

# **Gamlingay Neighbourhood Development Plan**

**2020-2035**

## **A report to South Cambridgeshire District Council on the Gamlingay Neighbourhood Development Plan**

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## **Executive Summary**

- 1 I was appointed by South Cambridgeshire District Council in December 2021 to carry out the independent examination of the Gamlingay Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 6 December 2021.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding local character and providing a context within which new employment development can take place.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report, I have concluded that the Gamlingay Neighbourhood 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**  
**7 March 2022**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Gamlingay Neighbourhood Development Plan 2020-2035 (the 'Plan').
- 1.2 The Plan has been submitted to South Cambridgeshire District Council (SCDC) by Gamlingay Parish Council (GPC) 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) 2012 and its updates in 2018, 2019 and 2021. 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 and 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 has a clear focus on accommodating new employment development in the parish.
- 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 Plan 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 GPC, to conduct the examination of the Plan and to prepare this report. I am independent of both SCDC and GPC. 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 Service.

### 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 as submitted proceeds 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.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

### Other examination matters

- 2.6 In examining the Plan I am 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.

- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

### 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 SEA/HRA Screening Determination Statement
- the SEA Report (July 2020)
- the Landscape and Visual Analysis
- the Village Design Guide Supplementary Planning Document
- the Gamlingay Cycleway Improvement Plan;
- the Housing Needs Assessment
- the responses to the Clarification Note;
- the representations made to the Plan;
- the adopted South Cambridgeshire Local Plan;
- the National Planning Policy Framework (2021);
- Planning Practice Guidance; and
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 6 December 2021. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My visit 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 was satisfied that the Plan could be examined without the need for a public hearing. I advised SCDC of this decision early in the examination process.

## 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 sets out the mechanisms that were used to engage the community and statutory bodies in the plan-making process. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (September to October 2020). It captures the key issues in a proportionate way and is then underpinned by more detailed appendices (Appendices 4.2.1.1 to 4.2.1.10).
- 4.3 The Statement is particularly helpful in the way in which it reproduces elements of the consultation documents used throughout the plan-making process. Their inclusion adds life and depth to the Statement.
- 4.4 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. They include:
- the organisation of workshops, meeting and magazine articles;
  - the face to face and paper-based surveys;
  - the consultation with local schools (April 2017);
  - the engagement with local businesses;
  - public meetings and displays; and
  - ongoing survey work.
- 4.5 I am satisfied that the engagement process has been both proportionate and robust. In many instances, the ways in which the Parish Council engaged the community and statutory bodies was extremely thorough and detailed.
- 4.6 Appendix 4.2.1.7 of the Statement provides very specific details on the comments received on the pre-submission version of the Plan. Appendix 4.2.1.10 also identifies the principal changes that worked their way through into the submission version. This process helps to describe the evolution of the Plan. It does so in an exemplary way.
- 4.7 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made

available to the community in a positive and direct way by those responsible for the Plan's preparation.

- 4.8 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. SCDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

#### Representations Received

- 4.9 Consultation on the submitted plan was undertaken by SCDC for an extended period that ended on 23 November 2021. This exercise generated comments from a range of organisations as follows:

- Natural England
- Cambridgeshire Local Access Forum
- Cambridgeshire County Council
- National Grid
- Wyboston Lakes Limited
- LJA Miers Executive Pension Plan
- Merton College
- O'Donovan Holdings
- South Cambridgeshire District Council
- East of England Ambulance Service NHS Trust

- 4.10 Comments were also received from five local residents.

- 4.11 I have taken account of all the representations received. Where it is appropriate to do so, I refer to particular representations in my assessment of the policies in Section 7 of this report.

## 5 The Neighbourhood Area and the Development Plan Context

### The Neighbourhood Area

- 5.1 The neighbourhood area consists of the parish of Gamlingay. Its population in 2011 was 3568 persons living in 1537 houses. It was designated as a neighbourhood area on 3 February 2015. As the Plan describes, the parish is located about 15 miles west of Cambridge, on the border of South Cambridgeshire with Central Bedfordshire. It is within commuting distance of Bedford, Cambridge, London (by train), Milton Keynes and Stevenage. The village lies on the B1040 which runs from Biggleswade to St Ives. The neighbourhood area is predominantly rural in character and much of its area is in agricultural use.
- 5.2 The principal settlement is Gamlingay itself. It has an attractive and vibrant Church Street and Mill Street which provide a convenient and central location for its various retail and commercial services. The Primary School, and the Playing Fields sit to the immediate south east of the village off Station Road.
- 5.3 The remainder of the neighbourhood area consists of its agricultural hinterland. It included several pockets of employment uses in the countryside.

### Development Plan Context

- 5.4 The development plan covering the neighbourhood area is the South Cambridgeshire Local Plan. It was adopted in 2018 and covers the period up to 2031. Policy S/6 (The Development Strategy) focuses new development on the edge of Cambridge, at new settlements and, in the rural areas at Rural Centres and Minor Rural Centres.
- 5.5 Policy S/9 identifies a series of Minor Rural Centres, including Gamlingay. Within these identified Centres the policy comments that residential development and redevelopment up to an indicative maximum scheme size of 30 dwellings will be permitted within the relevant development frameworks.
- 5.6 In addition the following policies in the Local Plan have been particularly important in influencing and underpinning the various policies in the submitted Plan:

Policy HQ/1 Design Principles

Policy NH/14 Heritage Assets

Policy H/10 Affordable Housing

Policy H/18 Working at Home

Policy E/11 Large Scale Warehousing and Distribution Centres

Policy E/12 New Employment Development in Villages

Policy E/13 New Employment Development on the Edges of Villages

Policy E/16 Expansion of Existing Businesses in the Countryside

Policy E/19 Tourist Facilities and Visitor Attractions

Policy SC/3 Protection of Village Services and Facilities

Policy SC/4 Meeting Community Needs

- 5.7 The submitted Plan has been prepared within its wider adopted development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter.
- 5.8 It is also clear that the submitted Plan seeks to add value to the different components of the development plan and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.

#### Unaccompanied Visit

- 5.9 I carried out an unaccompanied visit to the neighbourhood area on 6 December 2021. I approached from Potton from the south. This allowed me to understand its setting in the wider landscape and its proximity to the main road network.
- 5.10 I looked initially at the part of the parish between Potton and Gamlingay. I saw the way in which several parcels of existing employment land sat within the wider countryside. I saw the various access points and the differing effects of the employment uses on the wider landscape. This part of the visit helped me to understand Policy GAM5 more fully.
- 5.11 I then looked at the village itself. I looked initially at the area off Honey Hill. I saw the Baptist Church (and its back-room café) the Eco Hub and the GP Surgery. I then walked along Stocks Lane and Station Road to the Station Road employment area. In doing so I saw the Butts Play area, the School and the remarkable timber-framed Merton Manor Farm and its dovecote.
- 5.12 Thereafter I walked back into the village to the Parish Church. I saw its excellent stonework and the ongoing repair works to its tower and roof. I then walked along Church End and saw the range and detail of the various historic buildings in the parish. I saw the scale and significance of The Emplins and its relationship with St Mary's Church.
- 5.13 I then looked at Church Street and the wider village centre. I saw that it caters for the day-to-day needs of the local residents and the importance of the Co-op store. I saw the scale and significance of the terrace of ten alms-houses. I

also looked at the Church Street industrial area as identified in Policy GAM4. I saw the nature of the access off Church Street and the vacant employment buildings.

- 5.14 Thereafter, I took the opportunity to look at Green End to the west of Church Street. I looked in particular at the former school buildings and the adjacent former playing fields. This part of the visit helped me to understand the basis of Policies GAM7 and GAM8 more clearly. I then walked further to the west and saw the ongoing development of new houses on the site allocated in the Local Plan and then the Green End industrial site (as identified in Policy GAM 4).
- 5.15 I then drove to the two employment sites on Drove Road. I saw their general relationship with the village and the way in which they sat in the wider landscape.
- 5.16 I finished my visit by driving around the eastern part of the neighbourhood area off Station Road/Hatley Road and Long Lane. I saw the scale and significance of the agricultural landscape. I also saw the bridge over the former railway line on the lane linking Hatley Road and Long Lane.

## 6 The Neighbourhood Plan and the Basic Conditions

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 and informative document. It is also proportionate to the Plan itself.

6.2 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;
- contribute to the achievement of sustainable development;
- 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 breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

6.3 I assess the Plan against the basic conditions under the following headings.

### National Planning Policies and Guidance

6.4 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 2021. This approach is reflected in the submitted Basic Conditions Statement.

6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are of particular relevance to the Gamlingay Neighbourhood Plan:

- a plan led system– in this case the relationship between the neighbourhood plan and the adopted South Cambridgeshire Local Plan;
- delivering a sufficient supply of homes;
- building a strong, competitive economy;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas;

- highlighting the importance of 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.

6.6 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.

6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.

6.8 Having considered all the evidence and representations available as part of the examination I am satisfied that subject to the recommended modifications in this report 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 within the context of its status within the development strategy in the Local Plan. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.

6.9 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. This was reinforced in Planning Practice Guidance - 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.

6.10 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

6.11 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 that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies for housing and employment development (Policies GAM2 and GAM4/GAM5 respectively). In the social dimension, it includes a general policy on community facilities and amenities (Policy GAM6), and a specific policy for the reuse of the former school buildings for educational and community issues (Policy GAM8). In the environmental dimension, the Plan positively seeks to protect its natural, built and historic environment. It includes policies for both local character (Policy GAM3) and for landscape and the natural environment (Policy GAM11). GPC has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in South Cambridgeshire in paragraphs 5.4 to 5.8 of this report.
- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. Subject to the incorporation of the recommended modifications in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

European Legislation – Strategic Environmental Assessment

- 6.14 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. The screening report identified a need for a Strategic Environmental Assessment to be prepared
- 6.15 In order to comply with this requirement GPC commissioned a Strategic Environmental Assessment (SEA). The report is thorough and well-constructed. The report appraises the policies (and reasonable alternatives) against the sustainability framework developed through the Scoping Report. It helps to assess the extent to which the Plan contributes towards sustainable development.
- 6.16 The SEA carefully assesses the need for new development in the neighbourhood area and options for its delivery. Its paragraph 4.9 comments that there is no requirement in the Local Plan for the Gamlingay Neighbourhood Plan to bring forward sites for development for the next five years. Alongside, the housing needs survey undertaken for the

Neighbourhood Plan identified the need to provide up to 45 housing units across the lifetime of the Neighbourhood Plan. This has however already been delivered in the parish, including through the delivery of 44 affordable housing units provided by or secured at the newly rebuilt Robinson Court, the Green End industrial estate site allocation and the proposed West Road development. In light of this information the SEA comments that there is not a specific requirement for the Plan to provide additional levels of housing over and above what has already been delivered.

- 6.17 Paragraphs 4.11 to 4.14 of the SEA comment about the equivalent position relating to employment development. They identify that local employment is a key contributor to community vitality in the parish. They also comment that in the last five years a number of pressures have arisen affecting economic vitality. A key issue identified is that the principal employment site in the village at Green End has received planning permission for housing to be built on the majority of its area (through Local Plan Policy H/1f). This has resulted in a number of businesses relocating away from the village and outside the parish, with associated job losses for local people. As such, local employment land availability is an element which the Plan seeks to focus on as a key issue.
- 6.18 In this context the Plan has sought to explore options for supporting local economic vitality and promoting employment opportunities in the Parish. This has included a consideration of the potential for improving, enhancing and developing existing employment areas, including at Station Road Industrial Estate, Church Street and Green End Industrial Estate.
- 6.19 The Steering Group has also explored the possibility of identifying additional areas as 'Rural Business Development Areas', which would be broad areas where employment uses would be supported subject to a series of criteria. Whilst not allocations, these Rural Business Development Areas would support the concept of consolidating existing uses for specific types of employment activities.

#### European Legislation - Habitats Regulations Assessment

- 6.20 The Habitats Regulations Assessment (HRA) of the Plan produced by SCDC concludes that the Plan is not likely to have significant environmental effects on a European nature conservation site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such Appropriate Assessment is not required.
- 6.21 The HRA report is very thorough and comprehensive. It takes appropriate account of the significance of the Eversden and Wimpole Woods SAC and the Portholme SAC. This approach provides assurance to all concerned that the

submitted Plan takes appropriate account of important ecological and biodiversity matters.

- 6.22 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. 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.

#### European Legislation – Human Rights

- 6.23 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. In addition, 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 the basis of all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

#### Summary

- 6.24 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

## 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 they 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 GPC 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.
- 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. Where necessary I have identified the inter-relationships between the policies.
- 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 normal print.

The initial section of the Plan

- 7.8 These initial parts of the Plan set the scene for the range of policies. They do so in a proportionate way. The Plan includes a series of maps and figures which highlight specific elements of the Plan and its policies. A very clear distinction is made between its policies and the supporting text.
- 7.9 The Introduction comments about the neighbourhood area and the development of the Plan. It also provides background information on the wider national agenda of neighbourhood plans.
- 7.10 Section 2 provides commentary on the neighbourhood area. It helpfully relates its history to the current circumstances.
- 7.11 Section 3 comments about the relationship between the Plan's objectives and the various policies. It helpfully highlights the relationship between these matters and the findings of the Village Survey.

- 7.12 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 GAM 1 New Houses and employment buildings

- 7.13 This policy sets out an ambitious agenda for the development of new residential and employment development. It has two related parts. The first comments that housing proposals should provide a mix of houses (and especially smaller houses), meet identified energy efficiency standards and be adaptable to the long-term needs of residents. The second comments that proposals for new buildings should incorporate renewable energy regeneration and water saving measures.
- 7.14 The supporting text comments in significant detail about these matters. In particular paragraphs 4.16 to 4.18 comment about the climate change emergency.
- 7.15 The policy has a confusing opening element which seeks to ensure that it applies to development coming forward on the basis of individual applications at different times. I recommend that the policy is modified to bring the clarity required by the NPPF. I also recommend that the specific matter of cumulative development is addressed in the supporting text.
- 7.16 I am satisfied that the element about the mix of homes on development sites is both appropriate and evidence-based.
- 7.17 The policy is well-intended in terms of the environmental performance of new buildings. Nevertheless, the approach taken seeks to set local standards of insulation contrary to the guidance in the March 2015 Ministerial Statement. In any event, Energy Performance Certificate ratings are controlled by the Building Regulations rather than planning policy. I recommend that this element of the policy is modified so that it offers support for energy efficiency buildings rather than requiring their provision.
- 7.18 In a similar fashion, the policy with regards to adaptable dwellings across the lifetime of the building is well-intentioned. However, it offers no specific policy advice on the scale or nature of the requirement. In addition, it offers no added value beyond the contents of Policy H/9 of the Local Plan with regard to the need to meet Part M4(2) or M4(3) of the Building Regulations. On this basis I recommend that this element of the policy is deleted.
- 7.19 The final part of the policy is more general in its comments about the need for new buildings to incorporate renewable energy and water savings. Nevertheless, it offers no guidance on the details of this requirement and as

such does not have the clarity required by the NPPF. I recommend that it is modified so that it takes on a more general and supportive approach to this matter.

- 7.20 In coming to these conclusions I have taken account of the response of GPC to the clarification note on this matter. It is clear that its approach is based on the policy's association with the relevant policy in the emerging Local Plan. However, the basic conditions test is against both national policy and the adopted local plan. This will be a matter for GPC to address in any review of the Local Plan in due course.
- 7.21 I also recommend consequential modifications to the supporting text.

**Replace the policy with:**

**'As appropriate to their scale, nature and location new housing development should provide a mix of housing sizes in general and one and two bed houses in particular.'**

**Development proposals for new buildings which incorporate renewable energy generation (geothermal, solar and wind power) and water saving measures will be particularly supported where they otherwise comply with development plan policies.'**

Replace paragraph 4.18 with:

'Policy GAM1 aims to provide a context within which new residential development will be able to come forward to sustainable standards. It takes account of national guidance for the level of detail which can be provided in a neighbourhood plan on this matter. Appendix 4 provides examples for developers of areas where biodiversity measures can enhance the setting of new homes rather than providing benefits to the occupiers of the houses. The policy will also apply where individual applications come forward on a piecemeal basis for a larger site.'

**Policy GAM 2 Site allocation at West Road**

- 7.22 This policy allocates land at West Road for residential use. The supporting text comments that since the adoption of the Local Plan, planning permission has been granted on appeal for 29 dwellings south of West Road in Gamlingay and for nine self-build dwellings adjacent to Heath Road. The Plan comments that the 'Neighbourhood Plan Steering Group have been advised that the West Road site should now be allocated in the Neighbourhood Plan because by allocating sites and meeting the identified housing requirement, the Neighbourhood Plan fully accords with the requirements of paragraph 14

of the NPPF in meeting the identified housing requirement in full and providing some certainty in determining proposals for new housing should the District Council not be able to demonstrate a five-years supply of housing sites in the near future'

- 7.23 When the Plan was submitted, permission existed only in outline format. The Plan's approach was intended to safeguard the proposed development should the outline permission lapse. However, in January 2022 SCDC granted planning permission for the reserved matter application (S/3868/18/RM). On the balance of the evidence, I am satisfied that the policy continues to remain appropriate in principle. The development of the site has not progressed quickly and a degree of flexibility in policy terms would be appropriate to facilitate its future development. Nevertheless, the supporting text provides a degree of detail which is unnecessary for a neighbourhood plan. I recommend that both the policy and the supporting text are modified and simplified. In recommending modifications to the supporting text, I have relied on the helpful suggestion from SCDC.
- 7.24 Within this wider context, I also recommend that the supporting text acknowledges that whilst the Plan does not need to allocate additional land for residential uses at the moment that this position may alter within the Plan period. This modification takes account of representations from the development industry.
- 7.25 I also recommend that Map 8 is modified so that it simply identifies the site concerned. As submitted, the Plan shows an indicative layout from the outline planning application. Whilst I understand the intention of GPC on this matter, the submitted Plan is addressing the principle of the development of the site rather than its detailed layout (which is a matter for the development management process). As such it is inappropriate for the neighbourhood plan to show a detailed layout without any policy content.

**Replace the policy with:**

**'The Plan allocates land off West Road (as shown on Map 8) for residential development.'**

Replace the second and third sentences of paragraph 4.25 with:

'By allocating sites and meeting the identified housing requirement, the Neighbourhood Plan fully accords with the requirements of Paragraph 14 of the NPPF in meeting the identified housing requirement in full and therefore providing some certainty in determining proposals for new housing should the District Council not be able to demonstrate a five-years supply of housing sites in the near future. There is no current requirement for the

Neighbourhood Plan to bring forward further sites for development for the period 2020 – 2025. This matter will be reviewed within the Plan period’

Revise Map 8 so that it simply shows the site area.

### Policy GAM 3 Local Character

- 7.26 This is an important policy in the Plan. It comments that alterations to existing buildings and new buildings will reflect and contribute to the strong character of the built heritage expressed in the Village Design Guide.
- 7.27 In 2001 the community published the Gamlingay Village Design Statement establishing a detailed understanding of the village’s landscape setting and its buildings. More recently external funding enabled the development of a new Village Design Guide. The Gamlingay Village Design Guide (VDG, 2020) provides detailed contextual guidance for new development and is complementary to the District Design Guide (adopted 2010). Both of these documents are adopted by SCDC as supplementary planning documents. As the Plan comments, the VDG is integral to Policy GAM3.
- 7.28 In the round the policy is an excellent response to the design approach in the NPPF 2021. The VDG is a very impressive document.
- 7.29 I recommend a series of modifications to bring the clarity required by the NPPF. In particular the modifications address the following matters:
- the wording used in the policy;
  - separating the elements of the policy into their different components;
  - deleting that part of the second bullet point in the submitted policy which prescriptively focuses new development within the boundary of Gamlingay village. This is a matter which is considered strategically in the Local Plan. In addition, there are specific circumstances in both national and local policy where certain types of housing can come forward in the countryside.
  - removing the overlap on the key view issues between this policy and Policy GAM 11 of the Plan. In my judgement, Policy GAM3 has a primary focus on local character and design and Policy GAM11 has a primary focus on open spaces and landscape issues.
- 7.30 In reaching this decision, I have taken account of the responses of GPC to the suggestion that the policy could be broken down into separate policies which would address its component parts. Whilst I acknowledge GPC’s thinking on this matter the recommended modifications to the policy make a clearer distinction between its component parts.

- 7.31 I also recommend consequential modifications to the supporting text. In particular paragraph 4.35 of the Plan comments about GPC’s views about the workings of the development management process rather than offering any direct context to the policy.

**Replace the policy with:**

**‘Development proposals will be supported where they respond positively to the guidance in the Village Design Guide (or to any document which supersedes the Guide).**

**Housing and employment development should draw upon the scale, form, materiality and massing of existing vernacular buildings as described in the Village Design Guide. In addition, they should include suitable landscape treatments (for example hedgerows in keeping with the Bedfordshire Greensand Ridge National Character Area).**

**New housing should be located and designed to prevent the village, the hamlets and smallholdings from joining up, to preserve the visual quality of the landscape and to retain the separate identities of the settlements. The Plan places particular emphasis on the settlement gap between The Cinques, Dennis Green and Little Heath as identified in the Policies Map.’**

Replace paragraph 4.35 with:

‘Policy GAM3 seeks to ensure that there is a local dimension to the Local Plan policies listed above. In particular it reinforces the issues highlighted in paragraph 4.32 about the sensitivity of the south-western edge of the village’.

**Policy GAM 4 Local Employment Sites**

- 7.32 This policy identifies a series of established employment sites and offers support for additional employment uses as follows:
- Station Road Industrial Site – for employment uses E(g) and B2;
  - Church Street – for employment uses E(g);
  - Green End Industrial site – will be safeguarded for employment uses E(g) and B2; and
  - Drove Road – the expansion of businesses in situ will be supported to 25% of the existing footprint. New buildings on Drove Road are expected to be single storey and small in scale; the resultant development as a whole should be appropriate in scale for the location and satisfactorily integrated into the local landscape.

- 7.33 The policy also sets out some general guidance for additional employment development in these locations. Firstly, it comments that proposals will need to demonstrate that there will be no adverse impact on the rural environment and amenity or property of nearby residents. Secondly, it comments that proposals should protect and safeguard landscape features and designations which contribute to visual amenity and local distinctiveness, including trees and hedgerows following the principles set out in the Village Design Guide
- 7.34 In general terms I am satisfied that the policy approach meets the basic conditions. Development of the types proposed in the policy will consolidate the existing employment uses on the sites concerned. In addition, it will respond positively to the circumstances about employment growth and retention set out in the wider Plan. In specific terms I am also satisfied that in general terms the specific employment uses identified for the sites concerned are appropriate to local circumstances.
- 7.35 The policy makes specific reference to the appropriateness of three of the sites for commercial uses falling within Use Class E(g) – offices and industrial uses which can be carried out in a residential area without detriment to amenity. Whilst I understand the approach taken in the Plan, the E element of the Use Classes Order 2020 has been deliberately designed to provide wide-ranging flexibility for a range of commercial and business uses. As such, a neighbourhood plan cannot remove the business flexibility which has been promoted through national legislation. I recommend modifications to the details of the policy accordingly. I also recommend that the various bullet points clarify that the reference to letters relates to classes of the Use Classes Order.
- 7.36 The representation from the LJA Miers Pension Fund comments that the Church Street element of the policy is written in a confusing way and could be interpreted as not being in general conformity with Policy E/14 of the Local Plan. It also contends that the site is no longer appropriate for employment related uses due to access and amenity matters. I looked at this site carefully during my visit. Clearly it is very different from the other sites associated with this policy. I saw first-hand the relationship of the access with the various village centre facilities in and around Church Street. However, taking account of all the relevant information, I am satisfied that the policy element in relation to this site meets the basic conditions. In particular its approach is to support the improvement, enhancement and development of employment opportunities. It does not attempt to restrict the opportunity for proposals for alternative uses to come forward within the context of Policy E/14 of the Local Plan. Plainly if such proposals do come forward in the Plan period, they can be assessed on their merits and against the principles in that policy.

- 7.37 SCDC raises helpful comments on the Drove Road employment sites. The first relates to the separate nature of the two sites. The second comments about the percentage increase proposed for existing businesses. The third comments about the protection of biodiversity in the Drove Road area.
- 7.38 On the first matter, I recommend that the policy is modified to ensure that reference is made to the two separate sites rather than one site as implied in the policy itself. This matter is already clearly shown on Map 5A.
- 7.39 On the second matter, I have given careful consideration to the commentary in the supporting text about the way in which the 25% expansion limit was agreed locally. As set out in the policy it offers mathematical clarity. However, the lack of any detailed evidence about the precise way which a 25% expansion of the footprint would or would not be acceptable is based on feedback from existing business rather than an assessment of the environmental impact of such development. In order to remedy this matter, I recommend that the policy is modified so that it provides greater flexibility for a judgement to be made as part of the development management process. I recommend that the 25% figure in the supporting text is highlighted as an indicative figure of what would be acceptable.
- 7.40 On the third matter, I recommend that the criteria associated with additional employment development on the sites in Drove Road is expanded to address the biodiversity issue.
- 7.41 I also recommend a modification to the wording of the initial part of the policy to remove supporting text. Otherwise, the policy meets the basic conditions. Its implementation will contribute significantly to the economic dimension of sustainable development.

**Replace the opening part of the policy with:**

**‘Proposals for the improvement, enhancement and development of employment opportunities on the following employment sites (as shown on Map 5A) will be supported as set out on a site-by-site basis below:’**

**In the first three bullet points replace ‘E (g)’ with ‘Use Class E’**

**In the first and third bullet points replace ‘B2’ with ‘Use Class B2’**

**Replace the Drove Road bullet point with:**

**‘Drove Road sites – the expansion of existing businesses will be supported where they are proportionate to the existing building, where they are single storey and where the resultant development as a whole is appropriate in scale for a countryside location and can be satisfactorily integrated within the local landscape. In addition,**

**development proposals should be designed to avoid any impact on local biodiversity and habitats, or where this is not practicable that the impacts are mitigated'**

In paragraph 4.47 replace the final sentence with:

'In these circumstances Policy GAM4 takes a general approach to this matter and comments that extensions to business premises should be proportionate to the existing building. Clearly this will be a matter of judgement for the District Council through the development management process. However, as a general rule extensions of up to 25% of the footprint of existing buildings have the potential to be appropriate in this part of the parish'

Policy GAM 5 New employment site Mill Hill

- 7.42 This policy proposes a new employment site in order to promote local employment opportunities in the parish. It is allocated outside the development framework at a proposed Rural Business Development Area at Mill Hill. The policy proposes that E(g)(iii), B2 and B8 uses would be appropriate. The policy comments that any development proposals will need to demonstrate that there will be no adverse impact on the rural environment and amenity or property of nearby residents.
- 7.43 The policy is ambitious in its nature. As both the supporting text and the SEA comment it arises from the local concerns about the loss of most of the Green End employment site due to its allocation for residential use in the Local Plan. The area included within the policy consists of a series of distinct employment uses, a residential care home and open agricultural land. In total it incorporates approximately 24.3 hectares of land. Whilst the policy identifies the proposed employment uses, it provides no further guidance about the overall scale and nature of the development which would be supported
- 7.44 Paragraph 4.48 of the Plan provides a helpful context to the approach in commenting that:
- 'Mill Hill, which already contains a mix of uses (including existing employment premises interspersed with residential properties and a care home). The Cambridge Historic Environment Register lists five features from the Early Mesolithic to Late Bronze Age within the proposed Mill Hill Rural Business Development Area. As recommended by the Strategic Environmental Assessment, archaeological survey and investigation are encouraged where development is likely to affect these sites. The SEA also notes that Mill Hill is situated in a groundwater Source Protection Zone and that a small strip of land in the north of the proposed Rural Business Development Area is at high

risk from surface water flooding. Therefore, development in this location must safeguard against groundwater contamination and should consider the use of Sustainable Urban Drainage Systems’

- 7.45 SCDC raises a series of issues about the extent to which the policy is in general conformity with strategic policies in the Local Plan. They include:
- the impact of supporting warehousing and distribution use in the site area and the potential for the approach not to be in general conformity with Policy E/11 of the Local Plan.
  - the lack of an overall co-ordinated approach towards the development of the site
- 7.46 The development of the identified area presents a series of challenges. The first is that it is an extensive area of land located in the countryside to the south of the village in an unsustainable location. Whilst the Plan proposes a series of sustainable route improvements there is no delivery timetable for such proposals. Similarly, no assessment has been undertaken of the likely impact of the development of such routes on the overall level of traffic which would be generated by the employment development. The second is that the site is in a prominent location on either side of the Potton Road on slightly higher ground than that of the village itself.
- 7.47 In clarification note, I sought information from GPC about the likely new employment floorspace which may come forward as a result of the policy and the environmental and traffic generation effects of new development in the wider area. I also sought its views about the extent to which this part of the neighbourhood area is a sustainable location for new employment development.
- 7.48 On the first matter, GPC commented that:
- ‘This area is already a mixed-use employment area. The policy is consistent with the existing adopted Local Plan. The sites are in close proximity to the B1040. The County Council Highways responses to all industrial/employment development planning applications on Mill Hill in the past have been supportive. Mitigation measures relating to traffic generation and environmental impacts have been identified in the Strategic Environmental Assessment and this has been addressed within the policy’
- 7.49 On the second matter GPC commented that
- ‘The area in part, is already a well-established employment area. The Neighbourhood Plan has policies to improve transport infrastructure (footway/cycleway) to this area (See the Gamlingay cycleway and footway Improvement Plan 2019). The Mill Hill location compliments the

footway/cycleway planned infrastructure within policies GAM9 and GAM10, which enhances the sustainability of the location for employment of Gamlingay residents. It is a more suitable and sustainable location for employment rather than housing’.

- 7.50 I have considered these matters very carefully. On the one hand GPC has carefully considered the development of the site through the plan-making process and the associated SEA. It has been designed to accommodate alternative employment floorspace for that which has been lost to residential uses in recent years. On the other hand, the Plan has not translated the findings of the SEA into a detailed policy. The effect of the second and third parts of the policy would be to require individual applicants to undertake the type of analysis which would traditionally have been done at the plan-making stage. In particular, the policy offers no overall approach to either the quantum of development or the way in which it would be delivered in the wider area. As submitted, the policy does not provide guidance for developers on this matter. Indeed, as drafted it has the ability to generate a disjointed approach to development in this part of the parish.
- 7.51 In combination, these issues result in a policy which fails to bring the clarity required by the NPPF, promotes an unspecified quantum of employment uses in an unsustainable location and without any detailed assessment of the impact of that development on the capacity and the safety of the highway network. In all the circumstances I recommend that the policy is deleted. I also recommend consequential modifications to the supporting text and to the relevant maps.

### **Delete the policy**

#### *Delete paragraph 4.48*

Delete the proposed Mill Hill allocation from Map 5A and Map 7 and from the keys of the maps

### Policy GAM 6 Community facilities and amenities

- 7.52 This policy comments about the importance of community facilities to the well-being of the neighbourhood area. It has two related parts. The first comments that the loss of amenities and facilities will be resisted unless it can be demonstrated that efforts have been made to secure their continued use and alternatives are provided. It also comments that proposals for the creation of additional sports pitches will be supported. The second comments that new residential and business units will be expected to make additional

contributions towards the provision of infrastructure for walking, cycling and horse riding outlined in elsewhere in the Plan.

- 7.53 The policy correctly identifies this important matter. However as both SCDC and the County Council comment the policy approach adds no value to the approach already taken in the Local Plan. National policy is clear that neighbourhood plans do not need to repeat or reinforce local plan policies. In addition, the submitted policy fails to identify the amenities and facilities to which it refers. This approach does not have the clarity required by the NPPF. As such I recommend its deletion.
- 7.54 The element of the policy which offers support for the creation of additional sports pitches is appropriate and with modifications to its wording meets the basic conditions.
- 7.55 The second element of the policy overlaps with the details of Policies GAM9 and GAM 10 and does not need to be included within this policy.

**Replace the policy with:**

**‘Proposals for the development of additional sports pitches will be supported.’**

At the end of paragraph 4.57 add:

‘The Parish Council supports the approach towards community facilities as set out in the Local Plan. It recognises the importance of community facilities to the well-being of the Parish and will expect developers and landowners to bring forward proposals which take account of these policies’

**Policy GAM 7 Local Green Space (First School Field, Green End)**

- 7.56 This policy proposes the designation of the First School Field as a local green space (LGS). The Plan identifies that the field is a Protected Village Amenity Area in the Local Plan and is an Asset of Community Value. It is owned by Cambridgeshire County Council (CCC).
- 7.57 The Plan comments that the former First School field is the only substantial green space on the west side of the village. It also comments that there is a strong sense of community ownership of the former First School field and a widely held belief among older residents that the purchase was made with the assistance of funds raised by the people of Gamlingay. In 2019, 524 people signed a petition to retain the First School field as a formal recreation space for sport and informal recreation use in perpetuity

7.58 In the clarification note, I sought information from GPC about whether it had undertaken a detailed assessment of the proposed Local Green Space against the contents of paragraphs 101/102 of the NPPF. In its response GPC commented that:

‘A full analysis of potential Local Green Space sites in Gamlingay was conducted as part of the Local Plan examination in 2017/18. At that time this site was not included because it was in effect protected operating as a school site. Now that the school is closed the landowner, Cambridge County Council (CCC), is keen to consider the field for alternate non-recreational uses.’

7.59 In its response to the clarification note GPC undertook an analysis of the proposed LGS against the criteria in paragraph 102 of the NPPF. It concludes that the site meets the criteria for such designation. In terms of the details GPC comments that the Field is within reasonably close proximity to the community which it serves. I agree with this assessment. It also concludes that the site is local in character and not an extensive tract of land. I also agree with this assessment.

7.60 GPC comment in detail about the extent to which the Field is demonstrably special to the local community and holds a particular local significance. It includes information about its historic and current use and the way in which the Field was originally secured for such purposes. On the one hand, it sets out a compelling local case. On the other hand, some of the information does not directly relate to the current use of the site. Whilst open and green it is currently largely fenced off from the local community.

7.61 In a broader context, the designation of a local green space also needs to relate to the wider context of the Plan. This important matter is addressed in paragraph 101 of the NPPF as follows:

‘Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period’

7.62 These are important considerations which the submitted Plan has not addressed in any detail. In particular, it has made no overall assessment about the way in which the use of the land concerned has changed since the closure of the school and its relocation elsewhere in the village

7.63 Taking account of all the information available to me I recommend that the policy is deleted. The Plan has not demonstrated that the designation of the former school playing fields meets the exacting standards to be designated as LGS. In particular, whilst the proposal has come forward as part of the plan

making process, it has been done in isolation from the ongoing work which CCC is undertaking on the longer-term use of the wider former School site. In these circumstances there is no clarity on the extent to which the site is capable of enduring beyond the end of the Plan period. In addition, the site already has a degree of protection by virtue of its registration as an Asset of Community Value.

- 7.64 I also recommend consequential modifications to the supporting text at paragraph 4.63. The modifications take account of the information provided by CCC about the current level of access into the site.

### **Delete the policy**

In paragraph 4.62 retain the first two sentences and delete the remainder.

In paragraph 4.63 delete the first sentence and retain the second sentence. Thereafter replace the remainder of the paragraph with:

‘The long-term use of the site will be influenced by the ongoing work which the County Council is undertaking to secure a mixed-use development’

### **Policy GAM 8 First School buildings, Green End**

- 7.65 This policy proposes a context within which proposals for new uses can come forward in the former school building. As the Plan comments, the relocation of the school facility to the Village College site in 2019 has left its former site vacant. The policy seeks to establish a positive context for development proposals to come forward for the reuse of the former buildings together with new buildings for educational and community uses. The policy also comments that the site will be safeguarded for such uses for ten years. The principal building on the site is a listed building.
- 7.66 The site is owned by Cambridgeshire County Council (CCC). In its representation it comments that work is being undertaken on a whole site redevelopment and disposal. Within this context CCC envisages that a mixed-use scheme would be the best option. CCC also raises matters in relation to the range of uses identified in the policy, the overall need to ensure that the reuse of the site is viable, the need to secure an active use for the listed building and the appropriateness of the safeguarding mechanism.
- 7.67 In principle, a policy offering support for educational and community uses within a mixed-use scheme would be appropriate. The site is in a sustainable location close to the village centre. However, paragraph 4.60 makes a series of unsubstantiated statements about the suitability of the former School premises for other uses. Indeed, in its response to the clarification note GPC

clarified that it had not undertaken any viability assessment of the package of uses proposed in the policy. In these circumstances I recommend that the policy is modified so that it is less prescriptive about the range of uses which would be supported on the site. This approach would resolve the lack of clarity in the policy about the use classes relating to the proposed uses.

- 7.68 As submitted, the policy has been designed to offer support for a specific range of uses. It does not identify uses which would not be supported. This will provide the necessary flexibility throughout the Plan period as CCC refines its approach towards the reuse of the site. The response to the clarification note raises concerns about the way in which CCC has engaged with GPC on the re-use of the site. However, this is not a matter for the examination of the Plan
- 7.69 I have considered the various comments on the safeguarding element of the policy including those from GPC in its response to the clarification note. I have concluded that the proposed safeguarding element does not meet the basic conditions and should be deleted. I have come to this conclusion for three principal reasons. The first is that there is no viability or other evidence to justify such an approach. The second is the potential impact on the integrity of the listed building if it remains unoccupied for a ten-year period. The third is that the policy offers no clear mechanisms to determine the acceptability of otherwise of proposals which may come forward within the proposed ten-year period.
- 7.70 I also recommend consequential modifications to the supporting text.
- 7.71 Within the context set out above the policy approach has the ability to bring forward a sustainable mixed-use development on the site. This would contribute towards the delivery of each of the three dimensions of sustainable development.

**Replace the policy with:**

**‘Mixed-use development proposals involving the sensitive re-use of the former First School buildings will be supported. Proposals which incorporate educational and community uses will be particular supported’**

Replace the final three sentences of paragraph 4.60 with:

‘Policy GAM8 sets out a positive context for the reuse of buildings on the First School site and possible new buildings for mixed use purposes. It acknowledges that Cambridgeshire County Council is currently assessing options for the use of the site. The policy offers particular support for educational and community purposes. Examples could be pre-school

provision, a new doctors' surgery or the relocation of the Co-op store from Church Street.'

#### Policy GAM 9 Transport Provision on developments

- 7.72 The policy comments on transport provisions for new development. It has two related parts. The first comments that all developments should provide new pavements and shared use paths/cycleways where there is poor or no existing provision and cycle parking in line with adopted guidance. The second comments that housing developments are expected to provide enough car parking for residents and visitors within the development envelope. It also comments that level, multi-user surfaces should be avoided, to ensure the safety and comfort of very young, older and less able pedestrians who need clearly defined footways with a kerb.
- 7.73 The supporting text sets out GPC's approach to this matter. It has a clear focus on pedestrian safety and in ensuring that new sustainable routes are developed. This is an entirely appropriate approach. It is also one which I saw would closely relate to the neighbourhood area during my visit.
- 7.74 Nevertheless, as submitted, the policy offers little guidance beyond that already applied by both SCDC and CCC in the development management process. In addition, it does not have the clarity required by the NPPF in terms of its expectations for new pavements and shared use paths where there is poor or no existing provision. In these circumstances I recommend that the policy has a sharper focus on improvements and additions to the public rights of way network. This could be both for such improvements in their own right or where they can be secured through residential or other development. I also recommend consequential modifications to the supporting text.

#### **Replace the policy with:**

#### **Proposals for the improvement of the public rights of way network for walking, cycling and horse riding will be supported.**

In paragraph 4.76 delete the final three sentences.

Replace paragraph 4.80 with:

'The Plan seeks to ensure that new development complies with parking and access requirements as applied by the District and County Councils. It has a clear focus on supporting proposals which would enhance the ability of local people to move within the parish in a more sustainable fashion. This approach extends both to such improvements in their own right and where they can be secured through residential or other development which otherwise complies with development plan policies'

## Policy GAM 10 Contributions towards new infrastructure

- 7.75 This policy has a very clear focus on contributions to new infrastructure. It comments that new residential and business units are expected to help mitigate their impact on the local road network by contributing £21 per m<sup>2</sup> of floor space (for business developments), and £10 per m<sup>2</sup> of floor space (for housing developments) towards the provision and maintenance of new paths for the purpose of cycling, walking and horse riding between the village, hamlets, employment sites and neighbouring villages. It also comments that exceptions to the policy approach may be made for significant additions of land allocated to the local public rights of way network.
- 7.76 Map 10 sets out an innovative series of proposals which would enhance sustainable forms of transport. They are important in their own right and in terms of connecting with other local initiatives (such as the Potton Green Wheel).
- 7.77 I sought the views of GPC on the extent to which the policy's approach was reasonable and appropriate and related to the principles of the Community Infrastructure Levy Regulations. It commented that:
- 'Earlier drafts of this policy made specific reference to Community Infrastructure Levy Regulations (CILR). However, SCDC has not adopted CILR and it is now clear that there are no plans for their adoption in the emerging Greater Cambridge Local Plan (2021)
- Without CILR or Section 106 we were left with no other viable option than contributions from new development to enable delivery of improved infrastructure for walking, cycling and riding in the parish. This policy recognises that all new developments have an impact on the transport network and environment, and all have a responsibility towards mitigating that impact.'
- 7.78 I appreciate that the lack of a community infrastructure levy (CIL) in the District restricts the opportunities to fund the delivery of the measures proposed in the policy. However, the approach taken in the policy does not have regard to the principles of the Regulation 122 of the CILR 2010 (as amended by the 2011 and 2019 Regulations) to the extent to which planning obligations must be necessary to make the development acceptable in planning terms, directly related to the development; and fairly and reasonably related in scale and kind to the development. In particular, the proposed charging regime is effectively a de facto CIL which has little account for the way in which the approach would make any proposed development acceptable. Indeed, the relationship between the construction of a new house in the village and the use of the proposed funding regime to finance additional footways is tenuous.

- 7.79 Taking account of all the circumstances I recommend that the policy is modified so that it achieves two related objectives. The first would be to support the development of new sustainable routes. The second would be to acknowledge the importance of the CIL Regulations and provide a context for individual discussion to take place with developers to achieve contributions which directly respond to the scale of the development and its likely impact on the demand for and use of recreational facilities.
- 7.80 I recommend that the level of funding to be sought is captured in the supporting text and as an indicative figure. In its response to the clarification note GPC provided an explanation that Appendix 3 of the Plan identifies the costs associated with providing this new network. Costs were based on a per M2 basis of similar footway/cycleway specification provided by Cambridgeshire County Council via South Cambridgeshire District Council's s.106 Officer (prices correct at 2020- with associated index linking). This provides a degree of assurance to developers that any funding sought has been carefully considered.

**Replace the policy with:**

**'Proposals for the development of new or improved walking cycling and horse-riding routes will be supported. The implementation of the package of measures as shown on Map 10 will be particularly supported.'**

**'As appropriate to their scale nature and location, new residential and business units should mitigate their impact on the local road network by their design and layout and contributing towards the provision and maintenance of new paths for cycling, walking and horse riding between the village, hamlets, employment sites and neighbouring villages.'**

Replace the final three sentences of paragraph 4.77 with:

'New development has the potential to impact negatively on traffic, parking and road safety. Therefore, where appropriate developer contributions will be sought from residential and business developments are expected to mitigate that impact by contributing towards improvements in active travel infrastructure in the local area. Based on the assessment of the costs of enhancing the existing footpaths cycle routes and horse-riding routes in Appendix 3 indicative amount for contribution would be £21 per square metres of internal floor space (for business developments), and £10 per square metres of internal floor space (for housing developments)'

## Policy GAM 11 Landscape and natural environment

- 7.81 This policy sets out a comprehensive approach towards the natural environment.
- 7.82 The first part of the policy comments that developers will be required to deliver measurable, proportionate and appropriate biodiversity net gains (in line with national policy and via the application of a biodiversity metric tool) through design, preferably on the application site, its perimeter and where it connects to key 'wildlife corridors' (for example maintaining and improving hedgerow connectivity).
- 7.83 As submitted this part of the policy reads as a broad statement of intent rather than as a land use policy. There is no definition of key elements of the policy (such as the biodiversity metric tool). In addition, it draws attention to a series of example biodiversity projects.
- 7.83 In a broader context the Plan's approach has now been partly overtaken by the recent publication of the Environmental Act 2021. As such, it comments about matters which are now captured in national legislation.
- 7.84 Taking these matters together I recommend that the broader policy is simplified so that it identifies a series of landscape, recreation and natural features and seeks to ensure that they are safeguarded through the development management process.
- 7.85 The second part of the submitted policy seeks to safeguard a series of open spaces, recreational areas and key views and to ensure that new development does not have a negative impact on their integrity. Where necessary mitigation works are supported.
- 7.86 The various features which this part of the policy is intended to safeguard are listed in Appendix 2 but not shown on a map. This has the ability to make the policy difficult to determine within the Plan period. I recommend that the sites in Appendix 2 are also shown in map format.
- 7.87 The Plan comments about the series of views which it intends to safeguard. The original batch came forward through the work on the VDG. A further batch came forward within the context of the Landscape and Visual Assessment. This has resulted in inconsistencies between the way in which the views are shown on the policy maps and the information contained in Appendix 2. For clarity, I recommend that the Plan takes a consistent approach in identifying the views as shown in Appendix 2 on the policy maps. Otherwise, the policy takes a positive approach to this matter and will sustain these key elements of the local environment

**Replace the policy with:**

**‘Development should be designed to safeguard and where practicable enhance the landscape, recreation and natural environment features as shown on Map 10 and in Appendix 2. Where appropriate, development proposals should incorporate proportionate mitigation measures to keep any effects to a minimum.**

**Development proposals which would have an unacceptable impact on the identified landscape, recreation and natural features will not be supported’**

Identify the features in Appendix 2 on a new map within the Plan.

At the end of paragraph 4.85 add:

The importance of these and other matters is now captured in the Environment Act 2021. Policy GAM11 seeks to identify elements of the natural environment which are important to the neighbourhood area’

Policy GAM12 Gamlingay Wood

- 7.88 This policy makes a very specific approach towards safeguarding Gamlingay Wood to the north of the village. It comments that Development will usually not be permitted within a 200 m cordon from the edge of Gamlingay Wood Site of Special Scientific Interest. It also comments that development for the purpose of enabling the growth of existing farming activities or where there is a specific nature conservation benefit (such as traditional woodland industry) may be supported
- 7.89 I sought the views of GPC on the need for this policy in general terms, and the specific need for a 200m cordon in particular. I have taken its helpful comments into account.
- 7.90 As GPC comments in its response to the clarification note ‘Gamlingay Wood SSSI status is currently ‘unfavourable recovering’. The purpose of the cordon is twofold: first it seeks to avoid additional recreational pressure that would accompany new housing development (in particular); second, it specifically enables activities (such as traditional coppicing industry) where there is a nature conservation benefit’.
- 7.91 Plainly this approach is well-intended. Nevertheless, other policies in the Plan set out its spatial strategy and development of the type anticipated by the policy is neither proposed nor supported in the Plan. Whilst the policy approach has merit, I am not satisfied that its contents meet the basic conditions. In particular the proposed 200 m cordon is unsubstantiated by any

detailed information. In addition, the 200m approach does not follow and specific natural or man-made features and would be impractical for SCDC to administer.

- 7.92 Taking account of all the information I recommend that the policy is modified so that it takes a more general approach to this issue and remedies the areas where it does not meet the basic conditions. In addition, I recommend that the supporting text acknowledges that the Wood is not directly under pressure from development proposals or the wider ambitions of the Plan. I also recommend that the text comments loosely about the proposed cordon of protection rather than being included specifically within the policy itself.

**Replace the policy with:**

**Development proposals should safeguard the integrity and scientific importance of the Gamlingay Wood Site of Special Scientific Interest. Development in the immediate vicinity of the Woods which would have such a safeguarding role, which would enable the growth of existing farming activities or which would have a specific nature conservation benefit (such as traditional woodland industry) will be supported.'**

Replace the final four sentences of 4.92 with:

Policy GAM12 has been designed to protect and promote the recovery of the flora and fauna of Gamlingay Wood, helping to achieve the Government's objective (set out in its 25 Year Environment Plan) to restore 75% of England's protected sites to favourable condition. This will also secure the use of Gamlingay Wood for the enjoyment of present and future generations. For the purposes of the application of the policy the immediate vicinity of the Wood has not been defined. Different proposals in different locations will have different effects on the integrity of the Wood. Nevertheless, as a general rule proposals within 200 metres from the edge of the Wood have an ability to affect its integrity.'

In 4.95 delete 'by a 200m cordon'

Other matters - General

- 7.93 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 GPC 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.

Other matters – specific

- 7.94 SCDC has helpfully made a series of specific comments on the Plan. Within the context of paragraph 1.4 of this report I recommend modifications where they are necessary to ensure that the Plan meets the basic conditions.

Reorganise Map 7 so that it is shown either in A3 format or on two overlapping A4 maps. Refine the key so that all issues are addressed on both the map and in the key.

Map 6 – show the village amenities in a clearer fashion (if necessary, by a series of insert maps showing the facilities in more detail)

All maps – show only the detail relating to the title of the map concerned

In paragraph 4.3 replace (NPPF) with (NPPF 2021)

In paragraph 4.6 (footnote 41) update the reference to the NPPF 2021

Delete the final two sentences of paragraph 4.14 – the situation may be fluid and the statement in the submitted Plan (penultimate sentence) is unsubstantiated.

Monitoring and Review of the Plan

- 7.95 The Plan does not comment about a potential future review of any made neighbourhood plan. Whilst it has been prepared within the helpful context of the current Local Plan it addresses several challenging issues
- 7.96 In all the circumstances, and to comply with good practice, I recommend that the Plan includes commentary on its monitoring and potential future review

At the end of Section 3 add a new heading and text to read:

'Monitoring and Review

3.17 The Parish Council acknowledge that circumstances may change within the Plan period. In addition, some policies will work better than others. On this

basis the Parish Council will review the effectiveness of the Plan's policies on an annual basis.

3.18 Where appropriate the Parish Council will consider either a full or a partial review of the Plan. This will be based around the monitoring information gathered, and any changes to the planning policy in the wider District.

3.19 In particular the Parish Council will assess the effectiveness of Policy GAM4 given the significance of employment uses to the wider Plan. It will also assess the need for any modifications to Policy GAM8 once the County Council has agreed an approach for the re-use of the former First School site.'

## 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 2035. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Gamlingay Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

### 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, the Gamlingay Neighbourhood Development Plan should proceed to referendum.

### Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the neighbourhood 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 originally approved by South Cambridgeshire District Council on 3 February 2015
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in an efficient manner.

**Andrew Ashcroft**  
**Independent Examiner**  
**7 March 2022**