



<b>Report to:</b>	Council	20 May 2021
<b>Lead Cabinet Member:</b>	Cllr Dr Tumi Hawkins	
<b>Lead Officer:</b>	Joint Director of Planning and Economic Development	

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## **Cottenham Neighbourhood Plan – Making (adopting) the Neighbourhood Plan**

### **Executive Summary**

1. The Cottenham Neighbourhood Plan has been prepared by Cottenham Parish Council. They formally submitted their plan and associated documents to South Cambridgeshire District Council (SCDC) in January 2019. A public consultation was carried out on this submission version of the plan. A successful examination was conducted on the plan by an independent examiner and subsequently a referendum date set for 26 March 2020. This had to be cancelled due to the lockdown restrictions imposed by the Covid19 pandemic.
2. A referendum took place on the Cottenham Neighbourhood Plan on 6 May 2021 where the majority of those who voted said 'yes' to SCDC using the plan to help it decide planning applications in Cottenham. SCDC is required to formally make (adopt) the plan where there has been a successful referendum.

### **Key Decision**

3. No.

### **Recommendations**

4. It is recommended that Council:
  - a. Notes that the referendum for the Cottenham Neighbourhood Plan took place on 6 May 2021;
  - b. As it was a successful referendum, that it 'makes' (adopts) the Cottenham Neighbourhood Plan; and
  - c. Delegates to the Joint Director of Planning and Economic Development in liaison with the Lead Cabinet Member for Planning and the Parish Council Chair, the making of minor non material changes and updates to the Referendum version of the Neighbourhood Plan (Appendix 1) to enable preparation of a final made (adopted) Cottenham Neighbourhood Plan.

## Reasons for Recommendations

5. Where a Neighbourhood Plan is successful at its referendum, national planning legislation requires that the Council must 'make' (adopt) the Neighbourhood Plan, unless the making of the Neighbourhood Plan would breach or be otherwise incompatible with EU or human rights obligations. Officers have concluded that the Cottenham Neighbourhood Plan would not breach or be otherwise incompatible with EU or human rights obligations, as set out in the Considerations section (see below).
6. The Joint Director for Planning and Economic Development, in consultation with the Lead Cabinet Member for Planning, has considered how the Council should proceed following the referendum and as this has been a successful referendum recommends that Council formally 'make' (adopt) the Cottenham Neighbourhood Plan. Where a Neighbourhood Plan has been successful at referendum and should therefore proceed to being formally 'made' (adopted) by the Council, Cabinet agreed at its meeting on 26 July 2018 that the Joint Director for Planning and Economic Development has delegated authority to make the recommendation to Council, in consultation with the Lead Cabinet Member for Planning.

## Details

7. Cottenham Parish Council considered in early 2015 the idea of developing a Neighbourhood Plan to provide a more locally focussed set of policies for their parish. An application to designate the whole of their parish as a Neighbourhood Area was submitted to SCDC in September 2015 and the Cottenham Neighbourhood Area was designated on 17 November 2015.
8. Cottenham Parish Council carried out consultation on a draft Neighbourhood Plan in 2017. Officers provided informal comments on the draft Neighbourhood Plan, and on subsequent revisions to the plan that were shared with officers ahead of the formal pre-submission consultation process. A Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening was undertaken on a draft version of the Neighbourhood Plan, and a screening determination was published in September 2018.
9. Pre-submission public consultation on the draft Neighbourhood Plan was undertaken by the Parish Council from 19 June until 7 August 2018. Officers provided a formal response to the consultation, providing constructive comments about the Neighbourhood Plan to assist the neighbourhood plan group with finalising the Neighbourhood Plan.
10. On 15 January 2019, Cottenham Parish Council submitted their Neighbourhood Plan to South Cambridgeshire District Council. Officers confirmed, as set out in the Legal Compliance Check for the Neighbourhood Plan that the submitted version of the Neighbourhood Plan and its accompanying supporting documents complied with all the relevant statutory requirements at this stage of plan making. Public consultation on the submitted Neighbourhood Plan took place between 11

February and 25 March 2019. South Cambridgeshire District Council provided a response to this consultation.

11. Officers, in conjunction with Cottenham Parish Council, appointed Andrew Ashcroft of Andrew Ashcroft Planning Limited as the independent examiner to examine the Neighbourhood Plan. The examiner appointed to undertake the examination of the Neighbourhood Plan: must be independent of both the District Council and Parish Council; cannot be the same examiner that undertakes a health check of the Neighbourhood Plan; and must not have any interest in any land that may be affected by the Neighbourhood Plan.
12. On 18 April 2019, the Neighbourhood Plan, its accompanying supporting documents, and all comments submitted on the submission version of the Neighbourhood Plan, were provided to the examiner with a request for him to carry out the examination on the Neighbourhood Plan.
13. The examiner issued a series of clarification questions relating to the Neighbourhood Plan in May 2019, and both South Cambridgeshire District Council and Cottenham Parish Council provided responses. The examiner also asked the Parish Council if it had any comments on the various representations made to the Plan during the submission consultation. A response was made by the Parish Council in August 2019.
14. The Examiner's Report was received on 10 December 2019. The examiner in his report concludes that subject to a series of recommended modifications the Cottenham Neighbourhood Plan met all the necessary legal requirements and should proceed to referendum. He also recommends that the referendum should be held within the neighbourhood area only.
15. Officers, in conjunction with Cottenham Parish Council, reviewed the examiner's conclusions and recommended modifications, and agreed each of the recommended modifications considered necessary by the examiner for the Neighbourhood Plan to meet the Basic Conditions. Additional non-material modifications to the Neighbourhood Plan were also made by officers and agreed with Cottenham Parish Council. A 'For Referendum' version of the Cottenham Neighbourhood Plan was prepared including these modifications.
16. The joint Director for Planning and Economic Development having consulted with the Planning Lead Member agreed in February 2020 the For-Referendum version of the Cottenham Neighbourhood Plan and that this plan should proceed to a referendum.
17. A referendum on the 'making (adoption) of the Cottenham Neighbourhood Plan was planned to be held on 26 March 2020 but had to be cancelled due to the lockdown restrictions because of the coronavirus pandemic. Central Government issued guidance in May 2020 stating that all neighbourhood planning referendums were to be postponed until 6 May 2021 and that when a local planning authority has issued a decision statement detailing its intention to send a neighbourhood plan to referendum that plan can be given significant weight in decision-making as far as the plan is material consideration to the application. As

this was the case with the Cottenham Neighbourhood Plan it has had this status in decision making until the outcome of the referendum.

18. A referendum on the 'making' (adoption) of the Cottenham Neighbourhood Plan was held on 6 May 2021. Voters were asked "Do you want South Cambridgeshire District Council to use the neighbourhood plan for Cottenham to help it decide planning applications in the neighbourhood area?" The results were declared as follows:
- Yes votes: 1889 (88.11%)
  - No votes: 255 (11.89%)
  - Turnout: 45.62%

## Considerations

19. If a Neighbourhood Plan is successful at referendum as a result of more people voting 'yes' than 'no', the Neighbourhood Plan becomes part of the development plan for the area (National Planning Practice Guidance, Paragraph: 064, Reference ID: 41-064-20170728), and all planning decisions in the neighbourhood area will be made in accordance with the Neighbourhood Plan unless material considerations indicate otherwise. The formal 'making' (adoption) of the Neighbourhood Plan does not happen until agreed by SCDC's full Council at their next meeting following the referendum.
20. Following a successful referendum, SCDC has limited options in how to respond. National planning legislation requires that the Council 'makes' (adopts) the Neighbourhood Plan, unless the making of the Neighbourhood Plan would breach or is otherwise incompatible with EU or human rights obligations. National planning regulations also set out that where a Neighbourhood Plan is successful at referendum it should be 'made' within 8 weeks unless an alternative longer timescale is agreed with the Parish Council.
21. The Cottenham Neighbourhood Plan was successful at its referendum as more than half of those that voted were in favour of SCDC using the Neighbourhood Plan to help it decide planning applications in the neighbourhood area. The Council is therefore required to 'make' the Neighbourhood Plan, unless the making of the Neighbourhood Plan would breach or is otherwise incompatible with EU or human rights obligations, which is one of the 'Basic Conditions' set out in national planning regulations that all Neighbourhood Plans must meet.
22. Officers have assessed whether the Cottenham Neighbourhood Plan meets the 'Basic Condition' that the Neighbourhood Plan does not breach, and is otherwise compatible with, EU and human rights obligations at various stages during the preparation of the Neighbourhood Plan. Officers consider that the 'making' of the Cottenham Neighbourhood Plan does not breach, and is otherwise compatible with, EU and human rights obligations. (See Appendix 2)
23. The Referendum version of the Cottenham Neighbourhood Plan is included in Appendix 1 of this report. Officers will work with Cottenham Parish Council to update this to become the 'made' Neighbourhood Plan once it is formally agreed

by the Council to make the Cottenham Neighbourhood Plan. This will involve minor (non-material) amendments to the Plan to reflect its new status as well as ensuring that the document meets the accessibility requirements to enable it to be published on the Council's website – national regulations which our Council must comply with. It is recommended as set out in paragraph 4c of this report that the agreeing of these amendments be delegated to the joint Director for Planning and Economic Development. Such amendments will not impact on the Basic Conditions nor materially impact the policies of the Plan.

## **Timescales**

24. SCDC's meeting of full Council on 20 May 2021 has been timely for the Cottenham Neighbourhood Plan as it has allowed SCDC to be able to formally make the plan only a short time after its successful referendum vote.

## **Next Steps**

25. Once the Neighbourhood Plan is formally 'made' (adopted) by full Council, officers will publish the decision to 'make' (adopt) the Neighbourhood Plan and send notifications to the necessary people and organisations as required by national planning regulations.

26. Once formally 'made' (adopted) the Cottenham Neighbourhood Plan will form part of the development plan for South Cambridgeshire, and all planning decisions in the neighbourhood area will need to be made in accordance with the Neighbourhood Plan unless material considerations indicate otherwise.

## **Options**

27. Where a Neighbourhood Plan is successful at its referendum, SCDC has limited options in how to respond. National planning legislation requires that the Council 'makes' (adopts) the Neighbourhood Plan, unless the making of the Neighbourhood Plan would breach or is otherwise incompatible with EU or human rights obligations. Officers have concluded that the Cottenham Neighbourhood Plan would not breach or be otherwise incompatible with EU or human rights obligations, as set out in the Considerations section (see above).

## **Implications**

28. In the writing of this report, taking into account financial, legal, staffing, risk, equality and diversity, climate change, and any other key issues, the following implications have been considered: -

## **Financial**

29. The costs of the examination and referendum have to be initially met by SCDC. However, the Council can claim a £20,000 government grant per Neighbourhood Plan once it has been through the examination and a referendum date has been

set. Due to the coronavirus pandemic the government amended these rules to allow a council to submit their claim once a decision has been made that a plan can go forward to referendum. The Council has already claimed this government grant for the Cottenham Neighbourhood Plan.

## **Legal**

30. Where a Neighbourhood Plan has been successful at referendum and should therefore proceed to being formally 'made' (adopted) by the Council, the Joint Director for Planning and Economic Development has delegated authority to make the recommendation to Council, in consultation with the Lead Member for Planning (as agreed by Cabinet at its meeting on 26 July 2018). Following a successful referendum, national planning legislation requires that the Council 'makes' (adopts) the Neighbourhood Plan, unless the making of the Neighbourhood Plan would breach or is otherwise incompatible with EU or human rights obligations. National legislation provides for a six week period in which a legal challenge may be lodged, which begins the day after the 'making' (adoption) of the Neighbourhood Plan. A legal challenge may only be made on the basis of a procedural or other legal flaw in the plan making process.

## **Staffing**

31. The responsibilities associated with delivering neighbourhood planning are being undertaken within the existing resources of the Planning Policy Team, drawing upon the expertise of other staff as required.

## **Equality and Diversity**

32. These issues have been considered in the preparation of the Neighbourhood Plan, as to meet the Basic Conditions a Neighbourhood Plan must not breach, and is otherwise compatible with, EU obligations, including Human Rights. The Examiner in his report is satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and that it complies with the Human Rights Act. There is no evidence that has been submitted to suggest otherwise.

## **Consultation responses**

33. The made by the Joint Director for Planning and Economic Development on 10 May 2021 that considered the results of the referendum on 6 May 2021 and as the referendum was successful was able to recommend that Council formally 'make' (adopt) the Cottenham Neighbourhood Plan was shared with and agreed by the Lead Member for Planning prior to it being published.

34. Lead Member for Planning has also agreed that the Cottenham Neighbourhood Plan should be 'made' amending the For Referendum version of the Plan as set out in paragraph 23 of this report.

## **Alignment with Council Priority Areas**

### **Growing local businesses and economies**

35. By preparing a Neighbourhood Plan local communities are being given the opportunity to create planning policies that will encourage local employment. The Cottenham Neighbourhood Plan includes aims, objectives and policies that seek to retain and encourage local businesses.

### **Housing that is truly affordable for everyone to live in**

36. Local communities can within a Neighbourhood Plan consider the existing and future needs for housing in their area and positively plan to meet this need through a range of policies and / or allocations in their plan. The Cottenham Neighbourhood Plan includes aims, objectives and policies that seek to deliver homes for the future.

### **Being green to our core**

37. Neighbourhood planning is an opportunity for the local community to shape their local area and strengthen their communities by working together. Neighbourhood plans can include policies to protect the local character of an area, protecting the special green spaces and encourage net gains in biodiversity. These plans can also include policies about sustainability.

### **A modern and caring Council**

38. Neighbourhood planning engages local people in the planning process by giving them a tool to guide the future development, regeneration and conservation of an area. SCDC has a duty to support Parish Councils preparing Neighbourhood Plans and this is a great opportunity for the Councils to work in partnership and to develop new ways of working together. Officers have been supporting the neighbourhood plan group throughout the preparation of the Neighbourhood Plan and have developed a good working relationship with the Parish Council and its planning consultant as a result.

## **Background Papers**

[Cottenham Neighbourhood Plan – earlier stages and supporting documents:](#)

[National Planning Practice Guidance – Neighbourhood Planning:](#)

- [Basic Conditions:](#)
- [Examination:](#)
- [Referendum:](#)
- [Updated guidance due to the Coronavirus pandemic](#) –

[Neighbourhood Planning Toolkit:](#)

[Planning Portfolio Holder Decision \(November 2015\) – Cottenham Neighbourhood Area designation:](#)

[Lead Cabinet member for Planning \(March 2019\) – Council's response on submission version of Cottenham Neighbourhood Plan:](#)

[SCDC's decision statement on receipt of the Examiner's Report and its decision to proceed to referendum \(February 2020\)](#)

[Cabinet Meeting \(July 2018\)](#) – Neighbourhood Planning decision making process:

## **Appendices**

Appendix 1: For Referendum version of the Cottenham Neighbourhood Plan

Appendix 2: Basic Conditions Check of the Made Cottenham Neighbourhood Plan

## **Report Author:**

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