood Plan policies

- 7.1. This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2. My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3. I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda. The Plan has practically developed a sharp focus on the issues that matter within the former LSA Estate and its very particular settlement pattern.
- 7.4. The Plan has been designed to reflect Planning Practice Guidance (41-004- 20170728) which indicates that neighbourhood plans must address the development and use of land.
- 7.5. I have addressed the policies in the order that they appear in the submitted plan.
- 7.6. For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7. Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial sections of the Plan (Sections 1-5)

- 7.8. The Plan as a whole is well-organised and includes effective maps and photographs that give real depth and purpose to the Plan. The two maps are particularly effective. The Plan makes an appropriate distinction between the policies and their supporting text. It also ensures that the vision and the objectives for the Plan set the scene for the various policies. Its design will ensure that it will comfortably be able to take its place as part of the development plan in the event that it is eventually 'made'. The initial elements of the Plan set the scene for the policies. They are proportionate to the Plan area and the subsequent policies.
- 7.9. Section 2 provides a very clear context to the Plan. It describes the neighbourhood plan process and how the Plan has been prepared over time. Section 3 helpfully and diligently sets out the requirements involved in producing a neighbourhood plan.
- 7.10. Section 4 provides commentary and detail on the neighbourhood area. It includes both the history of the community and its demographic background.
- 7.11. Section 5 sets out the Aims and Objectives for the Plan. They are very distinctive to the neighbourhood area and include matters such as the retention of the historic

pattern of development, to retain the existing single-track roads and to support the construction of smaller high-quality dwellings.

7.12. The policies are then set out in section 6. The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy 1 – Extensions to and rebuilding of original dwellings

7.13. This policy sits at the heart of the Plan. Its intention is to allow extensions and the rebuilding of the existing dwellings to take place in a way which will maintain the historic building pattern in the former LSA Estate.

7.14. The policy is more complicated than that included in policies in other neighbourhood plans. This complication properly reflects the very distinctive character and history of the neighbourhood area. In addition to its inclusion of traditional design and environmental matters the policy has several very specific components. The first is the position of replacement dwellings. Criterion 4 of the policy indicates that they should be set back from the Estate roads at least as far as the original dwelling. Building lines are helpfully shown on Maps 1 and 2. The second is that any completed dwellings should not exceed 300 square metres in size (gross internal floor area). In both cases I am satisfied that these important criteria are evidence-based and locally distinctive. The figure of 300 square metres takes appropriate account of the range of extensions (or indeed complete house rebuilds) that have taken place since 1983. They range between 230 and 400 square metres.

7.15. The approach taken meets the basic conditions in general terms. In particular it has regard to national policy and is in general conformity with Policies H/13 and H/14 of the recently-adopted Local Plan. The supporting text is very effective in setting the context for the policy and establishing a baseline against which extensions would be measured.

7.16. However within this supporting context I recommend that the policy is modified in the following areas to bring the clarity required by the NPPF:

- a reconfiguration of the opening part of the policy to address the issues raised in paragraph 7.14 of this report;
- a deletion of any reference to ‘new dwellings’. This matter is already addressed in Policy 2; and
- grammatical changes to reflect the modifications to the opening part of the policy.

Replace the first part of the policy with:

‘Extensions to and rebuilding of original dwellings as at the 1983 baseline and/or the replacement of original dwellings as at the 1983 baseline (as shown on Maps 1 and 2) will be supported subject to the following criteria:’

In criterion 1 replace ‘will be’ with ‘are’.

In criterion 2 replace 'new' with 'resulting' and delete 'should'.
In criterion 4 replace 'new' with 'extended'.
In the final paragraph replace 'must' with 'should'.

Policy 2 – Additional dwellings

- 7.17. This policy offers support for new dwellings in the neighbourhood area. In doing so it properly reflects the character of the neighbourhood area and its distinctive history.
- 7.18. The intention of the policy is to allow one additional dwelling for each of the original houses as at the 1983 baseline. It applies to the piggery buildings or to the site of the piggery building within each plot at that date. The Plan comments that this approach 'will help to maintain the pattern of building on the former LSA Estate'.
- 7.19. Following the approach adopted in Policy 1 the policy includes a series of very specific criteria. The first proposes a maximum size for any new house of 175 square metres. This derives from the footprint of the piggery buildings of 83 square metres and allows for the effective construction of a second floor with a degree of flexibility on the resulting floorspace. It also takes account of the existing redevelopment or extension of the existing dwellings on the individual holdings.
- 7.20. The second is the position of replacement dwellings. Criteria 7 and 8 of the policy indicate that they should be set back from the Estate roads at least as far as the original dwelling. Building lines are helpfully shown on Maps 1 and 2.
- 7.21. A free-standing element of the policy requires an applicant to demolish any existing piggery building or associated hardstanding which is not incorporated into the development proposal concerned. However, this reads as supporting text rather than policy. Another free-standing part of the policy addresses the scenario where proposals are submitted to extend or replace any annex buildings which have already been developed on the site of piggeries. My recommendations below retain these important elements of the submitted Plan either as a modified policy or by replacing policy in the submitted plan with supporting text.
- 7.22. As with Policy 1 the approach adopted meets the basic conditions in general terms. In particular it has regard to national policy and is in general conformity with Policies H/14 and H/17 of the recently-adopted Local Plan. The supporting text is very effective in setting the context for the policy and establishing a baseline against which extensions would be measured.
- 7.23. Plainly the policy has the ability to support the development of a number of dwellings throughout the Plan period in a location which does not necessarily accord with the key development principles set out in the Local Plan. Nevertheless, Policy S/7 in the Local Plan addresses the acceptability of community-based initiatives that are promoted in emerging neighbourhood plans.

- 7.24. Paragraph 2.54 of the Local Plan allows for community-led proposals in a neighbourhood plan that lie outside the development framework of a village. Such proposals need to have received community support and be capable of being included in a neighbourhood plan. Whilst the policy is not strictly an allocation it has been carefully considered and developed within the context of the very rare circumstances of the neighbourhood area. In particular it takes account of its former Land Settlement Association history, character and appearance.
- 7.25. Shelford Properties has drawn my attention to the granting of outline planning permission for eight dwellings on land adjacent to Strawberry Farm, Pampisford Road (September 2017). Plainly that permission is extant and is not directly affected by the progress of the neighbourhood plan to this stage. Nonetheless I recommend that an additional sentence is included within the supporting text to recognise this matter.
- 7.26. Based on all the information provided to me as part of the examination, including the level of support for the Plan I am satisfied that the approach is evidence-based and meets the basic conditions. In particular it has been designed to provide a strategic context for future proposals and, importantly, to safeguard and consolidate the very distinctive character of the LSA neighbourhood area. Based on my visit to the area I am satisfied that it has the visual and environmental capacity to accommodate the scale of development which may naturally arise from the implementation of this policy during the Plan period.
- 7.27. However within this supporting context I recommend that the policy is modified in the following areas to bring the clarity required by the NPPF:
- the deletion of criterion 5 which requires any new dwelling to be an asset to the area. The matter is adequately addressed in other criteria and, in any event, would be both difficult to define and to determine with any degree of consistency through the development management process;
 - the deletion of criterion 9. It is adequately addressed by criterion 10;
 - the repositioning of supporting text from the first paragraph of free-standing policy on page 13 into the substantive supporting text within the Plan;
 - a modification to the second paragraph of the free-standing element of the policy; and
 - the inclusion of additional text to reflect the outline planning permission granted on land adjacent to Strawberry Farm.

In the opening part of the policy replace ‘permitted’ with ‘supported’.

Delete criteria 5 and 9 (and renumber the remaining criteria accordingly).

Delete the free-standing paragraph at the top of page 13.

Replace the second free-standing paragraph on page 13 with the following:

‘Proposals to replace an existing annex or an existing dwelling that is the additional dwelling associated with an original dwelling as at the 1983 baseline, or that seek to remove any occupancy restrictions on these same existing

dwellings or annexes will be considered against the requirements of this policy.’

In the final free-standing paragraph on page 13 replace ‘such as’ with ‘including’.

At the end of paragraph 6.14 of the Plan insert the first free-standing paragraph of text at the top of page 13 of the Plan (as recommended above to be deleted as a part of the policy).

At the end of paragraph 6.24 add:

‘In September 2017 outline planning permission was granted for eight dwellings on land adjacent to Strawberry Farm in the north-eastern part of the neighbourhood area.’

Policy 3 – Road usage limitation in the Neighbourhood Plan area

- 7.28. The policy seeks to ensure that the new development proposals in the Plan period can be comfortably incorporated within the highways capacity of the local road network. As earlier sections of this report have highlighted these are principally South Road, North Road, Chalky Road and Cutting Road. All are unadopted roads. The roads are single track in character with a variety of formal and informal passing places.
- 7.29. The roads are owned by the Abington Estate Management Limited (AEML). Its role is to manage and maintain the Estate roads. All freeholder holders of property on the former LSA Estate are members of the AEML.
- 7.30. A Transport Statement has been prepared to assess the implications of Policy 2 on the internal road network. It concludes that the impact of the implementation of Policy 2 is acceptable. I sought advice from the Parish Council about whether the policy addresses simply the impacts of Policy 2 or the potential for other development. I was advised that whilst the potential for new houses arising from Policy 2 was likely to be the most significant form of new development in the Plan period the policy had been designed to address all eventualities.
- 7.31. The supporting text (6.34-6.37) helpfully identifies the different scenarios which the policy seeks to address.
- 7.32. Given the findings of the Transport Assessment a case could be made for the policy to be deemed to be unnecessary. Another option would be for the insertion of a highways capacity criterion into both Policies 1 and 2. However given the particular circumstances that exist in the neighbourhood area and the private and single-track nature of its highways network, I am satisfied that Policy 3 is both relevant and necessary to the integrity of the wider Plan.
- 7.33. However as submitted the policy adopts a negative approach which is at odds with the findings of the Transport Assessment. I recommend that the structure of the

policy is modified so that it identifies the type of development that will be supported in terms of its impact on the highway network. I also recommend the deletion of elements of the policy that are properly supporting text. In most cases they are already satisfactorily included in the submitted text.

Insert new paragraph at the start of the policy to read:

‘Proposals for new development will be supported where they can be satisfactorily incorporated within the neighbourhood area both in terms of the capacity of its highway network and the impact of additional traffic on the amenities of its existing residential properties.’

Delete the second and third paragraphs of the submitted policy.

In paragraph 6.35 replace the final sentence with:

‘Such improvements would need to be considered and approved by the District Council and AEML. On a case-by-case basis this could be achieved through the imposition of a planning condition or through a planning obligation.’

Other Matters

- 7.34. This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for SCDC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

8. Summary and Conclusions

Summary

- 8.1. The Plan sets out a range of policies to guide and direct development proposals in the period up to 2031. It addresses a very specific set of issues that have been identified and refined by the wider community to shape the future of a very distinctive neighbourhood area.
- 8.2. Following my independent examination of the Plan I have concluded that the Great Abington Former Land Settlement Association Estate Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications. Notwithstanding the recommended modifications the Plan remains fundamentally unchanged in its role and purpose.

Conclusion

- 8.3. On the basis of the findings in this report I recommend to South Cambridgeshire District Council that subject to the incorporation of the modifications set out in this report that the Great Abington Former Land Settlement Association Estate Neighbourhood Development Plan should proceed to referendum.
- 8.4. I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council on 5 September 2016.
- 8.5. I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner. The examination of a neighbourhood plan within the context of a very-recently adopted Local Plan has assisted this efficiency in a significant and positive fashion.

Andrew Ashcroft
Independent Examiner
15 October 2018

Appendix 2

Neighbourhood Plan for the former Land Settlement Association's Estate at Great Abington 2018 to 2031

'For Referendum' (October 2018)



Contents:

1. Why a Neighbourhood Plan for the former Land Settlement Associations' Estate at Great Abington?
2. Background to this 'for referendum' version and next steps
3. Requirements of a Neighbourhood Plan
4. The Neighbourhood Plan area
5. Aims and Objectives
6. Planning policies
 - Policy GAL/1: Extensions to and Rebuilding of Original Dwellings (including those that have been rebuilt)
 - Policy GAL/2: Additional dwellings
 - Policy GAL/3: Road usage limitation in the Neighbourhood Plan area
7. Brent Ditch

1. Why a Neighbourhood Plan for the former Land Settlement Association's Estate at Great Abington?

- 1.1 This document is the 'for referendum' version of the Neighbourhood Plan (NP) for the former Land Settlement Association's Estate at Great Abington (the Land Settlement). The purpose of the NP is to set a framework for future development of the Land Settlement. Once made, the NP will carry the same legal weight as plans drawn up by your local planning authority, South Cambridgeshire District Council (SCDC). The planners must follow what is in the NP when making decisions about planning applications in the area subject to other material considerations.
- 1.2 The intention of the NP is to remove the uncertainty that presently arises in relation to development proposals on the Land Settlement, so that there are clear, consistent and transparent policies to control development.
- 1.3 The NP aims to provide policies for housing whilst preserving the special nature of the estate. This will help applicants to understand the limitations and predict the outcome of an application. It will also give clear guidance to both the Parish Council and the District Council when considering planning applications.
- 1.4 The NP includes:
 - a) a policy which deals with extensions or rebuilding of the original house on each holding;
 - b) a policy which deals with the creation of an additional dwelling; and
 - c) a policy which resists any development proposal which will result in an inappropriate and unacceptable increase in traffic on the Land Settlement.

2. Background to this 'For Referendum' Version and Next Steps

- 2.1 Discussions around planning issues for the Land Settlement have been ongoing for some time. The Great Abington Parish Council carried out some initial work during 2013/14 and received broad support for this from residents. A Neighbourhood Plan area for the Land Settlement was designated on 5 September 2016 and the working group began work whilst engaging the community and important statutory stakeholders such as SCDC and Historic England. During the period 31 March to 14 April 2017, the NP working group consulted the community and stakeholders on an informal version of the plan, alongside a draft Character Assessment. Consultation on the formal pre-submission version of the plan took place from 24 July to 18 September 2017 in line with NP regulations¹.
- 2.2 The NP was further refined in light of comments received at pre-submission stage and also in light of the findings of a health check of the plan by an independent neighbourhood plan examiner.
- 2.3 The NP was submitted to SCDC on 22 February 2018 (alongside other supporting documents as required by the NP regulations²). A further period of formal consultation on the submission

¹ Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

² Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

version of the plan took place from 5 March to 16 April 2018 in line with NP regulations³. Comments made on the plan as part of this publication period were passed directly to the examiner.

- 2.4 An independent examiner was appointed to examine the plan, and the examination took place between May and October 2018. The Examiner's Report was received on 15 October 2018. The examiner concluded that subject to a series of recommended modifications that the submitted Plan meets all the necessary legal requirements and should proceed to referendum. The recommended modifications have been made to this 'for referendum' version of the NP and there will now be a referendum on the NP before it can be made.

3. Requirements of a Neighbourhood Plan

- 3.1 The preparation of a Neighbourhood Plan must follow the requirements of the legislation, in particular Schedule 4B to the Town and Country Planning Act 1990. The Examiner has checked that the statutory requirements have been followed accordingly.
- 3.2 The examiner has concluded that the NP meets a set of basic conditions which are that the NP:
- i) is appropriate having regard to national policies⁴ and advice contained in guidance issued by the Secretary of State;
 - ii) contributes to the achievement of sustainable development;
 - iii) is in general conformity with the strategic policies contained in the Development Plan for the area; and
 - iv) does not breach, and otherwise is compatible with EU obligations and Human Rights requirements.
- 3.3 With regard to iii) above, the NP area lies within the local authority area of SCDC. The NP must be in general conformity with the strategic policies of the development plan which is the South Cambridgeshire Local Plan 2011-2031, that was adopted on 27 September 2018.

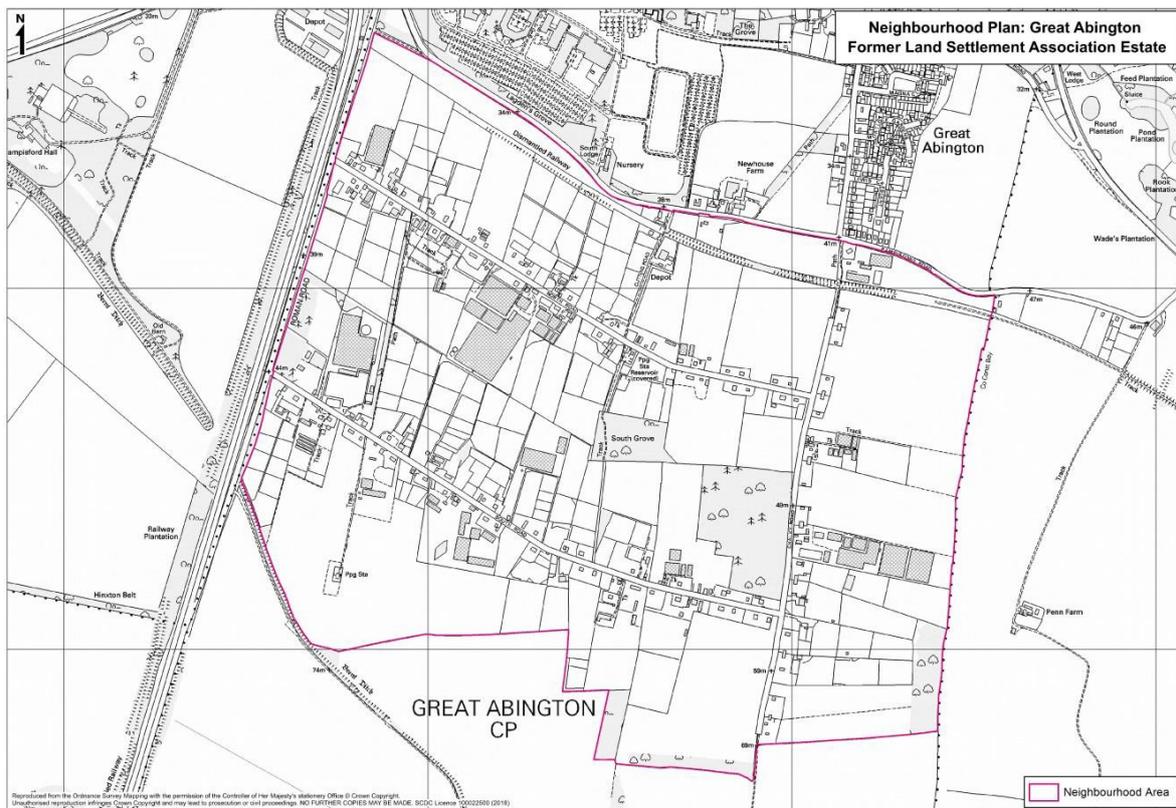
4. The Neighbourhood Plan area

- 4.1 The area covered by this NP is the former Land Settlement Association's Estate at Great Abington, comprising holdings on North Road, South Road and Chalky Road and three on the southern side of Pampisford Road. The NP area, as shown on the map below, was designated by SCDC on 5 September 2016.

³ Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

⁴ A new National Planning Policy Framework (NPPF) was published in July 2018. The updated NPPF (2018) states that for the purposes of examining a Neighbourhood Plan, the policies in the previous NPPF (2012) apply where the Neighbourhood Plan was submitted to the local planning authority before 24 January 2019 (NPPF 2018, paragraph 214). This NP was submitted to SCDC in February 2018, and therefore references to the NPPF in this NP refer to the NPPF 2012 and not the NPPF 2018.

Figure 1: The Neighbourhood Plan area



Historic Context of Great Abington

4.2 The village of Great Abington is situated with its partner village, Little Abington, within the SCDC area. It is seven miles south of Cambridge on the A11 London to Newmarket Road and the A1307 Cambridge to Haverhill Road. Originally a very small farming community, its population was increased significantly in the late 1930s by the establishment of the Land Settlement Association's Estate at Abington.

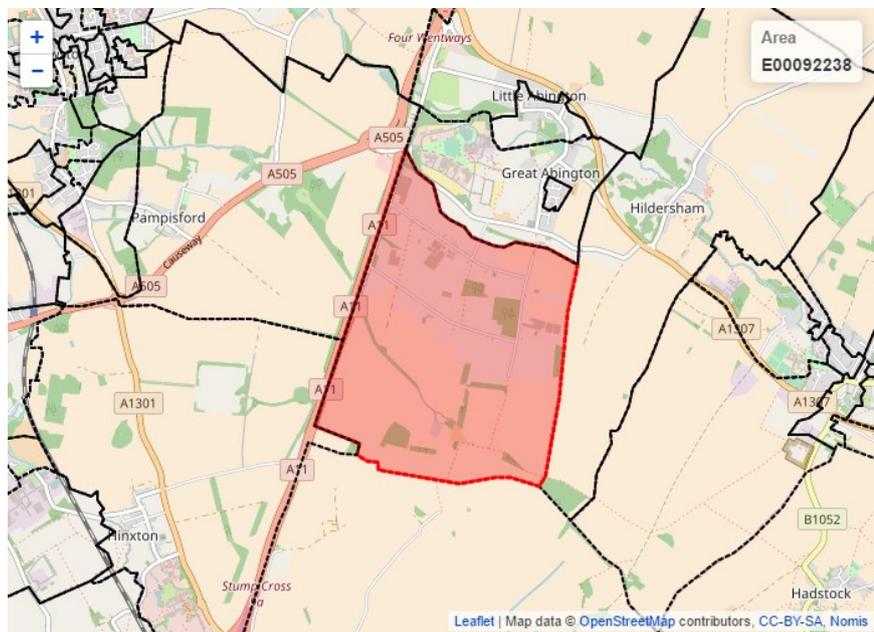
The Land Settlement

4.3 The Land Settlement was originally part of Abington Hall Estate and known as New House Farm. It was purchased by the Land Settlement Association (LSA) in 1936 to establish the Abington Land Settlement Association's Estate. The land amounted to 688 acres and it was divided into 62 holdings. Most of the holdings were situated on North Road, South Road and Chalky Road with three along Pampisford Road.

4.4 Like many other former LSA estates, the policy area is characterised by a relatively uniform collection of smallholdings of 1 – 11 acres depending on the location within the Land Settlement area. The long straight roads (all of which are unadopted, owned and maintained by Abington Estate Management Limited (AEML) which is a limited company set up to manage the roads) and uniform plots are the result of the farming techniques used.

- 4.5 Smallholdings had outbuildings located to the side of the dwellings. Originally each had a piggery and a small green house; other outbuildings were often added. Many had several large glasshouses.
- 4.6 The LSA operated in Abington until 1983 when the holdings were sold off by the Ministry of Agriculture, Fisheries and Food.
- 4.7 In terms of demographics within the NP area, estimates taken from the Census 2011 data is available at output area level. The output area is the lowest geographical level at which census estimates are provided. There is a near match between the NP area (see Figure 1) and the output area as shown in Figure 2 below.

Figure 2: outline of the output area



- 4.8 Table 1 below provides some key statistics taken from the Census 2011 on dwelling stock, households and population. There is currently no affordable housing in the NP area.

	NP area/output area	Great Abington Parish	South Cambridgeshire District
Number of Dwellings	74	343	61,724
Households	71	325	59,960
Population	199	816	148,755

Table 1: Population and Dwelling Stock in the output area, parish and district

Source: www.nomisweb.co.uk (Census 2011)

- 4.9 Table 2 below provides a breakdown of occupied dwellings by number of bedrooms. Again the information is taken from the Census 2011. It shows that the NP area has a noticeably higher proportion of 4 and 5 bedroom (and over) properties compared with the district and a noticeably lower proportion of 1, 2 and 3 bedroom properties.

	NP area/output area	Great Abington Parish	South Cambridgeshire District
0 Bedrooms	1% (1)	0 (1)	0 (88)
1 Bedroom	4% (3)	2 % (7)	7% (3,937)
2 Bedroom	17% (12)	18% (57)	23 % (13,617)
3 Bedroom	31% (22)	44% (142)	37% (22,290)
4 Bedroom	28% (20)	25% (81)	25% (14,815)
5 Bedrooms or more	18% (13)	11% (37)	9% (5,213)

Table 2: Number of bedrooms in the output area, parish and district
Source: www.nomisweb.co.uk (Census 2011)

4.10 Tables 3 and 4 below provide some useful information (as at the 2011 Census) on the population make up in the NP area compared with the parish and district level. It shows that the NP area has a higher number of residents aged over 65 than the district level. Table 4 shows that the NP area has a particularly high number of residents aged over 75 compared to the district average.

Residents	NP area/output Area	Great Abington Parish	South Cambridgeshire District
Aged 65 and over	44 (22%)	168 (21%)	24,702 (17%)
Number of households with person long-term health problems or disability	17 (24%)	79 (24%)	13,149 (22%)

Table 3: People aged over 65 and number of households with person with long-term health problems or disability
Source: www.nomisweb.co.uk (Census 2011)

Age	NP area/output Area (%)	Great Abington Parish (%)	South Cambridgeshire
All usual residents	199	816	148,755
Age 0 to 4	8 (4.02)	40 (4.90)	9,300 (6.25)
Age 5 to 7	8 (4.02)	24 (2.94)	5,483 (3.69)
Age 8 to 9	4 (2.01)	19 (2.33)	3,578 (2.41)
Age 10 to 14	11 (5.53)	54 (6.62)	9,106 (6.12)
Age 15	1 (0.5)	15 (1.84)	1,946 (1.31)
Age 16 to 17	3 (1.51)	28 (3.43)	3,789 (2.55)
Age 18 to 19	6 (3.02)	16 (1.96)	2,999 (2.02)
Age 20 to 24	12 (6.03)	29 (3.55)	7,148 (4.81)
Age 25 to 29	7 (3.52)	18 (2.21)	8,083 (5.43)
Age 30 to 44	36 (18.09)	139 (17.03)	31,957 (21.48)
Age 45 to 59	44 (22.11)	216 (26.47)	30,908 (20.78)
Age 60 to 64	15 (7.54)	50 (6.13)	9,756 (6.56)
Age 65 to 74	25 (12.56)	89 (10.91)	13,139 (8.83)
Age 75 to 84	19 (9.55)	62 (7.60)	8,166 (5.49)
Age 85 to 89	0	13 (1.59)	2,244 (1.51)
Age 90 and over	0	4 (0.49)	1,153 (0.78)

Table 4: Population by age breakdown
Source: www.nomisweb.co.uk (Census 2011)

4.11 Table 5 below provides information on household composition. Of note is the low number of households with dependent children compared to the parish and district average.

Household Composition	NP area/output area	Great Abington Parish	South Cambridgeshire
One person household	12 (17%)	74 (23%)	14,772 (25%)
One family household	51 (72%)	230 (71%)	41,866 (70%)
Other household	8 (11%)	21 (6%)	3322 (5%)
Total	71	325	59960
Households with dependent children (number)	15	95	18,685
Households with dependent children (% of total)	21%	29%	31%
Table 5: Household composition			
Source: www.nomisweb.co.uk (Census 2011)			

Baseline for Policies

4.12 The situation on the Land Settlement in 1983 immediately prior to the decision to sell the estate was therefore as follows: each holding had a house and a piggery with some land; most of the houses had been extended to add a bathroom and extra living space; many had outbuildings and glasshouses.

4.13 This situation as at 1983 immediately prior to the decision to sell the estate will be used as the baseline for defining the 62 original holdings and therefore what building will be permitted by the policies in section 6. This will avoid any confusion that might be caused by changes in ownership of land and dwellings during the intervening years.

Current Situation

4.14 Properties in the Land Settlement range from some in their original state being small two up and two down cottages to, at the other extreme, what are now very large houses with many bedrooms and additional facilities. A significant number of businesses of various kinds are operated from the Land Settlement. There are also a considerable number of other buildings including glasshouses, barns, stables and sheds.

4.15 In earlier SCDC local plans there was a specific policy relating to the Land Settlement. This was removed from later plans so that planning applications are considered in the context of the area being 'countryside'. However, the area has a number of features which make it quite different from open countryside as illustrated by the following extract taken directly from an appeal Inspector's report:

".. the Estate overall appears clearly distinguished from the surrounding countryside. This is due, in part, to the linear form of the two parallel private roads that serve the Estate and the regular pattern and layout of the various buildings along them, as well as the noticeable degree to which a significant number of the original dwellings have been extended and altered."

APP/WO530/D/10/2137437

This has meant that planning decisions have been varied and planning officers have found it difficult to find a standard approach.

4.16 This NP provides a framework against which all future applications in this area can be assessed and planning decisions made.

5. Aims and Objectives

5.1 The essential aim of the NP is to retain the special character of the Land Settlement while allowing limited development. The plan aims:

- to keep the historic pattern of building on the land settlement, comprising a house with outbuildings (which may include a new dwelling as defined below) surrounded by open land separating each holding;
- to retain the existing single track roads with passing places, currently paid for and maintained through Abington Estate Management Limited (set up specifically to manage the roads);
- to meet the needs of a wide demographic mix on the Land Settlement by allowing for the building of smaller dwellings suitable to both young and elderly;
- to support the construction of smaller high quality dwellings as many original smaller houses have been extended;
- to ensure that new development responds positively to local character and history; and
- to retain the agricultural and paddock land outside the areas defined by the original houses and their outbuildings.

6. The Policies

6.1 To achieve the aims, the NP includes three planning policies which are underpinned by the following general principles:

- i) The NP area remains outside the Great Abington village framework.
- ii) The broadly rural nature of the designated area should be preserved with all public footpaths retained.
- iii) The roads will remain unadopted by the Cambridgeshire County Council.
- iv) Developments will not be allowed which will have an adverse impact on the unique character or appearance of the Land Settlement and /or which have an adverse impact on residential amenity or create unacceptable disturbance.
- v) All new building designs should be in keeping with the agricultural character of the area.
- vi) No development should be allowed that would result in a substantial increase in traffic on the Land Settlement or the need for significant related road development, such as businesses that by their nature require large numbers of vehicle movements.

Policy GAL/1: Extensions to and Rebuilding of Original Dwellings (including those that have been rebuilt)

Extensions to and rebuilding of original dwellings as at the 1983 baseline and/or the replacement of original dwellings as at the 1983 baseline (as shown on Maps 1 and 2) will be supported subject to the following criteria:

- 1. the design of the dwelling, its landscaping and size are sensitive to the open and rural character of the Land Settlement, recognising and reinforcing the defining characteristics of the area (see Character Assessment);**
- 2. the resulting dwellings complement dwellings nearby in particular the external appearance of all four walls should be brick, washed concrete or timber; windows and doors should be of a traditional simple design; roofs will be in keeping with the existing styles (gabled, half hipped, gambrel) with traditional tiles;**
- 3. the existing uniformity in the layout of the buildings along the road, a key characteristic being the regular separations of open land between holdings, is retained;**
- 4. all extended or replacement dwellings are set back from the roads at least as far as the original dwelling but not significantly further back and within the build line identified on Maps 1 and 2;**
- 5. residential amenity of neighbouring properties and future occupiers of proposed development will not be adversely affected; and**
- 6. the height of the original dwelling is not exceeded.**

No completed dwelling will have a gross internal floor area exceeding 300 square metres. Exceptions to this apply in the case of a replacement dwelling where the dwelling being replaced already exceeds 300 square metres; in such cases the replacement dwelling should not exceed the size of this existing dwelling.

New ancillary buildings (e.g. garages) must be subservient to the dwelling it serves and not impact adversely on the open and rural character of the Land Settlement.

Rationale and intent for Policy GAL/1

Retaining character

- 6.2 Policy GAL/1 applies to all development proposals affecting the original dwellings on the Land Settlement or, where these have been rebuilt, the newer properties on the site of the original dwelling. The locations of the original dwellings are shown on Maps 1 and 2. The intention of Policy GAL/1 is to allow extensions and rebuilds in a way which will maintain the historic pattern of building on the Land Settlement, comprising a house (with outbuildings in many cases) surrounded by open land separating each holding. From the roads, the Land Settlement is characterised by the residential properties being well spaced out and a strong uniformity in the layout of the buildings (described in more detail in the Character Assessment). Dwellings are located along the road frontages (an approximate distance of 15

metres from the front of the original house to the near edge of the road) although many of these are hidden from the road behind tree and hedge belts. The piggery is located, in the vast majority of cases, to the side of the main dwelling at varying distances away but at least (in the vast majority of cases) 30 metres from the original dwelling (at the time of the LSA estate, it was stipulated by the Ministry of Agriculture that all livestock had to be a minimum distance from a dwelling). In many instances, there are other outbuildings located to the side of the main dwelling. Between the piggery and the neighbouring residential property there is, in the majority of cases, a gap of about 30 to 40 metres. In places, this gap affords long views from the roadside into the open agricultural land behind the residential curtilages but in other places, this gap is itself hidden behind tree and hedge belts. Originally, all residential dwellings were, together with their piggeries and small greenhouses, set within long rectangular plots with the growing land behind. Plots were separated from the next by the headland of the field and it is this that has left a legacy of a gap.

Maintaining openness

- 6.3 Existing buildings on the Land Settlement are not generally prominent in the landscape. This is due to the buildings being set back from the road at a uniform distance, the extent of mature vegetation along the roadside having the effect of nestling buildings within a rural setting, and the design and layout of the dwelling (including, in the vast majority of cases, rebuilds) being subtle and sensitive to their setting. It is important this key characteristic is retained and that no extensions or rebuilds are allowed that overwhelm or dominate their setting. It is also important that the cumulative effect of rebuilds and extensions is not one which damages rural character or the openness of the landscape.
- 6.4 Policy GAL/1 clarifies that new or replacement dwellings must not be placed significantly further back from the existing building line. The dotted line shown on Maps 1 and 2 indicates the line beyond which development under Policy GAL/1 would not be acceptable.

Dwelling sizes

- 6.5 A number of the original houses on the Land Settlement have been extended or, in some cases, completely rebuilt. The gross internal floor area of these varies from 230 square metres to up to over 400 square metres in one or two cases. Increasing the number of dwellings at the higher end of this scale would undermine the aims and principles underpinning the plan. They would, by virtue of their bulk and size, harm the character and openness of the Land Settlement and cumulatively have a detrimental effect on the wider landscape.
- 6.6 Furthermore, housing needs in the NP area, the Parish and the wider District make it important to impose limitation on the increase in dwelling sizes with the aim of preventing a gradual reduction of medium sized dwellings in the countryside. Consideration must also be given to the considerably lower minimum residential floorspace figures in the adopted South Cambridgeshire Local Plan 2011-2031 where the largest of these is 138 square metres for a 6-bedroom property providing 8 bedspaces.
- 6.7 The maximum gross internal floorspace of 300 square metres has been reached having regard to the sizes of those dwellings that have already been built. An evidence base document supporting this plan provides details of estimated gross internal floor areas of properties

within the NP area. This demonstrates that whilst the original dwellings on the Land Settlement are estimated to have had a floor space of approximately 100 square metres, 52 of the dwellings have a floor space larger than this and many have a floorspace considerably larger than this; seven of the properties are estimated to exceed 300 square meters and 24 dwellings are estimated to fall within the 200 to 300 square metre range.

- 6.8 In the district's evidence collected for the purpose of informing their Policy H/12: Residential Space Standards, information has been collected on small sites (9 dwellings or less). This evidence shows that smaller sites are much more likely to be built at lower densities producing figures in line with the 300-square metre floor space maximum threshold set out in this policy. This information is also included in the evidence base document supporting this plan.
- 6.9 The figure excludes basements, buildings such as garages or any other buildings ancillary to the dwelling but separate to the dwelling.

Original and Existing Dwellings

- 6.10 Policy GAL/1 only applies to the Land Settlement original dwellings and any dwellings that have replaced these. The policy does not apply in relation to piggeries converted to residential use since 1983, or to additional dwellings created separately from the original dwelling and separately from the piggery. In many cases the original dwellings have already been extended or replaced. The penultimate paragraph in policy GAL/1 therefore uses the term "existing dwellings" when setting a maximum cap on building size.

National and Local Plan Context to Policy GAL/1

National

- 6.11 Policy GAL/1 is consistent with:
- the fifth core planning principle in paragraph 17 of the National Planning Policy Framework (NPPF, 2012) in that it recognises the intrinsic character and beauty of the countryside in the NP area whilst supporting the community within it;
 - paragraph 58 of the NPPF (2012) because the Policy GAL/1 sets out the quality of development that will be expected for the area and that this is based on an understanding and evaluation of the defining characteristics within the NP area; and
 - paragraph 64 in the NPPF (2012) which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

South Cambridgeshire Local Plan 2011-2031

- 6.12 Key Local Plan policies relevant to Policy GAL/1 are:
- H/13 Extensions to Dwellings in the Countryside
 - H/14 Replacement Dwellings in the Countryside

- 6.13 Policy GAL/1 is broadly consistent with the requirements set out in the above two policies.

Policy GAL/2: Additional dwellings

The development of one additional dwelling on, or adjacent to, the site of each original piggery will be supported provided that:

- 1. the development will not result in more than one additional dwelling for each original house on the Land Settlement estate as at the 1983 baseline;**
- 2. the additional dwelling has a gross internal floor area of no more than 175 square metres;**
- 3. the additional dwelling is suitable for independent living and built to the accessible and adaptable dwellings (M4(2) standard);**
- 4. the design of the dwelling, its landscaping and location on site is sensitive to the open and rural character of the Land Settlement; recognising and reinforcing the defining characteristics of the area (as set out in the Character Assessment);**
- 5. the additional building does not exceed the height of the principal dwelling it is associated with;**
- 6. the existing uniformity in the layout of buildings along the road, a key characteristic being the regular separations of open land between holdings, is retained;**
- 7. the additional dwelling is set back from the roads at least as far as the original piggery but will not be placed significantly further back and within the build line identified on Maps 1 and 2;**
- 8. residential amenity of neighbouring properties and future occupiers of the proposed development will not be adversely affected; and**
- 9. there is safe vehicular site access.**

Proposals to replace an existing annex or an existing dwelling that is the additional dwelling associated with an original dwelling as at the 1983 baseline, or that seek to remove any occupancy restrictions on these same existing dwellings or annexes will be considered against the requirements of this policy.

Other residential development proposals requiring planning permission that result in additional dwellings in the NP area (including residential conversions and new rural dwellings) shall be resisted.

Rationale and intent for Policy GAL/2

Retaining Character

6.14 Policy GAL/2 applies to development proposals affecting the piggery building or the site of the piggery building within each plot of land as at 1983. Maps 1 and 2 show the sites of the original piggeries and dwelling houses as at 1983. The intention of the policy is to allow one additional dwelling for each of the original houses as at the 1983 baseline. Restricting the

development to the site of the piggery will help to maintain the pattern of building on the Land Settlement, comprising a house (with outbuildings (which may include a new dwelling) surrounded by open land separating each holding. Prior to commencement, applicants will be required, by condition, to demolish any existing piggery building or associated hard standing surface which is not incorporated into the development proposal.

- 6.15 Due to the limited capacity of the single tracked unadopted roads in the Land Settlement, limited provision of community infrastructure within the NP area and the importance of retaining the special character of the Land Settlement, it is necessary to manage the level of growth that can come forward within the NP area during the plan period. Policy GAL/2 therefore specifically stipulates that there can be no more than one additional dwelling (including any annexes that have been built) per each original house as at the 1983 baselines.

Dwelling sizes

- 6.16 The footprint of a piggery building is approximately 83 square metres once account has been taken of the thickness of external walls etc. The figure of 175 square metres allows for a dwelling to be built on the footprint with a second floor and a little bit of leverage. It is not considered appropriate to allow large extensive dwellings on the site of the piggery as to do so would distort too far the existing pattern of building on the Land Settlement. Many of the principal dwellings have already been extended or rebuilt to create large extensive dwellings. It is necessary that the piggery sites are not built to similar sizes to the principal dwellings in order to avoid the cumulative impact of development becoming detrimental to the wider landscape and unacceptably harmful to rural and open character. It is also important that the piggery site remains visually subservient to the principal dwelling with which it is associated (although it is recognised that there are a few examples of principal dwellings where there has been little or no development and in such cases this may not be possible). Allowing larger homes on the original dwelling site and a smaller home on the piggery site also helps to maintain a balanced housing mix appropriate to meeting local needs. The types of buildings considered suitable for the piggery site would be ideal for meeting needs of older members of the community and young people wishing to stay in the area.
- 6.17 A principal aim of the plan is to meet the needs of a wide demographic mix on the Land Settlement by facilitating the provision of smaller dwellings suitable to both young and old. The annexes that have been built in the NP area to date to suit the needs of an elderly couple have comprised a one and a half-storey (two-bedroom) dwelling using the footprint of the existing piggery and been in line with this floorspace threshold. It is a generous floorspace allowance for the provision of 2 or 3-bedroom properties. However, it would be erroneous to compare this figure to average floor space figures across the district. It is common for housing in rural area to have larger floorspace areas than in urban area and it is also common for small sites to deliver larger floorspace figures than larger sites (see evidence base document supporting this plan for more information).
- 6.18 The figure excludes basements, buildings such as garages or any other buildings ancillary to the dwelling but separate to the dwelling.

Adaptable and accessible homes

6.19 Building to the M4(2) standard (accessible and adaptable dwelling standard) will help to ensure that the housing stock enabled through this policy will meet the needs of the residents in the NP area. South Cambridgeshire Local Plan 2011-2031 Policy H/9: Housing Mix includes a requirement for 5% of all new homes on developments of more than 20 or more dwellings to be built to accessible and adaptable M4(2) standard but this would not be realised in the NP area where development is expected to come forward as individual dwellings. The Local Plan policy is underpinned by district wide evidence from the South Cambridgeshire Housing Strategy 2012 – 2016 (showing that in Council housing up to 41% of households includes someone with a disability and 14.3% of private sector households of which just less than half have mobility problems). The age profile of the NP area is however noticeably higher than district wide. At the 2011 Census, 22% of population within the output area⁵ E00092238 (the closest match to the NP area) was aged over 65 compared to 21% at parish level and 17% at district level (see Tables 3 and 4 above).

Annexes and Dwellings already built on the site of the piggery

6.20 Where a piggery (or a site associated with the original property) has already been converted or replaced by an annex or dwelling, the opportunity to develop an additional dwelling under this policy has already been taken. Maps 1 and 2 show where, at the time of writing, such dwelling or annexes exist.

6.21 However, proposals to extend or replace the annex or dwelling, or that seek to remove any occupancy restrictions on the existing dwellings or annexes will be considered against the requirements of Policy GAL/2.

6.22 Where piggery buildings no longer exist and there have been no additional residential dwellings associated with the site of the piggery since 1983, then there is an opportunity for development under this policy. Maps 1 and 2 show where, at the time of writing, such scenarios exist.

Other additional dwellings requiring planning permission

6.23 Policy GAL/2 resists development proposals that would lead to residential units in addition to those that are allowed, in principle, on the piggery sites. This would apply to proposals that involve conversions from agricultural use to residential as well as proposals to provide dwellings to support a rural-based enterprise. As stated above in paragraph 6.15 it is necessary to manage the level of growth that can come forward within the plan period due on the one hand to the limited capacity of the single tracked unadopted roads and limited provision of community infrastructure and on the other hand due to the importance of retaining the special character of the Land Settlement.

6.24 At the base date of 1983 (when the Estate was sold), the character of the buildings and spaces between them was largely homogenous. Much has changed since then and much development has been authorized for non-residential use (principally agricultural or live work, or uses originally defined as ancillary use). As at January 2016, six small holdings remain in

⁵ Output Areas are the smallest geographical unit for which **Census** data is released.

commercial horticultural use in the NP area. Other properties along North Road have become nurseries or landscaping suppliers. Many other properties are used for the keeping of horses and other animals. To avoid unacceptable cumulative impacts and in order to ensure a consistent approach with regards to new residential development proposals, it is necessary to adopt an extremely cautious approach to other potential sources of additional residential dwellings in the NP area. In September 2017 outline planning permission was granted for eight dwellings on land adjacent to Strawberry Farm in the north-eastern part of the neighbourhood area.

National and Local Plan Context to Policy GAL/2

National

6.25 Policy GAL/2 is consistent with:

- the fifth core planning principle in paragraph 17 of the NPPF (2012) in that it recognises the intrinsic character and beauty of the countryside in the NP area whilst supporting the community within it;
- the eighth core planning principle set out in paragraph 17 of the NPPF (2012) in that it encourages *“the effective use of land by reusing land that has been previously developed, provided that it is not of high environmental value”*;
- paragraph 58 of the NPPF (2012) because the Policy GAL/2 sets out the quality of development that will be expected for the area and that this is based on an understanding and evaluation of the defining characteristics within the NP area;
- paragraph 64 in the NPPF (2012) which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions; and
- paragraph 50 of the NPPF (2012) as it helps plan for a mix of housing based on demographic trends, market trends and the needs of different groups within the NP community.

6.26 Regard must be had to paragraph 55 of the NPPF (2012) which states that new isolated homes in the countryside should be avoided. In considering this, regard is also had to the fact that the Land Settlement estate is not typical of surrounding countryside in that there are 62 dwellings and associated outbuildings. Furthermore, close by within walking distance in Great Abington village there are shops and services and employment very close by at Granta Park. Policy GAL/2 is primarily focused on providing a planned approach to the reuse of the redundant or disused piggery buildings/sites, whilst also maintaining the open and rural character of the Land Settlement.

South Cambridgeshire Local Plan 2011-2031

6.27 The key Local Plan policies which are applicable to Policy GAL/2 are:

- H/15 Countryside Dwellings of Exceptional Quality
- H/17 Reuse of Buildings in the Countryside for Residential Use

- H/19 Dwellings to Support a Rural-based Enterprise
- S/7 Development Frameworks

- 6.28 Policy GAL/2 departs from the approach set out in H/17 and H/19 because it takes a more flexible approach towards creation of new dwellings in the countryside. It does so by applying a blanket approach across all piggery sites. Policy GAL/2 also departs from the approach set out in H/17 by resisting other residential conversions in the NP area.
- 6.29 Policy GAL/2 is broadly consistent with Policy S/7 which allows development to be permitted outside of development frameworks if it is part of an allocation within a Neighbourhood Plan.
- 6.30 Policy GAL/2 is a response to a specific set of local circumstances in the NP area. It is a planned approach which has resulted from a creative exercise by the community to bring forward potential sites in a balanced way where economic, social and environmental goals are jointly and simultaneously sought through the planning system. Policy GAL/2 is also informed by the Character Assessment supporting the plan and seeks to positively manage the impact of new residential development on the openness of the Land Settlement by restricting it to the existing settlement pattern. In order for the NP not to have unacceptable cumulative impacts and bring about an unintended quantity of development, Policy GAL/2, is justified in taking a cautious approach to development proposals which could allow for other residential development in the NP area. Policy GAL/2 is a locally-specific interpretation of the more strategic South Cambridgeshire Local Plan 2011-2031 policies but overall, it is in broad conformity with the intentions and principles underpinning the adopted Local Plan policies.

Policy GAL/3: Road usage limitation in the Neighbourhood Plan area

Proposals for new development will be supported where they can be satisfactorily incorporated within the neighbourhood area both in terms of the capacity of its highway network and the impact of additional traffic on the amenities of its existing residential properties.

Development that results in significant additional traffic on the Land Settlement estate or damages residential amenity through traffic generation will not be supported.

Rational and intent for Policy GAL/3

- 6.31 The roads on the Land Settlement are South Road, North Road, Chalky Road and Cutting Road; all are unadopted roads. North Road and South Road have junctions onto Newmarket Road, and Cutting Road has a junction on to Pampisford Road. The unadopted roads are single tracked roads with 26 formal and 7 informal passing places. Whilst it may be possible to increase the number of passing places it will not be possible and is not considered appropriate to increase road capacity through road widening.
- 6.32 The roads are owned by the Abington Estate Management Limited (AEML) which is a limited company set up to manage and maintain the estate's roads, including the formal passing places. The members of the AEML are all the freehold owners of property (houses and/or

land) on the Land Settlement estate. The company is managed by a board of directors, with the directors being elected by the membership. Owners of property on the estate are legally responsible for the payment of the AEML annual membership fee. They are required to ensure that this obligation is transferred to any new owner as part of the conveyance process when disposing of part or all of their property. Failure to transfer the obligation leaves the original property owner with the legal responsibility to pay.

6.33 A Transport Statement has been prepared by Phil Jones Associates to support the plan and specifically to assess the impact of the development allowed as part of this plan i.e. additional dwellings on the piggery sites. This Statement concludes that the likely transport impact associated with the development envisaged by the Neighbourhood Plan is acceptable. The following conclusions are also made:

With regards the Internal LSE Network

- Given the numerous opportunities along all estate roads for vehicles to safely pass each other, the potential for conflicting vehicle movements to occur is limited.
- AEML have no control over the informal passing places and in the case that one of these is lost as a result of alterations carried out by a property owner, it could trigger the need for AEML to invest in additional formal passing places.
- The analysis did not itself identify such a need and shows that there remain sufficient formal opportunities for vehicles to safely pass each other.
- The report notes that changes of circumstances, property use, level of vehicle use, or development not envisaged as part of the Neighbourhood Plan could result in a need for investment in minor road improvements on the LSE roads (such as formal passing bays). As the 2018 Transport Statement does not identify this, such a need would have to be demonstrated in a separate assessment based on circumstances at the time.

With regards construction traffic impact

- On the basis that there are a number of HGV movements routing to and from the estate as a result of existing commercial units operating with the Land Settlement, the report assumes that the existing roads are capable of accommodating HGV movements of 3-axle trucks as well as 4-axle rigid trucks that are up to 14.5 m long and can weigh up to 30 tonnes.
- The assumption was made in the absence of detailed information about the substructure of existing estate roads.
- As the number and location of dwellings to be constructed at any given time are not known at the stage of preparing the Transport Statement, the total number of daily construction vehicle trips impacting on the estate roads will need to be assessed separately.
- In the absence of detailed information about the substructure of the existing estate roads, it is recommended that a pavement core test shall be undertaken prior to

construction works undertaken within the plan area and results to be assessed in relation to predicted volume and size of construction vehicles.

With regards the wider road network

- The forecast trip generation associated with the delivery of up to 62 additional dwellings will result in 33 additional two-way trips during the AM peak hour and 33 additional two-way trips during the PM peak hour. Taking into consideration the three separate access points to the Land Settlement and the strategic location of it, it is expected that vehicle trips will dissipate quickly across the surrounding road network.

Granta Park Roundabout

- It is expected that a proportion of the 33 vehicle trips generated during the peak hours will route across the Granta Park Roundabout which already experiences congestion during the network peak hours. The Transport Statement concludes however that the impact of additional traffic associated with developed envisaged as part of the Neighbourhood Plan will not result in a significant increase in traffic and the performance of the surrounding junctions will not change to an extent that it does not match the expectation of the users of the road network.

6.34 Whilst the Transport Statement indicates that additional road related development is unlikely to be needed as a result of the development envisaged as part of Policy GAL/2 of the Neighbourhood Plan, it is important that the Neighbourhood Plan can respond, should this, during the plan period, not be the case. It is also important to take into account all development proposals (including non-residential) that could come forward during the period 2018 to 2031. In the case of any individual development proposal triggering the need for minor improvements to the road infrastructure (e.g. additional formal passing places), it would be inappropriate for planning permission to be granted until plans are in place for securing such improvements. Such improvements would need to be considered and approved by the District Council and AEML. On a case-by-case basis this could be achieved through the imposition of a planning condition or through a planning obligation.

6.35 Any development proposals that would individually or cumulatively lead to substantial increases in traffic would not be appropriate in the NP area due to the limited capacity of the road network. It could be that some traffic impacts could be mitigated through more significant changes to the road infrastructure which would alter the existing layout of single track roads with passing places. But such mitigation measures will themselves detract from the rural character of the plan area and conflict with the aims and principles of this plan.

6.36 Policy GAL/3 will apply to all proposals requiring planning permission in the NP area not just the residential proposals. Any transport implications associated with development not envisaged by the Neighbourhood Plan would need to be subject to its own transport assessment.

Development Frameworks

6.37 The NP remains outside the development framework. The South Cambridgeshire Local Plan defines the boundary of development frameworks. With the exception of development

allowed under Policies GAL/1 and GAL/2, the countryside designation applies across the NP area.

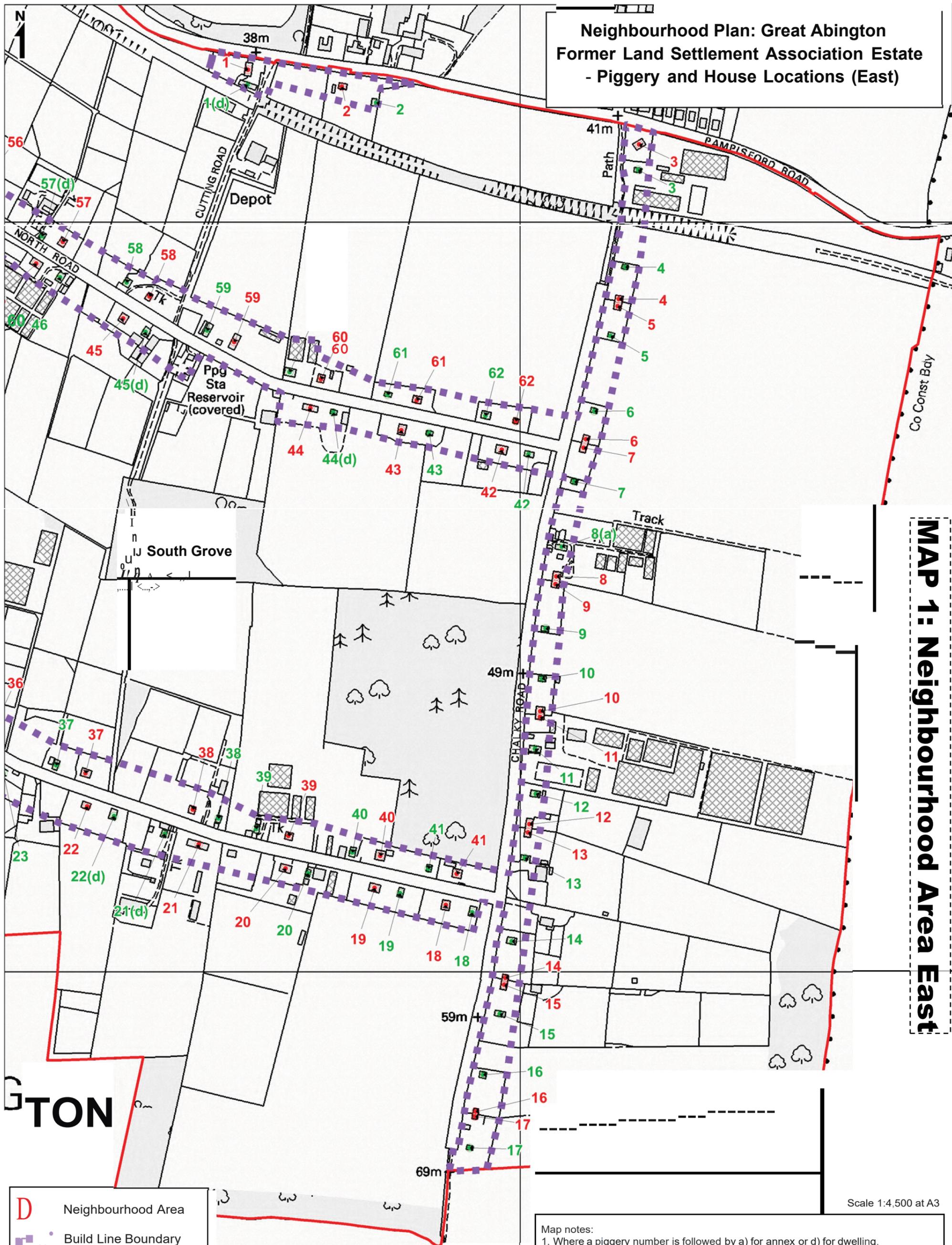
Permitted Development Rights

6.38 Permitted development rights, as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 and any revisions to this will apply in the NP area.

7. Brent Ditch

7.1 The Neighbourhood Plan designated area incorporates Brent Ditch which is a Scheduled Monument. The proposals in this plan do not affect Brent Ditch which is a recognised important historic asset.

Neighbourhood Plan: Great Abington Former Land Settlement Association Estate - Piggery and House Locations (East)

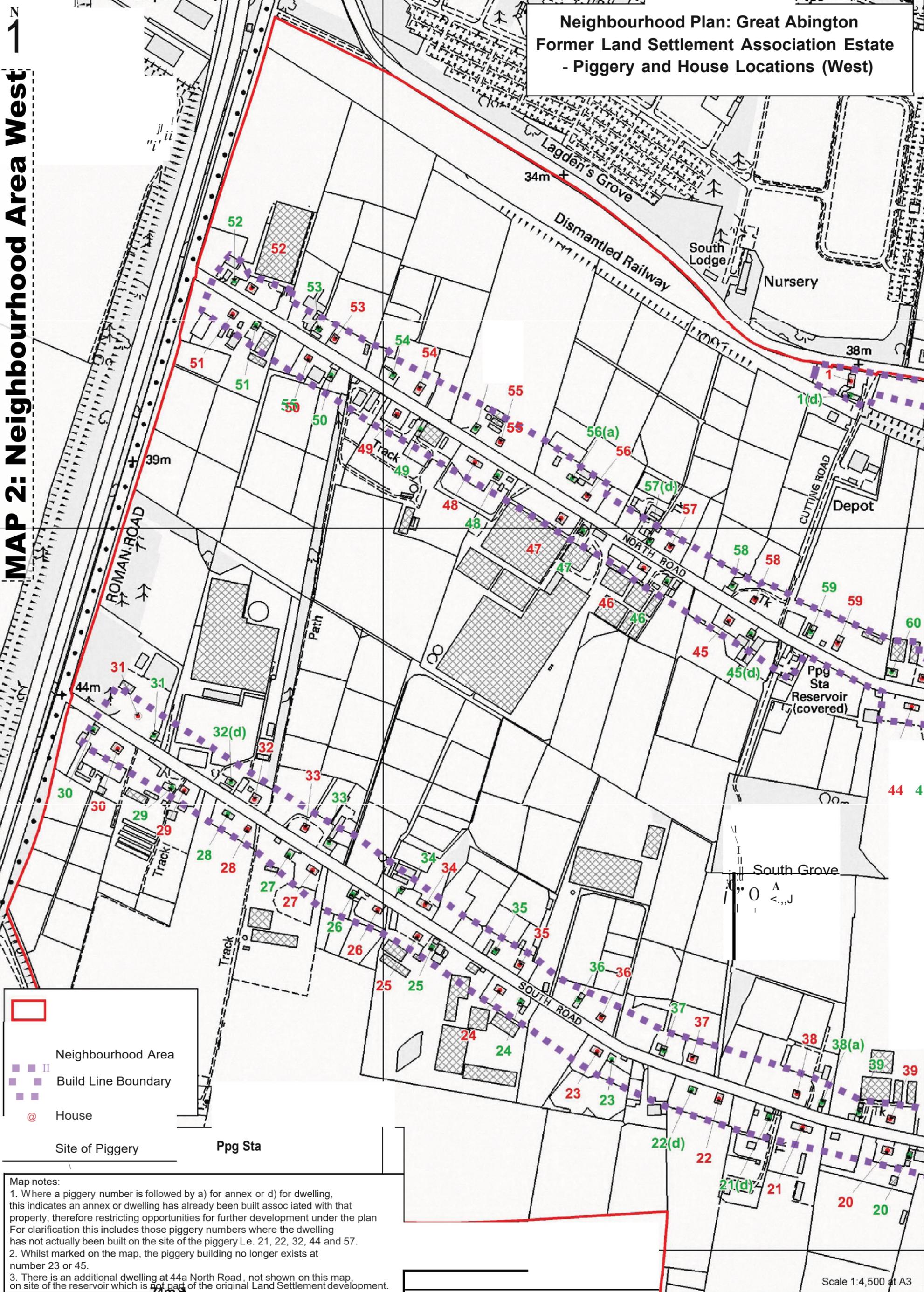


MAP 1: Neighbourhood Area East

D	Neighbourhood Area
	Build Line Boundary
	House
	Site of Piggery

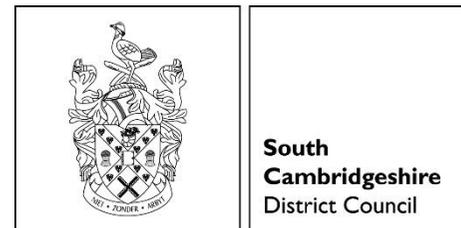
Scale 1:4,500 at A3

Map notes:
 1. Where a piggery number is followed by a) for annex or d) for dwelling, this indicates an annex or dwelling has already been built associated with that property, therefore restricting opportunities for further development under the plan. For clarification this includes those piggery numbers where the dwelling has not actually been built on the site of the piggery i.e. 21, 22, 32, 44 and 57.
 2. Whilst marked on the map, the piggery building no longer exists at number 23 or 45.
 3. There is an additional dwelling at 44a North Road, not shown on this map, on site of the reservoir which is not part of the original Land Settlement development



Appendix 3

Basic Conditions and Legal Compliance Check – ‘For Referendum’ Neighbourhood Plan



Great Abington Former Land Settlement Association Estate Neighbourhood Plan – October 2018

a. Basic Conditions Check

Requirements	Local Planning Authority Comments	Basic Condition met?
The Neighbourhood Plan has regard to national policies and advice contained in guidance issued by the Secretary of State and it is appropriate to make the Neighbourhood Plan.	<p>The Council considers that the Neighbourhood Plan is consistent with national policies and advice in that the core land use planning principles set out in the National Planning Policy Framework (NPPF, 2012)¹ have been embodied in the Neighbourhood Plan. Specifically, the Neighbourhood Plan:</p> <ul style="list-style-type: none">• empowers local people to shape their surroundings through a succinct Neighbourhood Plan that sets out a positive vision for the future of the area (paragraph 17);• seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17);• recognises the intrinsic character and beauty of the countryside whilst supporting the community within it (paragraph 17);• contributes to conserving and enhancing the natural environment (paragraph 17);• helps plan for a mix of housing based on demographic trends and the needs of different groups in the community (paragraph 50);	Yes

¹ Paragraph 214 of the National Planning Policy Framework (2018) confirms that for the purposes of examining a Neighbourhood Plan, the policies in the previous NPPF (2012) will apply where the Neighbourhood Plan was submitted to the local planning authority before 24 January 2019. The Great Abington Former LSA Estate Neighbourhood Plan was submitted to SCDC in February 2018, and therefore references to the NPPF refer to the NPPF 2012 and not the NPPF 2018.

Requirements	Local Planning Authority Comments	Basic Condition met?
	<ul style="list-style-type: none"> • promotes housing to enhance or maintain the vitality of the rural community (paragraph 55); • sets out the quality of development that will be expected based on an understanding and evaluation of the defining characteristics within the area (paragraph 58); • seeks to contribute to and enhance the natural and local environment, including by protecting the landscape (paragraph 109); and • provides a tool for local people to ensure they get the right types of development for their community (paragraph 184). <p>This conclusion is consistent with the examiner's conclusions² that the Neighbourhood Plan has had regard to national planning policies and guidance, in that it sets out a positive vision for the future of the neighbourhood area and provides clarity and consistency on extensions to existing dwellings and the opportunities that exist for additional dwellings. The examiner has recommended a series of modifications to provide clarity and precision to the policies to ensure that the Neighbourhood Plan fully accords with national policy and guidance. SCDC and Great Abington Parish Council have agreed each of the recommended modifications and the modifications are included in the 'For Referendum' version of the Neighbourhood Plan.</p>	

² Examiner's Report on the Great Abington Former LSA Estate Neighbourhood Plan (see paragraphs 6.7-6.9): <https://www.scams.gov.uk/GreatAbingtonFormerLSAEstateNP>

Requirements	Local Planning Authority Comments	Basic Condition met?
<p>The making of the Neighbourhood Plan contributes to the achievement of sustainable development.</p>	<p>The Council considers that the Neighbourhood Plan contributes to the achievement of sustainable development, specifically by:</p> <ul style="list-style-type: none"> • enabling the delivery of housing required to meet the needs of present and future generations; • seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; and • contributing to the protection and enhancement of the natural, built and historic environment of the former LSA estate. <p>This conclusion is consistent with the examiner's conclusion³ that the Neighbourhood Plan has set out to achieve sustainable development in the neighbourhood area:</p> <ul style="list-style-type: none"> • in the economic dimension through policies for extensions to and the rebuilding of original dwellings and for additional dwellings; • in the social role through policies that reflect the very specific circumstances that exist in the neighbourhood area; and • in the environmental dimension through a specific policy on road usage. 	<p>Yes</p>
<p>The Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area.</p>	<p>The development plan for South Cambridgeshire consists of the adopted South Cambridgeshire Local Plan 2011-2031, and a list of strategic policies is included in Appendix E of the Local Plan. The Basic Conditions Statement, submitted by Great</p>	<p>Yes</p>

³ Examiner's Report on the Great Abington Former LSA Estate Neighbourhood Plan (see paragraph 6.10): <https://www.scambs.gov.uk/GreatAbingtonFormerLSAEstateNP>

Requirements	Local Planning Authority Comments	Basic Condition met?
	<p>Abington Parish Council, considers whether the Neighbourhood Plan is in general conformity with these strategic policies.</p> <p>The Council considers that Policies GAL/1 – GAL/3 of the Neighbourhood Plan are in general conformity with the strategic policies in the adopted South Cambridgeshire Local Plan as set out in its response⁴ to the consultation on the submission version of the Neighbourhood Plan.</p> <p>This conclusion is consistent with the examiner’s conclusion⁵ that the Neighbourhood Plan delivers a local dimension and supplements the detail already included in the adopted Local Plan, and on that basis is satisfied that the Neighbourhood Plan is in general conformity with the strategic policies in the development plan.</p>	
<p>The making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations.</p> <p>Prescribed conditions are met in relation to the Neighbourhood Plan, including that the making of the neighbourhood plan is not likely to have a significant effect on a European wildlife site or a European offshore marine site either alone or in combination with</p>	<p>The Council considers that the Neighbourhood Plan does not breach and is compatible with EU Obligations.</p> <p><u>Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA)</u>: a SEA screening has been undertaken that determines that the Neighbourhood Plan is unlikely to result in significant environmental impacts and therefore does not require a SEA. A HRA screening has also been undertaken that indicates that the Neighbourhood Plan is</p>	Yes

⁴ Planning Portfolio Holder Meeting (March 2018) – Council’s response on submission version of Great Abington former LSA estate Neighbourhood Plan (see Appendix 1 of Item 5, pages 2-5): <http://scams.moderngov.co.uk/ieListDocuments.aspx?CId=1059&MId=7246>

⁵ Examiner’s Report on the Great Abington Former LSA Estate Neighbourhood Plan (see paragraph 6.12): <https://www.scams.gov.uk/GreatAbingtonFormerLSAEstateNP>

Requirements	Local Planning Authority Comments	Basic Condition met?
<p>other plans or projects.</p>	<p>not predicted to have significant effects on any European site, either alone or in conjunction with other plans and projects. These conclusions are supported by the responses from the statutory bodies.</p> <p>During the course of the examination of the Neighbourhood Plan, a case in the European Court (People Over Wind and Peter Sweetman, April 2018) changed the basis on which competent authorities are required to undertake HRAs. In June 2018, Essex Place Services, on behalf of SCDC, undertook a review of the screening determination from July 2017. The review concluded that the earlier HRA screening determination was properly reached without regard to measures intended to avoid or reduce harmful effects on any EU protected site either alone or in combination. The review also concluded that there was no need to progress to an Appropriate Assessment.</p> <p>As the modifications made to the Great Abington Former LSA Estate Neighbourhood Plan following its examination do not change the essence of its planning policies, the SEA and HRA screening undertaken on a draft version of the Neighbourhood Plan in May 2017, and the screening determination published in July 2017 remain valid.</p> <p>This conclusion is consistent with the examiner's conclusion⁶ that a proportionate process has been undertaken in accordance with the various regulations and the</p>	

⁶ Examiner's Report on the Great Abington Former LSA Estate Neighbourhood Plan (see paragraphs 2.6-2.11): <https://www.scams.gov.uk/GreatAbingtonFormerLSAEstateNP>

Requirements	Local Planning Authority Comments	Basic Condition met?
	<p>Neighbourhood Plan is compatible with European obligations.</p> <p><i>Human Rights</i>: an assessment has been undertaken to examine the impact of the Neighbourhood Plan policies on persons who have a 'protected characteristic' and the results of this assessment are included in the Basic Conditions Statement. The Council is supportive of the assessment which concludes that the Neighbourhood Plan will not result in negative effects on persons who have a 'protected characteristic' and that there may be positive impacts on persons with a 'protected characteristic'.</p> <p>This conclusion is consistent with the examiner's conclusion⁷ that the Neighbourhood Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and that it complies with the Human Rights Act.</p>	

⁷ Examiner's Report on the Great Abington Former LSA Estate Neighbourhood Plan (see paragraph 2.12): <https://www.scams.gov.uk/GreatAbingtonFormerLSAEstateNP>

b. Legal Compliance Check

Requirements and relevant legislation* and/or guidance	Local Planning Authority Comments	Legally compliant?
<p>The body submitting the neighbourhood plan is authorised to act (Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011 s38A(1,2), S38C(2)(a) and 1990 Act schedule 4B, 6(2), as it applies 61F).</p> <p>In a designated neighbourhood area which contains all or part of the administrative area of a town or parish council, the town or parish council is responsible for neighbourhood planning. The relationship between any steering group and the town or parish council should be transparent to the wider public. For example, it should be clear whether a steering group or other body is a formal sub-committee of the parish or town council. The terms of reference for a steering group or other body should be published and the minutes of meetings made available to the public.</p>	<p>The qualifying body is Great Abington Parish Council.</p> <p>The neighbourhood area was designated on 5 September 2016.</p> <p>As explained in paragraph 3.4 of the Consultation Statement, a Neighbourhood Plan working group was formed in November 2015, its formation being facilitated by the Parish Council.</p>	Yes
<p>Section 38A of the Town and Country Planning Act 1990 as amended (by the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011) defines a neighbourhood development plan as “a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan.”</p>	<p>The ‘for referendum’ version of the Great Abington Former LSA Estate Neighbourhood Plan meets this definition of a neighbourhood plan.</p>	Yes
<p>SI 2012/637 The Neighbourhood Planning (General) Regulations 2012, Regulation 15 – A qualifying body is required to submit:</p>	<p>The designated neighbourhood area is shown in Figure 1 (page 4) of the ‘for referendum’ version the Great Abington Former LSA Estate Neighbourhood Plan.</p>	Yes

Requirements and relevant legislation* and/or guidance	Local Planning Authority Comments	Legally compliant?
<i>(a) A map or statement which identifies the area to which the proposed neighbourhood development plan relates.</i>		
<p><i>(b) A consultation statement.</i></p> <p>The statement should contain details of those consulted, how they were consulted, summarises the main issues and concerns raised and how these have been considered, and where relevant, addressed in the proposed Neighbourhood Plan.</p>	<p>A Consultation Statement accompanied the submission Neighbourhood Plan. The Consultation Statement includes:</p> <ul style="list-style-type: none"> • information on how the community have been kept informed throughout the production of the neighbourhoodplan; • the details of those consulted and how they wereconsulted; • a summary of the issues and concerns raised; and • details on how the issues and concerns have beenconsidered and where relevant, addressed. 	Yes
<i>(c) The proposed neighbourhood development plan.</i>	<p>The Local Planning Authority received the submissionNeighbourhood Plan on 22 February 2018.</p> <p>The independent examiner appointed to examine the Neighbourhood Plan has concluded that subject to a series of recommended modifications set out in his report that the submitted Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum. A 'for referendum' version of the Neighbourhood Plan has been prepared taking account of the Examiner's recommended modifications. The 'for referendum' version of the plan also includes some additional minor modifications to take account of the publication of a new National Planning Policy Frameworkin July 2018 and the adoption of the South Cambridgeshire Local Plan in September 2018.</p>	Yes
<i>(d) A Statement explaining how the proposed neighbourhood development plan meets the</i>	A Basic Conditions Statement accompanied the submission Neighbourhood Plan.	Yes

Requirements and relevant legislation* and/or guidance	Local Planning Authority Comments	Legally compliant?
<p><i>requirements of paragraph 8 of Schedule 4B to the 1990 Act as revised by s38C of the Planning and Compulsory Purchase Act 2004, (as amended).</i></p> <p>The local planning authority has to be satisfied that a basic condition statement has been submitted.</p>	<p>The statement clearly demonstrates how Great Abington Parish Council considers that each of the Basic Conditions have been met. The legislation and planning policies referred to in the statement are correct at the time of submission.</p> <p>The 'for referendum' version of the Neighbourhood Plan includes some minor modifications to take account of the publication of a new National Planning Policy Framework in July 2018 and the adoption of the South Cambridgeshire Local Plan in September 2018.</p>	
<p><i>(e) The Plan needs to be submitted with one of the following i) a statement of reasons for a determination under regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 that the proposal is unlikely to have significant environmental effects OR ii) an environmental report in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 (as set out in the Neighbourhood Planning (General Amendment) Regulations 2015, (which amends Regulation 15 of the Neighbourhood Planning (General) Regulations 2012)).</i></p> <p>If an Environmental Report is required, then this needs to have been subject to the required level of consultation, and should comply with the government's SEA guidance. In terms of consultation, the 'consultation bodies' (Environment Agency,</p>	<p>In July 2017, SCDC and Great Abington Parish Council published a Strategic Environmental Assessment (SEA) Screening Determination Statement. This statement sets out the reasons for the determination that the Great Abington Former LSA Estate Neighbourhood Plan is unlikely to result in significant environmental effects and therefore does not require a SEA. This Screening Determination Statement was underpinned by a SEA Screening Report undertaken by Essex Place Services on behalf of SCDC and Great Abington Parish Council, and the opinions of the three statutory bodies.</p> <p>Consultation with the three statutory bodies (Environment Agency, Natural England and Historic England) on the draft screening report for the Great Abington Former LSA Estate Neighbourhood Plan started on 3 May 2017. The consultation responses received are included in Appendix 2 of the Screening Determination Statement. The statutory bodies agreed with the conclusion reached.</p> <p>The SEA Screening Determination Statement (including the</p>	Yes

Requirements and relevant legislation* and/or guidance	Local Planning Authority Comments	Legally compliant?
<p>Natural England and Historic England) must have been consulted at scoping stage (for 5 weeks). There is no requirement for public consultation on the scoping report. The draft Environmental Report on the pre-submission neighbourhood plan will need to be subject to public consultation for 6 weeks. The draft Environmental Report must be made available at the same time as the draft plan, as an integral part of the consultation process, and the relationship between the two documents clearly indicated.</p>	<p>SEA and Habitats Regulations Assessment (HRA) screening reports) was submitted by Great Abington Parish Council alongside the Neighbourhood Plan.</p> <p>As the modifications made to the Great Abington Former LSA Estate Neighbourhood Plan following its examination do not change the essence of its planning policies, the SEA screening undertaken on a draft version of the Neighbourhood Plan in May 2017, and the screening determination published in July 2017 remain valid.</p>	
<p>The Neighbourhood Plan and accompanying documents meet the scope of neighbourhood plan provisions i.e. specifies the period for which it covers, does not include provision about development that is 'excluded development' (as set out in section 61K of the 1990 Act - s38B(6) Planning and Compulsory Purchase Act) and does not relate to more than one neighbourhood area (2004 Acts 38B (1 & 2) (4)).</p>	<p>The 'for referendum' version of the Neighbourhood Plan covers the period 2018-2031, mirroring the adopted South Cambridgeshire Local Plan.</p> <p>The 'for referendum' version of the Neighbourhood Plan does not contain policies relating to 'excluded development'.</p> <p>The Neighbourhood Plan does not relate to more than one neighbourhood area.</p> <p>There is not more than one Neighbourhood Plan in existence in Great Abington.</p>	Yes
<p>The Qualifying Body has undertaken the correct procedures in relation to consultation and publicity.</p>	<p>The Parish Council submitted a Consultation Statement, alongside the submission version of the Neighbourhood Plan, that demonstrates compliance with SI 2012/637 The Neighbourhood Planning (General) Regulations 2012, Regulation s15(2).</p>	Yes
<p>The draft Neighbourhood Plan should be checked to ensure it is not a 'repeat' proposal. If so, the LPA can decline to consider the plan (Town and Country</p>	<p>The 'for referendum' version of the Great Abington Former LSA Estate Neighbourhood Plan is not a repeat proposal.</p>	Yes

Requirements and relevant legislation* and/or guidance	Local Planning Authority Comments	Legally compliant?
<p>Planning Act 1990 Act Schedule 4B s5 and s18 as varied by s38C of the Planning and Compulsory Purchase Act 2004).</p>		
<p>The pre-submission consultation requirements need to have been satisfied. Before submission to the LPA the qualifying body should:</p> <ol style="list-style-type: none"> 1. publicise (but this does not have to be on a web site) in a way that is likely to bring to the attention of people who live work or carry on business in the area details of: <ol style="list-style-type: none"> a. the proposals b. when and where they can be inspected c. how to make representations, and d. the deadline for making representations – not less than 6 weeks from first publicised. 2. consult any consultation body whose interests they consider may be affected by the proposals for a Neighbourhood Plan. 3. send a copy of the Neighbourhood Plan to the LPA. (Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. 	<p>Great Abington Parish Council has complied with the requirements of the regulations in respect of the scope of their pre-submission consultation and this is evidenced within Section 6 of their submitted Consultation Statement. The consultation period for the pre-submission Neighbourhood Plan was 24 July to 18 September 2017. The statutory consultation bodies consulted are listed in Appendix 4 of the Consultation Statement.</p> <p>A copy of the pre-submission Neighbourhood Plan was provided to the LPA.</p>	<p>Yes</p>
<p>Are there any conflicts in the Neighbourhood Plan between policies and other statements or information? (s38B(3) Planning and Compulsory Purchase Act 2004.)</p>	<p>No, there are no conflicts.</p>	<p>Yes</p>
<p>The Conservation of Habitats and Species Regulations 2010 as amended by Schedule 2 of the Neighbourhood Planning (General Regulations) 2012, i.e. Regulations 102 and 102A, Assessment of implications for European site: <i>A qualifying body</i></p>	<p>In July 2017, SCDC and Great Abington Parish Council published a SEA Screening Determination Statement. This statement determines that the making of the Great Abington Former LSA Estate Neighbourhood Plan is not likely to have a significant effect on a European site, either alone or in</p>	<p>Yes</p>

Requirements and relevant legislation* and/or guidance	Local Planning Authority Comments	Legally compliant?
<p><i>which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 102 or to enable them to determine whether that assessment is required.</i></p>	<p>combination with other plans and projects. This Screening Determination Statement was underpinned by a HRA Screening Report undertaken by Essex Place Services on behalf of SCDC and Great Abington Parish Council, and the opinions of the three statutory bodies. Consultation with the three statutory bodies (Environment Agency, Natural England and Historic England) on the draft screening report for the Great Abington Former LSA Estate Neighbourhood Plan started on 3 May 2017. The consultation responses received are included in Appendix 2 of the Screening Determination Statement. The statutory bodies agreed with the conclusion reached.</p> <p>The SEA Screening Determination Statement (including the SEA and HRA screening reports) was submitted by Great Abington Parish Council alongside the Neighbourhood Plan.</p> <p>During the course of the examination of the Neighbourhood Plan, a case in the European Court (People Over Wind and Peter Sweetman, April 2018) changed the basis on which competent authorities are required to undertake HRAs. In June 2018, Essex Place Services, on behalf of SCDC, undertook a review of the screening determination from July 2017. The review concluded that the earlier HRA screening determination was properly reached without regard to measures intended to avoid or reduce harmful effects on any EU protected site either alone or in combination. The review also concluded that there was no need to progress to an Appropriate Assessment.</p> <p>As the modifications made to the Great Abington Former LSA</p>	

Requirements and relevant legislation* and/or guidance	Local Planning Authority Comments	Legally compliant?
	Estate Neighbourhood Plan following its examination do not change the essence of its planning policies, the HRA screening undertaken on a draft version of the Neighbourhood Plan in May 2017, and the screening determination published in July 2017 remain valid.	

CONCLUSION: South Cambridgeshire District Council has confirmed that the ‘For Referendum’ version of the Great Abington Former LSA Estate Neighbourhood Plan meets the legislative requirements.

The draft Great Abington Former LSA Estate Neighbourhood Plan submitted to SCDC met the requirements in the legislation, and SCDC publicised the neighbourhood plan for a minimum of 6 weeks, invited comments, notified any consultation body referred to in the consultation statement and sent the draft neighbourhood plan to independent examination. Following examination, SCDC has determined that the ‘For Referendum’ version of the Great Abington Former LSA Estate Neighbourhood Plan is ready for a public referendum (Schedule 4B of the Town and Country Planning Act 1990 (as varied by s38A & 38C of the Town and Country Planning Act)).

* Please note that all references to primary and secondary legislation are to those enactments as amended.