

THE MAKING (ADOPTION) OF THE HADDENHAM AND ALDRETH NEIGHBOURHOOD PLAN

Committee: Full Council

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1.0 ISSUE

1.1 Following the successful referendum on 29 September 2022, the Haddenham and Aldreth Neighbourhood Plan needs to be formally 'made' by East Cambridgeshire District Council and thereby be formalised as part of the Development Plan (alongside the 2015 Local Plan and other made Neighbourhood Plans) for East Cambridgeshire. 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 RECOMMENDATION(S)

2.1 That the Council:

- (A) congratulates Haddenham Parish Council on its preparation of a Neighbourhood Plan and a successful referendum outcome, becoming the fifth parish council to do so in East Cambridgeshire; and
- (B) formally makes the Haddenham and Aldreth 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 Haddenham Neighbourhood Area was designated by East Cambridgeshire District Council in August 2019, and the Area was slightly updated in June 2021 to match the latest parish boundaries and avoid any overlap with other Neighbourhood Areas. Having a designated Neighbourhood Area enables a Neighbourhood Plan to be prepared.

3.2 Following preliminary consultation and evidence gathering, the Haddenham and Aldreth Neighbourhood Plan was submitted to the Council by Haddenham and Aldreth Parish Council on 13 April 2022. As required by legislation, the District Council then published the Plan, for the purpose of final consultation, from 14 April to 31 May 2022. Following the publication period, the District Council submitted the Plan for independent examination. The examination took place in June and July 2022. The examination was carried out through written representations. No public hearing session was required.

3.3 The examiner's report concluded that, subject to recommended modifications being followed, the Haddenham and Aldreth 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 In August 2022, with the agreement of Haddenham Parish Council, the Strategic Planning Team modified the Haddenham and Aldreth Neighbourhood Plan as per the examiner's recommendations.
- 3.5 The *Decision Statement*¹, published 15 August 2022, confirms that the District Council is satisfied the modified Haddenham and Aldreth Neighbourhood Plan meets the 'basic conditions' and other legal requirements. Following publication of the Decision Statement, the Council proceeded to arrange a referendum.
- 3.6 The Independent Examiner recommended that the Haddenham and Aldreth Neighbourhood Area (i.e. Haddenham parish boundary) form the referendum area. People listed on the Council's electoral register (at the date of the vote) within the Neighbourhood Area were entitled to vote.
- 3.7 The Council proceeded to hold the referendum on Thursday 29 September 2022. Voters in Haddenham 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 Haddenham and Aldreth to help it decide planning applications in the neighbourhood area?*
- 3.8 Of the votes cast, 322 were in favour and 34 were against. One ballot paper was rejected. With approximately 90% of votes in favour, the Haddenham and Aldreth Neighbourhood Plan received the majority support it needed.
- 3.9 Following the referendum result, the Neighbourhood Planning Act (2017) automatically gave the Haddenham and Aldreth 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 Haddenham and Aldreth 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 Haddenham and Aldreth Neighbourhood Plan part of the Development Plan for the district.
- 3.10 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

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<https://www.eastcambs.gov.uk/sites/default/files/6.%20Had%20%26%20A%20NP%20Reg18%20Decision%20Statement%20AC%20checked.pdf>

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.

4.0 ARGUMENTS/CONCLUSIONS

4.1 The Haddenham and Aldreth Neighbourhood Plan received majority support at a duly held referendum of 29 September 2022. The District Council is therefore required to 'make' the Haddenham and Aldreth Neighbourhood Plan part of the Development Plan for East Cambridgeshire, as per the will of the majority of voters in Haddenham parish. In doing so, legally it has, in simple terms, the same status as the 2015 East Cambridgeshire Local Plan.

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT/ ENVIRONMENTAL IMPACT ASSESSMENT

5.1 There are no financial implications arising from this decision. Costs incurred to date by the District Council (for example, officer support and referendum costs) have been broadly covered by the fixed £20,000 grant payable to East Cambridgeshire District Council by Government (a grant payable for each Neighbourhood Plan which reaches the referendum stage).

5.2 Equality Impact Assessment is not required.

5.3 Environmental Impact Assessment: On the basis that East Cambridgeshire District Council has no legal choice other than to make (adopt) the neighbourhood plan or reject it on the basis of a procedural error (of which, none are known), there is no practical opportunity for the Council to influence, at this stage, the Neighbourhood Plan from a carbon or other environmental aspect. As such, the carbon impact assessment considers the decision recommended in this agenda item to be neutral from a carbon impact perspective.

That said, it is worth noting that the Neighbourhood Plan has some reference to carbon related matters, such as a design policy, a nature conservation policy and a 'sustainable building practices' policy.

6.0 APPENDICES

6.1 Appendix 1: Haddenham and Aldreth Neighbourhood Plan (bound separately)

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
	Room 12, The Grange, Ely	Richard Kay Strategic Planning Manager (01353) 616245 E-mail: richard.kay@eastcambbs.gov.uk

