

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL
RECORD OF CHIEF OFFICER/HEAD OF SERVICE DECISION**

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

A key decision shall not be taken unless notice of the item has been published at least 28 days before the decision is to be taken except where:

- a General Exception notice has been published under Rule 15 of the Access to Information Procedure Rules and the Chairman of Scrutiny and Overview Committee has been informed in writing; or
- where a Special Urgency notice has been published under Rule 16 of those Rules and the Chairman of Scrutiny and Overview Committee has agreed the decision is urgent.

Unless permission has been obtained from the Chairman of Council and the Chairman of the Scrutiny and Overview Committee that a key decision may be treated as a matter of urgency under Rule-12.19 of the Scrutiny and Overview Committee Procedure Rules, any key decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless called in under Rule 7 of the Budget and Policy Framework Procedure Rules or Rule 12 of the Scrutiny and Overview Committee Procedure Rules. Where consent has been obtained to exempt the decision from call-in, this will be specified below. Only key decisions of an officer are subject to call-in.

Decision Taker	Joint Director of Planning and Economic Development
Subject Matter	Foxton Neighbourhood Plan - response to consultation on the submission plan
Ward(s) Affected	Foxton
Date Taken	04 February 2021
Contact Officer	Alison Talkington Senior Planning Policy Officer Contact: Alison.Talkington@greatercambridgeplanning.org / 01954 713182 /mobile 07514 926521
Date Published	09 February 2021
Call-In Expiry/Exempt from call-in	16 Feb 2021
Key Decision?	No
In Forward Plan?	No – delegated decision for Lead Cabinet Member for Planning
Urgent?	Decision must be made by 23 February 2021

Purpose / Background

Purpose

1. The purpose of this report is to agree the Council's response to the public consultation on the submission version of the Foxton Neighbourhood Plan. The consultation runs for 6 weeks from 12 January until 23 February 2021.

Background

2. The Foxton Neighbourhood Area was designated on 17 November 2015.
3. Officers provided informal comments on earlier drafts of the Neighbourhood Plan ahead of the formal pre-submission consultation process and recognise the hard work that those on the steering group of the neighbourhood plan have put into preparing the Plan. This group has strived to ensure that the whole village had an opportunity to have an input into the final Plan.
4. A Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening was undertaken on a draft version of the Neighbourhood Plan, and a screening determination was published in June 2019.
5. Pre-submission public consultation on the draft Neighbourhood Plan was undertaken by the Parish Council from 15 May to 26 June 2019. Officers provided a formal response to the consultation, providing constructive comments about the Neighbourhood Plan to assist the neighbourhood plan group with finalising the Neighbourhood Plan. Officers have met with the steering group to discuss how these comments and the current submitted Plan has taken most of them into account. The parish has taken their plan forward in a positive way.
6. On 10 February 2020, Foxton Parish Council submitted their Neighbourhood Plan to SCDC. Officers have confirmed, as set out in the Legal Compliance Check for the Neighbourhood Plan that the submitted version of the Neighbourhood Plan and its accompanying supporting documents comply with all the relevant statutory requirements at this stage of plan making. Public consultation on the submitted Neighbourhood Plan was begun on 10 March 2020. However, this consultation had to be suspended due to the onset of the Covid-19 pandemic and the restrictions this imposed on how we could meet the national regulatory requirements regarding neighbourhood plan consultations.
7. As the impact of the Covid-19 pandemic continued into the autumn we had to consider how we could adapt our public consultations on neighbourhood plans to ensure everyone's safety whilst still complying with current national regulations. To ensure this we decided that anyone wishing to inspect a hard copy of neighbourhood plan documents out for consultation would be able to request a copy by contacting the Planning Policy Team. Our Statement of Community Involvement has been updated to reflect this change in how we make documents available to the public for inspection. We therefore were able to resume the consultation on the Foxton Neighbourhood Plan from 12 January until 23 February 2021.
8. Officers, in conjunction with Foxton Parish Council, have appointed an independent examiner to consider this Neighbourhood Plan. All comments submitted during the public consultation on the submission version of the Neighbourhood Plan will be provided to the examiner for their consideration.

Considerations

9. The Foxtton Neighbourhood Plan has been prepared by Foxtton Parish Council to provide planning policies for development in the area, with the aim of providing greater clarity when determining planning applications in the area. The Neighbourhood Plan includes 20 planning policies that cover a range of issues including:
- (i) Maintaining and enhancing the rural character, heritage assets and local distinctiveness.
 - (ii) Improving the built-up environment of Foxtton where opportunities arise.
 - (iii) Protecting and enhancing the special landscape character and green spaces including biodiversity assets.
 - (iv) Supporting modest growth where this growth contributes towards meeting local housing needs.
 - (v) Retaining existing community infrastructure and securing improved provision of facilities.
 - (vi) Protecting and increasing formal and informal recreation open space.
 - (vii) Improving the non-motorised path network for recreational usage.
 - (viii) Providing appropriate high-value local employment.
 - (ix) Encouraging walking, cycling and use of public transport rather than use of cars.
 - (x) Maximising benefit to village if a travel hub is created and/ or closure of the level crossing.
 - (xi) Reducing impact of traffic in village and improving safety.
 - (xii) Ensuring the area adjacent to the station is redeveloped in a coherent way.
10. To successfully proceed through its examination to a referendum, a Neighbourhood Plan must meet a number of tests known as the 'Basic Conditions'. These tests are different to the tests of soundness that a Local Plan must meet. The Basic Conditions are set out in national planning guidance and are summarised as follows:
- (a) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Neighbourhood Plan.
 - (b) the making of the Neighbourhood Plan contributes to the achievement of sustainable development.
 - (c) the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area.
 - (d) the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and
 - (e) prescribed conditions are met in relation to the Neighbourhood Plan, including that the making of the neighbourhood plan is not likely to have a significant effect on a European wildlife site or a European offshore marine site either alone or in combination with other plans or projects.
 - (f) 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.

Our Neighbourhood Planning Toolkit includes Guidance Note 11 (What are the Basic Conditions and How to Meet Them), which sets out further details on each of the Basic Conditions. When a Neighbourhood Plan is submitted to the local planning authority it must be accompanied by a Basic Conditions Statement that sets out how the Parish Council considers that their Neighbourhood Plan meets the Basic Conditions.

11. When considering a Neighbourhood Plan, the examiner will assess whether or not the Neighbourhood Plan meets the Basic Conditions. When an examiner recommends that the Neighbourhood Plan should proceed to referendum (if it meets the Basic Conditions, with or without modifications), the examiner's report must also set out whether the referendum area should be extended beyond the neighbourhood area. Comments made during the current consultation on the submission version of the Neighbourhood Plan, which will be provided to the examiner for their consideration, should therefore address whether the submitted Neighbourhood Plan meets the Basic Conditions and can also address whether the referendum area should be extended beyond the neighbourhood area.
12. SCDC is fully supportive of Parish Councils bringing forward Neighbourhood Plans for their areas, including Foxton Parish Council's decision to prepare a Neighbourhood Plan, and officers have been supporting the Parish Council in the plan's preparation. The Council's proposed response to this public consultation on the submission version of the Neighbourhood Plan is set out in Appendix 1.
13. SCDC is supportive of the aims of the Foxton Plan and our comments are intended to help the Plan to be successful at examination as well as delivering policies that are clear in their meaning and are unambiguous in their interpretation. SCDC recognise the achievement of Foxton PC in reaching this stage of submitting their Plan to us for examination.
14. If the examiner is minded to recommend that the Neighbourhood Plan should proceed to referendum, the Council does not feel that the referendum area needs to be extended beyond the designated Neighbourhood Area as the planning policies included in the plan would not have a substantial, direct or demonstrable impact beyond the parish.

Declaration(s) of Interest

Record below any relevant interest declared by any executive Member consulted or by an officer present in relation to the decision.

None

Dispensation(s)

In respect of any conflict(s) of interest declared above, record below any dispensation(s) granted by the Council's Standards Committee.

None

Consultation

Record below all parties consulted in relation to the decision.

Ward Councillor

Other Options Considered and Reasons for Rejection

The option of not sending a response from SCDC was rejected as this Council has a duty to provide advice and assistance to groups preparing neighbourhood plans.

Final decision

To agree the response from SCDC set out at Appendix 1

Reason(s)

The response is intended to provide the independent examiner with SCDC's comments on the Foxton Neighbourhood Plan.

Signed	Name (CAPITALS)	Signature	Date
Lead Cabinet Member (where required by the Constitution)	Cllr Tumi Hawkins	T. Hawkins	4 February 2021
Chief Officer/Head of Service	Stephen Kelly	SJ Kelly	4 February 2021

Further Information
<p>Appendix 1: SCDC response to the Foxtton Submission Neighbourhood Plan</p> <p>APPENDIX 1 South Cambridgeshire District Council's response to the consultation on the submission Foxtton Neighbourhood Plan</p> <ol style="list-style-type: none"> South Cambridge District Council (SCDC) is taking the opportunity to provide the examiner of the Foxtton Neighbourhood Plan with the local planning authority's comments on the submission version of the plan. SCDC has worked closely with Foxtton Parish Council (PC) as they have been preparing their plan. We appreciate the hard work that has gone into getting their neighbourhood plan this far along the process. There have been many meetings with the neighbourhood plan team to discuss the plan as it has evolved. SCDC has provided constructive comments to the team at these meetings followed up by detailed notes to assist them in their plan making. SCDC is pleased that many of the comments that were made during the pre-submission consultation (Regulation 14) have resulted in changes to the Submission version of the Foxtton Neighbourhood Plan. The comments contained in this Appendix are identified either as matters that relate directly to whether, in our opinion, the Plan meets the Basic Conditions or as matters that would help the use of the Plan in practice. Those comments relating to meeting the Basic Conditions test are identified as follows – (BC test) and the other comments as (Non-BC test) <p><i>Mapping – (BC Test)</i></p> <ol style="list-style-type: none"> In earlier comments to the Foxtton Plan we had asked the Parish Council to consider having larger scale maps to cover the whole of their parish to provide a comprehensive Policies Map – maybe at A3 scale so that it is easy to read. Figures 30A and 30B remain at a small scale that make it difficult to define the precise boundaries of designations. Alternatively, we had suggested that the Parish Council could consider the approach used in our Local Plan Policies Map where individual villages can be covered by several A4 maps at legible and easy to read scales. Figures 11i-11v could benefit from each being A4 size with crisp boundaries. The keys all have become somewhat blurry. Also, the Ordinance Survey mapping copyright is indistinct on all these maps. <p><i>Comments on the planning policies –</i> Chapter 5 Environment and local character: built and natural</p> <ol style="list-style-type: none"> Policy FOX2 Sustainable Design and Construction <ul style="list-style-type: none"> Supportive of the intentions of the policy – it is ambitious and does take things a step on from the current policies in the Local Plan. However, we have comments around the implementation of the policy and its clarity. (BC test)

- It is not clear how the information required should be provided within an application. The nature of the application itself could impact on how this can be demonstrated. We would suggest that the policy wording is amended to read as follows:
 - ‘Where appropriate, developments proposals should include demonstrate how the following are achieved:’ (BC test)
- We consider it doubtful whether, as written, the Policy is compliant with the Written Ministerial Statement dated 25 March 2015 and which remains in force. It states that neighbourhood plans should not set out any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.
- The policy calls for new development to target ‘zero carbon emissions’. We consider that “zero carbon emissions” needs to be defined, perhaps by adding the definition to the glossary. The policy needs to clearly state what evidence would need to be submitted to show compliance with the policy. (BC test)
- Bullet point 3 - Technically speaking this refers to ‘fabric efficiency’ measures rather than ‘energy efficiency’ measures so we suggest ‘energy efficiency’ be replaced by ‘fabric efficiency’. (BC test)
- Bullet point 4 - BREEAM ‘excellent’ can be quite hard to achieve for small non-residential development (from a cost perspective rather than technical feasibility). Should this requirement relate to major non-residential (i.e. 1,000m2 and above) and then consider a more tailored approach for smaller scale non-residential development that doesn’t require an army of consultants to deliver? (BC test)
- Bullet point 6 – This does not add specific local considerations to the existing Local Plan Policy NH/15. However we would suggest that if this element of the policy is to be retained, it is tightened as follows: *‘Retrofit to reduce energy demand, and generation of renewable energy, are encouraged where appropriate and where such measures safeguard the character and appearance of designated and non-designated heritage assets.’* (BC test)
- Bullet point 7 - We suggest for clarity that this bullet point is amended to read as follows *“All proposals must demonstrate how they accord with the principles set out in the Greater Cambridge Sustainable Design and Construction SPD, which was adopted in January 2020”*. (BC test)
- It is unclear how much evidence there is to support this policy and what impact it would have on the future viability of developments within the village. Achieving zero carbon emissions will have cost implications. (BC test)

8. Policy FOX/4 Heritage Assets and their setting

- The first paragraph of this policy repeats the Local Plan Policy NH/14 about heritage assets which is one of our strategic policies. (BC test)
- The non-designated assets have been shown on the Policies Map which is to be welcomed but they are shown as a letter not showing the extent/boundaries of the asset. For clarity the boundaries of each asset should be shown not just a letter. (BC test)
- Whilst recognising that the non-designated heritage assets were included in the Foxton Conservation Area Appraisal the Plan would have benefited from having included a description of each asset and reasons for its inclusion as an appendix. (BC test)
- On Figure 13 it is unclear what status the built features shown on the map as red asterisks and identified from A-E are within the neighbourhood plan. (Non-BC test)
- Harm is detailed in the Policy, but there is no indication of what harm is or where this definition has been sourced from, this is then not reflected in the supporting text. If this is to refer to the NPPF level of harm, then it should be referred to. (BC test)

9. Policy FOX/5 Protect and Enhance Foxton's Landscape Character
- The policy implies that it will be all scales of development that would need to be considered under this policy - is this the intention? (BC test)
 - In the first bullet point mention is made of the terms 'hard edge' and 'blend'- these terms should be defined. (BC test)
 - Does the second bullet point about Green Belt sensitive edges add any locally specific detail? There is a Local Plan policy that considers such land - Policy NH/8. (BC test)
 - Final section about development in the open countryside – what development would be expected here? There are Local Plan policies that cover this issue. E.g. Policy S/7 and Policy NH/3. (BC test)
10. Policy FOX/7 Protect and enhance green space
- We previously had concerns about too many different terms being used to describe green open space as it can be confusing to use different terms that may mean different things to different people. The Plan would benefit from having a tighter description of open space that is to be protected through the plan. (BC test)
 - In the supporting text to the policy paragraph 5.38 the fourth sentence states that Policy NH/12 of the Local Plan also applies to development proposals that could adversely impact upon the character of undesignated local green space. This is factually incorrect. This policy is specifically for Local Green Space identified in the Local Plan. (BC test)
 - The policy does not need to repeat the protection given by Policy NH/12 and NH/11. (BC test)
 - The policy states that development should avoid detrimental impact upon local green spaces within the *built-up area of the village* - does this mean within the development framework? Also, this term appears to be allocating areas that are not identified on the map and within the other definitions in the policy. (BC test)
 - The Policy should refer to the Conservation Area "Appraisal" rather than Assessment. (BC test)
11. Policy FOX/8 Biodiversity and New Development
- This is somewhat repeating the biodiversity policies in the Local Plan (BC test)
 - Supporting paragraph 5.5 states that there are no biodiversity designated sites within the Parish boundary; however, the River Rhee/Cam which forms the northern boundary of the Parish is designated as a County Wildlife Site. This should be included within the paragraph.
 - In the policy references to 'net gain in biodiversity' should be changed to 'measurable net gain in biodiversity' as per paragraph 174 (b) and 175 (d) of the National Planning Policy Framework 2018. The difference between 'net gain' and 'measurable net gain' is considerable. (BC test)

Chapter 6 - Housing

12. Policy FOX/9 Redevelopment of old school/chapel site on Station Road.
- This policy states that the new dwellings are to be designed and built to the M4(2) standards. We understand that the Written Ministerial Statement 25 March 2015 is still in force and states that neighbourhood plans should not set out any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.
 - An Examiner for a neighbourhood plan elsewhere has indicated "*My understanding is that Part M of the Building Regulations requires that all new dwellings to which Part M of the Building Regulations applies should be designed to a minimum of M4(1) 'visitables dwellings' and that local authorities can opt into, or 'switch on', requirements for M4(2) and M4(3) via Local Plan policy. However, it is clear from the WMS that neighbourhood plans cannot set this standard.*"

- If this is not the case, does the policy apply to all buildings, or a percentage? Has an assessment of the impact on viability of the implementation of the Policy been undertaken? (BC test).

13. Policy FOX/10 Housing Mix

- Mention is made in the final paragraph of this policy to Standard M4(2). See comments for Policy FOX/9 regarding the Written Ministerial Statement 25 March 2015. If this is not the case, should the term 'where appropriate' be added to allow for flexibility where there may be a need for exceptions to the policy? (BC test)

14. Policy FOX11 Rural Exception sites

- This is repeating Local Plan Policy H/11 about exception sites although there are some locally specific elements. We continue to have concerns that the policy by discouraging all development in the chalklands area is too restrictive. In the future it may be that to meet the local housing needs of the parish that sites in the chalkland area may have to be considered. (BC test)

Chapter 7 Community facilities

15. Policy FOX/12 Protecting Community Facilities

- In the first sentence of the policy the term 'significant harm' is used. This term should be defined for clarity. (BC test)
- The policy asks for evidence, but it is unclear what actual evidence would be required to support this policy. (BC test)
- Policy SC/3 in the Local Plan protects community facilities. The neighbourhood plan policy does include facilities specific to Foxton but repeats only part of the local plan policy criteria – It could be interpreted as a weaker policy. It would be preferable to highlight the specific facilities in Foxton and cross refer to Policy SC/3. (BC test)

16. Policy FOX14 Protect and Increase Recreational and Informal Open Space.

- This policy is all embracing. Policy SC/7 in the Local Plan protects recreation grounds, allotments and community orchards. It is unclear what is meant by existing open spaces – is there a map to show all such areas within the village? Would future green spaces be considered? Is there an overlap with the green spaces protected in Policy FOX/7? (BC test)

Chapter 8 Employment

17. Policy FOX16 New Employment Provision in Foxton

- Local Plan policies cover many of the criteria included in this policy. The only exception is the final criteria about electric charging points (BC test)

Chapter 9 Transport Employment

18. Policy FOX/18 New Development and Connectivity

- The last section of policy talks about proposals that generate a significant amount of traffic in the area. It is not clear how this significance would be measured. (BC test)

19. Policy FOX/20 A10 Cambridge Road Development Opportunity Site

- The policy refers to a "site" but the map identifies two sites. Would both sites be allowed to be developed or only one? (BC test)
- This policy includes the phrase 'minimising negative impact on... the local environment'. It should explicitly recognise heritage assets/the historic environment. (BC test)

20. Appendix 1 Designated heritage assets

- Designated heritage assets should be taken from the National Heritage List for England. (Non-BC test)

- The list of heritage assets can become out-of-date and therefore, if it's considered necessary to include the list, the date and source of the list should be also be stated. (Non-BC test)