



Report to:	Council	23 March 2022
Leader of the Council on behalf of the Lead Cabinet Member:	Cllr Dr Tumi Hawkins	
Lead Officer:	Joint Director for Planning and Economic Development	

Waterbeach Neighbourhood Plan – Making (adopting) the Neighbourhood Plan

Executive Summary

1. The Waterbeach Neighbourhood Plan has been prepared by Waterbeach Parish Council. They formally submitted their plan and associated documents to South Cambridgeshire District Council (SCDC) in February 2021. 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.
2. A referendum took place on the Waterbeach Neighbourhood Plan on 3 March 2022 where the majority of those who voted said 'yes' to SCDC using the plan to help it decide planning applications in the Waterbeach neighbourhood area. SCDC is required to formally make (adopt) the plan where there has been a successful referendum.

Key Decision

3. No - It was first published in the January 2022 Forward Plan.

Recommendations

4. It is recommended that Council:
 - a. Notes that the referendum for the Waterbeach Neighbourhood Plan took place on 3 March 2022,
 - b. As it was a successful referendum 'makes' (adopts) the Waterbeach Neighbourhood Plan (The made version of the plan is Appendix 1 of this report)

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 Waterbeach 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 Leader of the Council, 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 Waterbeach 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

1. The Waterbeach Neighbourhood Area was designated on 10 August 2015. The neighbourhood area is for the whole parish of Waterbeach and therefore includes the strategic new town allocation from the adopted Local Plan 2018. At the same time as the neighbourhood area was designated a 'Joint Working Agreement' was formally agreed between the Parish Council and South Cambridgeshire District Council (SCDC) which set out how the two councils would work together.
2. Officers provided informal comments on earlier drafts of the Neighbourhood Plan ahead of the formal pre-submission consultation process and recognise the hard work that those on the steering group of the neighbourhood plan have put into preparing the Plan. This group has strived to ensure that the whole village had an opportunity to have an input into the final Plan.
3. 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 March 2020.
4. Pre-submission public consultation on the draft Neighbourhood Plan was undertaken by the Parish Council from 13 January to 24 February 2020. 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. Officers have met with the steering group to discuss how these comments and the current submitted Plan has taken most of them into account. The parish has taken their plan forward in a positive way.

5. The parish council has also had an independent health check of their Plan carried out once they had prepared a revised version of their Plan following the pre-submission consultation. This was carried out by an experienced neighbourhood plan examiner, Ann Skippers, who considered the Plan to be presented well with clear differentiation of planning policies and a clearly articulated vision. She considered each policy and suggested some changes to the Plan that have been considered by the parish council in preparing the submission version of their Plan.
6. On 2 February 2021, Waterbeach Parish Council submitted their Neighbourhood Plan to SCDC. Officers have 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 comply with all the relevant statutory requirements at this stage of plan making.
7. We therefore were able to carry out a consultation on the Waterbeach Neighbourhood Plan from 16 February until 20 April 2021.
8. Officers, in conjunction with Waterbeach Parish Council, appointed an independent examiner to consider this Neighbourhood Plan. The examiner appointed to undertake the examination of a 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. The examiner appointed was Peter Bigger of POC Penny O'Shea Consulting. On 10 May 2021 the Neighbourhood Plan, its accompanying supporting documents and all comments submitted during the public consultation 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.
9. The examiner issued a clarification note on 20 May 2021 which SCDC responded to on 1 June and the Parish Council responded to by 9 June. A further question was issued for the parish council which they replied to on 11 June 2021.
10. The Examiner's Report was received on 2 August 2021. The examiner in his report concluded that subject to a series of recommended modifications the Waterbeach Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum. He also recommended that the referendum should be held within the neighbourhood area only.
11. Officers, in conjunction with Waterbeach 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 Waterbeach Parish Council. A 'For Referendum' version of the Waterbeach Neighbourhood Plan was prepared including these modifications.
12. The joint Director for Planning and Economic Development having consulted with the Planning Lead Member agreed on 19 January 2022 the Referendum version

of the Waterbeach Neighbourhood Plan and that this plan should proceed to a referendum.

13. A referendum on the 'making' (adoption) of the Waterbeach Neighbourhood Plan was held on 3 March 2022. Voters were asked "Do you want South Cambridgeshire District Council to use the neighbourhood plan for Waterbeach to help it decide planning applications in the neighbourhood area?" The results were declared as follows:
- Yes votes: 637 (89.97%)
 - No votes: 71 (10.03%)
 - Turnout: 17.3%

Considerations

7. 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.
8. 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.
9. The Waterbeach 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.
10. Officers have assessed whether the Waterbeach 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 Waterbeach Neighbourhood Plan does not breach, and is otherwise compatible with, EU and human rights obligations. (see Appendix 2)
11. The Made version of the Waterbeach Neighbourhood Plan is included in Appendix 1 of this report. Officers have worked with Waterbeach Parish Council to update the Referendum version of the 'Neighbourhood Plan.

Timescales

14. SCDC's meeting of full Council on the 23 March 2022 will decide whether to formally make the Waterbeach Neighbourhood Plan. SCDC and Waterbeach Parish Council are keen to take the first opportunity to make the Waterbeach Neighbourhood Plan as it was a successful referendum vote.

Next Steps

12. 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.
13. Once formally 'made' (adopted) the Waterbeach 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

14. 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 Waterbeach 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

15. 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

16. 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. The Council will claim this government grant for Waterbeach Neighbourhood Plan in the next claim period.

Legal

17. 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. A legal challenge may only be made on the basis of a procedural or other legal flaw in the plan making process.

Staffing

18. 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

19. 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. Waterbeach Parish Council has included an assessment in their [Basic Conditions report](#) to examine the impact of the Neighbourhood Plan policies on persons who have a 'protected characteristic' and this assessment concludes that the Neighbourhood Plan will not result in negative effects on persons who have a 'protected characteristic' and that there may be positive impacts on persons with a 'protected characteristic'.

Consultation responses

20. The decision made by the Joint Director for Planning and Economic Development on 11 March 2022 that considered the results of the referendum on 3 March 2022 and as the referendum was successful was able to recommend that Council formally 'make' (adopt) the Waterbeach Neighbourhood Plan was shared with and agreed by the Leader of the Council prior to it being published.
21. The Leader of the Council has also agreed that the Waterbeach Neighbourhood Plan should be 'made'.

Alignment with Council Priority Areas

Growing local businesses and economies

22. By preparing a Neighbourhood Plan local communities are being given the opportunity to create planning policies that will encourage local employment. The Waterbeach 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

23. 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 Waterbeach Neighbourhood Plan includes aims, objectives and policies that seek to deliver homes for the future.

Being green to our core

24. 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

25. 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

[Waterbeach 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 \(10 August 2015\) Waterbeach Neighbourhood Area Designation](#)

[Joint Director for Planning and Economic Development – \(February 2020\) Council's response on the pre-submission version of the Waterbeach Neighbourhood Plan.](#)

[Lead Cabinet Member for Planning Decision Statement \(April 2021\)– Council's response on submission version of the Waterbeach Neighbourhood Plan](#)

[SCDC's decision statement on receipt of the Examiner's Report and its decision to proceed to referendum \(January 2022\)](#)

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

Appendices

Appendix 1: Made version of the Waterbeach Neighbourhood Plan

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

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