



Report to:	Council	23 September 2021
Lead Cabinet Member:	Cllr Dr Tumi Hawkins	
Lead Officer:	Chief Executive	

Foxton Neighbourhood Plan – Making (adopting) the Neighbourhood Plan

Executive Summary

1. The Foxton Neighbourhood Plan has been prepared by Foxton Parish Council. They formally submitted their plan and associated documents to South Cambridgeshire District Council (SCDC) in February 2020. A public consultation began but had to be suspended on this submission version of the plan due to the onset of the Covid-19 pandemic and was eventually resumed in January 2021. A successful examination was conducted on the plan by an independent examiner and his report received in April 2021.
2. A referendum took place on the Foxton Neighbourhood Plan on 22 July 2021 where the majority of those who voted said 'yes' to SCDC using the plan to help it decide planning applications in Foxton. SCDC is required to formally make (adopt) the plan where there has been a successful referendum. This decision must be made within 8 weeks of this vote. As the next meeting of the council is beyond this time the Chief Executive took the decision to make the neighbourhood plan in August 2021.

Key Decision

3. No

The non-key decision was first published in the Forward Plan on 31 March 2021

Recommendations

4. It is recommended that the Council notes
 - a. That the referendum for the Foxton Neighbourhood Plan took place on 22 July 2021:
 - b. The decision made by the Chief Executive under delegated powers to make the Foxton Neighbourhood Plan as it was a successful referendum on 5 August 2021: and

- c. The final made version of the Foxton Neighbourhood Plan has been agreed and published on the council's website on the [Foxton neighbourhood plan page](#).

Reasons for Recommendations

5. Where a Neighbourhood Plan is successful at its referendum, national planning legislation requires that the Council must 'make' (adopt) the Neighbourhood Plan, unless the making of the Neighbourhood Plan would breach or be otherwise incompatible with EU or human rights obligations. Officers have concluded that the Foxton Neighbourhood Plan would not breach or be otherwise incompatible with EU or human rights obligations, as set out in the Considerations section (see below).
6. National planning regulations also set out that where a Neighbourhood Plan is successful at referendum it should be 'made' within 8 weeks. After the successful referendum for the Foxton Neighbourhood Plan the next SCDC's meeting of Council is on the 23rd September 2021. This is 9 weeks after the date of the referendum, and we must formally decide within 8 weeks of the referendum. The Joint Director for Planning and Economic Development, in consultation with the Lead Cabinet Member for Planning, considered how the Council should proceed following the referendum. Where a Neighbourhood Plan has been successful at referendum and should therefore proceed to being formally 'made' (adopted) by the Council, Cabinet agreed at its meeting on 26 July 2018 that the Joint Director for Planning and Economic Development has delegated authority to make the recommendation to Council, in consultation with the Lead Cabinet Member for Planning. The Joint Director for Planning and Economic Development recommended that the decision to make the Foxton Neighbourhood Plan should be taken. In order to meet the requirement that the decision to make the Neighbourhood Plan take place within 8 weeks of the successful referendum, and as it was impractical to hold a meeting of the Council within this time, the decision was taken by the Chief Executive under delegated powers. The decision of the Chief Executive is being reported to the Council in this report.

Details

7. The Foxton Neighbourhood Area was designated on 17 November 2015.
8. 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.
9. A Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening was undertaken on a draft version of the Neighbourhood Plan, and a screening determination was published in June 2019.

10. 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 met with the steering group to discuss these comments and the submitted Plan took most of them into account.
11. On 10 February 2020, Foxton Parish Council submitted their Neighbourhood Plan to SCDC. Officers 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 complied 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.
12. As the impact of the Covid-19 pandemic continued into the autumn of 2020 we had to consider how we could adapt our public consultations on neighbourhood plans to ensure everyone's safety whilst still complying with then 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 was 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.
13. Officers, in conjunction with Foxton Parish Council, appointed an independent examiner to consider this Neighbourhood Plan. The examiner appointed to undertake the examination of a Neighbourhood Plan: must be independent of both the District Council and Parish Council; cannot be the same examiner that undertakes a health check of the Neighbourhood Plan; and must not have any interest in any land that may be affected by the Neighbourhood Plan. The examiner appointed was Andrew Freeman of Intelligent Plans and Examinations (IPE) On 24 February 2021 the Neighbourhood Plan , its accompanying supporting documents and all comments submitted during the public consultation on the submission version of the Neighbourhood Plan were provided to the examiner with a request for him to carry out the examination on the Neighbourhood Plan. .
14. The examiner issued a clarification note on 2 March which both SCDC and the Parish Council responded to by 12 March 2021.
15. The Examiner's Report was received on 20 April 2021. The examiner in his report concluded that subject to a series of recommended modifications the Foxton Neighbourhood Plan met all the necessary legal requirements and should proceed to referendum. He also recommended that the referendum should be held within the neighbourhood area only.

16. Officers, in conjunction with Foxton Parish Council, reviewed the examiner's conclusions and recommended modifications, and agreed each of the recommended modifications considered necessary by the examiner for the Neighbourhood Plan to meet the Basic Conditions. Additional non-material modifications to the Neighbourhood Plan were also made by officers and agreed with Foxton Parish Council. A 'Referendum' version of the Foxton Neighbourhood Plan was prepared including these modifications.
17. The joint Director for Planning and Economic Development having consulted with the Planning Lead Member agreed in May 2021 the Referendum version of the Foxton Neighbourhood Plan and that this plan should proceed to a referendum.
18. A referendum date was set for 22 July 2021.
19. A referendum on the 'making' (adoption) of the Foxton Neighbourhood Plan was held on 22 July 2021. Voters were asked "Do you want South Cambridgeshire District Council to use the neighbourhood plan for Foxton to help it decide planning applications in the neighbourhood area?" The results were declared as follows:
- Yes votes: 315 (96.33%)
 - No votes: 12 (3.67%)
 - Turnout: 31.62%

Considerations

20. If a Neighbourhood Plan is successful at referendum as a result of more people voting 'yes' than 'no', the Neighbourhood Plan becomes part of the development plan for the area (National Planning Practice Guidance, Paragraph: 064, Reference ID: 41-064-20170728), and all planning decisions in the neighbourhood area will be made in accordance with the Neighbourhood Plan unless material considerations indicate otherwise. The formal 'making' (adoption) of the Neighbourhood Plan does not happen until agreed by SCDC's full Council at their next meeting following the referendum.
21. Following a successful referendum, SCDC has limited options in how to respond. National planning legislation requires that the Council 'makes' (adopts) the Neighbourhood Plan, unless the making of the Neighbourhood Plan would breach or is otherwise incompatible with EU or human rights obligations.
22. The Foxton Neighbourhood Plan was successful at its referendum as more than half of those that voted were in favour of SCDC using the Neighbourhood Plan to help it decide planning applications in the neighbourhood area. The Council is therefore required to 'make' the Neighbourhood Plan, unless the making of the Neighbourhood Plan would breach or is otherwise incompatible with EU or human rights obligations, which is one of the 'Basic Conditions' set out in national planning regulations that all Neighbourhood Plans must meet.
23. Officers have assessed whether the Foxton Neighbourhood Plan meets the 'Basic Condition' that the Neighbourhood Plan does not breach, and is otherwise

compatible with, EU and human rights obligations at various stages during the preparation of the Neighbourhood Plan. Officers consider that the 'making' of the Foxton Neighbourhood Plan does not breach, and is otherwise compatible with, EU and human rights obligations. (See Appendix 2)

Timescales

24. National planning regulations also set out that where a Neighbourhood Plan is successful at referendum it should be 'made' within 8 weeks. After the successful referendum for the Foxton Neighbourhood Plan the next SCDC's meeting of Council is on the 23rd September 2021. This is 9 weeks after the date of the referendum, and we must formally decide whether to make the plan within 8 weeks of the referendum. To meet the regulations, the recommendation to decide whether to make the Foxton Neighbourhood Plan was delegated to the Chief Executive and this decision is now being reported to the Council at its next meeting in September. This delegated authority for the chief executive to make such a decision is in the Constitution under part 3, table 7, scheme of delegation, para 4.4. "The Chief Executive . . . may exercise any power or function, which is in law capable of delegation . . . where necessary in order for the Council to continue to carry out its functions". SCDC and Foxton Parish Council were keen to take the first opportunity to make the Foxton Neighbourhood Plan as it was a successful referendum vote.

Decision making process

25. The Decision Record of the Joint Director for Planning and Economic Development on 29 July 2021 set out the results of the Foxton referendum on 22 July 2021 and as the referendum was successful was able to recommend that the Foxton Neighbourhood Plan should be formally made. He recommended that the decision to make the plan should be carried out under delegated powers to the Chief Executive in order that the national regulations on making neighbourhood plans are met. This report was shared with and agreed by the Lead Member for Planning prior to it being published on 29 July 2021. (See Appendix 3)

26. It therefore followed from this recommendation that the Chief Executive was able to note the Joint Director's Decision Record and under delegated powers made(adopted) the Foxton Neighbourhood Plan. This report was shared with the Leader of the Council prior to it being published on 5 August 2021. (See Appendix 4). It was noted that the decision would be reported to the next meeting of the council – this report does this.

27. Once the Neighbourhood Plan was formally 'made' (adopted), officers published the decision to 'make' (adopt) the Neighbourhood Plan and sent notifications to the necessary people and organisations as required by national planning regulations.

28. The 'made' (adopted) Foxton Neighbourhood Plan forms part of the development plan for South Cambridgeshire, and all planning decisions in the neighbourhood

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

29. Since the formal making of the plan a 'made' version of the Foxton Neighbourhood Plan has been published on the [Foxton Neighbourhood Plan page](#) of the council's website. (Appendix 1)

Options

30. Where a Neighbourhood Plan is successful at its referendum, SCDC has limited options in how to respond. National planning legislation requires that the Council 'makes' (adopts) the Neighbourhood Plan, unless the making of the Neighbourhood Plan would breach or is otherwise incompatible with EU or human rights obligations. Officers have concluded that the Foxton Neighbourhood Plan would not breach or be otherwise incompatible with EU or human rights obligations, as set out in the Considerations section (see above).
31. Officers considered whether the decision to make the neighbourhood plan be delayed until the next meeting of the Council rather than be delegated to the Chief Executive but this would not meet the national regulations which state that this decision must be made within 8 weeks of a successful referendum.

Implications

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

Financial

33. The costs of the examination and referendum have to be initially met by SCDC. However, the Council can claim a £20,000 government grant per Neighbourhood Plan once it has been through the examination and a referendum date has been set. Due to the coronavirus pandemic the government amended these rules to allow a council to submit their claim once a decision has been made that a plan can go forward to referendum. This must be claimed in the next set period within the financial year. The claim has recently been made for the Foxton Neighbourhood Plan.

Legal

34. Where a Neighbourhood Plan has been successful at referendum and should therefore proceed to being formally 'made' (adopted) by the Council, the Joint Director for Planning and Economic Development has delegated authority to make the recommendation to Council, in consultation with the Lead Member for Planning (as agreed by Cabinet at its meeting on 26 July 2018). Following a

successful referendum, national planning legislation requires that the Council 'makes' (adopts) the Neighbourhood Plan, unless the making of the Neighbourhood Plan would breach or is otherwise incompatible with EU or human rights obligations.

35. National regulations also require the Council to decide whether to make a neighbourhood plan within 8 weeks of a successful referendum. There is a 9-week gap between the Foxton NP referendum and the next meeting of the Council in September. Advice from the legal team is that the decision could be made by the Chief Executive under delegated powers. This decision would then be reported to the next meeting of the Council which is in September.

Staffing

36. The responsibilities associated with delivering neighbourhood planning are being undertaken within the existing resources of the Planning Policy Team in the Shared Planning Service drawing upon the expertise of other staff as required.

Equality and Diversity

37. These issues have been considered in the preparation of the Neighbourhood Plan, as to meet the Basic Conditions a Neighbourhood Plan must not breach, and is otherwise compatible with, EU obligations, including Human Rights. The Examiner in his report is satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and that it complies with the Human Rights Act. There is no evidence that has been submitted to suggest otherwise.

Consultation responses

38. Both the Leader of the Council and the Lead Cabinet member for Planning were consulted and agreed with the decision-making process for the making of the Foxton Neighbourhood Plan.
39. Foxton Parish Council was also kept informed on the progress of the reports and making of their neighbourhood plan.

Alignment with Council Priority Areas

Growing local businesses and economies

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

Housing that is truly affordable for everyone to live in

41. Local communities can within a Neighbourhood Plan consider the existing and future needs for housing in their area and positively plan to meet this need through a range of policies and / or allocations in their plan. The Foxton Neighbourhood Plan includes aims, objectives and policies that seek to deliver homes for the future.

Being green to our core

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

A modern and caring Council

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

Background Papers

[Foxton Neighbourhood Plan – earlier stages and supporting documents:](#)

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

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

[Neighbourhood Planning Toolkit](#)

[Planning Portfolio Holder Decision \(November 2015\) – Foxton Neighbourhood Area designation](#)

[Lead Cabinet member for Planning \(February 2021\) – Council's response on submission version of the Foxton Neighbourhood Plan](#)

[SCDC's decision statement on receipt of the Examiner's Report and its decision to proceed to referendum](#) (June 2021)

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

Appendices

Appendix 1: [Made version of the Foxton Neighbourhood Plan](#) (a paper copy can be made available to Members on request)

Appendix 2: [Basic Conditions Check of the Made Foxton Neighbourhood Plan](#)

Appendix 3: [Decision Record of the Joint Director of Planning and Economic Development – 29 July 2021](#)

Appendix 4; [Decision Record of the Chief Executive - 5 August 2021](#)

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