

Committee: Council

Date: 25/02/2020

Title: Felsted Neighbourhood Plan

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Item for decision:
Yes

Summary

1. The Localism Act 2011 introduced a right for communities to draw up neighbourhood plans. Felsted Parish Council, with support and advice from the District Council, has produced a neighbourhood plan which has subsequently undergone a successful examination and referendum. This report considers whether the Felsted Neighbourhood Plan should be **made** (the Neighbourhood Plan legislation's term for adopted) by the District Council as part of the statutory development plan.
2. A neighbourhood plan, once 'made', forms part of the statutory development plan and sits alongside the Uttlesford Local Plan Adopted 2005. Should planning permission be sought in areas covered by an adopted Neighbourhood plan, the application must be determined in accordance with both the neighbourhood plan and the Local Plan unless material considerations indicate otherwise.

Recommendations

3. That Council approves that the Felsted Neighbourhood Plan is formally 'made' as part of the statutory development plan for the District.

Financial Implications

4. The examination and referendum were initially funded by Uttlesford District Council (UDC) at a cost of approximately £10,273.05 and £4,059.43 respectively. UDC will be able to claim up to £20,000.00 funding from MHCLG which will cover the cost of the examination and 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 parish
Ward-specific impacts	Felsted
Workforce/Workplace	None

Situation

7. The parish of Felsted was designated a neighbourhood plan area on 4 December 2014. The Neighbourhood Plan group then gathered evidence and undertook significant consultation. Pre-submission consultation under Regulation 14 was undertaken between 23 July and 21 September 2018.
8. The Felsted Neighbourhood Plan was submitted for Examination on 1 August July 2019. The examination was conducted via written representations as the Examiner decided that a public hearing would not be required. The Examiner's Report, detailing recommendations was received on 29 September 2019. On 26 November 2019, Cabinet accepted and endorsed the proposed changes to the Neighbourhood Plan as set out in the Examiner's Report and supported the Plan to go forward to referendum.
9. A referendum was held in Felsted Parish on Thursday 30 January 2020 posing the following question to eligible voters:

"Do you want Uttlesford District Council to use the neighbourhood plan for Felsted to help it decide planning applications in the neighbourhood area?"
10. **31.76%** of registered electors recorded votes, **754** votes were cast of which **687** or **91.11%** were in favour of 'Yes', **65** or **8.62%** votes in favour of 'No' and **2** or **0.27%** ballot papers were rejected. It was therefore declared that more than half of those voting had voted In Favour of the Felsted Neighbourhood Plan.
11. In accordance with the Neighbourhood Planning Regulations, following the

outcome of the referendum it is now for the District Council to ‘**make**’ the neighbourhood plan so that it formally becomes part of the development plan for Uttlesford District.

12. Section 38A of the Planning and Compulsory Purchase Act 2004 (as amended) sets out the requirement for a local planning authority when it comes to making a neighbourhood plan. It is stated that:

“(4) A local planning authority to whom a proposal for the making of a neighbourhood development plan has been made –

(a) must make a neighbourhood development plan to which the proposal relates if in each applicable referendum under that Schedule (as so applied) more than half of those voting have voted in favour of the plan, and

(b) if paragraph (a) applies, must make the plan as soon as reasonably practicable after the referendum is held.

(6) The authority are not to be subject to the duty under subsection (4) (a) if they consider that the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention of the rights (within the meaning of the Human Rights Act 1998).”

13. As a result of the outcome from the referendum and in accordance with the aforementioned legislation the Council is legally required to bring the plan into force following the successful referendum. It is recommended that the plan is formally made by the Council to become part of the development plan for the district and to help determine planning applications in the parish.

Risk Analysis

14.

Risk	Likelihood	Impact	Mitigating actions
That the Neighbourhood Plan is not made	1 – Members have approved the proposed changes to the Plan following the examination.	4 – The Council will be in breach of its statutory duty under the Town and Country Planning Act 1990.	As the legislation concerning the recommendation is quite explicit there is no way of mitigating this risk.

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.