

Public
Key Decision - Yes

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: The Stukeleys Neighbourhood Plan Examination Outcome and Progression to Referendum

Meeting/Date: Cabinet – 18th April 2023

Executive Portfolio: Executive Councillor for Planning

Report by: Chief Planning Officer

Ward(s) affected: The Stukeleys

Executive Summary:

Following the examination of The Stukeleys Neighbourhood Plan this report proposes acting upon the Examiner's report to accept the modifications proposed and progress to referendum on the 8 June 2023.

Recommendation(s):

that Cabinet agree that the District Council should act upon the Examiner's report to accept the recommended modifications and progress the neighbourhood plan to referendum.

1. PURPOSE OF THE REPORT

- 1.1 The report seeks agreement to act upon the Examiner's report into The Stukeleys Neighbourhood Plan leading to a referendum on whether or not it should be brought into force as part of the statutory development plan. It also sets out a timetable for this process.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 The Stukeleys Parish Council produced a submission version of their Neighbourhood Plan which was available for comment between 28 September 2022 to 10 November 2022.

- 2.2 Huntingdonshire District Council, in discussion with The Stukeleys Parish Council, appointed an independent examiner, David Hogger BA MSc MRTPI MCIHT, to review whether the submitted Neighbourhood Plan met the basic conditions as required by legislation. The Examiner's Report on The Stukeleys Neighbourhood Plan was received in December.

- 2.3 The Examiner sent their report to the local planning authority and The Stukeleys Parish Council. The Examiner is required to set out one of three options:

1. That the neighbourhood plan proceeds to referendum as submitted;
2. That the neighbourhood plan is modified by the local planning authority to meet the basic conditions and the modified version proceeds to referendum; or
3. That the neighbourhood plan does not proceed to referendum as it fails to meet the basic conditions and/ or legislative requirements and cannot be modified to do so.

- 2.4 The Examiner recommended that with appropriate modifications the neighbourhood plan would meet the basic conditions against which it is required to be tested and so should progress to referendum. These were discussed and agreed with representatives of The Stukeleys Parish Council.

- 2.5 The modified version of the Neighbourhood Plan, the Examiner's report and draft Decision Statement setting out the modifications considered by the Examiner as necessary to enable the submission neighbourhood plan to meet the required basic conditions are all included as Appendices to this report

- 2.6 Huntingdonshire District Council has limited options in how to respond to the examiner's recommendations:

- a) Act upon the Examiner's report and progress the neighbourhood plan to referendum, whether or not the Examiner recommends modifications are necessary to meet the basic conditions;
- b) Propose to take a decision substantially different from the Examiner's recommendation which is wholly or partly as a result of

- new evidence or a different view taken by the local planning authority about a particular fact; or
- c) Decide not to progress the neighbourhood plan in light of the Examiner's report - this is only permissible where '3.' above is the case.

2.7 Having regard to the options set out in paragraph 2.6:

- It is considered that the modifications will enable The Stukeleys Neighbourhood Plan to meet the basic conditions required; and
- There is no new evidence or a different view taken by the local planning authority about a particular fact to indicate that option 'b)' in paragraph 2.6 should be followed.

3. WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION

- 3.1 Following approval by Cabinet, preparations will be made for a referendum to be held on The Stukeleys Neighbourhood Plan in accordance with the Regulations.
- 3.2 In addition to considering whether the neighbourhood plan meets the basic conditions the Examiner is required to recommend on the area to be covered by the referendum. In this instance they recommended that the referendum area be the same as The Stukeleys Neighbourhood Plan area, approved by the District Council.
- 3.3 There is a statutory requirement through The Neighbourhood Planning (Referendums) Regulations 2012 (as amended) for 28 working days' notice to be given before the referendum is held. There is also a requirement that the referendum is held within 56 working days of the decision that the neighbourhood plan should proceed to referendum, unless there is an existing planned polling opportunity that the referendum could be combined with which the qualifying body (The Stukeleys Parish Council) have agreed. A potential date for the referendum has been discussed with Democratic Services. Holding the referendum on 8 June 2023 is proposed, which would meet both time requirements. This provisional date has been discussed with representatives of The Stukeleys Parish Council, and they have indicated that they support this date.
- 3.4 At the referendum residents will be able to vote on the question: 'Do you want Huntingdonshire District Council to use the Neighbourhood Plan for The Stukeleys to help it decide planning applications in the neighbourhood area?'
- 3.5 If a majority of votes cast by residents are 'yes', Full Council will be asked to 'make' the neighbourhood plan at its next available meeting, which, assuming that the referendum is held on 8 June 2023, would be on 19 July 2023. The plan will then become part of the statutory development plan for Huntingdonshire.

4. COMMENTS OF OVERVIEW & SCRUTINY

- 4.1 The comments of the relevant Overview and Scrutiny Panel will be circulated ahead of the Cabinet's meeting.

5. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND/OR CORPORATE OBJECTIVES

- 5.1 Progressing The Stukeleys Neighbourhood Plan through to referendum links to the Corporate Plan objective Strengthening our Communities to 'Enable communities to develop and maintain Neighbourhood Plans that reflect the needs and aspirations of those living there'.

6. LEGAL IMPLICATIONS

- 6.1 A Neighbourhood Plan must meet the basic conditions set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The Examiner's report has confirmed that The Stukeleys Neighbourhood Plan, as proposed to be modified, meets all the basic conditions. Officers are satisfied that there are no conflicts with the basic conditions and legislative requirements.

7. RESOURCE IMPLICATIONS

- 7.1 As in previous years an Extra Burdens Grant of £20,000 can be claimed following the referendum, intended to meet the costs of the referendum and other resources involved in supporting the production of the neighbourhood plan.

8. REASONS FOR THE RECOMMENDED DECISIONS

- 8.1 The recommended decision is necessary to enable The Stukeleys Neighbourhood Plan to proceed to referendum.

9. LIST OF APPENDICES INCLUDED

Appendix 1 – The Stukeley Neighbourhood Plan – Referendum Version

Appendix 2 – The Examiners Report of The Stukeleys Neighbourhood Plan

Appendix 3 - The draft Decision Statement setting out the modifications considered by the Examiner as necessary to enable the submission neighbourhood plan to meet the required basic conditions.

10. BACKGROUND PAPERS

- [Town and Country Planning Act 1990 \(as amended\)](#)
- [Planning and Compulsory Purchase Act 2004](#)
- [Localism Act 2011](#)
- [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(as amended\)](#)
- [National Planning Practice Guidance \(Neighbourhood Planning\)](#)

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