

Committee: Cabinet

Date: 29 March 2022

Title: Stebbing Neighbourhood Plan

Portfolio Holder: Cllr John Evans, Portfolio Holder for Planning and the Local Plan

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Key decision: No

Summary

1. The Stebbing Neighbourhood Plan has been successful at examination. The Examiner's Report (Appendix 1) received on 11 February 2022 recommends that the Stebbing Neighbourhood Plan proceed to referendum subject to recommended modifications being made to the Plan. The recommended modifications are summarised in Appendix 2.

Recommendations

2. That Cabinet accepts the Independent Examiner's recommended modifications to the Stebbing Neighbourhood Plan in full as set out in the Schedule at Appendix 2 and notes the recommendation that the amended Stebbing Neighbourhood Plan should proceed to a Referendum of voters within the Parish of Stebbing 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 Stebbing Neighbourhood Plan and, that it will include all the registered electors in Stebbing Parish.

Financial Implications

4. The referendum will initially be funded by Uttlesford District Council at a cost of £7,670.52 for the examination. After the referendum UDC will be able to claim £20,000 funding from the Department for Levelling Up, Housing and Communities 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.
6. None

Impact

- 7.

Communication/Consultation	The plan has undergone significant community involvement in its preparation.
Community Safety	The plan deals with community safety and will have a generally positive effect on residents' health and wellbeing through its objectives and policies.
Equalities	The Plan aims to meet the needs of all residents in the Parish. The Examiner considered this Basic Condition and concluded that the Plan does not breach and is otherwise compatible with EU obligations and human rights requirements.
Health and Safety	The Plan and policies promote the health and well-being of the residents.
Human Rights/Legal Implications	This matter has been considered by the Examiner and he has considered this Basic Condition and concludes that the NDP does not breach and is otherwise compatible with EU obligations and human rights requirements.
Sustainability	The plan deals with sustainability of villages and the Examiner has confirmed the sustainability of this Plan.
Ward-specific impacts	Stebbing
Workforce/Workplace	None

Situation

8. The Stebbing Neighbourhood Plan was submitted for examination commencing 22 November 2021 following a six-week consultation period and a further two weeks to give all interested parties an opportunity to consider whether the new NPPF July 2021, published by the Government a day after the consultation period had started, had any implications for the Plan (See Appendix 3 for a reference copy of the original Regulation 16 Submission Neighbourhood Plan 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 11 February 2022. (See Appendix 1).
9. Planning legislation states that once a local planning authority has been issued with an examiner's report, then it must consider the recommendations and issue a Decision Statement within 5 weeks of receiving the Examiner's Report. The planning officers are satisfied that the plan meets basic conditions subject to modifications and should proceed to Referendum and the voting area should be the designated Stebbing Neighbourhood area. If the authority is satisfied with the examiner's recommendations then specified modifications should be made before the Plan proceeds to referendum.

10. The examiner's recommended modifications are minor, and these have been discussed and agreed with the Stebbing Neighbourhood Plan Steering Group. Subject to these modifications the Neighbourhood Plan meets the basic conditions and other statutory requirements and can proceed to a referendum within the neighbourhood plan area.
11. 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 as soon as practicable. 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
3. 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 and open itself to legal challenge.	1. Officers are satisfied that the Examiner's recommendations are reasonable and that plan as modified 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.