

Committee: Cabinet

Date: Thursday, 20
October 2022

Title: Great & Little Chesterford Neighbourhood Plan
– Examiner’s Report and Decision
Statement to Proceed to Referendum

Portfolio Holder: Cllr John Evans, Portfolio Holder for Planning,
Stansted Airport, Infrastructure Strategy and
the Local Plan

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Key decision: No

Summary

1. The Great & Little Chesterford Neighbourhood Plan has been successful at examination. The Examiner’s Report (Appendix 1) received on 02 August 2022 recommends that the Great and Little Chesterford Neighbourhood Plan proceed to referendum subject to recommended modifications being made to the Plan. The recommended modifications are set out in Appendix 2 and the Great and Little Chesterford Neighbourhood Plan with relevant modification is at Appendix 3.

Recommendations

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

Financial Implications

4. The referendum will initially be funded by Uttlesford District Council at a cost of £5,304.90 for the examination. After the referendum, UDC (Uttlesford District Council) will be able to claim £20,000 funding from the Department for Levelling Up, Housing and Communities (DLUHC) 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 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 (European Union) 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 (Neighbourhood Development Plan) 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	Great and Little Chesterford
Workforce/Workplace	None

Situation

7. The Great and Little Chesterford Neighbourhood Plan was submitted for examination commencing 09 June 2022 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 after the pre -submission consultation, had any implications for the Plan. 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 02 August 2022 (see Appendix 1). A schedule of the Examiner's recommended modifications is at Appendix 2. A copy of the Great and Little Chesterford Neighbourhood Plan – Referendum Version (incorporating the Examiner's modifications) is appended at Appendix 3.

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 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 Great and Little Chesterford Neighbourhood area. If the authority is satisfied with the examiner's recommendations, then specified modifications should be made before the Plan proceeds to referendum.
9. The examiner's recommended modifications have been discussed and agreed with the Great and Little Chesterford Neighbourhood Plan Steering Group. Subject to these modifications being made, the Neighbourhood Plan meets the basic conditions and other statutory requirements and can proceed to a referendum within the neighbourhood plan area.
10. Based on the current Cabinet submission timetable a decision is likely to be made at the Cabinet Meeting scheduled for 20 October 2022. 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. Great Chesterford 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 02 August 2022. However, on 17 September 2022, Great Chesterford Parish Council granted UDC an extension of time to 28 October 2022 to issue a Decision.
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

12.

Risk	Likelihood	Impact	Mitigating actions
3 The modifications should only be disregarded if the Plan does not meet the	1 Officers are satisfied that the Examiner's recommendations are reasonable and that plan as	3 The Council does not follow the regulations set out in Neighbourhood Plan	The Neighbourhood Plan regulations have been followed and Officers agree with the Examiner's recommendations

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.	modified meets the Basic Conditions.	legislation.	
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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.