

TITLE: The making of both the Mepal Neighbourhood Plan and the Sutton Replacement Neighbourhood Plan

Committee: Full Council

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1.0 Issue

- 1.1. To make both the Mepal Neighbourhood Plan and the Sutton Replacement Neighbourhood Plan part of the development plan for East Cambridgeshire.

2.0 Recommendations

- 2.1. That the Council:
 - (A) congratulates Mepal Parish Council and Sutton Parish Council on their preparation of a Neighbourhood Plan and Replacement Neighbourhood Plan respectively, and a successful referendum outcome in each case; and
 - (B) formally makes the Mepal Neighbourhood Plan (as attached in Appendix 1) and the Sutton Replacement Neighbourhood Plan (as attached in Appendix 2) part of the Development Plan for East Cambridgeshire with immediate effect.

3.0 Background/Options

- 3.1. This agenda item relates to two separate Neighbourhood Plans. First, some brief background is set out on the Mepal Neighbourhood Plan, followed by background information on the Sutton Replacement Neighbourhood Plan. Second, this report reminds Members of the options available, and the implications of agreeing with the recommendations.

Background to the Mepal Neighbourhood Plan

- 3.2. At the Parish Council's request, the Mepal Neighbourhood Area was designated by East Cambridgeshire District Council in February 2022. Having a designated Neighbourhood Area enables a Neighbourhood Plan to be prepared.
- 3.3. Following preliminary consultation and evidence gathering, the Mepal Neighbourhood Plan was submitted to the Council by Mepal Parish Council on 13 October 2023. As required by legislation, the District Council then published the Plan, for the purpose of final consultation, from 2 November to 15 December 2023. Following the publication period, the District Council submitted the Plan for independent examination. The examination primarily took place through January and February 2024, with the Examiner being Andrew Ashcroft MRTPI. The examination was carried out through written representations. No public hearing session was required.

- 3.4. The Examiner's report was received on 5 March 2024 and concluded that, subject to recommended modifications being followed, the Mepal Neighbourhood Plan makes appropriate provisions 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.
- 3.5. With the agreement of Mepal Parish Council, the Strategic Planning Team modified the Mepal Neighbourhood Plan as per the Examiner's recommendations.
- 3.6. The Decision Statement, published 22 March 2024, confirms that the District Council is satisfied the modified Mepal Neighbourhood Plan meets the 'basic conditions' and other legal requirements. Following publication of the Decision Statement, the Council proceeded to arrange a referendum.
- 3.7. The Council proceeded to hold the referendum on Thursday 13 June 2024. Voters in Mepal 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 Mepal to help it decide planning applications in the neighbourhood area?'
- 3.8. Of the votes cast, 151 were in favour and 17 were against. No ballot papers were rejected. The turnout was approximately 20%. With approximately 90% of votes in favour, the Mepal Neighbourhood Plan received the majority support it needed.

Background to the Sutton Replacement Neighbourhood Plan

- 3.9. Sutton already benefits from having a Neighbourhood Plan (2019). However, the Parish Council decided the plan could benefit from an update. Legally, two options were available to the Parish Council, namely: prepare a full replacement plan; or prepare a 'modified plan' which involves keeping most of the existing plan unaltered, and just amending and/or adding a small element to it. Depending on the choice made, alternative procedural arrangements need to take place.
- 3.10. Sutton Parish Council opted for the full replacement option, which procedurally is the simpler one to explain. In effect, the replacement plan must go through all the procedural steps as if it were the first plan for the area. This has duly taken place, as explained below.
- 3.11. Following preliminary consultation and evidence gathering, the Sutton Replacement Neighbourhood Plan was submitted to the Council by Sutton Parish Council on 10 December 2023. Final consultation took place from 2 January to 14 February 2024, followed by an independent examination in March and April 2024, with the Examiner again being Andrew Ashcroft MRTPI. The examination was carried out through written representations only.
- 3.12. The Examiner's report was received on 2 May 2024 and concluded that, subject to recommended modifications being followed, the Sutton Replacement Neighbourhood Plan makes appropriate provisions 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.

- 3.13. With the agreement of Sutton Parish Council, the Strategic Planning Team modified the Sutton Replacement Neighbourhood Plan as per the Examiner's recommendations.
- 3.14. The Decision Statement, published on 23 May 2024, confirms that the District Council is satisfied the modified Sutton Replacement Neighbourhood Plan meets the 'basic conditions' and other legal requirements. Following publication of the Decision Statement, the Council proceeded to arrange a referendum on 4 July 2024 (which subsequently also became general election day).
- 3.15. Of the votes cast, 1,520 were in favour and 242 were against. 77 ballot papers were rejected. The turnout was 58.5%. With approximately 86% of votes in favour, the Sutton Replacement Neighbourhood Plan received the majority support it needed.

Implications of the Referendum Outcomes

- 3.16. Following the referendum results, the Neighbourhood Planning Act (2017) automatically gave the Mepal Neighbourhood Plan and the Sutton Replacement 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 two plans 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 two plans part of the Development Plan for the district.
- 3.17. 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 two plans and their evidence base, including representations received on the two plans and the two separate examiner's reports, and do not consider there to be any such breach, and hence recommend to Full Council that the two plans be made.

Wider neighbourhood plan update

- 3.18. Once made, the two plans will become the eighth and ninth plans to do so in East Cambridgeshire, covering eight separate parishes, 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).
- 3.19. Cheveley Neighbourhood Plan and Soham and Barway Neighbourhood Plans are both at an advanced stage of preparation and are presently on track to have a referendum in autumn 2024. 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.
- 3.20. 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 Mepal Neighbourhood Plan and the Sutton Replacement Neighbourhood Plan received majority support at duly held referendums on 13 June and 4 July respectively. The District Council is therefore required to 'make' the plans part of the Development Plan for East Cambridgeshire, as per the will of the majority of voters in those two parishes. In doing so, legally the plans 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 8 August 2024 for Mepal, and 29 August 2024 for Sutton.
- 5.3. If the recommendations are agreed, then the two plans achieve 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 two plans 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 EIA and CIA are not required at this committee stage of the process.

6.0 Appendices

Appendix 1: Mepal Neighbourhood Plan
Appendix 2: Sutton Replacement Neighbourhood Plan.

7.0 Background documents

None