

TITLE: The making of the Soham and Barway Neighbourhood Plan

Committee: Full Council

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1.0 Issue

- 1.1. A referendum is scheduled to take place on 10 October 2024 in respect of the Soham and Barway Neighbourhood Plan. If the plan passes that referendum, then the 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).
- 1.2. A verbal update will be given at the meeting as to the result of the referendum.

2.0 Recommendations

- 2.1. If the Soham and Barway Neighbourhood Plan receives a majority vote at the scheduled referendum on 10 October 2024, the recommendation is that Council:
 - (i) congratulates Soham Town Council on their preparation of a Neighbourhood Plan, and a successful referendum outcome; and
 - (ii) formally makes the Soham and Barway Neighbourhood Plan (as attached at Appendix 1) part of the Development Plan for East Cambridgeshire with immediate effect.
- 2.2. If the plan does not receive a majority vote, then Council should note the outcome of the referendum result but take no further action other than request officers to work with the Town Council to help it decide how to proceed.

3.0 Background/Options

- 3.1. At the Town Council's request, the Soham and Barway Neighbourhood Area was designated by East Cambridgeshire District Council in June 2019. Following preliminary consultation and evidence gathering, the plan was submitted to the District Council in April 2024. The Council then published the plan, for the purpose of final consultation, from 23 April to 3 June 2024. Following the publication period, the Council submitted the Plan for independent examination. The examination primarily took place through June and July 2024, with the Examiner being Andrew Ashcroft MRTPI. The examination was carried out through written representations, with no public hearing sessions.

- 3.2. The Examiner's report was received on 1 August 2024 and concluded that, subject to recommended modifications being followed, the 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.
- 3.3. With the agreement of the Town Council, the Strategic Planning Team modified the plan as per the Examiner's recommendations.
- 3.4. The Decision Statement, published 6 August 2024, confirms that the District Council is satisfied the modified plan meets the 'basic conditions' and other legal requirements. Following publication of the Decision Statement, the Council proceeded to arrange a referendum for Thursday 10 October 2024, where voters in the parish are asked the following question (the question wording being set by legislation):

'Do you want East Cambridgeshire District Council to use the neighbourhood plan for Soham and Barway to help it decide planning applications in the neighbourhood area?'
- 3.5. At the time of publishing this report, the outcome of the referendum is not yet declared. A verbal update will be given at the meeting.
- 3.6. If successful, East Cambridgeshire District Council is required (by virtue of 38A(4) of the Planning and Compulsory Purchase Act, 2004) to formally 'make' the Soham and Barway Neighbourhood Plan part of the Development Plan for the district.
- 3.7. 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 if the plan passes the referendum.
- 3.8. If the plan does not receive a simple majority vote in favour at the referendum, then Council is not permitted to make the plan part of the development plan, and in effect must pass the plan backed to the Town Council to decide whether it wishes to prepare an alternative plan, with due consultation, examination and another referendum. It is not obliged to do so, if it chooses not to.
- 3.9. If the plan is made, it will become the eleventh plan to do so in East Cambridgeshire (assuming the Cheveley Neighbourhood Plan is approved in the earlier agenda item today).

4.0 Arguments/Conclusions

- 4.1. Council must receive the result of the Soham and Barway Neighbourhood Plan referendum before deciding how to proceed. If a majority support is received at a duly held referendum on 10 October 2024, then the District Council is required to 'make' the plan part of the Development Plan for East Cambridgeshire, as per the will of the majority of voters in Soham parish. In doing so, legally the plan will have,

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 5 December 2024.
- 5.3. If the plan passes the referendum and 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 town 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: Soham and Barway Neighbourhood Plan

7.0 Background documents

None

