

**South Cambridgeshire District Council  
Record of Chief Officer/Head of Service Decision**

This form should be used to record key and other decisions made by Chief Officers and Heads of Service. The contact officer will ensure that the signed and completed form is given to Democratic Services as soon as reasonably practicable after the decision has been taken.

A key decision shall not be taken unless notice of the item has been published at least 28 days before the decision is to be taken except where:

- a General Exception notice has been published under Rule 15 of the Access to Information Procedure Rules and the Chairman of Scrutiny and Overview Committee has been informed in writing; or
- where a Special Urgency notice has been published under Rule 16 of those Rules and the Chairman of Scrutiny and Overview Committee has agreed the decision is urgent.

Unless permission has been obtained from the Chairman of Council and the Chairman of the Scrutiny and Overview Committee that a key decision may be treated as a matter of urgency under Rule 12.19 of the Scrutiny and Overview Committee Procedure Rules, any key decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless called in under Rule 7 of the Budget and Policy Framework Procedure Rules or Rule 12 of the Scrutiny and Overview Committee Procedure Rules. Where consent has been obtained to exempt the decision from call-in, this will be specified below. Only key decisions of an officer are subject to call-in.

<b>Decision Taker</b>	Joint Director for Planning and Economic Development
<b>Subject Matter</b>	Cottenham Neighbourhood Plan - Making (adopting) the Neighbourhood Plan
<b>Ward(s) Affected</b>	Cottenham
<b>Date Taken</b>	Monday, 10 May 2021
<b>Contact Officer</b>	Alison Talkington, Senior Planning Policy Officer 01954 713182 / mobile 07514 926521 (alison.talkington@scambs.gov.uk)
<b>Date Published</b>	Monday, 10 May 2021
<b>Call-In Expiry</b>	N/A
<b>Key Decision?</b>	No
<b>In Forward Plan?</b>	No
<b>Urgent?</b>	No

<b>Purpose / Background</b>
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## **Purpose**

1. The purpose of this report is to set out the results of the referendum on the Cottenham Neighbourhood Plan and make a recommendation to Council on whether the Neighbourhood Plan should be formally made (adopted) by South Cambridgeshire District Council (SCDC).

## **Background**

2. Cottenham Parish Council considered in early 2015 the idea of developing a Neighbourhood Plan to provide a more locally focussed set of policies for their parish. An application to designate the whole of their parish as a Neighbourhood Area was submitted to SCDC in September 2015 and the Cottenham Neighbourhood Area was designated on 17 November 2015.
3. Cottenham Parish Council carried out consultation on a draft Neighbourhood Plan in 2017. Officers provided informal comments on the draft Neighbourhood Plan, and on subsequent revisions to the plan that were shared with officers ahead of the formal pre-submission consultation process. 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 September 2018.
4. Pre-submission public consultation on the draft Neighbourhood Plan was undertaken by the Parish Council from 19 June until 7 August 2018. 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.
5. On 15 January 2019, Cottenham Parish Council submitted their Neighbourhood Plan to South Cambridgeshire District Council. Officers 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 complied with all the relevant statutory requirements at this stage of plan making. Public consultation on the submitted Neighbourhood Plan took place between 11 February and 25 March 2019. South Cambridgeshire District Council provided a response to this consultation.
6. Officers, in conjunction with Cottenham Parish Council, appointed Andrew Ashcroft of Andrew Ashcroft Planning Limited as the independent examiner to examine the Neighbourhood Plan. The examiner appointed to undertake the examination of the 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.
7. On 18 April 2019, the Neighbourhood Plan, its accompanying supporting documents, and all comments submitted 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.
8. The examiner issued a series of clarification questions relating to the Neighbourhood Plan in May 2019, and both South Cambridgeshire District Council and Cottenham

Parish Council provided responses. The examiner also asked the Parish Council if it had any comments on the various representations made to the Plan during the submission consultation. A response was made by the Parish Council in August 2019.

9. The Examiner's Report was received on 10 December 2019. The examiner in his report concludes that subject to a series of recommended modifications the Cottenham Neighbourhood Plan met all the necessary legal requirements and should proceed to referendum. He also recommends that the referendum should be held within the neighbourhood area only.
10. Officers, in conjunction with Cottenham 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 Cottenham Parish Council. A 'For Referendum' version of the Cottenham Neighbourhood Plan was prepared including these modifications.
11. The joint Director for Planning and Economic Development having consulted with the Planning Lead Member agreed in February 2020 the For-Referendum version of the Cottenham Neighbourhood Plan and that this plan should proceed to a referendum.
12. A referendum date was initially set for 26 March 2020, but this had to be cancelled due to the lockdown restrictions imposed as a result of the coronavirus pandemic. The government subsequently issued guidance in May 2020 stating that no referendums could take place until 6 May 2021.
13. A referendum on the 'making' (adoption) of the Cottenham Neighbourhood Plan was held on 6 May 2021. Voters were asked "Do you want South Cambridgeshire District Council to use the neighbourhood plan for Cottenham to help it decide planning applications in the neighbourhood area?" The results were declared as follows:
  - Yes votes: 1889 (88.11%)
  - No votes: 255 (11.89%)
  - Turnout: 45.62%

### **Considerations**

14. 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 development plan unless material considerations indicate otherwise. The formal 'making' (adoption) of the Neighbourhood Plan does not happen until SCDC's full Council are asked to do this at a meeting following the referendum.
15. 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.

16. The Cottenham 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.
17. Officers have assessed whether the Cottenham 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 Cottenham Neighbourhood Plan does not breach, and is otherwise compatible with, EU and human rights obligations (see Appendix 2).
18. The Referendum version of the Cottenham Neighbourhood Plan is included in Appendix 1 of this report. Officers will work with Cottenham Parish Council to update this to become the 'made' Neighbourhood Plan once it is formally agreed by the Council to make the Cottenham Neighbourhood Plan. This will involve minor (non-material) amendments to the Plan to reflect its new status as well as ensuring that the document meets the accessibility requirements to enable it to be published on the Council's website – national regulations which our Council must comply with. These amendments will be agreed by the joint Director for Planning and Economic Development. Such amendments will not impact on the Basic Conditions nor materially impact the policies of the Plan.

#### **Timescales**

19. SCDC's meeting of full Council on the 20 May 2021 will decide whether to formally make the Cottenham Neighbourhood Plan. SCDC and Cottenham Parish Council are keen to take the first opportunity to make the Cottenham Neighbourhood Plan as it was a successful referendum vote.

#### **Next Steps**

20. Once this decision has been agreed and published, SCDC's full Council at their meeting on the 20 May 2021 will be asked to 'make' (adopt) the Cottenham Neighbourhood Plan. 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.
21. Once formally 'made' (adopted) the Cottenham 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.

#### **Implications**

22. In the writing of this report, taking into account financial, legal, staffing, risk management, equality and diversity, climate change, community safety and any other key issues, the following implications have been considered:
23. Financial: 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. Due to the coronavirus pandemic the government amended these rules to allow a council to submit their claim once a decision has been made that a plan can go forward to referendum. The Council has already claimed the government grant for Cottenham Neighbourhood Plan
24. Legal: 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. National legislation provides for a six week period in which a legal challenge may be lodged, which begins the day after the 'making' (adoption) of the Neighbourhood Plan. A legal challenge may only be made on the basis of a procedural or other legal flaw in the plan making process.
25. Staffing: 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.
26. Equality and Diversity: 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. The Examiner in his report is satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and that it complies with the Human Rights Act. There is no evidence that has been submitted to suggest otherwise.

**Declaration(s) of Interest**

***Record below any relevant interest declared by any executive Member consulted or by an officer present in relation to the decision.***

None

**Dispensation(s)**

***In respect of any conflict(s) of interest declared above, record below any dispensation(s) granted by the Council's Standards Committee.***

None

**Consultation**

***Record below all parties consulted in relation to the decision.***

Consultation with the Lead Member for Planning

This decision statement has been shared with and agreed by the Lead Member for Planning.

Other Options Considered and Reasons for Rejection
<p>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.</p> <p>Officers have concluded that the Cottenham Neighbourhood Plan would not breach or be otherwise incompatible with EU or human rights obligations, as set out in the Considerations section.</p>

Final decision	Reason(s)
That the Joint Director for Planning and Economic Development, having consulted with the Lead Member for Planning, recommends Council note the results of the referendum on the Cottenham Neighbourhood Plan and ‘make’ (adopt) the Cottenham Neighbourhood Plan.	<p>Where a Neighbourhood Plan is successful at its 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.</p> <p>Officers have concluded that the Cottenham Neighbourhood Plan would not breach or be otherwise incompatible with EU or human rights obligations, as set out in the Considerations section.</p>

Signed	Name (CAPITALS)	Signature	Date
Lead Cabinet Member (where required by the Constitution)	Signed copy available upon request from Democratic Services (democratic.services@scambs.gov.uk)		
Chief Officer			

Further Information
<p>Appendices</p> <p>Appendix 1: Referendum version of the Cottenham Neighbourhood Plan</p> <p>Appendix 2: Basic Conditions Check of the Made Cottenham Neighbourhood Plan</p> <p>Background Papers</p> <p><a href="#">Cottenham Neighbourhood Plan – earlier stages and supporting documents</a></p> <p><a href="#">National Planning Practice Guidance – Neighbourhood Planning</a></p> <ul style="list-style-type: none"><li>• <a href="#">Basic Conditions</a></li><li>• <a href="#">Examination</a></li><li>• <a href="#">Referendum</a></li><li>• <a href="#">Updated guidance due to the Coronavirus pandemic</a></li></ul> <p><a href="#">Neighbourhood Planning Toolkit</a></p>

[Planning Portfolio Holder Decision \(November 2015\) – Cottenham Neighbourhood Area designation](#)

[Lead Cabinet member for Planning \(March 2019\) – Council's response on submission version of Cottenham Neighbourhood Plan](#)

[SCDC's decision statement on receipt of the Examiner's Report and its decision to proceed to referendum](#) (February 2020)

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