

Public

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Buckden Neighbourhood Development Plan.

Meeting/Date: Council – 19 May 2021

Executive Portfolio: Executive Councillor for Strategic Planning.

Report by: Strategic Growth Manager.

Ward(s) affected: **Buckden**

Executive Summary:

The Referendum on the Buckden Neighbourhood Development Plan was held on 6 May 2021 and resulted in an 91.8% 'Yes' vote in support of making the Neighbourhood Plan as part of the statutory development plan. As this exceeds the required threshold of 50% of the votes cast the Council is required to formally 'make' the Buckden Neighbourhood Development Plan unless the Council considers that it would be incompatible with any EU or human rights obligations. As part of the statutory development plan the Buckden Neighbourhood Development Plan would be used to help decide planning applications within the neighbourhood area.

It is not considered that making the plan would be incompatible with an EU or human rights obligation and the Buckden Neighbourhood Development Plan must therefore be 'made'.

Recommendation:

The Council is

RECOMMENDED

To 'make' the Buckden Neighbourhood Development Plan in the form attached as Appendix 1 such that it becomes part of the Statutory Development Plan for Huntingdonshire with immediate effect.

1. PURPOSE OF THE REPORT

- 1.1 The purpose of the report is to consider whether the Buckden Neighbourhood Development Plan should be officially 'made' such that it becomes part of the statutory development plan for Huntingdonshire.

2. BACKGROUND

- 2.1 The Buckden Neighbourhood Area was formally designated on 5 September 2018. The submission neighbourhood plan, its supporting evidence base and all responses to the statutory consultation were subject to an independent examination commencing on 2 September 2020 with the final report issued on 23 October 2020.
- 2.2 The examination confirmed that the Buckden Neighbourhood Development Plan should move forward to referendum subject to modifications and confirmed that it complied with the specified basic conditions, was properly prepared by the qualifying body, covered the designated plan area, did not contain any excluded development and contained policies that related to the development and use of land. The examiner's report also confirmed that there was nothing in the Buckden Neighbourhood Development Plan that led them to conclude there would be any breach of the European Convention on Human Rights. They also confirmed that the Buckden Neighbourhood Development Plan is compatible with EU obligations arising from the Habitats Regulations Assessments and other directives.
- 2.3 The outcome of the examination and proposed changes were reported to Overview and Scrutiny Committee (Performance and Growth) on 9 December 2020 and Cabinet on 10 December 2020. Arising from these it was agreed that the Buckden Neighbourhood Development Plan as proposed to be modified should progress to referendum.

3. ANALYSIS

- 3.1 The Coronavirus pandemic 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.
- 3.2 The referendum was held at the soonest possible opportunity on the 6 May 2021 where the statutorily set question was posed asking residents of the designated neighbourhood area: 'Do you want Huntingdonshire District Council to use the Neighbourhood Plan for Buckden to help it decide planning applications in the neighbourhood area?'
- 3.3 A total of 2,295 people were eligible to vote in the referendum; 948 ballot papers were issued representing a turnout of 41.3%. The number of votes cast in favour of 'Yes' was 869, the number of votes in favour of 'No' was

64 with 14 ballot papers rejected where the intended vote could not be clearly determined. This indicated a majority of 91.8% voting in favour of using the Buckden Neighbourhood Development Plan to help decide planning applications within the designated neighbourhood area.

- 3.4 As the Buckden Neighbourhood Development Plan was endorsed by more than the required threshold of 50% of those voting the Council must now 'make' the Neighbourhood Plan such that it becomes part of the statutory development plan for Huntingdonshire unless the Council considers that it would be incompatible with any EU or human rights obligations. It is not considered that making the plan would be incompatible with an EU or human rights obligation and the Buckden Neighbourhood Plan must therefore be 'made'.

4. KEY IMPACTS / RISKS

- 4.1 The key impacts of this are the reiteration of the importance of the planned system with town and parish councils and residents of the neighbourhood plan area having the opportunity to positively influence how their community grows in the future.
- 4.2 Successful 'making' of a Neighbourhood Plan entitles Buckden Parish Council to an increased proportion of CIL receipts from development within the neighbourhood area, up from 15% to 25%.

5. TIMETABLE FOR IMPLEMENTATION

- 5.1 Buckden Neighbourhood Development Plan will become part of the statutory development plan with immediate effect.

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

- 6.1 Making the neighbourhood plan will help achieve the Corporate Plan aspiration to 'Develop stronger and more resilient communities to enable people to help themselves'.

7. LEGAL IMPLICATIONS

- 7.1 Section 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Council to 'make' the Neighbourhood Plan if more than half of those voting in the referendum have voted in favour. The Council is content that the Buckden Neighbourhood Development Plan meets the specified basic conditions, does not breach the European Convention on Human Rights and is not incompatible with EU obligations arising from the Habitats Regulations Assessments and other directives.

8. RESOURCE IMPLICATIONS

- 8.1 An additional 10% of CIL receipts within the neighbourhood area will be passed over to Buckden Parish Council. This may have implications on resource availability for infrastructure projects provided by this Council.

Additional support, both financial and partnership working, may be sought to help deliver some of the projects identified in the Buckden Neighbourhood Development Plan.

9. REASONS FOR THE RECOMMENDED DECISIONS

9.1 The Council has a statutory obligation to 'make' the Buckden Neighbourhood Development Plan now that it has successfully passed the referendum stage.

10. LIST OF APPENDICES INCLUDED

Appendix 1 – Buckden Neighbourhood Development Plan

11. BACKGROUND PAPERS

HDC Overview and Scrutiny Committee (Performance and Growth) held on 9 December 2020 (see item 4 on agenda)

<http://applications.huntingdonshire.gov.uk/moderngov/ieListDocuments.aspx?Clid=10235&MId=7760>

HDC Cabinet meeting held on 10 December 2020 (see item 4 on agenda)

<http://applications.huntingdonshire.gov.uk/moderngov/ieListDocuments.aspx?Clid=256&MId=7794>

The Neighbourhood Planning (Referendums) Regulations 2012 (as amended)

<http://www.legislation.gov.uk/ukdsi/2012/9780111525050/contents>

National Planning Practice Guidance (Neighbourhood Planning)

<https://www.gov.uk/guidance/neighbourhood-planning--2>

Neighbourhood Planning in Huntingdonshire webpage

<https://www.huntingdonshire.gov.uk/planning/neighbourhood-planning/>

Buckden Neighbourhood Development Plan webpage

<https://www.huntingdonshire.gov.uk/planning/neighbourhood-planning/buckden-neighbourhood-development-plan/>

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