

TITLE: The making of the Cheveley Neighbourhood Plan

Committee: Full Council

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1.0 Issue

- 1.1. Following the successful referendum on 12 September 2024, the Cheveley Neighbourhood Plan needs to be formally 'made' by East Cambridgeshire District Council and thereby be formalised as part of the Development Plan for East Cambridgeshire (alongside the 2015 Local Plan (as amended 2023) and other made Neighbourhood Plans). Please note that the word 'made' is the word used in legislation when referring to Neighbourhood Plans and means to all intents and purposes 'adopted'.

2.0 Recommendations

- 2.1. That the Council:
- (i) congratulates Cheveley Parish Council on their preparation of a Neighbourhood Plan, and a successful referendum outcome; and
 - (ii) formally makes the Cheveley Neighbourhood Plan (as attached at Appendix 1) part of the Development Plan for East Cambridgeshire with immediate effect.

3.0 Background/Options

- 3.1. At the Parish Council's request, the Cheveley Neighbourhood Area was designated by East Cambridgeshire District Council in December 2018. Having a designated Neighbourhood Area enables a Neighbourhood Plan to be prepared.
- 3.2. Following preliminary consultation and evidence gathering, the Cheveley Neighbourhood Plan was submitted to the Council by Cheveley Parish Council on 7 February 2024. As required by legislation, the District Council then published the Plan, for the purpose of final consultation, from 19 February to 8 April 2024. Following the publication period, the District Council submitted the Plan for independent examination. The examination primarily took place through May and June 2024, with the Examiner being Andrew Ashcroft MRTPI. The examination was carried out through written representations, with no public hearing sessions.
- 3.3. The Examiner's report was received on 12 June 2024 and concluded that, subject to recommended modifications being followed, the Cheveley Neighbourhood Plan makes appropriate provision for sustainable development; has appropriate regard to national policy; is in general conformity with the strategic policies in the

development plan for the local area; and is compatible with EU obligations (as transposed into UK law), including human rights requirements.

- 3.4. With the agreement of Cheveley Parish Council, the Strategic Planning Team modified the Cheveley Neighbourhood Plan as per the Examiner's recommendations.
- 3.5. The Decision Statement, published 27 June 2024, confirms that the District Council is satisfied the modified Cheveley Neighbourhood Plan meets the 'basic conditions' and other legal requirements. Following publication of the Decision Statement, the Council proceeded to arrange a referendum for Thursday 12 September 2024, where voters in Cheveley parish were asked the following question (the question wording being set by legislation):

'Do you want East Cambridgeshire District Council to use the neighbourhood plan for Cheveley to help it decide planning applications in the neighbourhood area?'
- 3.6. Of the votes cast, 140 were in favour and 25 were against. 2 ballot papers were rejected. The turnout was approximately 11%. With approximately 80% of votes in favour, the Cheveley Neighbourhood Plan received the majority support it needed.
- 3.7. Following the referendum result, the Neighbourhood Planning Act (2017) automatically gave the Cheveley Neighbourhood Plan the same legal status as a plan which has been made (or adopted) by the applicable District Council. Accordingly, since the referendum result, the Council has treated the Cheveley Neighbourhood Plan as part of the Development Plan for the purposes of decision-making. However, despite this automatic post-referendum legal position, East Cambridgeshire District Council is required (by virtue of 38A(4) of the Planning and Compulsory Purchase Act, 2004) to formally 'make' the Cheveley Neighbourhood Plan part of the Development Plan for the district.
- 3.8. The only exception to 38A(4) is if the Council considers "*that the making of the Plan would breach, or would otherwise be incompatible with, any retained EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998)*" (see s38A(6) of the Act). Officers have given careful consideration to these matters during the process of preparing the Plan and its evidence base, and have considered the representations received on the Plan and the Examiner's Report, and do not consider there to be any such breach, and hence recommend to Full Council that the Plan be made.
- 3.9. Once made, the plan will become the tenth plan to do so in East Cambridgeshire, the full list being: Fordham (2018); Sutton (2019 and 2024); Witchford (2020); Isleham (2022), Haddenham and Aldreth (2022), Swaffham Bulbeck (2023), Reach (2024) and Mepal (2024). A potential eleventh, for Soham and Barway, is subject to a separate decision on today's agenda.
- 3.10. Several other parishes are also known to be actively working on a plan, but these are not likely to be finalised (i.e. reach referendum stage) until 2025 or beyond.
- 3.11. By way of comparison, the total number of made Neighbourhood Plans in East Cambridgeshire is similar to our near neighbours: Huntingdonshire has ten; South Cambridgeshire has eight; whilst Fenland has three. More urban districts typically have fewer plans, due to a lack of parish councils taking the lead role.

4.0 Arguments/Conclusions

- 4.1. The Cheveley Neighbourhood Plan received majority support at the duly held referendum on 12 September 2024. The District Council is therefore required to 'make' the plan part of the Development Plan for East Cambridgeshire, as per the will of the majority of voters in Cheveley parish. In doing so, legally the plan has, in simple terms, the same status as the 2015 East Cambridgeshire Local Plan (as amended 2023).

5.0 Additional Implications Assessment

- 5.1 In the table below, please put Yes or No in each box:

Financial Implications No	Legal Implications Yes	Human Resources (HR) Implications No
Equality Impact Assessment (EIA) No	Carbon Impact Assessment (CIA) No	Data Protection Impact Assessment (DPIA) No

Legal implications

- 5.2. ECDC is duty bound (s18A of the Neighbourhood Planning (General) Regulations 2012) to determine whether to make a Neighbourhood Plan part of the development plan for its area within 8 weeks of a referendum taking place. This means the council must make a decision no later than 7 November 2024.
- 5.3. If the recommendations are agreed, then the plan achieves the statutory status of forming part of the development plan for the area. The council, in its capacity as local planning authority, will be duty bound to use the plan to help it determine planning applications and do so in accordance with various town and country planning acts.

Equality Impact Assessments and Carbon Impact Assessments

- 5.4. Whilst EIA and CIA assessments are listed as 'no' in the above table for the purpose of this report, Members should note that a wide range of equality and sustainability implications are required by legislation to be considered by the parish council, the district council and the examiner throughout the preparation of the plan and must pass the various statutory tests accordingly. As such, these two elements have been thoroughly tested and independently examined throughout the process. Consequently, separate such EIA and CIA are not required at this committee stage of the process.

6.0 Appendices

Appendix 1: Cheveley Neighbourhood Plan

7.0 Background documents

None

