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Report on Bury Village Neighbourhood Plan 2019 - 2036

**An Examination undertaken for the District Council of Huntingdonshire
with the support of the Bury Parish Council on the September 2019
submission version of the Plan.**

Independent Examiner: David Hogger BA MSc MRTPI MCIHT

Date of Report: 19 December 2019

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Main Findings - Executive Summary

From my examination of the Bury Village Neighbourhood Plan (the Plan/BVNP) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – Bury Parish Council;
- The Plan has been prepared for an area properly designated – the Neighbourhood Area as shown on Map 2 of the Plan (page 13);
- The Plan specifies the period to which it is to take effect – 2019 to 2036; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Bury Village Neighbourhood Plan 2019-2036

- 1.1 The settlement of Bury lies immediately to the south of the town of Ramsey and I saw on my visit that it is primarily an attractive residential area. Although there is a range of building styles and ages, the village nevertheless displays a distinctive sense of place. The village enjoys a number of community facilities and services, including the Village Hall, the Primary School, the Public House and the petrol filling station. The close proximity of Ramsey provides some further opportunities for the residents of the village, for example in terms of retail, employment and education.
- 1.2 Work on the Bury Village Neighbourhood Plan started in earnest in 2012 and included the publication of a questionnaire in July/August 2012. Subsequently a wide range of consultation events were arranged and the submitted BVNP represents several years of detailed analysis and consideration of the issues. As a consequence of the work undertaken, a clear vision for the local community has been established, with a set of well-developed Goals and Objectives.

The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the BVNP by Huntingdonshire District Council (HDC), with the agreement of the Bury Parish Council (BPC).
- 1.4 I am a chartered town planner and former government Planning Inspector, with extensive experience in the preparation and examination of development plans and other planning documents. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft Plan.

The Scope of the Examination

- 1.5 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the Plan meets the Basic Conditions;
 - Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development';

- it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
- whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

1.8 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood 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 for the area;
- Be compatible with and not breach European Union (EU) obligations; and
- Meet prescribed conditions and comply with prescribed matters.

1.9 Regulation 32 and Schedule 2 to the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017)¹.

¹ This revised Basic Condition came into force on 28th December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

2. Approach to the Examination

Planning Policy Context

- 2.1 The planning policy framework for the District (excluding minerals and waste development) is Huntingdonshire's Local Plan to 2036 (HLP) which was adopted in May 2019.
- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF), published in February 2019. Advice on how the policies in the NPPF should be implemented is included in the Planning Practice Guidance (PPG).

Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the submission Bury Village Neighbourhood Plan 2019-2036, (September 2019);
 - Map 2 of the Plan (page 13), which identifies the area to which the proposed Neighbourhood Development plan relates;
 - the Consultation Statement (September 2019);
 - the Basic Conditions Statement (September 2019);
 - all the representations that have been made in accordance with the Regulation 16 consultation;
 - the Strategic Environment Assessment (SEA) Screening Request (September 2019);
 - the Habitats Regulation Assessment (HRA) Screening Request (September 2019); and
 - the responses of HDC and BPC (dated 25 November and 22 November 2019 respectively) to the questions annexed to my procedural letter of 14 November 2019².

Site Visit

- 2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 18 November 2019 to familiarise myself with the locality, and visit relevant sites and areas referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

- 2.5 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum.

² View at: <https://www.huntingdonshire.gov.uk/planning/neighbourhood-planning/>
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Modifications

- 2.6 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The BVNP has been prepared and submitted for examination by the BPC, which is a qualifying body.
- 3.2 It is the only Neighbourhood Plan for the locality and does not relate to land outside the designated Neighbourhood Plan Area, as shown on Map 2 of the Plan.

Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2019 to 2036.

Neighbourhood Plan Preparation and Consultation

- 3.4 The Consultation Statement (September 2019) summarises the consultation that has taken place on the BVNP from consultation on early issues in 2012 to the submission in 2019. As well as local residents, a wide range of other interested parties have been consulted. Public meetings have been held, open days were arranged, leaflets were distributed to all premises within the Parish and good use was made of the Bury Parish Council website and Facebook account to disseminate information.
- 3.5 The process has been appropriately thorough, and I consider that the opportunity has been available for all interested parties to contribute to the content of the BVNP, including at both the Regulation 14 stage (6 June 2019 to 18 July 2019) and the Regulation 16 stage (19 September 2019 to 31 October 2019).
- 3.6 Overall, I am satisfied that all the relevant statutory requirements in the 2012 Regulations have been met. I am also content that, in all respects, the approach taken towards the preparation of the BVNP and the involvement of interested parties in consultation, has been conducted through a transparent, fair and inclusive process. Due regard has been given to the relevant national advice on plan preparation and engagement

and I also note that HDC considers the BVNP to be in general conformity with the adopted HLP.

Development and Use of Land

3.7 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

3.8 The Plan does not include provisions and policies for 'excluded development'.

Human Rights

3.9 Neither BPC nor HDC has concluded that the BVNP breaches Human Rights (within the meaning of the Human Rights Act 1998) and, similarly, no representations have been made to this effect. From my independent, assessment I see no reason to disagree.

4. Compliance with the Basic Conditions

EU Obligations

4.1 The Neighbourhood Plan was screened for SEA and it was concluded that it was unnecessary to undertake SEA because there will be no significant environmental effects arising from the BVNP. Having read the Strategic Environmental Assessment Screening Request (September 2019) I support that conclusion - support that is strengthened by the fact that no objections were submitted by, for example, the Environment Agency, Natural England and Historic England.

4.2 Similarly it is concluded in the Habitats Regulations Assessment Screening Request (September 2019) that the BVNP will not have an adverse effect on the integrity of any internationally designated sites, either on its own or in combination with any other plans and that an Appropriate Assessment is not required. From my independent assessment of this matter, I have no reason to disagree, especially as again there were no objections raised by Natural England or others.

Main Issues

4.3 I have approached the assessment of whether or not the BVNP complies with the Basic Conditions under two main headings:

- General issues of compliance of the Plan; and
- Specific issues of compliance of the Plan policies.

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- 4.4 In particular I have considered whether or not the BVNP complies with the Basic Conditions, particularly in terms of its relationship to national policy and guidance, the achievement of sustainable development and general conformity with the adopted Development Plan policies.

General Issues of Compliance of the Plan

National Policy, Sustainable Development and the Development Plan

- 4.5 The policies in the BVNP are set out under three main headings: Sustainable Growth; Infrastructure, Services and Facilities; and Natural and Built Environment. The accompanying Basic Conditions Statement (September 2019) satisfactorily sets out in some depth how the policies of the BVNP align with national and local policy and advice.
- 4.6 The Vision and Objectives for the area are appropriately summarised in the BVNP and they appear to accurately reflect the aspirations of the local community. Support is given, for example, to providing a mix of housing, creating a strong community and ensuring that the design and appearance of new development is of the highest standard and retains the attractiveness of the neighbourhood's 'leafy feel'.
- 4.7 The need to achieve sustainable development is a key objective and I am satisfied that all three dimensions to such development (economic, social and environmental)³ have been taken into account. Subject to the detailed comments on individual policies that I set out below, I conclude that the BVNP has had proper regard to national policy and guidance.
- 4.8 I conclude that the BVNP is in general conformity with the strategic policies of the Huntingdonshire's Local Plan to 2036 and, overall, the BVNP provides a satisfactory framework that will facilitate the achievement of the Goals and Objectives as set out on page 14 of the BVNP. Subject to the modifications that I recommend below, I conclude that the BVNP meets the Basic Conditions. I also consider that the policies (as amended) are supported by suitable evidence, are sufficiently clear and unambiguous and that they can be applied consistently and with confidence⁴.

Specific Issues of Compliance of the Plan Policies

Introduction, Goals and Objectives

- 4.9 The Introduction satisfactorily introduces the reader to the background of the Neighbourhood Plan and the policy framework within which it sits.

³ Paragraph 8, NPPF 2019.

⁴ PPG Reference ID: 41-041-20140306.

Four headline Goals are set out and these are refined into a set of thirteen Objectives. From my assessment of the evidence and my visit to the village, I am content that these are appropriate and fully reflect the aspirations of the local community.

Sustainable Growth

4.10 The introductory paragraphs of this chapter provide a profile of the village and summarise the strategic planning policy framework for the area as provided by the HLP to 2036. The latter document classifies Bury as being part of the 'Ramsey Spatial Area', which has two allocations in Bury – East of Valiant Square (policy RA 7) and former RAF Upwood and Upwood Hill House (policy RA 8).

Built-up Area (Policy G1)

4.11 It is explained on page 21 that the settlement boundary fulfils a specific purpose – namely to direct and enable growth in the settlement to take place in a coherent manner, whilst maintaining the form of the existing settlement geography and the landscape setting of the village. Policy G1 defines the built-up area of Bury and this is shown on the accompanying Map 3.

4.12 It was suggested that the definition of the settlement boundary is too restrictive, and reference was made by one respondent to the Examiner's Report for Godmanchester⁵, which recommends a looser form of wording to allow some limited forms of development outside the settlement boundary. I am not familiar with all the evidence that was presented in that case, but it is clear to me from reading the Examiner's Report that circumstances in Godmanchester are significantly different to those at Bury. For example, the Report confirms that Godmanchester is categorised as a key service centre and is located in one of the fastest growing areas in the country - the town is expected to accommodate about 8,600 residents by 2040 (see paragraphs 4.5 and 4.6 of the Report).

4.13 I consider it to be important that the characteristics of the village are not unduly threatened and, whilst it is important to make effective and sustainable use of land, this should not be done at the expense of achieving well-designed places⁶. My conclusion on this matter is strengthened by the fact that HDC has confirmed that the approach

⁵ Examiner's Report on the Godmanchester Neighbourhood Plan (2017-2036), dated 30 August 2017. View at: <http://applications.huntingdonshire.gov.uk/moderngov/documents/s88622/Item%206%20-%20Godmanchester%20Neighbourhood%20Plan%20Appendix%202.pdf>

⁶ NPPF Chapter 12.

adopted by BPC is not in conflict with the policies of the adopted Local Plan and has followed the parameters set out in the Local Plan Built-up Areas definition and guidance, as found on pages 53-55 of the HLP. The approach taken is clearly set out in the 'Bury Village Neighbourhood Plan Settlement Boundary Methodology', dated September 2019, and I am satisfied that policy G1 and the delineated settlement boundary as shown on Map 3 are justified.

Comprehensive Development of Former Upwood Airfield (Policy G2)

- 4.14 The former Airfield was established in 1917 but since its closure it has been proposed for strategic development and the BVNP confirms that once developed the site, which includes an allocation of approximately 450 dwellings, will result in Bury effectively doubling in size. The site is included within the HLP as a mixed-use allocation under policy RA 8 (page 215).
- 4.15 I agree with BPC that a comprehensive approach towards development at the former Airfield is an important and valid aspiration. This will ensure that effective use of the land is achieved⁷ and that the delivery of good design will be a key component in the consideration of all detailed proposals. The scale of the development and diversity of requirements (as encapsulated in policy G2) fully justify the preparation of a Masterplan. Only in this way can a comprehensive and sustainable approach be assured.
- 4.16 Paragraphs 20.6 and 40.8 refer to 'Strawsons Property' as being the owner of the former Upwood Airfield. I understand that this may no longer be the case and therefore recommend, in **PM1** and **PM2**, that these references be deleted in the interests of accuracy⁸.
- 4.17 The redevelopment of the former Airfield will be a significant element in the evolution of the village, primarily because of its scale. It is therefore paramount that every effort is made to ensure that it assimilates well into the fabric of the community. I am satisfied that policy G2 will ensure that this objective is successfully achieved and that the Basic Conditions are met.

Community Engagement (Policy G3)

- 4.18 Community engagement is an important component in the achievement of sustainable development and policy G3 clearly establishes the approach to be taken.

⁷ NPPF chapter 11.

⁸ Modification for the purpose of correcting errors is provided for in Paragraph 10(3)(e) of Schedule 4B to the 1990 Act.

- 4.19 The policy encourages developers to contact the Parish Council, but I consider that this wording should be strengthened to place a greater onus on developers to consider how pre-application community engagement should be undertaken. **PM3** is therefore recommended.
- 4.20 The third sentence of paragraph 21.1 refers to 'The law' but does not specify which 'law' is being referred to. In the interests of clarity, that reference should be deleted as set out in **PM4**.

Local Housing Needs (Policy G4)

- 4.21 Policy G4 provides support for residential development where the housing mix would reflect local housing need. In essence, at least 60% of the dwellings should be appropriate affordable housing and the remaining 40% should be for self-build and custom housing. My attention has been drawn to policy LP 28 of the HLP which refers to at least 60% of the 'site area' being for affordable housing – rather than the percentage number of dwellings. It has been suggested that there is a potential conflict between policy G4 and Local Plan policy LP 28. I agree, because one refers to the site area and the other to the number of dwellings.
- 4.22 It would not be clear to a decision maker how to react to a development proposal where the amount of affordable housing to be provided is a key issue⁹. This uncertainty would be strengthened by the fact that the policy specifically supports proposals that would meet 'the requirements of the Huntingdonshire Local Plan to 2036'. Although in terms of actual numbers there may be little to differentiate between the percentage of the site to be used for affordable housing and the percentage of the total number of houses proposed, I consider that there is the opportunity for confusion. Therefore, I recommend in **PM5**, that policy G4 be amended to more accurately reflect policy LP 28 of the HLP so that consequently both policies will refer to the percentage of the site area, rather than the percentage of the overall housing number. This will aid the interpretation and effectiveness of the policies and simplify the monitoring process. On that basis, I am satisfied that policy G4 meets the Basic Conditions.
- 4.23 Questions were raised in the consultation regarding the demand for self-build and custom housing plots. I am mindful that paragraph 61 of the NPPF supports self-build and custom house building and conclude that the BVNP reflects an appropriate approach. However, I would expect the situation to be closely monitored in order to ensure that the objectives of the policy are being achieved.

⁹ NPPF paragraph 16 (d).

Infrastructure, Services and Facilities

Sustainable Transport (Policy ISF1)

- 4.24 The provision of sustainable transport is a key national objective¹⁰ and although Bury and the surrounding area has a relatively poor transport infrastructure, the BVNP clearly provides support for improvements to be made.
- 4.25 Concern was expressed regarding the consequences of the accessibility requirements in the fourth paragraph of the policy for small sites or single dwelling proposals. Whilst I understand the comments made, the requirement is framed as a 'should' rather than a 'must' and on that basis, I consider it to be reasonable. In the interests of clarity, the second paragraph in the policy should start with the word 'Development' (**PM6**).

Highway Impact (Policy ISF2)

- 4.26 The level of traffic in the area is a major concern for many local residents and policy ISF2 establishes the need to safely accommodate any growth in traffic, whilst at the same time ensuring that the appropriate sustainable design and layout of new development is achieved. This is a satisfactory approach.
- 4.27 Reference to 'personal safety' is made in paragraph 24.12 but it is not clear exactly what is meant. Therefore, it is recommended that an appropriate definition be included in the Glossary (**PM7**).
- 4.28 I consider the wording of the first paragraph of policy ISF2 (regarding support for appropriate proposals) lacks clarity and therefore I recommend, in **PM8**, that the wording be amended to remove any doubt.
- 4.29 HDC has confirmed that policy ISF2 is in general conformity with the policies of the Local Plan¹¹ but, in the interests of clarity, HDC and BPC have agreed to three amendments. Firstly, the inclusion of a foot-note at the end of bullet point 2 (**PM9**); secondly, a foot-note in paragraph 27.2 (**PM10**); and finally, a foot-note in paragraph 27.5 (**PM11**). These additions will add clarity to the policy and ensure the Basic Conditions are met. Accordingly, I recommend them.
- 4.30 There is a lack of justification regarding the source of the assertions made in paragraph 24.8 regarding 'more people travelling further to work' and 'the average length of commute in Ramsey' being greater than the

¹⁰ NPPF Chapter 9.

¹¹ See response from HDC to Examiner's Question 4.

national average'. It is recommended that the source of this data is referenced in a footnote (**PM12**).

Rights of Way Network (Policy ISF3)

- 4.31 One element in achieving sustainable travel is the need to provide a safe and convenient network of footpaths and to improve those routes that already exist. Policy ISF3 establishes a way forward that meets the Basic Conditions, however, the second sentence in paragraph 26.3 is unclear and should be reworded appropriately (**PM13**).

Infrastructure Provision (Policy ISF4)

- 4.32 It is important that as the population of the village grows, the infrastructure to service the community also expands and improves. Policy ISF4 confirms that proposals should demonstrate that they have adequately considered (and where justified, proposed) appropriate infrastructure provision or improvements. The policy sets out a list of priorities and projects for which contributions may be sought, including the provision of cycle/pedestrian paths, provision of open green spaces and play areas and traffic calming measures.
- 4.33 However, concern was expressed by a respondent regarding the clarity of policy ISF4 and in particular whether or not it is appropriate to include the list of priority infrastructure projects within the policy itself. I share those concerns because some of the items listed may not be appropriate (e.g. Notice Boards) and others are at the very earliest stages of consideration (for example the 'possible' youth club and the 'potential land for a possible second playing field'). With this level of uncertainty, I consider that it is not appropriate to include the list within the policy itself because it does not set out clearly and unequivocally infrastructure improvements for which developers' contributions would be fully justified. Nevertheless, the list does clearly set out the Parish Council's aspirations and priorities in terms of local infrastructure improvements. On that basis, it should be retained within the supporting text of policy ISF4 and I recommend accordingly (**PM14**).
- 4.34 In the interests of clarity, the word 'of' should be deleted from the second line of paragraph 27.9 (**PM15**).

Community Assets (Policy ISF5)

- 4.35 The provision and improvement of community facilities is an important element in delivering sustainable development and policy ISF5 seeks to protect the community assets that are listed in the policy, whilst also seeking to secure new and/or improved assets. With the growing population, this approach is fully justified.

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- 4.36 Concern was expressed, however, regarding the application of policy ISF5 in terms of the petrol filling station. It was suggested the policy could be interpreted as including 'protection' for other nearby uses, for example the workshop and yard. The Parish Council has confirmed that the policy is intended to only cover the fuel station activity. I concede that there is a small likelihood of the policy being misinterpreted and therefore recommend that the last bullet point in policy ISF5 be clarified accordingly (**PM16**).
- 4.37 I have been told by the Parish Council that the owners of the identified community assets have been advised of the status of their properties/facilities and are aware of any potential implications.
- 4.38 In the interests of clarity the word 'facilities' should be inserted after 'community support' in the fourth sentence of paragraph 29.4 (**PM17**).

Natural and Built Environment

- 4.39 The BVNP does not include a specific policy regarding the design and appearance of new development. I note that paragraph 31.1 does include some advice on the matter but I have been advised by the Parish Council that matters of design and appearance are satisfactorily addressed in the policies of the adopted HLP. I am mindful that there is no need to repeat already adopted policy¹² and also the fact that the National Design Guide was published in October 2019, which itself is a material consideration¹³. On that basis, I consider there is no justification for over-riding the Parish Council's approach.
- 4.40 The BVNP does, however, satisfactorily record the heritage assets in the area and describe the elements of the natural environment that are of particular importance. There is also a map of the area at risk of flooding (page 51). However, there is no explanation as to the purpose of this map and whilst I appreciate to many people the information on the Plan may be clear, I consider there is a need to include a supporting paragraph to emphasise the need for vigilance with regard to flood risk¹⁴ and I recommend accordingly in **PM18**. With this modification, the Basic Conditions are met.

Local Green Space (Policy NE1)

- 4.41 Local Green Space (LGS) is a national designation, which in essence protects green areas that are of particular importance to the local community. Five areas of LGS are proposed (and are described in

¹² NPPF paragraph 16 f).

¹³ View at: <https://www.gov.uk/government/publications/national-design-guide>

¹⁴ See chapter 14 of NPPF

Appendix 2 of the BVNP) and the Parish Council has confirmed that it has engaged with all the owners of the proposed Green Spaces and responded appropriately to the comments they have made. The owners are aware of any implications of the designations.

- 4.42 I have read the BVNP–Local Green Spaces Evidence (September 2019). This succinctly explains the process followed, the public consultation undertaken and the final proposals that were agreed. With regard to Ramsey Golf Course, it is concluded that the golf course provides an important green corridor, an attractive landscape setting to Bury and a separation between 'historic Bury and the more modern parts of Bury'.
- 4.43 Concerns were expressed that the Ramsey Golf Course designation is not compliant with national advice. Paragraph 100 of the NPPF sets out three requirements for LGS designation which are, in summary: in close proximity to the community; demonstrably special to the community and with a particular local significance; and local in character and not an extensive tract of land. Further advice in the Planning Practice Guidance¹⁵ confirms that the purpose of the designation is to provide special protection against development for green areas of particular importance to the community. There are no rules regarding the size of proposed LGS, but they should not be extensive, so for example blanket designation of open countryside adjacent to settlements would not be appropriate.
- 4.44 Having visited the area and considered all the evidence, I conclude that the proposed golf course LGS is in close proximity to the community; it is special and has local significance; and when considered in terms of the characteristics of its setting in the community, it could not accurately be described as extensive or a blanket designation. My conclusions on this matter are strengthened by the fact that HDC does not object to this designation¹⁶.
- 4.45 Concern was expressed that the designation of the BMX Track LGS may hinder the expansion of the adjacent school, but I received no evidence that such expansion is currently being considered. I therefore conclude that the proposed LGS is an area of importance to the local community and that it meets the criteria in paragraph 100 of the NPPF.
- 4.46 I am satisfied that all five areas of proposed LGS are compliant with the national guidance on the matter and that consequently the Basic Conditions have been met.

¹⁵ Starting at PPG Reference ID: 37-005-20140306.

¹⁶ See Council's response to Question 6 in my Matters and Questions correspondence.

Protected Settlement Break (Policy NE2)

- 4.47 One of the stated Objectives of the BVNP is to maintain the distinct village identity and to ensure 'that further coalescence with Ramsey does not take place' (page 15). Having visited the area and seen the fragility of the gap between the two settlements, I am satisfied that the objective of the Parish Council to retain the separate identity of the two communities (as far as is possible) is justified. To that end, policy NE2 seeks to protect the remaining settlement break between Bury and Ramsey.
- 4.48 It was suggested that the wording of the policy is ambiguous, but it is clear to me that the presumption is against development unless the physical and visual separation between the two settlements is secured. In the circumstances, that is a reasonable approach to take. I am mindful that the HLP places Bury and Ramsey together as a Single Spatial Planning Area (SSPA), but there is no reason to conclude that within the SSPA the opportunity to retain the current distinctiveness of the two settlements should in any way be diluted.
- 4.49 In the interests of clarity, the word 'has' should be replaced by 'had' in the third sentence of paragraph 36.1 and I recommend accordingly (**PM19**) in order to satisfy the Basic Conditions.

Implementation, Delivery, Monitoring and Review

- 4.50 This chapter clearly sets out the partners involved in the delivery of the BVNP and establishes a commitment to the monitoring and review of the document. The onus is on the Parish Council to undertake the 'continual review' of the BVNP but I consider it reasonable to make reference in paragraph 38.2 to the District Council's role in identifying any pertinent issues to Bury stemming from the development management process.
- 4.51 In the interests of accuracy the text in paragraph 37.7 regarding the Community Infrastructure Levy (CIL) should be updated to reflect the current situation regarding the revisions made by the 2019 CIL Regulations¹⁷ (**PM20**).
- 4.52 As per paragraph 4.8 above, on the evidence before me, with the recommended modifications PM1-PM20, I consider that the policies within the BVNP are in general conformity with the strategic policies of the Development Plan for the area, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

¹⁷ The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 remove, amongst other things, the requirement for a Regulation 123 List.

5. Conclusions

Summary

- 5.1 The Bury Village Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. However, the BVNP, as modified, has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan area.

Overview

- 5.4 It is clear that there has been significant community involvement in the preparation of the BVNP. The Bury Parish Council website has provided up-to-date advice and information on the consultation opportunities; local residents and businesses have been leafleted; public drop-in events have been held and an open afternoon was held in the village hall. It was particularly pleasing to see that the opportunity of mixing business with pleasure was taken at the Ramsey Carnival and the Bury Show. I am satisfied that reasonable efforts to engage the community in the process have been taken.
- 5.5 The efforts of the Parish Council in preparing the BVNP, which is generally a well-presented document, should be acknowledged. The Plan, if made, will become an important element in the planning policy framework for the area.

David Hogger

Examiner

Appendix: Modifications (20)

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Paragraph 20.6 Page 24	Remove reference to Airfield owner: It is noted that the majority of the Upwood Airfield site is owned by Strawsons Property, although some parcels are in other ownership. However, The concept
PM2	Paragraph 40.8 Page 64	Delete the last sentence: Much of Upwood Airfield is now owned by Strawsons Property for strategic development.
PM3	Policy G3 Page 25	In first line replace are encouraged to with should .
PM4	Paragraph 21.1 Page 25	Amend the start of the third sentence to read: The law sets out a very There is a limited range ...
PM5	Policy G4 Page 26	Amend the second paragraph of policy G4 to read: A proposal for rural exceptions housing where it meets the requirements of the Huntingdonshire Local Plan to 2036 will be supported where at least 60% of the housing site area is for affordable housing which has a housing mix that reflects the local housing need in Bury as demonstrated through the Bury Housing Needs Survey or other suitable local evidence. The remaining up to 40% of housing the site area should be prioritised for
PM6	Policy ISF1 Page 30	Insert Development before P proposals in first line at the top of the page.
PM7	Glossary	Insert a new entry in the Glossary under Personal Safety to read: an

	Page 61	individual's ability to go about their everyday life, moving around the Parish to access services and facilities by any mode of transport, free from the threat or fear of psychological, emotional or physical harm from other users of the transport and highway network.
PM8	Policy ISF2 Page 36	Amend the first sentence of the policy to read: Proposals will be supported where they would not adversely affect the local highway network. Where proposals would negatively impact on the local highway network, where appropriate contributions will be sought, where appropriate , through a Planning Obligation or planning condition in order to minimise and mitigate these those impacts associated with the development.
PM9	Policy ISF2 Page 37	Insert a footnote to the first bullet point in the policy on page 37 to read: Identified improvement projects and their sources can be found in paragraphs 24.13 and 24.19 and associated tables.
PM10	Paragraph 27.2 Page 39	Insert a footnote in the first sentence of paragraph 27.2 to read: Primary healthcare needs and capacity can be obtained by contacting the Cambridgeshire and Peterborough Clinical Commissioning Group.
PM11	Paragraph 27.5 Page 39	Insert a footnote in first sentence of paragraph 27.5 to read: Educational need and capacity figures can be obtained by contacting Cambridgeshire County Council.

PM12	Paragraph 24.8 Page 32	Insert a footnote stating the source of the statements relating to 'more people travelling further to work' and the 'average length of commute being greater than the national average' as being the Ramsey Market Town Transport Strategy.
PM13	Paragraph 26.3 Page 37	Clarify what is meant in the second sentence. As this is a matter of fact I shall leave the exact wording to the BPC.
PM14	Policy ISF4 Page 43	Transfer the last section of the policy (including all the bullet points) starting 'The priorities and projects ...' from the policy into the supporting text in a new paragraph 28.8 .
PM15	Paragraph 27.9 Page 41	Delete the word of after the word 'pupils'.
PM16	Policy ISF5 Page 46	Revise the last bullet point to read: Burton Brother's Filling Station (excluding car showroom, workshop and yard).
PM17	Paragraph 29.4 Page 44	Amend start of fourth sentence to read: Local community support facilities includes Honey Bumpkin Childminding
PM18	Paragraph 34.1 Page 51	Include further supporting text and footnote regarding flood risk to read: Inappropriate development in areas at risk of flooding should be avoided, by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas the development should be made safe for its lifetime without increasing flood risk elsewhere. Footnote to read:

		See NPPF paragraphs 155 onwards and policy LP 5 of HLP.
PM19	Paragraph 36.1 Page 53	Amend end of third paragraph to read: and development hasd occurred.
PM20	Paragraph 37.7 Page 57	Amend last sentence of paragraph 37.7 to read: The District Proportion of CIL monies will be spent as detailed in the Huntingdonshire Regulation 123 list; t The Neighbourhood proportion of the CIL monies will be spent on local infrastructure as detailed in the supporting text to policy ISF4 – Infrastructure Provision.