

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Houghton and Wyton Neighbourhood Plan examination outcome and progression to referendum

Meeting/Date: Cabinet – 18th January 2018

Executive Portfolio: Executive Councillor for Housing and Planning

Report by: Senior Planning Policy Officer

Wards affected: The Hemingfords

Executive Summary:

Following the completion of the examination process for the Houghton and Wyton Neighbourhood Plan this report proposes acting upon the Examiners' reports to accept the modifications proposed and progress the neighbourhood plan to referendum.

Recommendations:

That Cabinet:

1. Agree that the District Council should act upon the Examiners' reports and recommended modifications, and progress the neighbourhood plan, attached as Appendix 1, to referendum.

1. WHAT IS THIS REPORT ABOUT?

- 1.1 The report seeks agreement to act upon the Examiners' reports into the Houghton and Wyton 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

- 2.1 The Houghton and Wyton Neighbourhood Plan was originally examined between 14th September and 14th December 2015. The Examiner proposed a number of modifications to the neighbourhood plan, which were discussed with representatives of Houghton and Wyton Parish Council. It was agreed that if applied the modifications would result in a neighbourhood plan that would not reflect the community's views and aspirations. Officers therefore worked with the parish council to formulate alternative modifications that would meet the basic conditions and better meet the community views and be closer aligned with the original submission neighbourhood plan.

- 2.2 Alternative modifications were prepared and consulted on from 7th April to 22nd May 2017. Following consultation the examination was reopened on 7th September 2017 with a new examiner. The examiner's report on the examination of the alternative modifications was received on 20th November 2017. The Examiner proposed a number of modifications to the alternative modifications in order for them to meet the basic conditions and recommended that the neighbourhood plan, incorporating the modifications from the original examination process (that had been accepted previously) and the alternative modifications, as modified, should proceed to referendum.

- 2.3 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:

- 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 and/ or legislative requirements and cannot be modified to do so.

- 2.4 The local planning authority has limited options in how to respond to the examiner's recommendations:

1. 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;
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; 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.

- 2.5 The modified version of the Neighbourhood Plan, the two examiners' reports 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 2.4:

- It is considered that the modifications will enable the Houghton and Wyton 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 2.4 should be followed.

3. WHAT ACTIONS WILL BE TAKEN

3.1 Following approval by Cabinet preparations will be made for a referendum to be held on the Houghton and Wyton 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 it is recommended that the referendum area be the same as the Houghton and Wyton Neighbourhood Plan area, approved by the District Council.

3.3 There is a statutory requirement 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 (Houghton and Wyton Parish Council) have agreed. A potential date for the referendum has been discussed with Democratic Services. Holding the referendum on 1st March 2018 is proposed, which would meet both time requirements. This provisional date has been discussed with representatives of Houghton and Wyton 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 Houghton and Wyton to help it decide planning applications in the neighbourhood area?'

3.5 If a majority of residents vote 'yes', Full Council will be asked to 'make' the neighbourhood plan at its next available meeting, which, assuming that the referendum is held on 1st March, would be on 25th March 2017. The plan will then become part of the statutory development plan for Huntingdonshire.

4. LINK TO THE CORPORATE PLAN

4.1 Progressing the Houghton and Wyton 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.

5. LEGAL IMPLICATIONS

5.1 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 Examiners' reports have confirmed that Houghton and Wyton 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.

6. RESOURCE IMPLICATIONS

- 6.1 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.

7 REASONS FOR THE RECOMMENDED DECISIONS

- 7.1 The recommended decision is necessary to enable the Houghton and Wyton Neighbourhood Plan to proceed to referendum.

8. RECOMMENDED DECISIONS

- 8.1 Cabinet is recommended to:

- 1) Agree that the District Council should act upon the Examiners' reports and recommended modifications, and progress the neighbourhood plan, attached as Appendix 1, to referendum.

9. LIST OF APPENDICES

Appendix 1: The modified version of the Neighbourhood Plan

Appendix 2: The examiner's report received 14th December 2015

Appendix 3: The examiner's report received 20th November 2017

Appendix 4: The draft Decision Statement setting out the modifications necessary to enable the submission neighbourhood plan to meet the required basic conditions.

BACKGROUND PAPERS

[Localism Act 2011](#)

[The Neighbourhood Planning \(Referendums\) Regulations 2012 \(as amended\)](#)

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