

# Cherwell District Council

## Executive

5 December 2016

### **'Making'(Adoption) of the Bloxham Neighbourhood Plan**

#### **Report of Head of Strategic Planning and the Economy**

This report is public

#### **Purpose of report**

To propose the Executive recommends the 'making' (adoption) of the Bloxham Neighbourhood Plan at the meeting of the Full Council on 19 December 2016.

#### **1.0 Recommendations**

The meeting is recommended:

- 1.1 To note the referendum result of the 3 November 2016 where 97% of those who voted were in favour of the Bloxham Neighbourhood Plan which is above the required 50%.
- 1.2 To recommend to Council to resolve that Cherwell District Council as the local planning authority 'make' the Bloxham Neighbourhood Plan so that it is part of the statutory development plan for the District.
- 1.3 To recommend to Council to approve the issuing and publication of a decision statement stating that Cherwell District Council has resolved to make the Bloxham Neighbourhood Plan.
- 1.4 To recommend to Council to delegate to the Head of Strategic Planning and the Economy the correction of any spelling, grammatical or typographical errors, and the undertaking of any minor presentational improvements, prior to the Plan being adopted and published by Council.

#### **2.0 Introduction**

- 2.1 On the 3 June 2013 the Council's Executive designated the area proposed by Bloxham Parish Council for the Neighbourhood Plan which covers the whole of the Bloxham Parish administrative area.

- 2.2 The Parish Council engaged with the local community in preparing its Plan and formal consultation took place during 2015 and 2016.
- 2.3 In February 2016 Council officers submitted the Neighbourhood Plan for independent examination supported by its associated evidence documents and the representations received.
- 2.4 The Council received the Examiner's report on 7 July 2016 which in summary recommended that the Neighbourhood Plan proceed to referendum subject to modifications.
- 2.5 On 5 September 2016 the Council's Executive considered the examiner's report and the Neighbourhood Plan incorporating the examiners modifications and resolved that the Neighbourhood Plan proceed to referendum. The referendum for the Bloxham Neighbourhood Plan took place in Bloxham on 3 November in accordance with Neighbourhood Plan referendum regulations.
- 2.6 The Bloxham Neighbourhood Plan proposed to be made is attached at appendix 1 to this report.

### **3.0 Report Details**

#### **Referendum**

- 3.1 A timetable was drawn up for the referendum and an Information Statement published giving notice of the referendum. The Neighbourhood Plan and other required information and material were made available for public viewing on the Council's website, at Bloxham Mill and at the Council Offices at Bodicote House before and during the referendum. The documents were:
  - This Information Statement, which provides general information about neighbourhood planning, the referendum and a map of the referendum area;
  - The draft Bloxham Neighbourhood Plan; (the referendum version)
  - The report of the independent examiner into the Neighbourhood Plan;
  - Summaries of the written representations submitted to the independent examiner;
  - A Decision Statement of the Local Planning Authority's satisfaction that the Bloxham Neighbourhood Plan as recommended for modification by the Examiner meets the necessary legal and procedural requirements, and background information.
- 3.2 Those eligible to vote were also sent the required information and material before the referendum.
- 3.3 The question (as specified by the regulations) posed for the Referendum was:

*'Do you want Cherwell District Council to use the Neighbourhood Plan for Bloxham to help it decide planning applications in the neighbourhood area?'*
- 3.4 More than 50% of those who voted, voted 'Yes' in response to this question. The declaration of poll results is attached at appendix 2 to this report. 877 voted in

favour of the Neighbourhood Plan with 26 against, providing a majority vote of 97%. The result of the referendum has been publicised on the Council's website.

### **Adoption**

- 3.5 Section 38A of the Planning and Compulsory Purchase Act 2004 (as amended) requires a local planning authority to which a proposal for the making of a neighbourhood development plan has been made to 'make' the neighbourhood development plan if more than half of those voting in the applicable referendum have voted in favour of the plan.
- 3.6 The Council is not subject to this duty if the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). There is no known breach or incompatibility and the plan making process has followed all relevant legal and procedural requirements.
- 3.7 In accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended) as soon as possible following the decision to make the neighbourhood plan the Council must publish a decision statement that the plan has been made and the reasons. A copy of the Decision Statement must be sent to the qualifying body (Bloxham Parish Council) and anyone who asked to be notified of the decision. The District Council must also publish where and when the Decision Statement can be inspected. A copy of the draft Decision Statement is attached at Appendix 3.
- 3.8 The local planning authority is also required to publish the neighbourhood development plan on the Council's website and notify any person who asked to be notified of the making of the neighbourhood development plan that it has been made and where and when it may be inspected.

## **4. Conclusion and Reasons for Recommendations**

- 4.1 Local planning authorities are required by statute to 'make' any neighbourhood plan if more than half of those voting in the referendum vote in favour of the plan. Of those eligible to vote, 877 voted in favour of the Plan with 26 against. This gives a majority vote of 97%.
- 4.2 Executive is therefore requested to recommend the 'making' (adoption) of the Bloxham Neighbourhood Plan at the meeting of the Full Council on 19 December 2016.

## **5.0 Consultation**

- 5.1 Councillor Colin Clarke – Leader Member for Planning

## **6.0 Alternative Options and Reasons for Rejection**

- 6.1 Where a referendum poll results in more than half of those eligible to vote voting in favour of the Neighbourhood Plan, the local planning authority must 'make' the Plan

as part of the statutory development plan. There are no alternative options available unless the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

## 7.0 Implications

### Financial and Resource Implications

- 7.1 The District Council funds the formal consultation on the plan and compiles all of the responses. We are also required to organise and fund the Examination and Referendum. However the Council does receive financial support from Central Government, to cover these costs.

Comments checked by:

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### Legal Implications

- 7.2 The Bloxham Neighbourhood Plan will become part of the statutory development plan for Cherwell District and will be a material consideration in the determination of planning applications.
- 7.3 Under the Planning and Compulsory Purchase Act (as amended) anything relating to the referendum and the Council's decision to make the Plan may be legally challenged by a claim for judicial review.

Comments checked by:

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## 8.0 Decision Information

### Key decision

**Financial Threshold Met** No

**Community Impact Threshold Met:** No

### Wards Affected

Bloxham and Bodicote

### Links to Corporate Plan and Policy Framework

- Accessible, Value for Money Council
- District of Opportunity
- Safe and Healthy
- Cleaner Greener

## Lead Councillor

Councillor Colin Clarke - Lead Member for Planning

## Document Information

<b>Appendix No</b>	<b>Title</b>
Appendix 1	Version of Bloxham Neighbourhood Plan for 'making'
Appendix 2	Declaration of results of poll
Appendix 3	Draft Decision Statement for 'making' of the Neighbourhood Plan
<b>Background Papers</b>	
None	
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