

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter:	St Neots Neighbourhood Plan examination outcome and progression to referendum
Meeting/Date:	Overview and Scrutiny Panel (Environmental Wellbeing) - 10 th November 2015 Cabinet 19 th November 2015
Executive Portfolio:	Strategic Housing and Planning
Report by:	Planning Policy Team Leader
Ward(s) affected:	St Neots Eaton Ford, Eaton Socon, Priory Park and Eynesbury wards for the St Neots neighbourhood plan

Executive Summary:

An earlier report on this agenda sought agreement of the process for determining whether a Neighbourhood Plan progresses to referendum and set out the procedures for conducting a referendum. This report follows that proposed process.

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

Recommendations:

It is recommended that the Cabinet:

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

1. WHAT IS THIS REPORT ABOUT?

- 1.1 The report seeks agreement to act upon the Examiner's report into the St Neots Neighbourhood Plan leading to a referendum on whether or not it should be brought into force as part of the statutory development plan.

2. WHY IS THIS REPORT NECESSARY

- 2.1 St Neots Neighbourhood Plan is the first in Huntingdonshire to progress through examination. The Examiner accepted 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.

- 2.2 Following examination the Examiner's report is sent 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:

- a) That the neighbourhood plan proceeds to referendum as submitted
- b) That the neighbourhood plan is modified by the local planning authority to meet the basic conditions and the modified version proceeds to referendum; or
- c) That the neighbourhood plan does not proceed to referendum as it fails to meet the basic conditions or legislative requirements and cannot be modified to do so.

- 2.3 The local planning authority has limited options following the examination:

- 1. Act upon the Examiner's report and progress the neighbourhood plan to referendum – where the Examiner either recommends the plan meets the basic conditions without need for modifications or can meet the basic conditions subject to modifications;
- 2. 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 – in which case the local planning authority must notify all those identified in the consultation statement of the town/ parish council and invite representations on the alternative decision and where necessary as a result of these representations the local planning authority must reopen the examination; or
- 3. Decide not to progress the neighbourhood plan in light of the Examiner's report - this is only permissible where c) above is the case.

- 2.4 The Examination on the St Neots Neighbourhood Plan took place during January-February 2015 with the final report being issued on 28 February 2015. The Examiner proposed a substantial number of modifications to the proposed submission neighbourhood plan. These have been discussed with representatives of St Neots Town Council. On several aspects the Examiner presented options for the Town Council to consider and agree their preferred modifications. These included deleting the chapter on Entertainment and Leisure in its entirety in order to designate Riverside Park and Regatta Meadow as local green spaces. Secondly, the Examiner recommended deletion of the proposed car parking policy and use of a design-led approach to provide greater certainty has been prepared. The Development and Growth Committee of St Neots Town Council met on 21 April 2015 to discuss these and the proposed modifications reflect their preferences. Before a referendum

could take place, the process for determining whether a plan progresses to referendum following the receipt of an Examiner's report needed to be approved, and the preceding report on this agenda seeks to do this.

2.5 The submitted 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. Having regard to the options set out in paragraph 2.3:

- It is considered that the modifications as now proposed will enable the St Neots 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 2. in paragraph 2.3 should be followed.

3. WHAT ACTIONS WILL BE TAKEN

3.1 Preparations will be made for a referendum to be held on the St Neots Neighbourhood Plan in accordance with the Regulations and using the guidance provided by the Planning Advisory Service and Local Government Association.

3.2 The Examiner is also required to recommend on the area to be covered by the referendum. In this instance she recommended that the referendum area be the same as the St Neots Neighbourhood Plan area, approved by the District Council on 17 October 2013. At the referendum residents will be able to vote on the question: 'Do you want Huntingdonshire District Council to use the neighbourhood plan for St Neots to help it decide planning applications in the neighbourhood area?' A date for the referendum will be arranged by Democratic Services in agreement with St Neots Town Council, with the aim that it takes place in January 2016.

3.3 If a majority of residents vote 'yes', Full Council will be asked to 'make' the neighbourhood plan at its next available meeting, which would be the 24th February 2016 meeting assuming the referendum is conducted in January 2016. The plan will then become part of the statutory development plan for the area. The only circumstances where the District council is not required to make the neighbourhood plan are where it considers that doing so would be incompatible with any EU or human rights obligations.

4. COMMENTS OF OVERVIEW & SCRUTINY PANEL

4.1 Comments from the Overview & Scrutiny (Environmental Well-being) Panel have been included separately on the Cabinet's agenda at item 11, Comments from Overview and Scrutiny.

5. LINK TO THE CORPORATE PLAN

5.1 Progressing the St Neots Neighbourhood Plan through to referendum links to the strategic objective 'To empower local communities'. It will help to achieve the action of 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. The Examiner's report has confirmed that St Neots Neighbourhood Plan, as proposed to be modified, meets all the basic conditions. Confirmation has been sought from St Neots Town Council over modifications where the Examiner allowed alternative options and officers are satisfied that there are no conflicts with the basic conditions and legislative requirements.

7. RESOURCE IMPLICATIONS

- 7.1 Payment has already been received under the Extra Burdens Grant of £20,000 following successful examination (ie. That the Examiner recommends the plan proceeds to referendum, with or without the need for modifications). This is intended to meet the costs of the referendum.

8. REASONS FOR THE RECOMMENDED DECISIONS

- 8.1 The recommended decision is necessary to enable the St Neots Neighbourhood Plan to proceed to referendum.

9. RECOMMENDED DECISIONS

- 9.1 Cabinet is recommended to:

- 1) Agree that the District Council should act upon the Examiner's report and recommended modifications, and progress the neighbourhood plan to referendum

10. LIST OF APPENDICES

- 1) The submitted Neighbourhood Plan
- 2) The examiner's report
- 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.

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)
St Neots Neighbourhood Plan 2014-2029, July 2014
St Neots Neighbourhood Plan Examiners Report, February 2015

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