

**TITLE: The making of the Witcham Neighbourhood Plan**

Committee: Full Council

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## **1.0 Issue**

- 1.1. A referendum is scheduled to take place on 12 February 2026 in respect of the Witcham Neighbourhood Plan. If the plan passes that referendum, then the plan needs to be formally 'made' by East Cambridgeshire District Council ("the District Council") and thereby be formalised as part of the statutory development plan for East Cambridgeshire (alongside the 2015 Local Plan (as amended 2023) and other made neighbourhood plans.
- 1.2. A verbal update will be given at the meeting as to the result of the referendum.

## **2.0 Recommendations**

- 2.1. If the Witcham Neighbourhood Plan receives a majority vote at the scheduled referendum on 12 February 2026, the recommendation is that Council:
  - i) congratulates Witcham Parish Council ("the Parish Council") on its preparation of a Neighbourhood Plan, and a successful referendum outcome; and
  - ii) formally makes the Witcham Neighbourhood Plan (as attached at Appendix 1) part of the development plan for East Cambridgeshire with immediate effect.
- 2.2. Members should note that to reflect the plan's updated status (a 'made' plan as opposed to the 'referendum' plan), there will be a need to make a small number of minor and non-material changes to the document. Therefore, if the plan receives a majority vote at the referendum, the recommendation is also to:
  - iii) delegate authority to the Strategic Planning and Development Management Manager to finalise minor and non-material changes where these are necessary to reflect the plan's updated status (a 'made' plan as opposed to the 'referendum plan').
- 2.3. If the plan does not receive a majority vote, then Council should note the outcome of the referendum result but take no further action other than request officers to work with the Parish Council to help it decide how to proceed.

## **3.0 Background/Options**

- 3.1. At Witcham Parish Council's request, the Witcham Neighbourhood Area was designated by the District Council in June 2023. Following preliminary consultation, evidence gathering and a statutory period of consultation, which took place 13

December 2024 - 10 February 2025, the plan was submitted to the District Council in July 2025. The District Council then published the plan for the purpose of undertaking the final statutory period of consultation, from 17 July to 2 September 2025. Following this publication period, the District Council then submitted the plan for independent examination. The examination took place September to November 2025, with the examiner being Andrew Ashcroft MRTPI. The examination was carried out through written representations with no public hearing sessions.

- 3.2. The examiner's report was received on 18 November 2025 and concluded that, subject to recommended modifications being followed, the plan contributes to the achievement of sustainable development; is appropriate having regard to the national policy; is in general conformity with the strategic policies contained in East Cambridgeshire's 2015 Local Plan (as amended 2023); and is compatible with EU obligations (as transposed into UK law), including human rights requirements.
- 3.3. With the agreement of the Parish Council, the plan was modified as per the examiner's required modifications.
- 3.4. The Decision Statement, published 22 December 2025, confirms the District Council is satisfied that the Witcham Neighbourhood Plan, where modified as informed by the examiner's recommendations, meets the basic conditions and is otherwise legally compliant. Following the publication of the Decision Statement, the District Council proceeded to arrange a referendum for Thursday, 12 February 2026, where voters in the parish are asked the following question (the question wording being set by legislation):  
  
*'Do you want East Cambridgeshire District Council to use the neighbourhood plan for Witcham to help it decide planning applications in the neighbourhood area?'*
- 3.5. At the time of publishing this report, the outcome of the referendum is not yet declared. A verbal update will be given at the meeting.
- 3.6. If successful, the District Council is required (by virtue of section 38A (4) of the Planning and Compulsory Purchase Act, 2004) to formally 'make' the Witcham Neighbourhood Plan part of the development plan for the district.
- 3.7. The only exception to section 38(A) (4) is if the District 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 section 38A (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 Witcham Neighbourhood Plan be made if the plan passes the referendum.
- 3.8. If the plan does not receive a majority vote in favour at the referendum, then the Council is not permitted to make the plan part of the development plan, and in effect must pass the plan back to the Parish Council to decide whether it wishes to prepare an alternative plan, with due consultation, examination and another referendum. It is not obliged to do so, if it chooses not to.

#### **4.0 Arguments/Conclusions**

- 4.1. Council must receive the result of the Witcham Neighbourhood Plan referendum before deciding how to proceed. If a majority support is received at the referendum on 12 February 2026, then the District Council is required to make the plan as part of the development plan for East Cambridgeshire, as per the will of the majority of voters in Witcham parish. In doing so, the plan will have, in simple terms, the same status as East Cambridgeshire’s 2015 Local Plan (as amended 2023).

## 5.0 Additional Implications Assessment

- 5.1 In the table below, please put Yes or No in each box:

<b>Financial Implications</b>  <b>No</b>	<b>Legal Implications</b>  <b>Yes</b>	<b>Human Resources (HR) Implications</b>  <b>No</b>
<b>Equality Impact Assessment (EIA)</b>  <b>No</b>	<b>Carbon Impact Assessment (CIA)</b>  <b>No</b>	<b>Data Protection Impact Assessment (DPIA)</b>  <b>No</b>

### Legal implications

- 5.2. The District Council is duty-bound (section 18A of the Neighbourhood Planning (General) Regulations 2012 (as amended) to determine whether to make a neighbourhood plan part of its statutory development plan within 8 weeks of a referendum taking place. This means Council must make a decision no later than 9 April 2026.
- 5.3. If the plan passes the referendum and the recommendations are agreed, then the plan achieves the statutory status of forming part of the development plan for the district. The District Council, in its capacity as local planning authority, will be duty-bound to use the plan 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 throughout the plan-making process by the Parish Council and the District Council. These two elements are also tested and independently examined by the examiner towards the end of the process. Consequently, separate EIAs and CIAs are not required at this committee stage of the process.

## 6.0 Appendices

Appendix 1: Witcham Neighbourhood Plan

## 7.0 Background documents

None

