

<b>This report is public</b>	
<b>Notification of Urgent Action - Making of the Deddington Neighbourhood Plan</b>	
<b>Committee</b>	Executive
<b>Date of Report</b>	10 June 2024
<b>Portfolio Holder presenting the report</b>	Portfolio Holder for Planning and Development, Councillor Jean Conway
<b>Date Portfolio Holder agreed report</b>	28 May 2024
<b>Report of</b>	Assistant Director Planning and Development, David Peckford

## Purpose of report

To inform Executive of a decision taking under urgency powers by the Corporate Director Communities regarding the making of the Deddington Neighbourhood Plan.

## 1. Recommendations

The Executive resolves:

- 1.1 To note the referendum result of 2 May 2024 where 93% of those who voted were in favour of the Deddington Neighbourhood Plan, which is above the required 50%.
- 1.2 To note the urgent decision taken by the Corporate Director Communities (Appendix 1).

## 2. Executive Summary

- 2.1 The Constitution states that the Corporate Director – Communities may make an urgent decision in relation to an Executive function (in consultation with the relevant Member(s) if it is in the best interest of the Council and/or residents. Such a decision has been taken in relation to the Deddington Neighbourhood Plan in the interest of the Plan's 'making' within statutory timeframes following a successful referendum. On 22 June 2024, Council formally 'made' the Plan having regard to the Corporate Director's decision.

## Implications & Impact Assessments

<b>Implications</b>	<b>Commentary</b>
<b>Finance</b>	There are no direct financial implications arising from this report. The work required by the District Council to support the preparation of Neighbourhood Plans is met within existing budgets. Comments checked by:

	Kelly Wheeler, Finance Business Partner, 24 April 2024			
<b>Legal</b>	<p>The Deddington 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 legal duty to make the Plan within the above-mentioned timeframe and would be in breach if it failed to do so.</p> <p>Kim Maher, Solicitor Legal Services, 1 May 2024</p>			
<b>Risk Management</b>	<p>There is no risk to the Council beyond the legal risk identified. This, and any further arising risks will be managed through the service operational risk and escalated to the Leadership Risk Register as and when deemed necessary.</p> <p>Celia Prado-Teeling, Performance Team Leader, 29 April 2024</p>			
<b>Impact Assessments</b>	Positive	Neutral	Negative	Commentary
<b>Equality Impact</b>				
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?	x			The preparation of the Neighbourhood Plan has been led by the local community and has been subject to extensive collaboration and consultation, culminating in the local referendum. All sections of the community, including all socio-economic and minority groups have therefore had the opportunity to influence the 'making' of the neighbourhood plan. The plan has no direct impact on residents as it is a policy-based document.
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?	x			As above
<b>Climate &amp; Environmental Impact</b>	x			The Neighbourhood Plan includes a policy on zero carbon buildings and encourages developers to build to a Passivhaus or equivalent standard.
<b>ICT &amp; Digital Impact</b>				not applicable
<b>Data Impact</b>				not applicable
<b>Procurement &amp; subsidy</b>				not applicable – the Council is not procuring any goods or services so there is no procurement impact
<b>Council Priorities</b>	<p>This report links to the strategic priorities from the Business Plan 2024/25:</p> <ul style="list-style-type: none"> <li>• Housing that meets your needs;</li> <li>• Supporting environmental sustainability;</li> </ul>			

	<ul style="list-style-type: none"> <li>• An enterprising economy with strong and vibrant local centres;</li> <li>• Healthy, resilient, and engaged communities.</li> </ul>
<b>Human Resources</b>	Not applicable
<b>Property</b>	Not applicable
<b>Consultation &amp; Engagement</b>	The Neighbourhood Plan for Deddington has been subject to two rounds of consultation and a local referendum prior to this point and the statutory consultation requirements have been fulfilled.

## Supporting Information

### 3. Background

- 3.1 The Deddington Neighbourhood Plan received majority support at a referendum held on 2 May 2024. Following a successful referendum, the Council is legally required to 'make' the Neighbourhood Plan within a prescribed eight week period from the day after the referendum, which is by 28 June 2024. As the scheduled meeting of Council was held on 22 May 2024, without an Executive meeting before this, there would have been a breach of the Council's duty had it waited until the following democratic cycle. The only lawful options were to present the Plan to Council on 22 May 2024 or to call a special meeting before 28 June 2024. The balance of advantage was clearly in favour of an urgent report to the 22 May meeting.
- 3.2 To enable that to happen, and in the absence of a meeting of the Executive in May, the Corporate Director – Communities needed to take an urgent decision with a recommendation to Council. Appendix 1 to this report shows that on 15 May, the Corporate Director decided to recommend to Council that it formally 'make' the Deddington Neighbourhood Plan within the prescribed period so that it continued to have effect as part of the statutory Development Plan for the district.
- 3.3 Subsequently on 22 May, Council 'made' the Plan and the Assistant Director – Planning and Development was authorised to issue and publicise a Decision Statement.

### 4. Details

- 4.1 Work progressed on a Deddington Neighbourhood Plan and the Parish Council submitted their first neighbourhood plan in 2018. The subsequent independent examination commenced on 29 April 2019. However, following consideration of the examiner's report on the submission Deddington Neighbourhood Plan, Deddington Parish Council resolved to withdraw their Plan at their meeting on 20 November 2019.
- 4.2 Deddington Parish Council then undertook additional work on their Neighbourhood Plan and submitted their revised Plan to the Council in 2023. The Neighbourhood Plan and supporting documents were publicised as required and public consultation took place between 9 June 2023 to 21 July 2023.

- 4.3 Following the consultation, the Council, in agreement with the Parish Council, appointed an Independent Examiner to undertake the independent examination. The Examiner's report is dated 12 December 2023.
- 4.4 The Executive considered the Examiner's report on 5 February 2024 and resolved that the Plan should proceed to referendum. The decision statement detailing the Council's intention to send the neighbourhood plan to referendum was published on 13 February 2024.
- 4.5 The referendum took place on 2 May 2024 in accordance with the Neighbourhood Planning Referendum Regulations. More than 50% of those who voted were in favour of the Plan.
- 4.6 On 14 May 2024, a report was considered by the Corporate Director - Communities which included the referendum result and a copy of the Neighbourhood Plan. The Corporate Director resolved:
1. To note the referendum result of 2 May 2024 where 93% of those who voted were in favour of the Deddington Neighbourhood Plan which is above the required 50%.
  2. To recommend to Council:
    - a. that it formally 'makes' the Deddington Neighbourhood Plan as presented at Appendix 1 so that it continues to have effect as part of the statutory Development Plan for the District.
    - b. that the Assistant Director – Planning and Development in consultation with the Portfolio Holder, be authorised to issue and publicise a Decision Statement following the Council's confirmation.

### **'Making' the Neighbourhood Plan**

- 4.7 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 Deddington Neighbourhood Plan now has this status.
- 4.8 Section 38A of the Planning and Compulsory Purchase Act 2004 (as amended) requires the Council to 'make' the Neighbourhood Plan if more than half of those voting in the applicable referendum have voted in favour of the Plan.
- 4.9 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 Deddington 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.
- 4.10 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 (Deddington Parish Council) and anyone who asked to be notified of the decision. The District Council must publish where and when the decision statement can be inspected.

4.11 The Council is also required to publish the Deddington 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.

## 5. Alternative Options and Reasons for Rejection

5.1 A formal decision was required to be made. There was no known breach or incompatibility with, any EU or human rights obligations. The Council had no options or alternatives to making the Plan.

## 6. Conclusion and Reasons for Recommendations

6.1 In line with the constitution, this report is informing Executive of a decision that was taken by the Corporate Director – Communities under urgency powers.

### Decision Information

<b>Key Decision</b>	No
<b>Subject to Call in</b>	No
<b>If not, why not subject to call in</b>	Decision has been taken under urgent action. This report is notifying Executive in accordance with the Constitution.
<b>Ward(s) Affected</b>	Deddington

### Document Information

<b>Appendices</b>	
<b>Appendix 1</b>	Urgent officer decision notice
<b>Background Papers</b>	<a href="#">05/02/2024 Executive Deddington Neighbourhood Plan</a> <a href="#">22/05/2024 Council Deddington Neighbourhood Plan</a>
<b>Reference Papers</b>	<a href="https://www.cherwell.gov.uk/info/221/neighbourhood-plans/397/deddington-neighbourhood-plan">https://www.cherwell.gov.uk/info/221/neighbourhood-plans/397/deddington-neighbourhood-plan</a>
<b>Report Author</b>	Holly Jones, Planning Policy
<b>Report Author contact details</b>	holly.jones@cherwell-dc.gov.uk 01295 221642