

Committee: Extraordinary Council Meeting

Date: Thursday, 2
February 2023

Title: Great and Little Chesterford
Neighbourhood Plan
– Decision to Make Plan

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

**Report
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Summary

1. The Localism Act 2011 introduced a right for communities to draw up neighbourhood plans. Great Chesterford Parish Council (as the Lead Council in a joint Neighbourhood Plan with Little Chesterford Parish Council), with support and advice from the District Council, has produced a neighbourhood which has subsequently undergone a successful independent examination and Referendum. This report considers whether the Great and Little Chesterford Neighbourhood Plan should be **made** (the Neighbourhood Plan legislation's term for adopted) by Uttlesford 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 Adopted Uttlesford Local Plan. Should planning permission be sought in areas covered by the adopted Great and Little Chesterford Neighbourhood Plan, the application must be determined in accordance with both the neighbourhood plan and Local Plan unless material considerations indicate otherwise.

Recommendations

3. To recommend to Council that the Great and Little Chesterford Neighbourhood Plan (**Appendix 1**) be formally **made** as part of the statutory development plan for the District in accordance with Regulation 18A of the Neighbourhood Planning (General) Regulations 2012 as amended and under section 38A (4) of the 2004 Act.

Financial Implications

4. The examination cost of £5,304.90 and the Referendum cost of £6,974.97 will be initially funded by Uttlesford District Council. However, the Council will be able to claim up to £20,000 from the Department for Levelling Up,

Housing and Communities (DLUHC) which will cover some of 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 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 under Basic Conditions and concluded that the Neighbourhood Development Plan 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 confirmed the sustainability of this Plan.
Ward-specific impacts	Great and Little Chesterford
Workforce/Workplace	None

Situation

7. The parishes of Great Chesterford and Little Chesterford were designated as a neighbourhood plan area on 18 June 2015. The Neighbourhood Plan Group gathered evidence and undertook significant consultation. Pre-submission consultation under Regulation 14 was undertaken from 29 March 2021 to 10 May 2021. The Public Consultation (Regulation 16) was undertaken by the Council from 14 April 2022 to 30 May 2022.
8. 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 Mr Tony Burton decided that a public hearing would not be required).
9. The Examiner's report detailing recommendations was received on 02 August 2022. The examiner's recommended modifications were discussed and agreed with the Great and Little Chesterford Neighbourhood Plan Steering Group. The planning officers were satisfied that subject to the modifications the plan meets the basic conditions and other statutory requirements and could proceed to a referendum within the neighbourhood plan area.
10. On 20 October 2022, Cabinet considered the Examiner's report, the Examiner's recommended modifications and a copy of the Great and Little Chesterford Neighbourhood Plan (incorporating modifications) and resolved that the Neighbourhood Plan proceed to Referendum.
11. A referendum was held in Great and Little Chesterford Parishes on Thursday 08 December 2022 posing the following question to eligible voters:

"Do you want Uttlesford District Council to use the neighbourhood plan for Great and Little Chesterford to help decide planning applications in the neighbourhood area?"
12. The results of the Referendum are as follows:

	Votes Recorded	Percentage
Number cast in favour of a "Yes"	317	95.2%
Number cast in favour of a "No"	16	4.8%

Electorate: 1,497	Turnout: 22.4%
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It was therefore declared that more than half of those voting had voted in favour of the Great and Little Chesterford Neighbourhood Plan.

13. 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 Council.

14. 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 states 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).”

15. The Great and Little Chesterford Neighbourhood Development Plan meets the Basic Conditions set out in paragraph 8(2) of Schedule 4(B) of the Town and Country Planning Act 1990, is compatible with EU Regulations as incorporated into UK law and the Convention rights and complies with the relevant provisions made by or under Section 38A and B of the Planning and Compulsory Purchase Act 2004 as amended.

16. As a result of the outcome of the referendum and in accordance with the relevant legislation the Council is legally required to make the plan within 8 weeks of the day after the referendum is held, in accordance with the relevant regulations unless the plan would be in breach of European legislation or the Convention of Human Rights.

17. The Referendum process and subsequent decision to make the plan can be subject to a legal challenge being lodged within 6 weeks of the referendum result of the decision to make the plan.
18. The Council is legally required to “make” within the prescribed 8 weeks, subject to any legal challenges. It is recommended that the Council **make** the plan by 3rd February 2023 (last day of the prescribed 8 weeks). Failure to make the plan by 3rd February 2023 could lead to legal action from the Parish Council and or the Secretary of State.

Risk Analysis

19.

Risk	Likelihood	Impact	Mitigating Actions
Failure to make the Great and Little Chesterford Neighbourhood Plan within 8 weeks after holding a successful Referendum on 8 December 2022.	Little Risk –The Great and Little Chesterford Neighbourhood Plan is being considered for adoption within the mandatory 8 weeks after the successful Referendum held on 8 December 2022.	The Council could be in breach of its statutory duty and be open to legal action from the Parish Council and/or the Secretary of State.	The Council must adopt the Great and Little Chesterford Neighbourhood Plan by 3 rd February 2023 this being the last day of the statutory 8-weeks period since there are no legal challenges to the Neighbourhood Plan.

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.