

Public
Key Decision - Yes

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Buckden Neighbourhood Development Plan examination outcome and progression to referendum

Meeting/Date: Cabinet – 10th December 2020

Executive Portfolio: Executive Councillor for Strategic Planning

Report by: Service Manager Growth (Policy, Infrastructure & Strategic Development)

Ward(s) affected: Buckden Parish

Executive Summary:

Following the examination of the Buckden Neighbourhood Development Plan this report proposes acting upon the Examiner's report to accept the modifications proposed and progress to referendum.

Recommendation:

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 Buckden Neighbourhood Development 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 Following the examination of a neighbourhood plan the Examiner sends their report to the local planning authority and the town/parish council preparing the neighbourhood plan. 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.

- 2.2 The local planning authority 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.

- 2.3 Buckden Parish Council produced a submission version of their Neighbourhood Development Plan which was available for comment between 21 July 2020 and 1 September 2020. The Examiner's Report on the Buckden Neighbourhood Development Plan was received on 23 October 2020. 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.

- 2.4 The Examiner proposed a number of modifications to the submitted neighbourhood plan. These have been discussed and agreed with representatives of Buckden Parish Council.

- 2.5 The modified version of the Neighbourhood Development 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 Having regard to the options set out in paragraph 2.2:

- It is considered that the modifications will enable the Buckden Neighbourhood Development 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 2.2 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 Buckden Neighbourhood Development 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 he recommended that the referendum area be the same as the Buckden Neighbourhood Development 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. The Regulations also state that the referendum must be held within 56 days of the decision that the neighbourhood plan should proceed to referendum.

3.4 The Covid-19 health emergency has resulted in several amendments to the normal process of neighbourhood planning to reflect social distancing rules and to reduce the risk of virus transmission. The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020 came into force on 7 April 2020 and postponed all elections and referendums until 6 May 2021. Therefore, the requirement that a referendum is held within 56 working days of the decision that the neighbourhood plan should proceed to referendum is not applicable under the current circumstances.

3.5 A potential date for the referendum has been discussed with Democratic Services. Holding the referendum on 6 May 2021 is proposed (the earliest possible date allowed under the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020). This provisional date has been discussed with representatives of Buckden Parish Council, and they have indicated that they support this date.

3.6 At the referendum residents will be able to vote on the question: 'Do you want Huntingdonshire District Council to use the Neighbourhood Plan for

Buckden to help it decide planning applications in the neighbourhood area?’

- 3.7 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 6 May, is expected to be 19 May 2021 (meeting date to be confirmed). The plan will then become part of the statutory development plan for Huntingdonshire.

4. COMMENTS OF OVERVIEW & SCRUTINY

- 4.1 The comments of the Overview and Scrutiny Panel (Performance and Growth) will be appended to the report prior to its consideration by the Cabinet.

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

- 5.1 Progressing the Buckden Neighbourhood Development Plan through to referendum links to the Corporate Plan objective ‘To support community planning including working with parishes to complete Neighbourhood and Parish Plans.’

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 Buckden Neighbourhood Development 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 Buckden Neighbourhood Development Plan to proceed to referendum.

9. LIST OF APPENDICES INCLUDED

Appendix 1 – Buckden Neighbourhood Development Plan (as modified)
Appendix 2 – The Examiners Report of Buckden Neighbourhood Development 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)
<https://www.legislation.gov.uk/ukpga/1990/8/contents>

Planning and Compulsory Purchase Act 2004
<https://www.legislation.gov.uk/ukpga/2004/5/contents>

Localism Act 2011
<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

The Neighbourhood Planning (Referendums) Regulations 2012 (as amended)
<http://www.legislation.gov.uk/ukdsi/2012/9780111525050/contents>

Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020
<https://www.legislation.gov.uk/uksi/2020/395/made>

National Planning Practice Guidance (Neighbourhood Planning)
<https://www.gov.uk/guidance/neighbourhood-planning--2>

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