

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL
RECORD OF EXECUTIVE / CHIEF OFFICER DECISION**

This form should be used to record key and other decisions made by individual Portfolio Holders and key decisions made by Chief Officers. The contact officer will ensure that the signed and completed form is given to Democratic Services as soon as reasonably practicable after the decision has been taken.

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	Histon & Impington Neighbourhood Plan – Receipt of Examiners Report and Decision to Proceed to Referendum
Ward(s) Affected	Histon and Impington
Date Taken	10 June 2020
Contact Officer	Alison Talkington Senior Planning Policy Officer, Alison.talkington@greatercambridgeplanning.org m 44+7514926521
Key Decision?	No.
In Forward Plan?	No, this is not a key decision.
Urgent?	No.

Purpose / Background
<p>Purpose</p> <ol style="list-style-type: none"> 1. The purpose of this report is to consider the conclusions of the Examiner’s Report on the Histon & Impington 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. <p>Background</p> <ol style="list-style-type: none"> 3. The two parishes of Histon and Impington are treated as one community and since 2012 a grouped Parish Council has been in place. Histon & Impington Parish Council decided to prepare a Neighbourhood Plan for this community to provide a more locally focussed set of policies for their parish. An application to designate that part of Histon & Impington north of the A14 of their parish as a Neighbourhood Area was submitted to SCDC in June 2014. It

was considered that the area of Impington south of the A14 had very different needs and requirements which could not successfully be captured in a Neighbourhood Plan covering all parts of the parishes. The Histon & Impington Neighbourhood Area was designated on 9 September 2014.

4. Officers provided informal comments on earlier drafts of the Neighbourhood Plan ahead of the formal pre-submission consultation process.
5. 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 October 2018.
6. Pre-submission public consultation on the draft Neighbourhood Plan was undertaken by the Parish Council from 1 October until 16 November 2018. Officers provided a formal response to the consultation, providing constructive comments about the Neighbourhood Plan to assist the neighbourhood plan group with finalising the Neighbourhood Plan.
7. On 3 June 2019, Histon & Impington 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 included 19 planning policies that cover a range of issues including:
 - i. Protecting the essential character of the community
 - ii. Encouraging the growth and success of the retail, leisure and commercial businesses of the villages;
 - iii. Ensuring the villages community infrastructure develops and adapts to emerging and changing demographic needs;
 - iv. Developing a network of sustainable, accessible transport links within and around the villages;
 - v. Supporting the community in continuing to make the villages safe, secure, supportive and welcoming to all;
 - vi. Ensuring a sufficient supply of sustainable and high-quality housing within the villages
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 19 June and 31 July 2019.
9. Officers, in conjunction with Histon & Impington Parish Council, appointed Bob Yuille of Intelligent Plans and examinations (IPe) as the independent examiner¹ to examine the Neighbourhood Plan. On 2 August 2019, 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 on 14 August 2019. He had noted that SCDC had made many representations at the submission

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.

consultation stage of the plan and therefore requested that SCDC and Histon & Impington Parish Council should provide him with a Statement of Common Ground (SOCG) which sets out those points on which South Cambridgeshire District Council and Histon & Impington Parish Council have been able to reach agreement and those on which they have not. He had highlighted that it is not part of his role to delve into matters that do not fundamentally affect the Plan's ability to meet the Basic Conditions. The two councils therefore worked together to provide the examiner with an agreed SOCG.

11. Once the responses from both councils were published in early October further correspondence was sent to the examiner from a third party relating to Policy HIM08 The Jam factory.
12. Subsequently the examiner asked further questions in clarification letters dated 24 October and 13 December 2019.
13. The Examiner's Report was received on 9 March 2020 (see Appendix 1). The examiner in his report concludes that subject to a series of recommended modifications the Histon & Impington 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.
14. 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

15. 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.
16. 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). Officers have been working with the Parish Council and a longer timescale has been agreed to ensure that there is agreement between the two councils to all the proposed changes that are included in the referendum version of the plan.

17. 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

18. 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:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Neighbourhood Plan.
- the making of the Neighbourhood Plan contributes to the achievement of sustainable development.
- the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area.
- the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and
- 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.

19. 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.

20. The examiner concludes in the Main Findings - Executive Summary (page 4 of his report) and paragraphs 4.7; 4.9; 4.13 and 5.1-5.2 of his report that subject to a series of recommended modifications the Histon & Impington 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.

21. Officers, in conjunction with Histon & Impington 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 Histon & Impington Neighbourhood Plan has been prepared including these modifications (see Appendix 2).

22. Additional non-material modifications to the Neighbourhood Plan have also been prepared by officers and agreed with Histon & Impington 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

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

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.

23. In summary, these additional non-material modifications include the following:

- Updates to Chapters 1 to reflect current stage of the Neighbourhood Plan
- Updates where the Histon & Impington Village Design Guide Supplementary Planning Document (SPD) is mentioned to acknowledge its current status – it is anticipated that this SPD will be adopted by the council this year.
- Updates within Chapter 5 regarding the current planning permission at the School Hill site and the new school under construction at Buxhall Farm.

24. 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.

25. As the modifications made to the Histon & Impington 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 September 2018, and the screening determination published in October 2018 remain valid.

b. Referendum

26. The examiner concludes in the Executive Summary and paragraphs 5.1 -5.2 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 appropriate for the referendum area to be the neighbourhood area designated by SCDC in September 2014.

27. 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 Lead Cabinet Member for Planning in July 2019. Therefore as it has been demonstrated by officers that the 'For Referendum' version of the Histon & Impington 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.

28. There have been recent changes to the national regulations regarding neighbourhood plans and their referendums. Previously it was 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. However regulations linked to the Coronavirus Act 2020 mean that no elections or referendums can take place until 6 May 2021. This includes neighbourhood plan referendums. A referendum for the Histon & Impington Neighbourhood Plan cannot therefore take place until after May 2021.

29. The government is aware that communities, like those in Histon & Impington parish, having worked on their neighbourhood plans for some considerable time will want their plans to come into force as soon as possible. With this in mind, the government have updated current planning guidance to set out that neighbourhood plans awaiting referendums can be given significant weight in decision-making. This will be the case for Histon & Impington Neighbourhood Plan once it is agreed that it can proceed to referendum.

30. 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.

Next Steps

31. The council will now have to wait until neighbourhood plan referendums can take place. The government has indicated that it will keep under review the current regulations and may amend or revoke them in response to changing circumstances. The Histon & Impington Neighbourhood Plan will be able to proceed to referendum once these are permitted to take place.

Implications

32. 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:

33. 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 the Council has issued a decision statement detailing its intentions to send the plan to referendum. This is a change due to the Coronavirus pandemic as previously the Council could only claim the grant once a date was set for the referendum. The Council can therefore now claim this government grant in the next claims period.

34. 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.

35. 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.

36. 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 Histon & Impington 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

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

impacts on persons with a 'protected characteristic'.

<https://www.scambs.gov.uk/media/13452/hinp-equalities-impact-assessment-may-2019.pdf>

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 Histon & Impington Parish Council (the qualifying body)

Officers, in conjunction with Histon & Impington 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 agreed with Histon & Impington 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 Histon & Impington 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).

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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 Histon & Impington Neighbourhood Plan (see Appendix 1) and that the Neighbourhood Plan should proceed to a referendum when permitted by the national regulations. b. the ‘for referendum’ version of the Histon & Impington Neighbourhood Plan (as set out in Appendix 2); c. the ‘for referendum’ version of the Histon & Impington Plan be given significant weight in decision making and d. that the area for the referendum should be the Neighbourhood Area. 	<p>The Examiner’s Report on the Histon & Impington Neighbourhood Plan was received on 9 March 2020. 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> <p>Due to the changes made to national regulations as a result of the Coronavirus pandemic the referendum is likely to be at a date after May 2021. Until such time as the referendum can take place the referendum version of the Plan will be given significant weight in decision making by the Council as stated by the government in their revised regulations.</p>

Signed	Name (CAPITALS)	Signature	Date
Portfolio Holder	n/a	n/a	n/a
Lead Officer	STEPHEN KELLY	<i>Stephen Kelly</i>	10 June 2020

Further Information
<p>Appendices</p> <p>Appendix 1: Examiner’s Report on the Histon & Impington Neighbourhood Plan</p>

Appendix 2: 'For Referendum' version of the Histon & Impington Neighbourhood Plan
Appendix 3: Legal Compliance Check on 'For Referendum' version of the Histon & Impington Neighbourhood Plan

Background Papers

Histon & Impington Neighbourhood Plan – earlier stages and supporting documents:
<https://www.scambs.gov.uk/planning/local-plan-and-neighbourhood-planning/neighbourhood-planning/histon-impington-neighbourhood-plan/>

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
- Updated guidance due to the Coronavirus pandemic - <https://www.gov.uk/guidance/neighbourhood-planning--2#covid-19>

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

Planning Portfolio Holder Decision (September 2014) – Histon & Impington Neighbourhood Area designation:
<https://scambs.moderngov.co.uk/ieListDocuments.aspx?CId=1059&MId=6422&Ver=4>

Lead Cabinet Member for Planning Decision Statement (15 July 2019)– Council's response on submission version of the Histon & Impington Neighbourhood Plan:
<https://scambs.moderngov.co.uk/mgDecisionDetails.aspx?IId=62022&Opt=1>

Cabinet Meeting (July 2018) – Neighbourhood Planning decision making process:
<http://scambs.moderngov.co.uk/ieListDocuments.aspx?CId=293&MId=7343>