

This report is public	
Making of the Deddington Neighbourhood Plan	
Committee	Council
Date of Report	22 May 2024
Portfolio Holder presenting the report	N/A
Date Portfolio Holder agreed report	N/A
Report of	Assistant Director Planning and Development, David Peckford

Purpose of report

To seek the making of the Deddington Neighbourhood Plan following the successful referendum and the recommendation of the Corporate Director - Communities.

1. Recommendations

Council 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 formally 'makes' the Deddington Neighbourhood Plan presented at Appendix 1 to this report so that it continues to have effect as part of the statutory Development Plan for Cherwell District.
- 1.3 To authorise the Assistant Director – Planning and Development, in consultation with the Portfolio Holder with responsibility for Planning, to issue and publicise a Decision Statement.

2. Executive Summary

- 2.1 Deddington Parish Council have progressed their Neighbourhood Plan through each of the required stages and following examination, Cherwell's Executive resolved that the Plan should proceed to referendum.
- 2.3 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.
- 2.4 The Deddington 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 attached at Appendix 1 to this report.

Implications & Impact Assessments

Implications	Commentary			
Finance	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. Kelly Wheeler, Finance Business Partner, 24 April 2024			
Legal	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. Kim Maher, Solicitor Legal Services, 1 May 2024			
Risk Management	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. Celia Prado-Teeling, Performance & Insight Team Leader 29 April 2024			
Impact Assessments	Positive	Neutral	Negative	Commentary
Equality Impact				
A 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 Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?	x			As above
Climate & Environmental Impact	x			The Neighbourhood Plan includes a policy on zero carbon buildings and encourages developers to build to a Passivhaus or equivalent standard.
ICT & Digital Impact				not applicable

Data Impact				not applicable
Procurement & subsidy				not applicable – the Council is not procuring any goods or services so there is no procurement impact
Council Priorities	<p>This report links to the strategic priorities from the Business Plan 2024/25:</p> <ul style="list-style-type: none"> • Housing that meets your needs; • Supporting environmental sustainability; • An enterprising economy with strong and vibrant local centres; • Healthy, resilient, and engaged communities. 			
Human Resources	Not applicable			
Property	Not applicable			
Consultation & Engagement	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 Council's Executive resolved at a meeting on 2 December 2013 to designate Deddington Parish as a Neighbourhood Area.
- 3.2 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.
- 3.3 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.
- 3.4 Following the consultation, the Council, in agreement with the Parish Council, appointed an Independent Examiner to undertake the independent examination.
- 3.5 The Examiner's report is dated 12 December 2023.
- 3.6 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.

- 3.7 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.
- 3.8 The Deddington 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.
- 3.9 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.

4. Details

Referendum

- 4.1 The Neighbourhood Plan and other required information was made available for public viewing on the Council's website, the Deddington Neighbourhood Plan website, at a location in the Parish (Friends of Deddington Library) and at the Council's offices at Bodicote House before and during the referendum. The documents 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 Deddington Neighbourhood Plan (Referendum Version);
 - The report of the independent examiner into the Neighbourhood Plan;
 - A Referendum General Statement;
 - A Decision Statement confirming the Executive's determination that the Plan should proceed to referendum.
- 4.2 Those eligible to vote were sent the requisite information to enable participation in the referendum.
- 4.3 The question posed for the referendum (as specified by the regulations) was:
- 'Do you want Cherwell District Council to use the Neighbourhood Plan for Deddington to help it decide planning applications in the neighbourhood area?'*

- 4.4 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. 791 people voted in favour of the Neighbourhood Plan with 58 against, providing a majority vote of 93%. The result of the referendum has been publicised on the Council's website.

'Making' the Neighbourhood Plan

- 4.5 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 Deddington Neighbourhood Plan now has this status.
- 4.6 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 28 June 2024.
- 4.7 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.
- 4.8 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 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.
- 4.9 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 (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.
- 4.10 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 Option 1: Not to make the Plan. This is rejected as a formal decision is required to be made. 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.

6. Conclusion and Reasons for Recommendations

- 6.1 A referendum was held on the Deddington Neighbourhood Plan on 2 May 2024. Of those eligible to vote, 791 voted in favour of the Plan with 58 against. The vote of 93% 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 Deddington Neighbourhood Plan which would be within the prescribed eight-week period.

Decision Information

Key Decision	N/A
Subject to Call in	N/A
If not, why not subject to call in	N/A
Ward(s) Affected	Deddington

Document Information

Appendices	
Appendix 1	Appendix 1: Deddington Neighbourhood Plan for making Appendix 2: Results of Poll Appendix 3: Urgent officer decision notice
Background Papers	None
Reference Papers	05/02/2024 Executive Deddington Neighbourhood Plan Decision - Deddington Neighbourhood Plan Cherwell District Council https://www.cherwell.gov.uk/info/221/neighbourhood-plans/397/deddington-neighbourhood-plan
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