

**Committee:** Cabinet

**Agenda Item**

**Date:** 15 September

**14**

**Title:** Great Dunmow Neighbourhood Plan –  
Examiners Report

**Portfolio Holder:** Cllr Barker

Key decision: Yes

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## Summary

1. The examiner's report into the examination of the Great Dunmow Neighbourhood Plan has been received (Appendix 1). The Examiner recommends proceeding to referendum if recommended modifications are made to the Plan. The changes are summarised in appendix 2.

## Recommendations

2. That Cabinet accepts and endorses the proposed changes to the Neighbourhood Plan as set out in the Examiner's report and supports the Plan to go forward to referendum.

## Financial Implications

3. The referendum will initially be funded by Uttlesford District Council at a cost of approximately £5,000. After the referendum UDC will be able to claim £20,000 funding from DCLG which will cover the cost of the examination and the referendum.

## Background Papers

4. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

None

## Impact

- 5.

Communication/Consultation	The plan has undergone significant community involvement in its preparation
Community Safety	The plan deals with community safety
Equalities	The plan consulted with every resident
Health and Safety	None
Human Rights/Legal	None

Implications	
Sustainability	The plan deals with sustainability of village
Ward-specific impacts	Great Dunmow North and South
Workforce/Workplace	None

## **Situation**

6. The Great Dunmow Neighbourhood Plan was submitted for examination in April 2016 following a six week consultation period (see Appendix 3 for a reference copy of the original submitted NP without the modifications made). The examination was conducted via written representations (the examiner decided that a public hearing would not be required). The examiner's report, detailing recommendations was received in June 2016 (see appendix 1).
7. Planning legislation states that once a local planning authority has been issued with an examiner's report, then it must consider the recommendations. If the authority is satisfied with the examiner's recommendations then specified modifications should be made before the Plan proceeds to referendum.
8. The Council can also decide to extend the area in which the referendum is to take place, should it wish, or it could decide that it is not satisfied with the plan proposal, with respect to meeting basic conditions, compatibility with Convention rights and the definition and provisions of the Neighbourhood Plan, even if modified.
9. If the Council is satisfied then it will need to publicise its decision (a decision statement) and move to a referendum as soon as possible. If the Council is not satisfied that it meets basic conditions then it must refuse the plan proposal and publicise its decision and reasons.

## **The Recommendations**

10. The examiner has recommended that, subject to modifications, the Neighbourhood Plan meets the basic conditions and other statutory requirements, and that it can proceed to a referendum within the neighbourhood plan area.
11. The recommended modifications are out in appendix 2 'Summary of Recommendations'.
12. There are a number of modifications to policies and amendments to general wording within the Plan document, as well as mapping modifications.
13. The Council met with Great Dunmow Neighbourhood Plan Steering Group in July to discuss the modifications, the group was happy with the recommendations made by the examiner.

## **Proposed Action**

14. It is recommended that Cabinet approve the examiner's recommendations, as detailed in appendix 2, allowing the Great Dunmow Neighbourhood Plan to proceed to referendum within the neighbourhood area (the civil parish of Great Dunmow).
15. Should the examiner's recommendations be met with full approval by Cabinet then a decision statement will be published on the Council's website.
16. The next steps will involve the Council publishing information and giving at least 28 days' notice of the referendum (not including weekends or bank holidays). It is therefore anticipated that a referendum could be held at the beginning of November 2016.
17. If more than half of the people who vote in the referendum vote in favour of the Plan then the Council must adopt the Neighbourhood Plan, it then becomes part of the Council's development plan.

## Risk Analysis

1.

Risk	Likelihood	Impact	Mitigating actions
The modifications should only be disregarded if the Plan does not meet the basic conditions. If the Council do not support the Plan to referendum then the Council must have sound reasons for doing so.	1. Little - Officers are satisfied that the Examiner's recommendations are reasonable and needed to ensure the Plan meets the basic conditions	2. The Council does not follow the regulations set out in Neighbourhood Plan legislation	The Neighbourhood Plan regulations have been followed and Officers are in agreement with the Examiner's recommendations.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.