

THE MAKING (ADOPTION) OF THE REACH NEIGHBOURHOOD PLAN

Committee: Full Council

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1.0 ISSUE

1.1. Following the successful referendum on 1 February 2024, the Reach 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 RECOMMENDATION(S)

2.1. That the Council:

(A) congratulates Reach Parish Council on its preparation of a Neighbourhood Plan and a successful referendum outcome, becoming the seventh parish council to do so in East Cambridgeshire; and

(B) formally makes the Reach 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 Reach Neighbourhood Area was designated by East Cambridgeshire District Council in February 2019. Having a designated Neighbourhood Area enables a Neighbourhood Plan to be prepared.

3.2. Following preliminary consultation and evidence gathering, the Reach Neighbourhood Plan was submitted to the Council by Reach Parish Council on 9 June 2023. As required by legislation, the District Council then published the Plan, for the purpose of final consultation, from 22 June to 3 August 2023. Following the publication period, the District Council submitted the Plan for independent examination. The examination primarily took place through September and October 2023, with the Examiner being Andrew Ashcroft MRTPI. The examination was carried out through written representations. No public hearing session was required.

3.3. The Examiner's report was received on 7 November 2023 and concluded that, subject to recommended modifications being followed, the Reach 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. During November 2023, with the agreement of Reach Parish Council, the Strategic Planning Team modified the Reach Neighbourhood Plan as per the Examiner's recommendations.
- 3.5. The Decision Statement, published 6 December 2023, confirms that the District Council is satisfied the modified Reach 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 Reach Neighbourhood Area (i.e. Reach parish boundary) form the referendum area. People listed on the Council's electoral register within the Neighbourhood Area were entitled to vote.
- 3.7. The Council proceeded to hold the referendum on Thursday 1 February 2024. Voters in Reach 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 Reach to help it decide planning applications in the neighbourhood area?'
- 3.8. Of the votes cast, 110 were in favour and 57 were against. No ballot papers were rejected. The turnout was approximately 58%. With approximately 66% of votes in favour, the Reach Neighbourhood Plan received the majority support it needed.
- 3.9. Following the referendum result, the Neighbourhood Planning Act (2017) automatically gave the Reach 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 Reach 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 Reach 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 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.
- 3.11. Once made, it will become the seventh to do so in East Cambridgeshire, the others being: Fordham (2018); Sutton (2019); Witchford (2020); Isleham (2022), Haddenham and Aldreth (2022) and Swaffham Bulbeck (2023). 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.

4.0 ARGUMENTS/CONCLUSION(S)

- 4.1. The Reach Neighbourhood Plan received majority support at a duly held referendum on 1 February 2024. The District Council is therefore required to 'make' the Reach Neighbourhood Plan part of the Development Plan for East Cambridgeshire, as per the will of the majority of voters in Reach 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 STATEMENT / CARBON 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. Carbon Impact Assessment (CIA): 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 or legal 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.
- 5.4. That said, it is worth noting that the Neighbourhood Plan has some reference to carbon and nature related matters, such as a chapter on 'sustainable development and design' which includes a number of policies aimed at delivering more sustainable development and reducing emissions.

6.0 APPENDICES

Appendix 1: Reach Neighbourhood Plan.

Background Documents:

None

