

Cherwell District Council

Council

16 July 2018

'Making' of the Adderbury Neighbourhood Plan

Report of Executive Director: Place and Growth

This report is public

Purpose of report

To seek the 'making' of the Adderbury Neighbourhood Plan following the successful referendum held in Adderbury Parish on 21 June 2018 and the recommendation of the Executive at its meeting on 2 July 2018.

1.0 Recommendations

The meeting is recommended:

- 1.1 To note the referendum result of 21 June 2018 where 91.6% of those who voted were in favour of the Adderbury Neighbourhood Plan which is above the required 50%.
- 1.2 To formally 'make' the Adderbury Neighbourhood Plan presented at Appendix 1 to this report so that it continues to have effect as part of the statutory Development Plan for the District.
- 1.3 To approve the issuing and publication of a decision statement.

2.0 Introduction

- 2.1 On 3 June 2013, the Executive designated Adderbury Parish as a Neighbourhood Area for the purpose of producing a Neighbourhood Plan.
- 2.2 The Parish Council engaged with the local community in preparing its Plan and formal consultations took place during 2016 and 2017.
- 2.3 In March 2018, Council officers submitted the draft Adderbury Neighbourhood Plan for independent examination supported by associated evidence documents and representations received. The Examiner recommended that the Neighbourhood Plan should, subject to recommended modifications, proceed to referendum.

- 2.4 On 26 April 2018, the Lead Member for Planning considered the Examiner's report and the Neighbourhood Plan incorporating the Examiner's modifications and resolved that the Neighbourhood Plan proceed to referendum.
- 2.5 The referendum for the Adderbury Neighbourhood Plan took place in Adderbury on 21 June 2018 in accordance with Neighbourhood Planning Referendum Regulations. More than 50% of those who voted, voted in favour of the Plan.
- 2.6 The Adderbury Neighbourhood Plan is now part of the statutory Development Plan and the Council is asked to formally 'make' the Plan that so that it continues to do so. The Plan proposed to be made is at Appendix 1 to this report.
- 2.7 On 2 July 2018, a report was presented to the Executive which included the referendum result and a copy of the Neighbourhood Plan. The Executive resolved:
1. To note the referendum result of 21 June 2018 where 91.6% of those who voted were in favour of the Adderbury Neighbourhood Plan which is above the required 50%;
 2. To recommend to Council that it 'makes' the Adderbury Neighbourhood Plan so that it continues to have effect as part of the statutory Development Plan for the District.
 3. To recommend to Council that it approves the issuing and publication of a decision statement.

3.0 Report Details

Referendum

- 3.1 The Neighbourhood Plan and other required information were made available for public viewing on the Council's website, at Adderbury Library and at the Council's Offices at Bodicote House before and during the referendum. The documents made available were:
- a Notice of Referendum;
 - an Information Statement which provides general information about neighbourhood planning, the referendum and a map of the referendum area;
 - the draft Adderbury Neighbourhood Plan, Basic Conditions Statement and Consultation Statement (referendum version);
 - the report of the independent Examiner into the Neighbourhood Plan;
 - summaries of the written representations submitted to the independent examiner;
 - a Referendum General Statement;
 - a Decision Statement confirming the Lead Member's determination that the Plan should proceed to referendum.
- 3.2 Those eligible to vote were sent the requisite information to enable participation in 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 Adderbury to help it decide planning applications in the neighbourhood area?'

3.4 More than 50% of those who voted 'Yes' in response to this question. The declaration of poll results is attached at Appendix 2 to this report. 651 people voted in favour of the Neighbourhood Plan with 58 against, providing a majority vote of 91.6%. The result of the referendum has been publicised on the Council's website.

'Making' the Neighbourhood Plan

3.5 As a result of legislative changes made in 2017, a neighbourhood plan comes into force as part of the statutory Development Plan once it has received majority support at a referendum. The Adderbury Neighbourhood Plan now has this status.

3.6 However, the Council is still required to formally 'make' the Neighbourhood Plan for it to continue to have effect and must do so within a prescribed eight week period from the day after the referendum (in this case by 17 August 2018).

3.7 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.

3.8 The Council is not subject to this duty if the making of the plan would breach, or would otherwise be incompatible with, any EU or human rights obligations. There is no known breach or incompatibility. Officers consider that the Adderbury Neighbourhood Plan can be formally 'made'. If the Council decided not to formally 'make' the Plan, it would cease to have effect as part of the Development Plan.

3.9 As soon as possible following the decision to make a Neighbourhood Plan, the Council must publish a Decision Statement stating that the Plan has been made and the reasons. A copy of the Decision Statement must be sent to the qualifying body (in this case Adderbury 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 at Appendix 3 to this report.

3.10 The Council is also required to publish the Neighbourhood Plan on its website and notify any person who has asked to be notified of the making of the Plan that it has been made and where and when it may be inspected.

4.0 Conclusion and Reasons for Recommendations

4.1 A referendum was held on the Adderbury Neighbourhood Plan on 21 June 2018. Of those eligible to vote, 651 voted in favour of the Plan with 58 against. The vote of 91.6% in favour, meets the requisite majority and the Plan is now part of the statutory Development Plan. The Council is still required to formally 'make' the Plan and there is no known breach or incompatibility with EU or human rights obligations

which prevents this. The Council is therefore requested to 'make' the Adderbury Neighbourhood Plan.

5.0 Consultation

Cllr 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. The Council is not subject to this duty if the making of the plan would breach, or would otherwise be incompatible with, any EU or human rights obligations. There is no known breach or incompatibility. Consequently there are no other options.

7.0 Implications

Financial and Resource Implications

- 7.1 The cost of 'making' the Neighbourhood Plan is being met within existing budgets prior to reclaiming costs. LPAs can claim £20,000 once they have set a date for a referendum following a successful examination where a neighbourhood plan has not previously been made for that area.

Comments checked by:

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Legal Implications

- 7.2 The Adderbury Neighbourhood Plan has been prepared in accordance with the Town and Country Planning Act 1990 (as amended), the Planning and Compulsory Purchase Act 2004 (as amended) and the Neighbourhood Planning (General) Regulations 2012 (as amended). The Adderbury Neighbourhood Plan is now part of the statutory Development Plan. The recommendations of this report and the 'making' of the Plan would enable the Council to fulfil its legal obligations following the favourable referendum result.

Comments checked by:

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8.0 Decision Information

Wards Affected

Adderbury, Bloxham and Bodicote Ward

This report directly links to all three themes from the Joint Corporate Strategy 2018-19:

- District of Opportunity & Growth
- Protected, Green & Clean
- Thriving Communities & Wellbeing

Lead Councillor

Councillor Clarke – Lead Member for Planning

Document Information

Appendix No	Title
Appendix 1	Adderbury Neighbourhood Plan for 'making'
Appendix 2	Declaration of results of poll
Appendix 3	Draft Decision Statement for the 'making' of the Neighbourhood Plan
Background Papers	
None	
Reference Documents	
Adderbury Neighbourhood Plan - referendum and examination documents https://www.cherwell.gov.uk/Adderburyneighbourhoodplan	
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