

Cherwell District Council

Council

14 May 2019

'Making' (Adoption) of the Mid-Cherwell Neighbourhood Plan

Report of Interim Executive Director - Place & Growth

This report is public

Purpose of report

To seek the 'making' of the Mid-Cherwell Neighbourhood Plan following the successful referendum and the recommendation of the Executive at its meeting on 1 April 2019.

1.0 Recommendations

The meeting is recommended:

- 1.1 To note the referendum result of 21 March 2019 where 90.2% of those who voted were in favour of the Mid-Cherwell Neighbourhood Plan which is above the required 50%.
- 1.2 To formally 'make' the Mid-Cherwell 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 authorise the Interim Executive Director - Place and Growth in consultation with the Lead Member for Planning to issue and publicise a Decision Statement.

2.0 Introduction

- 2.1 The Council's Executive resolved at a meeting on 7 April 2015, to designate a Neighbourhood Plan area for the production of a 'Mid Cherwell' Neighbourhood Plan.
- 2.2 The designated Neighbourhood Area comprises the following parishes:

- Ardley with Fewcott Parish
- Kirtlington Parish
- Duns Tew Parish
- Lower Heyford Parish
- Middleton Stoney Parish
- Somerton Parish

- Steeple Aston Parish
- Middle Aston Parish
- North Aston Parish
- Fritwell Parish
- Upper Heyford Parish

- 2.3 A Mid-Cherwell Neighbourhood Forum was formed to facilitate plan preparation comprising the Parish Councils and including the Dorchester Group (developers of former RAF Upper Heyford) and Heyford Park Residents Association as associate Members. The Forum engaged with the local community in preparing its Plan and formal consultations took place during 2017 and 2018.
- 2.4 In October 2018 Council officers submitted the draft Mid-Cherwell Neighbourhood Plan for independent examination supported by associated documents and representations received. The Examiner recommended that the Neighbourhood Plan should, subject to recommended modifications, proceed to referendum.
- 2.5 On 1 February 2019 the Lead Member for Planning considered the Examiner's report and the recommended modifications and resolved that the Neighbourhood Plan proceed to referendum.
- 2.6 The referendum took place at locations in the Mid-Cherwell Area on 21 March 2019 in accordance with Neighbourhood Planning Referendum Regulations. More than 50% of those who voted were in favour of the Plan.
- 2.7 The Mid-Cherwell Neighbourhood Plan now operates as part of the statutory Development Plan for Cherwell District and the Council is asked to formally 'make' the Plan so that it continues to operate as part of the Development Plan. The Plan proposed to be made is found at Appendix 1 to this report.
- 2.8 On 1 April 2019, a report was considered by 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 March 2019 where 90.2% of those who voted were in favour of the Mid-Cherwell Neighbourhood Plan which is above the required 50%.
 2. To recommend to Council that it 'makes' the Mid-Cherwell 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 was made available for public viewing on the Council's website, at locations in each Parish in the Mid-

Cherwell Area 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 Mid-Cherwell 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 posed for the referendum (as specified by the regulations) was:

'Do you want Cherwell District Council to use the Neighbourhood Plan for Mid-Cherwell 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. 1231 people voted in favour of the Neighbourhood Plan with 128 against, providing a majority vote of 90.2%. 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 Mid-Cherwell 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, which is by 17 May 2019.

3.7 Section 38A of the Planning and Compulsory Purchase Act 2004 (as amended) requires the Council 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 Mid-Cherwell 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 Ardley with Fewcott 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.
- 3.10 The Council is also required to publish the Mid-Cherwell 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 Mid-Cherwell Neighbourhood Plan on 21 March 2019. Of those eligible to vote, 1231 voted in favour of the Plan with 128 against. The vote of 90.2 % 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 Mid Cherwell Neighbourhood Plan which would be within the prescribed eight week period.

5.0 Consultation

Cllr Colin Clarke - Leader Member for Planning

6.0 Alternative Options and Reasons for Rejection

- 6.1 There is no known breach or incompatibility with, any EU or human rights obligations. The Council has no options or alternatives to making the Plan.

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:

Kelly Wheeler, Principal Accountant (Wellbeing and Environment), 01327 322230, kelly.wheeler@cherwellandsouthnorthants.gov.uk

Legal Implications

- 7.2 The Mid-Cherwell 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 referendum on the Plan garnered more than 50% of the vote. The Council is now under a duty to make the Plan within the above-mentioned timeframe and would be in breach if it failed to do so.

Comments checked by:

Matthew Barrett, Planning Solicitor, 01295 753798

matthew.barrett@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Wards Affected

Fringfords and Heyfords

Deddington

Launton and Otmoor

Link to Corporate Priorities

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	Mid-Cherwell Neighbourhood Plan for 'making'
Appendix 2	Declaration of results of poll
Background Papers	
None	
Reference Documents	
Mid-Cherwell Neighbourhood Plan - https://www.cherwell.gov.uk/info/221/neighbourhood-plans/400/mid-cherwell-neighbourhood-plan	
Report Author	Chris Thom, Principal Planning Policy Officer
Contact Information	Chris Thom – 01295 221849 chris.thom@cherwell.gov.uk