

Committee:	Cabinet	Date:	01/09/2022
Title:	Ashdon Neighbourhood Plan to Proceed to Referendum		
Portfolio Holder:	Cllr John Evans		
Report Author:	Demetria Macdonald dmacdonald@uttlesford.gov.uk	Key decision:	No

Summary

1. The Ashdon Neighbourhood Plan has been successful at examination. The Examiner's Report ([Appendix 1](#)) received on 13 July 2022 recommends that the Ashdon Neighbourhood Plan proceed to referendum subject to the recommended modifications being made to the Plan. A schedule of the recommended modifications is presented in [Appendix 2](#). The Ashdon Neighbourhood Referendum Plan with modifications is appended at [Appendix 3](#).

Recommendations

2. That Cabinet accepts the Independent Examiner's recommended modifications to the Ashdon Neighbourhood Plan in full as set out in the Schedule at Appendix 2 and note the recommendation that the amended Ashdon Neighbourhood Plan should proceed to a Referendum of voters within the Parish of Ashdon to establish whether the plan should form part of the Development Plan for Uttlesford District Council.
3. That Cabinet approves the holding of a referendum relating to the Ashdon Neighbourhood Plan and, that it will include all the registered electors in Ashdon Parish.

Financial Implications

4. Uttlesford District Council has funded the examination cost of £5,060.16. The referendum will initially be funded by Uttlesford District Council. However, 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 both 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 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 the Basic Conditions 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 the parish and the Examiner has confirmed the sustainability of this Plan.
Ward-specific impacts	Ashdon Parish
Workforce/Workplace	None

Situation

7. The Ashdon Neighbourhood Plan was submitted for examination commencing 01 June 2022 following a six-week consultation period 17 September 2021 to 31 October 2021
8. The examination was conducted via written representations (the examiner decided that a public hearing would not be required).
9. On 6 June 2022 the Examiner issued a Note on Examination Arrangements setting out the basis on which the examination would be undertaken. An Examiner's Clarification Note was issued on 7 June 2022.

10. The Examiner's Report, detailing recommendations was received on 13 July 2022. (See Appendix 1).

11. Ashdon Parish Council and Uttlesford District Council have worked together and agreed on the recommended modifications and produced a modified Draft Ashdon Neighbourhood Referendum Plan (see Appendix 3).

Risk Analysis

12.

Risk	Likelihood	Impact	Mitigating actions
<p style="text-align: center;">2</p> <p>Potential intervention by the Secretary of State under Reg 31A(1) Neighbourhood Planning (General) Regs 2012; this must be requested in writing and with reasons by the Qualifying Body, i.e. Ashdon Parish Council, since the Council has failed to take a decision to send a plan to referendum within 5 weeks of the receipt of the Examiner's Report on 13 July 2022.</p>	<p style="text-align: center;">2</p> <p>Based on the current Cabinet submission timetable a decision is likely to be made at the Cabinet Meeting scheduled for 01 September 2022.</p>	<p style="text-align: center;">3</p> <p>Delay in holding a Referendum and the consequential implications (in particular judicial review from interested parties other than Ashdon Parish Council) regarding the lesser weight thereby attributable to the Ashdon Neighbourhood Plan in the context of applications to be determined by the Council and/or Planning Inspectorate.</p>	<p>Ashdon Parish Council agreed in writing 28/07/2022 to an extension of time for the Council to make a Decision by 2/09/2022.</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.