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and examinations

## **Report on Foxton Neighbourhood Plan 2020 - 2031**

**An Examination undertaken for South Cambridgeshire District  
Council with the support of Foxton Parish Council on the February  
2020 submission version of the Plan.**

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## **Main Findings - Executive Summary**

From my examination of the Foxton Neighbourhood Plan (the Plan) 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 – Foxton Parish Council;
- The Plan has been prepared for an area properly designated – the Foxton Neighbourhood Area (Figure 1 on Page 8 of the Plan);
- The Plan specifies the period to which it is to take effect – 2020 - 2031; 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

## Foxton Neighbourhood Plan 2020-2031

- 1.1 The Foxton Neighbourhood Area is coincident with the Parish of Foxton, a rural parish occupying flat agricultural land to the southwest of Cambridge and approximately 11 km from the city. At the heart of the Parish is the village of Foxton, an attractive historic settlement with a range of facilities that include a primary school, village hall, sports pavilion, playing fields, play facilities, village shop and post office, public house and church.
- 1.2 At the 2011 census, the population of the Parish was 1,232 in around 500 dwellings. Most of the residents live in the village. This lies mainly to the southeast of the A10 which passes through the Parish broadly in a northeast to southwest direction. On a similar alignment is the Cambridge to King's Cross main line railway. This crosses the A10 at a level-crossing adjacent to Foxton station.
- 1.3 Designation as a Neighbourhood Area was approved in November 2015. Preparation of the Plan was then progressed by a working group. After evidence gathering and awareness raising, a detailed questionnaire survey was carried out in 2017 followed by a village consultation event and contributions from focus groups. The draft Plan was subject to formal consultation (Regulation 14) in May and June 2019. The draft submission Plan contains 20 policies, dealing with the 6 key issues set out on page 27.

## The Independent Examiner

- 1.4 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Foxton Neighbourhood Plan by South Cambridgeshire District Council with the agreement of Foxton Parish Council.
- 1.5 I am a chartered town planner and former government Planning Inspector with over forty years' experience. I have worked in both the public and the private sectors. 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

- 1.6 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.

1.7 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 Section 38A and Section 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”; and
  - 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.
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) (“the 2012 Regulations”).

1.8 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

1.9 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 (the existing body of environmental regulation is retained in UK law); and
- meet prescribed conditions and comply with prescribed matters.

1.10 Regulation 32 of 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.<sup>1</sup>

## 2. Approach to the Examination

### Planning Policy Context

- 2.1 The Development Plan for this part of South Cambridgeshire, not including documents relating to excluded minerals and waste development, is the South Cambridgeshire Local Plan adopted in September 2018. There is an emerging Local Plan in the form of the Greater Cambridge Local Plan which will cover both Cambridge City and South Cambridgeshire. However, this is at an early stage of preparation.<sup>2</sup>
- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published on 19 February 2019 and all references in this report are to the February 2019 NPPF and its accompanying PPG.

### Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination. Those documents submitted include:
- the draft Foxton Neighbourhood Plan 2020-2031, February 2020;
  - a map of the Plan which identifies the area to which the proposed Neighbourhood Development Plan relates (Figure 1, on Page 8 of the Plan);
  - the Consultation Statement, December 2019;

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

<sup>2</sup> The Greater Cambridge Local Plan will be an appropriate opportunity to consider emerging strategic development matters in Foxton.

- the Basic Conditions Statement, January 2020;
- all the representations that have been made in accordance with the Regulation 16 consultation; and
- the Strategic Environmental Assessment (SEA) & Habitat (sic) Regulations Assessment (HRA) Screening Report, April 2019 and the SEA Screening Determination Statement, June 2019 (amended December 2019); and
- Foxtton Parish Council's response of 11 March 2021 and the response of South Cambridgeshire District Council of 12 March 2021, to the examiner's questions of 2 March 2021.<sup>3</sup>

#### Site Visit

2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 16 March 2021 to familiarise myself with it 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.

#### 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 Foxtton Neighbourhood Plan has been prepared and submitted for examination by Foxtton Parish Council, which is a qualifying body for an area that was designated by South Cambridgeshire District Council on 17 November 2015.

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<sup>3</sup> View at: <https://www.scambs.gov.uk/planning/local-plan-and-neighbourhood-planning/neighbourhood-planning/foxtton-neighbourhood-plan/>. A list of further supporting evidence documents may also be viewed here, including the Foxtton Conservation Area Appraisal 2018 and Foxtton Landscape Character Assessment 2017.

- 3.2 It is the only neighbourhood plan for the Foxton Neighbourhood Area and does not relate to land outside the designated Neighbourhood Plan Area.

#### Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2020 to 2031.

#### Neighbourhood Plan Preparation and Consultation

- 3.4 Details of plan preparation and consultation are set out in the Consultation Statement, December 2019. The first key landmark was designation of the Parish as a neighbourhood area on 17 November 2015. Activities in 2016 included a launch event, awareness raising and a business survey (updated in 2018). The following year, an all-household questionnaire survey was undertaken as well as the holding of focus groups and the engagement of Foxton Primary School. The Foxton Landscape Character Assessment and the Foxton Housing Needs Assessment also became available.
- 3.5 A second questionnaire survey was carried out in 2018 together with an open consultation. Further evidence was also gathered in the form of the Foxton Conservation Area Appraisal and the Foxton Site Options and Assessments.
- 3.6 By May 2019, the draft Plan was ready for consultation. Formal pre-submission consultation under Regulation 14 took place between 15 May 2019 and 26 June 2019. The results, and actions taken, are summarised in Appendix 9 of the Consultation Statement. In total, responses were received from 37 parties, nearly three-quarters of whom were local residents.
- 3.7 At the Regulation 16 stage, consultation became rather protracted because of the Covid-19 pandemic. Consultation opened on 10 March 2020 but had to be suspended. It resumed for the period 12 January 2021 to 23 February 2021. Some 57 representations were made by 19 different parties, mainly statutory consultees.
- 3.8 I confirm that the legal requirements have been met by the consultation process. In addition, there has been regard to the advice in PPG on plan preparation.

#### Development and Use of Land

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

#### Excluded Development

- 3.10 The Plan does not contain provisions or policies for “excluded development”.

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## Human Rights

- 3.11 Foxton Parish Council is satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998). From my independent assessment, I see no reason to disagree.

## 4. Compliance with the Basic Conditions

### EU Obligations

- 4.1 On behalf of South Cambridgeshire District Council and Foxton Parish Council, the Neighbourhood Plan was screened for Strategic Environmental Assessment. It was found unnecessary to undertake SEA. Having read the Strategic Environmental Assessment Determination Statement, I support this conclusion.
- 4.2 The Foxton Neighbourhood Plan was further screened for Habitats Regulations Assessment, which also was not triggered. The Plan is not predicted to have likely significant effects on any European site either alone or in combination with other plans and projects. Natural England agreed<sup>4</sup> with the conclusions of the HRA screening.

### Main Issues

- 4.3 Having regard for the Foxton Neighbourhood Plan, the consultation responses and other evidence, and the site visit, I consider that there are five main issues relating to the Basic Conditions for this examination. These concern:
- Policy Expression;
  - Environment and Local Character;
  - Housing;
  - Community Facilities; and
  - Employment.

### Introduction

- 4.4 Before I deal with the main issues, I have a few observations to make with regard to the representations. First, the Foxton Neighbourhood Plan should be seen in the context of the wider planning system. This includes the South Cambridgeshire Local Plan (and the emerging Local Plan) as well as the NPPF and PPG. It is not necessary, and it would be inappropriate, to repeat in the Neighbourhood Plan matters that are quite adequately dealt with elsewhere (See NPPF, Paragraph 16 f).

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<sup>4</sup> Correspondence dated 1 May 2019, included in the Screening Determination Statement.

- 4.5 Secondly, the Neighbourhood Plan does not have to deal with each and every topic raised through the consultation. In this regard, the content of the Neighbourhood Plan and the scope of the policies is largely at the discretion of the qualifying body, albeit informed by the consultation process and the requirements set by the Basic Conditions.
- 4.6 Thirdly, my central task is to judge whether the Neighbourhood Plan satisfies the Basic Conditions. Many of the representations do not demonstrate or indicate a failure to meet those conditions or other legal requirements. Similarly, many of the suggested additions and improvements are not necessary when judged against the Basic Conditions. Be this as it may, non-material changes, including suggestions and corrections set out in the representations, can be incorporated into the final version of the Plan.
- 4.7 The following section of my report sets out modification that are necessary in order to meet the Basic Conditions. Some of the proposed modifications are factual corrections.<sup>5</sup> Others are necessary in order to have closer regard to national policies and advice. In particular, plans should contain policies that are clearly written and unambiguous (NPPF, Paragraphs 15 and 16). In addition, the policies should be supported by appropriate evidence (PPG Reference ID: 41-041-20140306).

#### Issue 1 - Policy Expression

- 4.8 Many of the Neighbourhood Plan policies, and Policy FOX/1 in particular, use the conditional tense through the word “should”. There is an implication that something *ought* to happen but there may be circumstances where a different course of action could be appropriate.
- 4.9 I appreciate that accordance with the Development Plan may be affected by other material circumstances.<sup>6</sup> Nevertheless, policies should be clear and unambiguous. They should be drafted with sufficient clarity that a decision maker can apply them consistently and with confidence when determining planning applications (PPG Reference ID: 41-041-20140306). In the circumstances, the policies should use the word “shall”. Proposed modification **PM1** refers.

#### Issue 2 - Environment and Local Character

- 4.10 The final bullet point of the Policy FOX/1 (Rural Character) seeks to conserve *and* enhance mature vegetation. However, there is no evidence to suggest that both would be necessary. For example, the rural character of the Parish could be respected through conservation, without enhancement.

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<sup>5</sup> Modifications for the purpose of correcting errors is provided for in Paragraph 10(3)(e) of Schedule 4B to the 1990 Act.

<sup>6</sup> Section 38(6) of the 2004 Act and Section 70(2) of the 1990 Act.

- 4.11 To pay appropriate regard to national guidance and meet the Basic Conditions, amended wording should be used in Policy FOX/1. Proposed modification **PM2** refers.
- 4.12 Policy FOX/2 sets out expectations with regard to energy efficiency and sustainable design. However, the policy strays into the field of the Building Regulations and the Building Research Establishment's BREEAM standard. This is in circumstances where Government policy indicates that additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings should not be included in neighbourhood plans.<sup>7</sup>
- 4.13 In addition, there is uncertainty over the organisations from whom "engagement and permissions" are needed in the context of retrofitting heritage properties/assets to reduce energy demand and generate renewable energy. In terms of alterations to existing buildings, the source of the "sustainable design and construction standards" is also unclear.
- 4.14 It transpires (Parish Council's answers to examiner's questions) that the required "engagement and permissions" is a reference to the normal development management consultation process. No specific parties are identified and, as such, reference in the policy is unnecessary. On the matter of "sustainable design and construction standards", these are set out in the District Council's related Supplementary Planning Document (SPD). The SPD can be referred to in an amended policy.
- 4.15 To address the above matters, a modified policy is recommended in proposed modification **PM3**. This would divide the policy into necessary requirements; and other measures to be encouraged. Other minor textural clarifications are also included. With these modifications in place, there would be appropriate regard to Government policy.
- 4.16 Turning to Policy FOX/4 (Heritage Assets and their setting), this refers to non-designated assets "as shown on Figure 12". However, the features shown on Figure 12 are not all non-designated assets (see the Parish Council's answers to the examiner's questions). For accuracy and clarity, and to comply with the Basic Conditions, amendment is necessary as in proposed modification **PM4**.
- 4.17 In Policy FOX/5 (Protect and Enhance Foxtton's Landscape Character), there is uncertainty over the circumstances under which development on the Foxtton Chalklands may be acceptable. Clarification has been provided in the answers of the Parish Council to questions raised by me and which form the basis of proposed modification **PM5**. I have also substituted the wording

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<sup>7</sup> Ministerial written statement to Parliament, Secretary of State for Communities and Local Government, 25 March 2015.

“provide appropriate demonstration” to avoid the onerous implication that a Visual Impact Assessment would be required even for minor developments.

- 4.18 Turning to Policy FOX/6, this seeks to maintain and, wherever possible, enhance key views in and out of the Parish. The aim (Paragraph 5.37) is to ensure that such views are not adversely affected by new development. However, I saw from my site visit that maintenance (without change) of certain views is not always necessary. Enhancement could be the option to follow. A case in point is the view of the village on the approach to Foxton southbound along Cambridge Road (correctly shown on the Policies Map but not on Figure 15 – see the Parish Council’s answers to the examiner’s questions).
- 4.19 In such circumstance, to accord with the evidence, the requirement in the policy should be to maintain *or* wherever possible enhance the key views. The policy title should also be changed to reflect the policy provisions. These changes are set out in proposed modification **PM6**.
- 4.20 Policy FOX/6 also deals with enhancement at identified gateways into the village. I reviewed these on my site visit. Whilst other enhancement opportunities exist in the general location of the gateways, I find that the sites identified on Figure 15 are all entry points where enhancement would be appropriate.
- 4.21 In Policy FOX/7 (Protect and Enhance Green Spaces), there is a lack of clarity about what is to be resisted. Whilst development proposals that would have a (material) detrimental impact on the various green spaces should be resisted, that is not what the policy says.
- 4.22 More particularly, definition of the green spaces identified in the Conservation Area Assessment and in Paragraph 5.40 is not certain. This would appear to be a reference to “five green spaces in public ownership and maintenance” and “some green spaces in private ownership that provide the setting for historic buildings in the Conservation Area”. However, on the relevant plans (Figures 11i to 11iv), they are not distinguished. Rather, they are shown as “Positive green space”.
- 4.23 Clarification of the policy is necessary. This would be effected under proposed modification **PM7**.
- 4.24 The final policy under the heading of environment and local character is Policy FOX/8, Biodiversity and New Development. Amongst other things, the policy looks for net gains in biodiversity. Providing net gains for biodiversity is identified in the NPPF as one of the ways of contributing to and enhancing the natural and local environment (NPPF, Paragraph 170). However, in preparing plans and determining planning applications, the emphasis is upon *measurable* net gains (NPPF, Paragraphs 174 and 175). This is the terminology that should be used in the Neighbourhood Plan.

- 4.25 As well as referring to measurable net gains, greater certainty should be added to the policy by avoiding reference to “will be expected to” in the context of development proposals for new buildings. In both respects, there would be appropriate regard for the NPPF through proposed modification **PM8**.
- 4.26 With the recommended modifications in place, matters concerning the environment and local character would pay appropriate regard to national policy. There would be compliance with the Basic Conditions.

### Issue 3 - Housing

- 4.27 Turning to the issue of housing, I note that Foxtton is a designated Group Village (Local Plan Policy S/10) where Foxtton’s share of district need is 9 dwellings (draft Neighbourhood Plan, Paragraph 6.6). In the event, and following a local housing needs assessment, the Parish Council is supportive of up to 40 new dwellings across two allocated sites as well as seeing scope for small infill developments (8 dwellings or fewer), explained in Paragraphs 6.15 and 6.17 of the Plan.
- 4.28 I am aware that there is pressure for additional housing provision. However, I see this as a matter that can be addressed comprehensively through the emerging Local Plan.
- 4.29 The first policy under the housing heading, FOX/9, concerns redevelopment of the old school/chapel site on Station Road, Foxtton. I note that qualifying development would be supported where, amongst other things, it would be designed and built to “the accessible and adaptable M4(2) standard, where possible”. As was the case in Policy FOX/2 (Sustainable Design and Construction), this requirement would fall foul of the Written Ministerial Statement of 25 March 2015.<sup>8</sup> As such, the provision should be expressed as one that would be encouraged (proposed modification **PM9**).
- 4.30 The policy continues by calling for respect to the buildings’ status as Buildings of Local Merit (non-designated heritage assets). However, reference to the relevant plan (Figure 11ii) shows a building of merit (Church) and a “positive building” (Foxtton Learning Centre). For clarity, reference to the positive building needs to be added to the policy (**PM9**).
- 4.31 Policy FOX/10 deals with housing mix. Here again, there is reference to the “M4(2)” standard. As reasoned above, rather than requiring conformity, application of the standard should be *encouraged* (proposed modification **PM10**).

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<sup>8</sup> Ministerial written statement to Parliament, Secretary of State for Communities and Local Government, 25 March 2015.

- 4.32 Policy FOX/11 sets out the circumstances under which rural exceptions housing would be permitted. One proviso states, “For sites within or adjoining the Green Belt, very special circumstances apply and it is demonstrated that there are no other sites with lesser impact on the Green Belt”.
- 4.33 In this regard, Paragraph 145 f) of the NPPF indicates that “limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites)” would be “not inappropriate”. As such, the housing would not be subject to the very special circumstances test. Reference to the requirement should be deleted from the policy as in proposed modification **PM11**.

#### Issue 4 - Community Facilities

- 4.34 Policy FOX/12 has the aim of specifying the services and facilities that are locally valued and which should be safeguarded. Where there would be loss or significant harm, development proposals would not be supported unless there were a clear demonstration “through evidence for at least 12 months that its continued use is no longer viable”. However, as the accompanying text makes clear (Paragraph 7.6), genuine attempts to market the enterprise as a going concern also have to be demonstrated.
- 4.35 For completeness and clarity, the full requirement should be added to the policy. Proposed modification **PM12** refers.
- 4.36 Under Policy FOX/13, childcare facilities are to be supported “within or adjacent to the development framework”. I note that any development adjacent to the eastern boundary of the village development framework would be within the Green Belt. In line with national policy (NPPF, Paragraphs 143 and 144), the demonstration of very special circumstances would be required. Such a qualification needs to be added to the policy (proposed modification **PM13**).
- 4.37 Policy FOX/14 states that “Existing open spaces and recreational facilities will be protected from development”. Various open spaces and recreational facilities are identified in Paragraphs 7.10 to 7.17 of the Neighbourhood Plan. However, there is no clear statement of what would be included (or not) under the policy description.
- 4.38 Given that policies should be clear and unambiguous, there needs to be clarification of the qualifying spaces and facilities as well as their extent. This will require a plan at a scale adequate for development management purposes, cross-referred to in the policy. This would be addressed under proposed modification **PM14**. The modification would also secure the deletion of the second paragraph of Policy FOX/14 (biodiversity enhancement/community orchard site), a matter that has been overtaken by events (see the Parish Council’s answers to the examiner’s questions).

- 4.39 The purpose on Policy FOX/15 is to maintain Foxton's close links to the countryside and facilitate walking or cycling to local services. However, there is a lack of clarity in that development proposals *will be expected to* utilise opportunities to link into the wider footpath network and create new footpath/cycle links where applicable (rather than *shall*). Proposed modification **PM15** is necessary.
- 4.40 Through proposed modifications PM12 to PM15, the policies on community facilities would have regard for national policy. The Basic Conditions would be met.

#### Issue 5 - Employment

- 4.41 Policy FOX/16 allocates land at Burlington Park (the Burlington Press site) for employment use and continues by saying that proposals for *commercial use* are supported. However, this is an error (see the Parish Council's answers to the examiner's questions). The policy should refer to employment use as in proposed modification **PM16**.
- 4.42 Additionally, the policy seeks to ensure that, for additional buildings, the scale and materials conform with the characteristics described in the Conservation Area Appraisal. However, there is erroneous reference to the High Street East Character Area; also, mention of Appendix 1 (which does not assist in an interpretation of the policy). Proposed modification **PM16** would address these matters as well.

#### Other Policies

- 4.43 There remain five policies that have not been the subject of scrutiny in the above report. They concern the Conservation Area and its setting (Policy FOX/3), congestion and traffic flows (Policy FOX/17), connectivity (Policy FOX/18), the Foxton Travel Hub (FOX/19) and the Cambridge Road opportunity site (FOX/20). To a greater or lesser extent, these topics are covered in NPPF Sections 3 (Plan-making); 4 (Decision-making); 9 (Promoting sustainable transport); and 16 (Conserving and enhancing the natural environment). I find that there has been regard to this national policy and the Basic Conditions have been met.

#### Conclusion on the Main Issues

- 4.44 With the modifications that I have recommended, the Plan would meet the Basic Conditions. Other minor changes and up-dating (that do not affect the Basic Conditions), including changes suggested by South Cambridgeshire District Council, could be made by the Parish Council of its own volition.

## 5. Conclusions

### Summary

- 5.1 The Foxton 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. The Foxton Neighbourhood Plan 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 evident that a considerable amount of time and effort has been devoted to the development and production of this Plan and I congratulate those who have been involved. The Plan should prove to be a useful tool for future planning and change in Foxton over the coming years.

*Andrew S Freeman*

Examiner

## Appendix: Modifications

PM means Proposed Modification.

Page references are to those in the submitted draft Foxton Neighbourhood Plan.

PM1, Pages 31 and 37

In Policies FOX/1 and FOX/3, replace all uses of “should” with “shall”.

PM2, Page 31

In the final bullet point of Policy FOX/1, substitute “or” for “and”.

PM3, Page 32

Replace Policy FOX/2 with the following:

The design and standard of any new development must include sustainable design and construction features and be optimised for energy efficiency, targeting zero carbon emissions. Where practical, developments shall include the following:

- Siting and orientation to optimise passive solar gain;
- Incorporation of on-site energy generation from renewable sources such as solar panels;
- In designated and non-designated heritage assets, retrofitting to reduce energy demand and generate renewable energy providing it safeguards historic characteristics; and
- In alterations to existing buildings, design with energy reduction in mind and compliance with the sustainable design and construction principles set out in the Greater Cambridge Sustainable Design and Construction SPD.

The following are also encouraged where appropriate:

- Use of high quality, thermally efficient building materials;
- Installation of energy efficiency measures such as loft and wall insulation and double glazing; and
- In non-residential developments, meeting the Buildings Research Establishment BREEAM building standard “excellent”.

PM4, Page 39

In the Key to Figure 12, identify the features that are non-designated heritage assets.

PM5, Page 44

Change the third bullet point of Policy FOX/5 so that it reads: “Development proposals in the open farmlands of the Foxtan Chalklands must provide appropriate demonstration that unacceptable visual impacts...”.

PM6, Page 47

Change the title of Policy FOX/6 to “Maintain or Enhance Key Views and Village Gateways”.

Change the wording of the first sentence of the policy so that it reads “shall maintain or wherever possible enhance”.

On Figure 15, change the location of the arrow for the key view east of Bleak House to that shown on Figure 30B.

PM7, Page 50

Replace Policy FOX/7 with the following:

“Development proposals that would have a material detrimental impact on designated Local Green Spaces, Protected Village Amenity Areas, Foxtan Woods and Positive green space as shown on Figures 11i to 11iv will be resisted.”

PM8, Page 54

In Policy FOX/8, replace “will be expected to” with “shall”; and insert “measurable” before “net gain in biodiversity”.

PM9, Page 61

Replace FOX/9 with the following:

“Development proposals for the old Trinity School and Methodist Chapel site in Station Road (as identified on Figure 22 and the Policies Map, Figure 30B) for up to 6 dwellings arising from the conversion of existing buildings and erection of new units will be supported provided that:

- at least 50% of dwellings are smaller one/two-bedroom dwellings suitable for older people wishing to downsize; and
- the design and layout of the buildings and conversions respects the site's location in the Conservation Area and the buildings' status as Buildings of Local Merit (non-designated heritage asset)/Positive buildings.

Dwellings designed and built to the “accessible and adaptable M4(2) standard”, where possible, will be encouraged.”

PM10, Page 63

Replace the final paragraph of Policy FOX/10 with the following:

“In homes intended for lifetime occupation by the older generation, conformity to Building Regulations Standards M4(2) is encouraged.”

PM11, Page 64

In the fourth bullet point in Policy FOX/11, delete “very special circumstances apply and”.

PM12, Page 67

In the first sentence of Policy FOX/12, replace all words after “unless” with the following:

“...there is a clear demonstration that the existing use is no longer commercially viable and that genuine attempts have been made over a period of at least 12 months to market the enterprise as a going concern.”

PM13, Page 68

In Policy FOX/13, add a fourth bullet point:

“Very special circumstances are demonstrated for any site in the Green Belt.”

PM14, Page 70

To accompany Policy FOX/14, prepare a plan (based on the information in Paragraphs 7.10 to 7.17) identifying “Existing open spaces and recreational facilities” and their geographical extent. Cross-refer to the plan in the policy.

Delete the second paragraph of Policy FOX/14.

PM15, Page 71

In Policy FOX/15, substitute “shall” for “will be expected to”.

PM16, Page 73

In Policy FOX/16:

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Substitute the following for the opening paragraph:

“The Burlington Press site (land at Burlington Park), as shown on the Policies Map, Figure 30B, is allocated for employment uses. Development proposals for employment use are supported provided that they:”

Substitute the following for the second bullet point:

“ensure that the scale and materials of additional buildings are compatible with those described in the Conservation Area Appraisal (Character Area 2, Station Road)”.