

THE MAKING (ADOPTION) OF THE SWAFFHAM BULBECK NEIGHBOURHOOD PLAN

Committee: Full Council

Date: 21 February 2023

Author: Richard Kay, Strategic Planning Manager

Report No: X155

Contact Officer: Richard Kay, Strategic Planning Manager
Tel: 01353 616245; Email: richard.kay@eastcambs.gov.uk
Room 12, The Grange, Ely

1.0 ISSUE

1.1. Following the successful referendum on 26 January 2023, the Swaffham Bulbeck 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 Swaffham Bulbeck Parish Council on its preparation of a Neighbourhood Plan and a successful referendum outcome, becoming the sixth parish council to do so in East Cambridgeshire; and

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

3.2. Following preliminary consultation and evidence gathering, the Swaffham Bulbeck Neighbourhood Plan was submitted to the Council by Swaffham Bulbeck Parish Council on 30 June 2022. As required by legislation, the District Council then published the Plan, for the purpose of final consultation, from 7 July to 18 August 2022. Following the publication period, the District Council submitted the Plan for independent examination. The examination took place through September and October 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 Swaffham Bulbeck 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 October and November 2022, with the agreement of Swaffham Bulbeck Parish Council, the Strategic Planning Team modified the Swaffham Bulbeck Neighbourhood Plan as per the examiner's recommendations.
- 3.5. The Decision Statement, published 11 November 2022, confirms that the District Council is satisfied the modified Swaffham Bulbeck 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 Swaffham Bulbeck Neighbourhood Area (i.e. Swaffham Bulbeck 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 26 January 2023. Voters in Swaffham Bulbeck 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 Swaffham Bulbeck to help it decide planning applications in the neighbourhood area?'
- 3.8. Of the votes cast, 237 were in favour and 35 were against. No ballot papers were rejected. With approximately 87% of votes in favour, the Swaffham Bulbeck Neighbourhood Plan received the majority support it needed.
- 3.9. Following the referendum result, the Neighbourhood Planning Act (2017) automatically gave the Swaffham Bulbeck 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 Swaffham Bulbeck 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 Swaffham Bulbeck 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 sixth to do so in East Cambridgeshire, the others being: Fordham (2018); Sutton (2019); Witchford (2020); Isleham (2022) and Haddenham and Aldreth (2022). By way of comparison, the total number of made

Neighbourhood Plans in East Cambridgeshire is similar to our near neighbours: Huntingdonshire has seven; South Cambridgeshire also has seven; whilst Fenland has two.

4.0 ARGUMENTS/CONCLUSION(S)

- 4.1. The Swaffham Bulbeck Neighbourhood Plan received majority support at a duly held referendum on 26 January 2023. The District Council is therefore required to 'make' the Swaffham Bulbeck Neighbourhood Plan part of the Development Plan for East Cambridgeshire, as per the will of the majority of voters in Swaffham Bulbeck 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 'sustainable design' policy and a 'natural environment' policy.

6.0 APPENDICES

Appendix 1: Swaffham Bulbeck Neighbourhood Plan (printed separately)

Background Documents:

None