

Foxton Neighbourhood Development Plan Review 2016- 2031

**A report to Harborough District Council on the
Foxton Neighbourhood Development Plan Review**

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Executive Summary

- 1 I was appointed by Harborough District Council in August 2021 to carry out the independent examination of the Foxton Neighbourhood Development Plan Review.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 20 August 2021.
- 3 The Plan proposes a series of modifications to the policies in the 'made' Plan. It continues to seek to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding its distinctive character.
- 4 The Plan has been underpinned by community support and engagement. The community has been engaged in its preparation in a proportionate way in its review.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Foxton Neighbourhood Development Plan Review meets all the necessary legal requirements and should be made by Harborough District Council.

Andrew Ashcroft
Independent Examiner
15 September 2021

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Foxton Neighbourhood Development Plan Review 2016 to 2031 (the 'Plan').
- 1.2 The Plan has been submitted to Harborough District Council (HDC) by Foxton Parish Council (FPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012. The NPPF continues to be the principal element of national planning policy. It was updated in both 2018, 2019 and 2021.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative Plan, or a potentially more sustainable Plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It has been prepared in order to update and refresh the 'made' Plan through a formal review process.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends modifications to its policies and supporting text.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by HDC, with the consent of FPC, to conduct the examination of the Plan and to prepare this report. I am independent of both HDC and FPC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 The examination process for the review of a 'made' neighbourhood plan is set out in Section 3 of this report.
- 2.5 The outcome of the examination itself is set out in Section 8 of this report.

Other examination matters

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements subject to recommended modifications included in this report.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the Statement of Modifications.
- the representations made to the Plan.
- the Parish Council's responses to the clarification note.
- the District Council's responses to the clarification note.
- the Harborough Local Plan.
- the National Planning Policy Framework 2021.
- Planning Practice Guidance (March 2014 and subsequent updates).
- relevant Ministerial Statements.
- The Queen (on behalf of Lochailort Investments Ltd) and Mendip District Council [2020] EWCA Civ 1259.

3.2 I visited the neighbourhood area on 20 August 2021. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is covered in more detail in paragraphs 5.7 to 5.13 of this report.

3.3 It is a general rule that neighbourhood development plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised HDC of this decision once I had received the responses to the questions in the clarification note.

3.4 The Neighbourhood Planning Act 2017 identifies the circumstances that might arise as qualifying bodies seek to review 'made' neighbourhood plans. It introduces a proportionate process for the modification of neighbourhood plans where a neighbourhood development order or plan has already been made in relation to that area.

3.5 There are three types of modification which can be made to a neighbourhood plan or order. The process will depend on the degree of change which the modification involves and as follows:

- minor (non-material) modifications to a neighbourhood plan or order which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum; or
- material modifications which do not change the nature of the plan or order and which would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of

the independent examiner, are not so significant or substantial as to change the nature of the plan; or

- material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.

3.6 FPC has considered this issue. It takes the view that the proposed changes to the 'made' Plan fall into the second category.

3.7 HDC takes the same view as FPC on the scale and nature of the modifications to the policies in the 'made' Plan.

3.8 I have considered these assessments very carefully. I have concluded that the review of the Plan includes material modifications which do not change the nature of the Plan and which would require examination but not a referendum. I have reached this decision for the following reasons:

- the policies largely update those in the 'made' Plan; and
- the modifications in the review bring the Plan up to date to reflect changes in national and local planning policy.

3.9 In these circumstances I will examine the Plan against Schedule A2 of the Planning and Compulsory Purchase Act 2004. The regulations identify that an examiner's report must recommend one of three outcomes:

- that the local planning authority should make the draft plan; or
- that the local planning authority should make the draft plan with the modifications specified in the report; or
- that the local planning authority should not make the draft plan.

3.10 Section 7 of this report assesses each policy in turn and identifies any modifications required to ensure that the policy meets the basic conditions. My recommendation is then set out in Section 8.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development management decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 FPC prepared a Consultation Statement. The Statement reflects the neighbourhood area and its revised policies. It also provides specific details on the consultation process that took place on the pre-submission version of the Plan which took place from September to November 2020.
- 4.3 The Statement sets out details of the consultation events as the review of the Plan was prepared. They were appropriate for the circumstances of the Plan and its review. Details are provided about the engagement with the statutory bodies and the public consultation events in the area. Two specific activities are highlighted as follows:
- the preparation of an article detailing the review of the Local Plan within the Winter edition (2019) of the Foxton Folio parish publication and which was delivered to every household in the parish; and
 - the delivery of leaflet providing a summary of the pre-submission Plan to all premises in the parish.
- 4.4 The Statement sets out the range of local and statutory organisations that were advised about the preparation of the Plan in general, and its pre-submission consultation phase in particular.
- 4.5 Appendix 3 of the Statement sets out details of the responses received to the consultation process on the pre-submission version of the Plan. It also sets out how the Plan responded to those representations. The exercise has been undertaken in a very thorough fashion.
- 4.6 From all the evidence available to me as part of the examination, I have concluded that the Plan has sought to develop an inclusive approach to seeking the opinions of all concerned throughout the process. The consultation process undertaken is proportionate to the nature of the review of the Plan. HDC has carried out its own assessment of this matter as part of the submission process and has concluded the consultation process has complied with the requirements of the Regulations.

Representations Received

- 4.7 Consultation on the submitted plan was undertaken by HDC that ended on 7 July 2021. This exercise generated comments from the statutory organisations listed below:
- Natural England

- Leicestershire Clinical Commissioning Group
- Canal and River Trust
- Environment Agency
- Highways England
- Harborough District Council
- Leicestershire County Council
- Severn Trent Water

4.8 I have taken account of the representations received as part of the examination of the Plan.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Foxton. It is set in attractive farmland south of the A6. It is located three miles to the north-west of Market Harborough and three miles to the south of Kibworth Beauchamp/Kibworth Harcourt. The neighbourhood area was designated in 29 October 2012. The Plan was initially 'made' in January 2017.
- 5.2 Foxton village slopes down from St Andrew's Church in the south to a small brook that skirts the north of the village. The Grand Union Canal cuts across the southern part of the village. The main part of the village lies to the north of the Canal and is broadly comprised of three parallel streets, Swingbridge Street, Middle Street and Main Street with cross connecting roads, tracks and paths.
- 5.3 The neighbourhood area is best-known for its association with the Grand Union Canal. It cuts through the village east-west (the Market Harborough line) and north-south (the Leicester line), with the two intersecting at Foxton Junction. The Junction is the site of both Foxton Locks and the remains of Foxton Inclined Plane. It is an attractive heritage asset and tourism attraction.

Development Plan Context

- 5.4 The development plan for Harborough District is the Harborough Local Plan. It was adopted in April 2019 and covers the period up to 2031. The Local Plan replaced the Council's Core Strategy 2006-2028 and the saved policies from the previous 2001 Local Plan and which provided the context for the 'made' neighbourhood plan.
- 5.5 The following policies of the Local Plan are particularly relevant to the formulation of the submitted review of the neighbourhood plan:
- GD2: Settlement Development Policy
 - GD3: Development in the Countryside Policy
 - GD4: New Housing in the Countryside Policy
 - GD6: Areas of Separation Policy
 - GD8: Good Design in Development
 - RT4: Tourism and Leisure
- 5.6 The review of the neighbourhood plan comments about delivery which has already taken place in the town in the Plan period.

Unaccompanied Visit to the neighbourhood area

- 5.7 I visited the neighbourhood area on 20 August 2021. I approached Foxton from Lubenham to the south. This helped me to understand the way in which the parish sits in the wider landscape.
- 5.8 I looked initially at the village. I saw its relationship with the Grand Union Canal and the way in which it is set at a lower level than that of the Canal. I saw the interesting

arrangements of the streets in the village and the technical way in which Swingbridge Street relates to the Canal.

- 5.9 I saw the importance of the designated local green spaces in the 'made' Plan. I also saw the scale of the Robert Monk Hall and its obvious significance to the local community.
- 5.10 I walked up Swingbridge Street to the Black Horse P.H. and St Andrew's Church. I saw that this part of the village had a different character to that to the south of the Canal. I took an opportunity to sit on the bench around the tree at the junction of Main Street and Swingbridge Street.
- 5.11 I then walked to Foxton Locks along the attractive pedestrian route off Main Street. I then took the opportunity to look at the Locks, the Inclined Plane and both car parks. It was an interesting and informative part of the day.
- 5.12 I walked back to the village and then drove along Langton Road up to the A6 to the north and east of the village. This part of the visit also highlighted the way in which the parish relates to its wider landscape.
- 5.13 I then drove back to the village via Airfield Farm and Gallow Field Road. This allowed me to understand the significance of Policy F4 of the Plan.

6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.
- 6.2 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan in the area;
 - be compatible with European Union (EU) obligations and European Convention on Human Rights (ECHR); and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
- 6.3 I assess the Plan against the basic conditions under the following headings:
- National Planning Policies and Guidance*
- 6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in July 2021.
- 6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are of particular relevance to the Foxton Neighbourhood Plan Review:
- a plan led system – in this case the relationship between the neighbourhood plan and the adopted Harborough Local Plan;
 - delivering a sufficient supply of homes;
 - building a strong, competitive economy;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - taking account of the different roles and characters of different areas;
 - highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
 - conserving heritage assets in a manner appropriate to their significance.
- 6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic

needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the neighbourhood area giving appropriate weight to the strategic delivery of new housing. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance in March 2014. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. The recommended modifications in Section 7 largely relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted review of the Plan has been designed to continue to achieve sustainable development in the neighbourhood area. It has a particular focus on promoting sustainable housing development in the village whilst safeguarding its built and natural heritage.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in Harborough District in paragraphs 5.4 to 5.6 of this report. I am satisfied that subject to the incorporation of the modifications recommended in this report that the submitted Plan is in general conformity with the strategic policies in the development plan.
- 6.13 I also consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. Subject to the recommended modifications in this report I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

European Legislation and Habitat Regulations

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement the Basic Conditions Statement incorporates the findings of a screening report (undertaken in January 2021) on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report builds on the work undertaken during the initial plan-making process. As a result of this process, it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.
- 6.16 A separate screening report on habitats regulations assessment is also included in the Basic Conditions Statement. It advises that a full Habitats Regulation Assessment was undertaken as part Harborough Local Plan preparation. That assessment concluded that the Local Plan will not have a likely significant effect on any internationally important wildlife sites either alone or in conjunction with other plans and projects. These conclusions are based on the fact that no such sites are located within the district and no impact pathways were identified linking internationally important wildlife sites outside the District (such as Rutland Water SPA/Ramsar site) to development within Harborough District. The specific screening report on the neighbourhood plan concludes that it is unlikely that its policies and proposals would have a substantial effect of the Natura 2000 network of protected sites.
- 6.17 The screening reports include the responses received as part of the required consultation. In doing so they provide assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters.
- 6.18 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 6.19 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On the basis of all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it recommends modifications to ensure that certain policies have the necessary precision to meet the basic conditions.
- 7.2 The recommended modifications focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and FPC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (Section 41-004-20190509) which indicates that neighbourhood plans must address the development and use of land.
- 7.5 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

General Comments

- 7.6 The review of the Plan has been prepared in a very effective fashion. The distinction between its supporting text and its policies is very clear. The Plan includes a series of very helpful maps.
- 7.7 In addition the presentation of the Plan is very good. The package of submission documents is proportionate to the neighbourhood area in general, and to the review of the Plan in particular. In combination, the documents helpfully identify the aspects of the Plan which have been updated.
- 7.8 The revisions to the 'made' Plan have been very carefully-considered. FPC's ambition to review the Plan responds positively to national guidance and associated best practice. The Plan continues to provide a clear vision for the neighbourhood area.
- 7.9 The review of the Plan addresses a balanced range of issues. It is underpinned by an appropriate evidence base and properly takes account of the elements of the Plan which have been implemented since it was 'made'. It also takes account of the adoption of the Harborough Local Plan.
- 7.10 The review of the Plan is underpinned by a Modification Statement Proposal. It is a first-class document. The wider approach which has been taken by FPC would be a very useful and effective model for others to use in the review of their made neighbourhood plans.
- 7.11 The following sections of the report comment about the review of the Plan on a policy-by-policy basis. They set out the proposed changes to the Plan and assess them against the basic conditions. For completeness they identify the policies which remain unchanged.

Policy F1: Countryside

7.12 The policy has been brought up to date to reflect the adoption of the Harborough Local Plan. The policy specifically references Policies SS1, GD3 and GD4 of that Plan.

7.13 The review of the policy has been carefully-considered. It meets the basic conditions.

Policy F2: Renewable Energy

7.14 The review of the Plan introduces some minor text changes to the 'made' Plan.

7.15 The review of the policy has been carefully-considered. It meets the basic conditions.

Policy F3: Tranquillity

7.16 The review of the Plan introduces some minor text changes to the 'made' Plan.

7.17 The review of the policy has been carefully-considered. It meets the basic conditions.

Policy F4: Foxton Areas of Separation

7.18 The review of the Plan has resulted in the policy being shortened. The revised policy comments that the open and undeveloped character of the two Foxton Areas of Separation, as defined on Map 2 and the Policies Map, will be retained. It specifically comments that the construction of new buildings, including new caravan and lodges sites, will not be supported unless they preserve the openness of the Areas of Separation and do not conflict with the objective of the policy.

7.19 The policy is now much clearer than the policy in the 'made' Plan. In addition, the importance of retaining the existing separation between the village and the Locks (to the south-west) and to Airfield Farm (to the south-east) is unchanged.

7.20 The review of the policy has been carefully-considered. It meets the basic conditions.

Policy F5: Ecology and Biodiversity

7.21 The review of the Plan introduces some minor text changes to the 'made' Plan and identifies individual sites of biodiversity interest.

7.22 The review of the policy has been carefully-considered. It meets the basic conditions.

Policy F6: The Canal

7.23 No changes are proposed to the policy in the 'made' Plan.

Policy F7: Local Heritage Assets

7.24 No changes are proposed to the policy in the 'made' Plan.

Policy F8: Ridge and Furrow New policy for Ridge and Furrow.

7.25 The review of the Plan identifies parcels of land with ridge and furrow characteristics and identifies them as non-designated heritage assets. I am satisfied that the policy

does not materially affect the nature of the Plan given that the previous version of the Foxton Plan also considered non designated heritage assets.

- 7.26 The review of the approach to non-designated heritage assets has been carefully-considered. It meets the basic conditions.

Policy F9: (formerly F8) Design

- 7.27 No changes are proposed to the policy in the 'made' Plan.

Policy F10: (formerly F9) Local Green Spaces

- 7.28 No changes are proposed to the policy in the 'made' Plan.

- 7.29 The policy has two related parts. The first comments that the identified local green spaces (LGSs) will be protected and enhanced. The second comments that development which is harmful to the LGSs will not be supported.

- 7.30 I looked at the existing LGSs. They continue to be entirely appropriate as LGS designations. Nevertheless, since the Plan was made the courts have refined the approach towards policies in neighbourhood plans for LGSs (in the 'Mendip' cases). In particular they have identified that there is no need to secure enhancement to identified LGSs.

- 7.31 In these circumstances I recommend that the policy is modified to take account of these circumstances. I also recommend that the supporting text is expanded so that it provides a context for the modified policy. Nevertheless, the overall practical effect of the policy remains unchanged.

Replace the policy with:

'The Plan designates the green spaces shown on Map 5 and the Policies Map as Local Green Spaces.

Development proposals within the designated local green spaces will only be supported in very special circumstances'

At the end of paragraph 2.39 add: 'Policy F10 follows the matter-of-fact approach in the NPPF. In the event that development proposals come forward on the local green spaces within the Plan period, they can be assessed on a case-by-case basis by the District Council. In particular it will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the 'very special circumstances' required by the policy'

Policy F11: (formerly F10) Trees

- 7.32 No changes are proposed to the policy in the 'made' Plan.

Policy F12: (formerly F11) Housing Provision

- 7.33 The review of the Plan updates the way in which the parish will meet its strategic housing provision. It takes account of completions and commitments since the Plan was 'made'. In this context Fishers Farm (F13) and land at Middle Street and Vicarage Drive (F14) are removed as allocations from the policy.
- 7.34 The review of the Plan also proposes the deletion of the allocation of land at the junction of Vicarage Drive and Hog Lane for housing development for up to three dwellings. FPC comments that this proposal no longer had community support in large part due to the scale of development that is already taking place in the village. Furthermore, FPC comments that it is not clear that the landowner wants to develop the site. In its response to the clarification note HDC confirmed that no applications to develop the site had been forthcoming since the Plan was 'made'.
- 7.35 I am satisfied that the approach taken in this policy is both appropriate to local circumstances and meets the basic conditions. FPC has carefully monitored housing developments in the parish and has adjusted the policy accordingly. The land at the junction of Vicarage Drive and Hog Lane has clearly not come forward for development and as such its removal as an allocation is appropriate. In the event that development interest on the site is expressed in the future, any such proposals would be assessed against Policy F13 of the reviewed Plan.
- 7.36 The review of the policy has been carefully-considered. It meets the basic conditions.

Policy F13: (formerly F12) Windfall Housing

- 7.37 The review of the policy removes the reference to dispersed nature of village and internal configuration of existing buildings. It also comments about the importance of protecting the landscape setting of the village by ensuring that new windfall developments lie wholly with the identified limits to development.
- 7.38 The review of the policy has been carefully-considered. It meets the basic conditions.

Policy F14: (formerly 16) Housing Mix

- 7.39 The review of the Plan introduces some minor text changes to the 'made' Plan.
- 7.40 The review of the policy has been carefully-considered. It meets the basic conditions.

Policy F15: (formerly F17) Affordable Housing

- 7.41 The review of the Plan introduces some minor text changes to the 'made' Plan.
- 7.42 The review of the policy has been carefully-considered. It meets the basic conditions.

Policy F16: (formerly F18) Retention of Key Services and Facilities

- 7.43 The review of the Plan introduces some minor text changes to the 'made' Plan.
- 7.44 The review of the policy has been carefully-considered. It meets the basic conditions.

Policy F17: (formerly F19) Water management

- 7.45 The review of the Plan introduces some minor text changes to the ‘made’ Plan.
- 7.46 The review of the policy has been carefully-considered. It meets the basic conditions.

Policy F18: (new policy) Car Parking

- 7.47 The review of the Plan proposes a new policy on car parking. It requires new development to incorporate the car parking standards as set out in Appendix 4. The appendix sets out the number of spaces required according to the size and typology of the development.
- 7.48 The review of the policy has been carefully-considered. It meets the basic conditions.

Policy F19: (formerly F20) Foxton Locks

- 7.49 The review of the Plan introduces some minor text changes to the ‘made’ Plan. They have been carefully considered.
- 7.50 The revised policy also offers support for the provision of electrical charging points at the Foxton Locks car parks. In its response to the clarification note FPC confirmed that this element of the policy was intended to apply to both of the car parks. I recommend accordingly. Otherwise, the policy meets the basic conditions.

In the final part of the policy replace ‘car park’ with ‘car parks’

Other Matters – General

- 7.51 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for HDC and FPC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

Other Matters – Specific

- 7.52 The modified Plan has been prepared within the context of the 2019 version of the NPPF. In July 2021 an updated version of the NPPF was published after the review of the neighbourhood plan had been submitted for examination.
- 7.53 The principal element of the 2021 update relates to design matters. Given that the design policies in the Plan are general in nature I am satisfied that there is no issue of the submitted Plan not having regard to national policy. Nevertheless, I recommend that the supporting text is expanded to address the updated NPPF.

At the end of paragraph 2.37 add: 'This approach is consistent with the design-led approach as captured in Section 12 of the NPPF 2021. The Plan sets out the Council's approach to setting out clear design vision and expectations for development sites, so that applicants have as much certainty as possible about what is likely to be acceptable'

8 Summary and Conclusions

Summary

- 8.1 The Review of the 'made' Plan sets out a range of policies to guide and direct development proposals in the period up to 2031. It has been carefully prepared to refresh the Plan and to address changes in national and local planning policy which have arisen since the initial plan was 'made'.

Conclusion

- 8.2 Following my independent examination of the Plan I have concluded that the Foxton Neighbourhood Development Plan Review meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 The recommended modifications refine the presentation of the proposed changes to the policies. Nevertheless, the submitted review of the Plan remains fundamentally unchanged in its role and purpose.
- 8.4 I recommend that HDC should make the draft plan subject to the modifications set out in this report.

General Comments

- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth manner. HDC managed the process in a very efficient way and FPC's response to the clarification note was both speedy and helpful.

Andrew Ashcroft
Independent Examiner
15 September 2021