

Report to:	Council	20 May 2021
Lead Cabinet Member:	Cllr Dr Tumi Hawkins	
Lead Officer:	Joint Director for Planning and Economic Development	

Histon & Impington Neighbourhood Plan – Making (adopting) the Neighbourhood Plan

Executive Summary

1. The Histon & Impington Neighbourhood Plan has been prepared by Histon & Impington Parish Council. They formally submitted their plan and associated documents to South Cambridgeshire District Council (SCDC) in June 2019. A public consultation was carried out on this submission version of the plan. A successful examination was conducted on the plan by an independent examiner.
2. A referendum took place on the Histon & Impington Neighbourhood Plan on 6 May 2021 where the majority of those who voted said 'yes' to SCDC using the plan to help it decide planning applications in the Histon & Impington neighbourhood area. SCDC is required to formally make (adopt) the plan where there has been a successful referendum.

Key Decision

3. No

Recommendations

4. It is recommended that Council:
 - a. Notes that the referendum for the Histon & Impington Neighbourhood Plan took place on 6 May 2021;
 - b. As it was a successful referendum, that is 'makes' (adopts) the Histon & Impington Neighbourhood Plan; and
 - c. Delegates to the Joint Director of Planning and Economic Development, in liaison with the Lead Cabinet Member for Planning and the Parish Council Chair, the making of minor non material changes and updates to the Referendum version of the Neighbourhood Plan (Appendix 1) to enable preparation of a final made (adopted) Histon & Impington Neighbourhood Plan.

Reasons for Recommendations

5. Where a Neighbourhood Plan is successful at its referendum, national planning legislation requires that the Council must 'make' (adopt) the Neighbourhood Plan, unless the making of the Neighbourhood Plan would breach or be otherwise incompatible with EU or human rights obligations. Officers have concluded that the Histon & Impington Neighbourhood Plan would not breach or be otherwise incompatible with EU or human rights obligations, as set out in the Considerations section (see below).
6. The Joint Director for Planning and Economic Development, in consultation with the Lead Cabinet Member for Planning, has considered how the Council should proceed following the referendum and as this has been a successful referendum recommends that Council formally 'make' (adopt) the Histon & Impington Neighbourhood Plan. Where a Neighbourhood Plan has been successful at referendum and should therefore proceed to being formally 'made' (adopted) by the Council, Cabinet agreed at its meeting on 26 July 2018 that the Joint Director for Planning and Economic Development has delegated authority to make the recommendation to Council, in consultation with the Lead Cabinet Member for Planning.

Details

7. 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 the part of the parish of Histon & Impington north of the A14 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.
8. Officers provided informal comments on earlier drafts of the Neighbourhood Plan ahead of the formal pre-submission consultation process.
9. 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.
10. 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.
11. 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.

12. 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.

13. Officers, in conjunction with Histon & Impington Parish Council, appointed Bob Yuille of Intelligent Plans and examinations (IPe) as the independent examiner to examine the Neighbourhood Plan. 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.

14. 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.

15. 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 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.

16. Once the responses from both councils were published in early October 2019 further correspondence was sent to the examiner from a third party relating to Policy HIM08 The Jam Factory.

17. Subsequently the examiner asked further questions in clarification letters dated 24 October and 13 December 2019.
18. The Examiner's Report was received on 9 March 2020. 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.
19. Officers, in conjunction with Histon & Impington Parish Council, reviewed the examiner's conclusions and recommended modifications, and 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 were also made by officers and agreed with Histon & Impington Parish Council. A 'For Referendum' version of the Histon & Impington Neighbourhood Plan was prepared including these modifications.
20. The joint Director for Planning and Economic Development having consulted with the Planning Lead Member agreed in June 2020 the For-Referendum version of the Histon & Impington Neighbourhood Plan and that this plan should proceed to a referendum.
21. This referendum has been delayed because the government issued guidance in May 2020 relating to the impact of the coronavirus pandemic on neighbourhood planning stating that no referendums could take place until 6 May 2021 and therefore SCDC has had to wait for this date.
22. A referendum on the 'making' (adoption) of the Histon & Impington Neighbourhood Plan was held on 6 May 2021. Voters were asked "Do you want South Cambridgeshire District Council to use the neighbourhood plan for Histon & Impington to help it decide planning applications in the neighbourhood area?" The results were declared as follows:
 - Yes votes: 2873 (90.74%)
 - No votes: 293 (9.26%)
 - Turnout: 51.24%

Considerations

23. If a Neighbourhood Plan is successful at referendum as a result of more people voting 'yes' than 'no', the Neighbourhood Plan becomes part of the development plan for the area (National Planning Practice Guidance, Paragraph: 064, Reference ID: 41-064-20170728) and all planning decisions in the neighbourhood area will be made in accordance with the Neighbourhood Plan unless material considerations indicate otherwise. The formal 'making' (adoption) of the Neighbourhood Plan does not happen until agreed by SCDC's full Council at their next meeting following the referendum.
24. Following a successful referendum, SCDC has limited options in how to respond. National planning legislation requires that the Council 'makes' (adopts) the Neighbourhood Plan, unless the making of the Neighbourhood Plan would breach

or is otherwise incompatible with EU or human rights obligations. National planning regulations also 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.

25. The Histon & Impington Neighbourhood Plan was successful at its referendum as more than half of those that voted were in favour of SCDC using the Neighbourhood Plan to help it decide planning applications in the neighbourhood area. The Council is therefore required to 'make' the Neighbourhood Plan, unless the making of the Neighbourhood Plan would breach or is otherwise incompatible with EU or human rights obligations, which is one of the 'Basic Conditions' set out in national planning regulations that all Neighbourhood Plans must meet.
26. Officers have assessed whether the Histon & Impington Neighbourhood Plan meets the 'Basic Condition' that the Neighbourhood Plan does not breach, and is otherwise compatible with, EU and human rights obligations at various stages during the preparation of the Neighbourhood Plan. Officers consider that the 'making' of the Histon & Impington Neighbourhood Plan does not breach, and is otherwise compatible with, EU and human rights obligations. (see Appendix 2)
27. The Referendum version of the Histon & Impington Neighbourhood Plan is included in Appendix 1 of this report. Officers will work with Histon & Impington Parish Council to update this to become the 'made' Neighbourhood Plan once it is formally agreed by the Council to make the Histon & Impington Neighbourhood Plan. This will involve minor (non-material) amendments to the Plan to reflect its new status as well as ensuring that the document meets the accessibility requirements to enable it to be published on the Council's website – national regulations which our Council must comply with. It is recommended as set out in paragraph 4c of this report that the agreeing of these amendments be delegated to the joint Director for Planning and Economic Development. Such amendments will not impact on the Basic Conditions nor materially impact the policies of the Plan.

Timescales

28. SCDC's meeting of full Council on 20 May 2021 has been timely for the Histon & Impington Neighbourhood Plan as it has allowed SCDC to be able to formally make the plan only a short time after its successful referendum vote.

Next Steps

29. Once the Neighbourhood Plan is formally 'made' (adopted) by full Council, officers will publish the decision to 'make' (adopt) the Neighbourhood Plan and send notifications to the necessary people and organisations as required by national planning regulations.
30. Once formally 'made' (adopted) the Histon & Impington Neighbourhood Plan will form part of the development plan for South Cambridgeshire, and all planning

decisions in the neighbourhood area will need to be made in accordance with the Neighbourhood Plan unless material considerations indicate otherwise.

Options

31. Where a Neighbourhood Plan is successful at its referendum, SCDC has limited options in how to respond. National planning legislation requires that the Council 'makes' (adopts) the Neighbourhood Plan, unless the making of the Neighbourhood Plan would breach or is otherwise incompatible with EU or human rights obligations. Officers have concluded that the Histon & Impington Neighbourhood Plan would not breach or be otherwise incompatible with EU or human rights obligations, as set out in the Considerations section (see above).

Implications

32. In the writing of this report, taking into account financial, legal, staffing, risk, equality and diversity, climate change, and any other key issues, the following implications have been considered: -

Financial

33. 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. Due to the coronavirus pandemic the government amended these rules to allow a council to submit their claim once a decision has been made that a plan can go forward to referendum. The Council has already claimed this government grant for the Histon & Impington Neighbourhood Plan.

Legal

34. Where a Neighbourhood Plan has been successful at referendum and should therefore proceed to being formally 'made' (adopted) by the Council, the Joint Director for Planning and Economic Development has delegated authority to make the recommendation to Council, in consultation with the Lead Member for Planning (as agreed by Cabinet at its meeting on 26 July 2018). Following a successful referendum, national planning legislation requires that the Council 'makes' (adopts) the Neighbourhood Plan, unless the making of the Neighbourhood Plan would breach or is otherwise incompatible with EU or human rights obligations. National legislation provides for a six week period in which a legal challenge may be lodged, which begins the day after the 'making' (adoption) of the Neighbourhood Plan. A legal challenge may only be made on the basis of a procedural or other legal flaw in the plan making process.

Staffing

35. 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

Equality and Diversity

36. 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 impacts on persons with a 'protected characteristic'.

Consultation responses

37. The decision made by the Joint Director for Planning and Economic Development on 10 May 2021 that considered the results of the referendum on 6 May 2021 and as the referendum was successful was able to recommend that Council formally 'make' (adopt) the Histon & Impington Neighbourhood Plan was shared with and agreed by the Lead Member for Planning prior to it being published.

38. Lead Member for Planning has also agreed that the Histon & Impington Neighbourhood Plan should be 'made' amending the For-Referendum version of the Plan as set out in paragraph 27 of this report.

Alignment with Council Priority Areas

Growing local businesses and economies

39. By preparing a Neighbourhood Plan local communities are being given the opportunity to create planning policies that will encourage local employment. The Histon & Impington Neighbourhood Plan includes aims, objectives and policies that seek to retain and encourage local businesses.

Housing that is truly affordable for everyone to live in

40. Local communities can within a Neighbourhood Plan consider the existing and future needs for housing in their area and positively plan to meet this need through a range of policies and / or allocations in their plan. The Histon &

Impington Neighbourhood Plan includes aims, objectives and policies that seek to deliver homes for the future.

Being green to our core

41. Neighbourhood planning is an opportunity for the local community to shape their local area and strengthen their communities by working together. Neighbourhood plans can include policies to protect the local character of an area, protecting the special green spaces and encourage net gains in biodiversity. These plans can also include policies about sustainability.

A modern and caring Council

42. Neighbourhood planning engages local people in the planning process by giving them a tool to guide the future development, regeneration and conservation of an area. SCDC has a duty to support Parish Councils preparing Neighbourhood Plans and this is a great opportunity for the Councils to work in partnership and to develop new ways of working together. Officers have been supporting the neighbourhood plan group throughout the preparation of the Neighbourhood Plan and have developed a good working relationship with the Parish Council and its planning consultant as a result.

Background Papers

[Histon & Impington Neighbourhood Plan – earlier stages and supporting documents](#)

[National Planning Practice Guidance – Neighbourhood Planning](#)

- [Basic Conditions](#)
- [Examination](#)
- [Referendum](#)
- [Updated guidance due to the Coronavirus pandemic](#)

[Neighbourhood Planning Toolkit](#)

[Planning Portfolio Holder Decision \(September 2014\)](#) – Histon & Impington Neighbourhood Area designation

[Lead Cabinet Member for Planning Decision Statement \(15 July 2019\)](#) Council's response on submission version of the Histon & Impington Neighbourhood Plan

[SCDC's decision statement on receipt of the Examiner's Report and its decision to proceed to referendum \(June 2020\)](#)

[Cabinet Meeting \(July 2018\)](#) – Neighbourhood Planning decision making process

Appendices

Appendix 1: For Referendum version of the Histon & Impington Neighbourhood Plan
Appendix 2: Basic Conditions Check of the Made Histon & Impington Neighbourhood Plan

Report Author:

Alison Talkington – Senior Planning Policy
Telephone: (01954) 713182