

**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.

Decision Taker	Joint Director for Planning and Economic Development
Subject Matter	Gamlingay Neighbourhood Plan - Making (adopting) the Neighbourhood Plan
Ward(s) Affected	Gamlingay
Date Taken	Friday, 11 November 2022
Contact Officer	Jenny Nuttycombe, Principal Planning Policy Officer 01954 713184 / 07563 421032 (jenny.nuttycombe@scambs.gov.uk)
Date Published	Friday, 11 November 2022
Call-In Expiry	N/A
Key Decision?	No
In Forward Plan?	No
Urgent?	No

Purpose / Background

Purpose

1. The purpose of this report is to set out the results of the referendum on the Gamlingay 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. The Gamlingay Neighbourhood Area was designated on 3 February 2015. The neighbourhood area is for the whole parish of Gamlingay.
3. 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.
4. 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 2019. Following on from this screening which determined that a full SEA was required, a SEA was produced in July 2020.
5. Pre-submission public consultation on the draft Neighbourhood Plan was undertaken by the Parish Council from 7 September to 30 October 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 met with the steering group to discuss these comments and were aware that the submission version of the plan had not included many changes.
6. On 26 August 2021, Gamlingay Parish Council submitted their Neighbourhood Plan to SCDC. 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 that stage of plan making. We carried out consultation on the submitted Gamlingay Neighbourhood Plan from 27 September to 23 November 2021.
7. Officers, in conjunction with Gamlingay 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 Andrew Ashcroft. On 6 December 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.
8. The examiner issued a note that set out the arrangements for the examination of the Plan on 7 December 2021. He then sent a clarification note on 9 December 2021 setting out his initial comments on the submitted Plan and areas where it would be helpful to have some further clarification. The Parish Council responded to this in two parts – one sent on 20 December 2021 and a further response on 6 January 2022.

9. The Examiner's Report was received on 7 March 2022. The examiner in his report concludes that subject to a series of recommended modifications the Gamlingay Neighbourhood Plan meets 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. Once the Examiner's Report was received, the Council was able to consider the conclusions of the Examiner's Report, and whether those conclusions should be acted upon and therefore that the Neighbourhood Plan should proceed to referendum. This included considering whether the examiner's recommended modifications to the Neighbourhood Plan should be made, and whether the Council agreed that the Neighbourhood Plan met the Basic Conditions. The Council published its decision in a decision statement.
11. Officers, in conjunction Gamlingay 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 prepared by officers and agreed with Gamlingay Parish Council. A 'Referendum' version of the Gamlingay 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 28 September 2022 the Referendum version of the Gamlingay Neighbourhood Plan and that this plan should proceed to a referendum.
13. A referendum on the 'making' (adoption) of the Gamlingay Neighbourhood Plan was held on 10 November 2022. Voters were asked "Do you want South Cambridgeshire District Council to use the neighbourhood plan for Gamlingay to help it decide planning applications in the neighbourhood area?" The results were declared as follows:
 - Yes votes: 403 (76.62%)
 - No votes: 123 (23.38%)
 - Turnout: 18.05%

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.

16. The Gamlingay 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 Gamlingay 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 Gamlingay Neighbourhood Plan does not breach, and is otherwise compatible with, EU and human rights obligations (see Appendix 2).
18. The made version of the Gamlingay Neighbourhood Plan is included in Appendix 1 of this report. Officers have worked with Gamlingay Parish Council to agree minor (non-material) amendments to the referendum version of the Neighbourhood Plan to turn it into the made version of the Neighbourhood Plan. Minor (non-material) amendments can be made to a Neighbourhood Plan at any point (National Planning Practice Guidance, Paragraph: 106 Reference ID: 41-106-20190509 and Paragraph: 084a Reference ID: 41-084a-20180222). These amendments update the wording on the front cover, in the foreword, in the executive summary and in the introduction so that it is clear that the Neighbourhood Plan is made and forms part of the statutory development plan. Two further minor amendments have also been made to the descriptive text for Objective 2 and in paragraph 4.23, with the agreement of Gamlingay Parish Council and in light of comments received from a planning agent. These minor amendments relate to sentences that describe what is set out in Policy GAM3, where consequential amendments arising from the Examiner's modifications to policies were unfortunately not made in the preparation of the referendum version of the Neighbourhood Plan.

Timescales

19. SCDC's meeting of full Council on the 24 November 2022 will decide whether to formally make the Gamlingay Neighbourhood Plan. SCDC and Gamlingay Parish Council are keen to take the first opportunity to make the Gamlingay 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 24 November 2022 will be asked to 'make' (adopt) the Gamlingay 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 Gamlingay 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 the plan has been through the examination and a referendum date has been set. Officers will submit the claim for this government grant during the next claims opportunity.

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. 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, Strategy and Economy 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. Included as part of the Basic Conditions Statement is an assessment undertaken by Gamlingay Parish Council to examine the impact of the Neighbourhood Plan in relation to the 'protected characteristics' as identified in the Equality Act 2010 and concludes that the Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on human Rights (ECHR). The Examiner agreed with this assessment.

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 Deputy Leader (as a substitute for Lead Member for Planning):

This decision statement, the 'Made' version of the Neighbourhood Plan, and the Basic Conditions Check undertaken by officers have been shared with and agreed by the Deputy Leader (as a substitute for the Lead Member for Planning).

Other Options Considered and Reasons for Rejection

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 Gamlingay Neighbourhood Plan would not breach or be otherwise incompatible with EU or human rights obligations, as set out in the Considerations section.

Final decision	Reason(s)
That the Joint Director for Planning and Economic Development, having consulted with the Deputy Leader (as a substitute for the Lead Member for Planning), recommends Council note the results of the referendum on the Gamlingay Neighbourhood Plan and 'make' (adopt) the Gamlingay 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 Gamlingay 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@scams.gov.uk)		
Chief Officer			

Further Information

Appendices

Appendix 1: 'Made' version of the Gamlingay Neighbourhood Plan

Appendix 2: Basic Conditions Check on 'Made' version of the Gamlingay Neighbourhood Plan

Background documents

[Gamlingay 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 \(3 February 2015\) Gamlingay Neighbourhood Area Designation](#)

[Joint Director for Planning and Economic Development \(27 October 2020\) Council's response on the pre-submission version of the Gamlingay Neighbourhood Plan](#)

[Lead Cabinet Member for Planning Decision Statement \(23 November 2021\) – Council's response on submission version of the Gamlingay Neighbourhood Plan](#)

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

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