

Committee:	Cabinet	Date:	Tuesday 26 November 2019
Title:	Felsted Neighbourhood Plan – Examiners Report		
Portfolio Holder:	Cllr John Evans, Portfolio Holder for Planning and the Local Plan	Key decision:	Yes
Lead Officer:	Demetria McDonald – Planning Policy Officer		

Summary

1. The examiner's report into the examination of the Felsted 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 the Independent Examiner's recommended changes to the Felsted Neighbourhood Plan in full as set out in the Schedule at Appendix 2 and notes the recommendation that the amended Felsted Neighbourhood Plan should proceed to a Referendum of voters within the Parish of Felsted to establish whether the plan should form part of the Development Plan for Uttlesford District Council.
3. That the Cabinet approves the holding of a referendum relating to the Felsted Neighbourhood Plan on 30 January 2020 that will include all the registered electors in Felsted Parish.

Financial Implications

4. 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 MHCLG which will cover the cost of the examination and the referendum.

Background Papers

5. 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

6.

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 Implications	None
Sustainability	The plan deals with sustainability of the villages
Ward-specific impacts	Felsted
Workforce/Workplace	None

Situation

7. The Felsted Neighbourhood Plan was submitted for examination commencing 1st August 2019 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 on 29 September 2019 (see Appendix 1).
8. Planning legislation states that once a local planning authority has been issued with an examiner's report, then it must consider the recommendations and ***a) reach a decision within 5 weeks starting with the day after receiving the Examiner's report or b) reach a decision on a different date subject to UDC and Qualifying Body (Felsted Parish Council) agreement.*** If the authority is satisfied with the examiner's recommendations then specified modifications should be made before the Plan proceeds to referendum.
9. 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.
10. If the Council is satisfied then it will need to publicise its decision (**Decision Statement**) and move to a referendum as soon as possible. If the Council is not satisfied that the Plan meets basic conditions then it must refuse the plan proposal and publicise its decision and reasons.

The Recommendations

11. 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.
12. The recommended modifications are set out in Appendix 2 'Schedule of Examiner's Recommendations'.
13. There are a number of modifications to policies, deletion of policies, and amendments to general wording within the Plan document, as well as mapping modifications and additions.
14. The Council Policy Planning Officers and Felsted Neighbourhood Plan Steering Group through correspondence (2nd October 2019) agreed on the modifications, the Felsted Neighbourhood Plan Steering group accepted the recommendations made by the examiner.

Proposed Action

15. It is recommended that Cabinet approve the examiner's recommendations, as detailed in Appendix 2, allowing the Felsted Neighbourhood Plan to proceed to referendum within the neighbourhood area (the civil parish of Felsted).
16. Should the examiner's recommendations be met with full approval by Cabinet then a Decision Statement will be published on the Council's website.
17. 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 on 30 January 2020.
18. 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

19.

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	1. 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.

<p>Plan to referendum then the Council must have sound reasons for doing so.</p>			
<p>If the Decision is not made by 5/11/19 (within the prescribed 5 weeks) the Qualifying Body makes representations to the Secretary of State that the Council failed to make a decision within the prescribed 5 weeks of receiving the Examiner's report.</p>	<p>2. The Qualifying Body is not willing to agree to the Council's requests for an extension of the prescribed 5 weeks' Decision period.</p>	<p>2. The Council does not follow the Neighbourhood Planning Regulations.</p>	<p>Council continued requesting for an extension and provided reasons to the Qualifying Body for the need of a Cabinet Decision on a Key Decision and extension granted to 26 November 2019.</p>

- 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.