

REPORT TO: Council

21 February 2019

LEAD OFFICER: Joint Director for Planning and Economic Development

Great Abington Former Land Settlement Association Estate Neighbourhood Plan – Making (adopting) the Neighbourhood Plan

Purpose

1. The purpose of this report is to set out the results of the referendum on the Great Abington Former Land Settlement Association (LSA) Estate Neighbourhood Plan, and recommend to Council that the Neighbourhood Plan should be formally 'made' (adopted) by South Cambridgeshire District Council (SCDC).
2. This is not a key decision because it will not result in the Council incurring expenditure which is significant having regard to the Council's budget for the service or function to which the decision relates nor is it significant in terms of its effects on communities living or working in an area of the District comprising two or more wards for the following reasons:
 - i. supporting Parish Councils in preparing Neighbourhood Plans, and taking the responsibility for the later stages in the production of a Neighbourhood Plan, is being done within the Council's existing budgets and some of the costs are reimbursed through a grant from Government; and
 - ii. the Great Abington Former LSA Estate Neighbourhood Plan sets out planning policies for an area within the parish of Great Abington, which in turn is only one parish within the ward of Linton.
3. It was first published in the May 2018 Forward Plan.

Recommendations

4. It is recommended that Council:
 - a. notes the results of the referendum on the Great Abington Former LSA Estate Neighbourhood Plan; and
 - b. 'makes' (adopts) the Great Abington Former LSA Estate Neighbourhood Plan (as set out in Appendix 1).

Reasons for Recommendations

5. 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. Officers have concluded that the Great Abington

Former LSA Estate 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 Lead Member for Planning, has considered¹ the results of the referendum and recommends that Council formally 'make' (adopt) the Great Abington Former Land Settlement Association (LSA) Estate 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 Member for Planning.

Background

7. The former LSA estate at Great Abington is defined in planning terms as being in the countryside as it is located outside of the village framework of Great Abington, and therefore development is normally restricted to specific uses. However, as set out in the Neighbourhood Plan (see Appendix 1, paragraph 4.15), the former LSA estate is different from open countryside due to its parallel private roads, its regular pattern and layout of the various buildings, and the significant number of original dwellings that have been extended and altered.
8. Great Abington Parish Council felt that there was a need for additional planning guidance for the former LSA estate, as a result of an inconsistency in the decisions made by SCDC and planning inspectors considering planning applications, appeals and enforcement cases for new dwellings and/or outbuildings within the former LSA estate. Great Abington Parish Council therefore decided to prepare a Neighbourhood Plan specifically for this area. The Great Abington Former LSA Estate Neighbourhood Area was designated on 5 September 2016.
9. Great Abington Parish Council carried out informal consultation on a draft Neighbourhood Plan in Spring 2017. 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 July 2017.
10. Pre-submission formal public consultation on the draft Neighbourhood Plan was undertaken by the Parish Council between 24 July and 18 September 2017. A health check of the pre-submission Neighbourhood Plan was undertaken by Christopher Lockhart-Mummery QC (an independent examiner). Officers provided a formal response to the consultation, showing support for the intentions of the Neighbourhood Plan and providing some comments to assist the neighbourhood plan group with finalising the Neighbourhood Plan.

¹ Decision statement by Joint Director for Planning and Economic Development noting the results of the referendum and recommending that Council 'make' (adopt) the Great Abington Former LSA Estate Neighbourhood Plan (1 February 2019): <https://www.scambs.gov.uk/media/12949/decision-statement-making-gt-ab-former-lsa-estate-np-with-appendices.pdf>

11. On 22 February 2018, Great Abington Parish Council submitted their Neighbourhood Plan to SCDC, having considered the comments received on the pre-submission version and made any necessary changes. The Neighbourhood Plan includes three planning policies that: (i) support extensions to and/or the rebuilding of existing dwellings; (ii) support the provision of one additional new dwelling for each original plot within the former LSA estate; and (iii) seek to preserve the character of the area by resisting development proposals that will result in significant changes to the estate roads or damage the residential amenity of the area through traffic generation.
12. Officers confirmed 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. Formal public consultation on the submitted Neighbourhood Plan was therefore undertaken between 5 March and 16 April 2018.
13. Officers, in conjunction with Great Abington Parish Council, appointed Andrew Ashcroft of Andrew Ashcroft Planning Limited as the independent examiner² to examine the Neighbourhood Plan. On 30 May 2018, 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.
14. The examiner issued a series of clarification questions relating to the Neighbourhood Plan in June 2018, and both SCDC and Great Abington Parish Council provided responses. Also during the course of the examination, as a result of a case in the European Court that changed the basis on which competent authorities are required to undertake HRAs, a review of the screening determination from July 2017 was undertaken. The review concluded that the earlier HRA screening determination was properly reached and that there was no need to undertake an Appropriate Assessment.
15. The Examiner's Report was received on 15 October 2018. The examiner in his report concluded that subject to a series of recommended modifications the Great Abington Former LSA Estate Neighbourhood Plan met all the necessary legal requirements and should proceed to referendum. He also recommended that the referendum should be held within the neighbourhood area only.
16. Officers, in conjunction with Great Abington 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 Conditions³. Additional non-material modifications to the

² 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.

³ SCDC's decision statement on the receipt of the Examiner's Report and its decision to proceed to referendum (October 2018): www.scambs.gov.uk/media/12651/decision-statement-examiners-report-referendum-final-incl-appendices.pdf

Neighbourhood Plan were also made by officers and agreed with Great Abington Parish Council.

17. A referendum on the 'making' (adoption) of the Great Abington Former LSA Estate Neighbourhood Plan was held on 13 December 2018. Voters were asked "*Do you want South Cambridgeshire District Council to use the neighbourhood plan for Great Abington former Land Settlement Association estate to help it decide planning applications in the neighbourhood area?*" The results were declared as follows:
- 'Yes' votes: 79.05% (83 votes)
 - 'No' votes: 20.95% (22 votes)
 - Turnout: 60.69%

Considerations

18. 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 area⁴, 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.
19. 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.
20. The Great Abington Former LSA Estate Neighbourhood Plan was successful at its referendum as more than half (79.05%) 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.

The 'making' (adoption) of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU and human rights obligations

21. Officers have assessed whether the Great Abington Former LSA Estate 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. On 28 December 2018, in response to a case in the European Court (People Over Wind and Peter

⁴ National Planning Practice Guidance, Paragraph: 064, Reference ID: 41-064-20170728

Sweetman, April 2018) that changed the basis on which competent authorities are required to undertake HRAs, one of the prescribed conditions of this 'Basic Condition' was amended through the coming into force of new national regulations. Officers have therefore re-assessed whether the Great Abington Former LSA Estate Neighbourhood Plan meets all the 'Basic Conditions' (see Appendix 2). Officers consider that the 'making' of the Great Abington Former LSA Estate Neighbourhood Plan does not breach, and is otherwise compatible with, EU and human rights obligations.

Timescales

22. This meeting of SCDC's full Council on the 21 February 2019 will be 10 weeks after the date of the referendum, however Great Abington Parish Council have agreed to a longer timescale after the referendum⁵.

Non-material Modifications

23. Non-material modifications to the Neighbourhood Plan have been prepared by officers and agreed with Great Abington Parish Council, and these modifications are included in the 'made' version of the Neighbourhood Plan (see Appendix 1). In summary, these non-material modifications are updates to Chapters 1 and 2 of the Neighbourhood Plan to refer to the current stage in the plan making process and summarise the stages undertaken since the 'for referendum' version of the Neighbourhood Plan was prepared. These modifications have been made in accordance with guidance set out in national planning guidance⁶ which states that minor (non-material) updates to a Neighbourhood Plan that would not materially affect the policies in the plan can be made by the District Council at any time, provided they have the consent of the Parish Council, and that these modifications can be made without the need for consultation or examination.

Next Steps

24. 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.
25. Once formally 'made' (adopted) the Great Abington Former LSA Estate 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. In light of the results of the referendum, the Great Abington Former LSA Estate Neighbourhood Plan is already being given very significant weight in decision making.

⁵ SCDC's decision statement on the receipt of the Examiner's Report and its decision to proceed to referendum (October 2018): www.scambs.gov.uk/media/12651/decision-statement-examiners-report-referendum-final-incl-appendices.pdf

⁶ National Planning Practice Guidance, Paragraph 085, Reference ID: 41-085-20180222

Options

26. 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 Great Abington Former LSA Estate 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

27. 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:

Financial

28. 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 has submitted its claim for this government grant.

Legal

29. 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.

Staffing

30. 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

31. 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. An assessment has been undertaken by Great Abington Parish Council 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

32. The decision made by the Joint Director for Planning and Economic Development on 1 February 2019⁷ that considered the results of the referendum and recommends that Council formally 'make' (adopt) the Great Abington Former Land Settlement Association (LSA) Estate Neighbourhood Plan was shared with and agreed by Great Abington Parish Council and the Lead Member for Planning prior to it being published.
33. Great Abington Parish Council and the Lead Member for Planning have also agreed the 'made' version of the Great Abington Former LSA Estate Neighbourhood Plan (as set out in Appendix 1).

Effect on Strategic Aims

Living Well: We will support our communities to remain in good health whilst continuing to protect the natural and built environment

34. By preparing a Neighbourhood Plan local communities are being given the opportunity to create planning policies that will protect and enhance the character of their local surroundings and contribute to ensuring an outstanding quality of life. The Great Abington Former LSA Estate Neighbourhood Plan includes aims, objectives and policies that seek to deliver living well.

Homes for Our Future: Secure the delivery of a wide range of housing to meet the needs of existing and future communities

35. 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 Great Abington Former LSA Estate Neighbourhood Plan includes aims, objectives and policies that seek to deliver homes for the future.

Connected Communities: Work with partners to ensure new transport and digital infrastructure supports and strengthens communities and that our approach to growth sustains prosperity

36. Neighbourhood planning is an opportunity for the local community to shape their local area, and strengthen their communities by working together. The community have been consulted and engaged in the preparation of the Neighbourhood Plan and the plan includes aims, objectives and policies that seek to deliver connected communities.

An Innovative and Dynamic Organisation: Adopt a more commercial and business-like approach to ensure we can continue to deliver the best possible services at the lowest possible cost

37. 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.

⁷ Decision statement by Joint Director for Planning and Economic Development noting the results of the referendum and recommending that Council 'make' (adopt) the Great Abington Former LSA Estate Neighbourhood Plan (1 February 2019): <https://www.scambs.gov.uk/media/12949/decision-statement-making-gt-ab-former-lsa-estate-np-with-appendices.pdf>

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

Great Abington Former LSA Estate Neighbourhood Plan – earlier stages and supporting documents: www.scamb.gov.uk/GreatAbingtonFormerLSAEstateNP

National Planning Practice Guidance – Neighbourhood Planning:
www.gov.uk/guidance/neighbourhood-planning--2 including Basic Conditions:
www.gov.uk/guidance/neighbourhood-planning--2#basic-conditions-for-neighbourhood-plan-to-referendum

Planning Portfolio Holder Decision (September 2016) – Great Abington former LSA estate Neighbourhood Area designation:

<http://scamb.moderngov.co.uk/ieDecisionDetails.aspx?Id=10122>

Planning Portfolio Holder Meeting (March 2018) – Council’s response on submission version of Great Abington former LSA estate Neighbourhood Plan:

<http://scamb.moderngov.co.uk/ieListDocuments.aspx?CId=1059&MIId=7246>

SCDC’s decision statement on the receipt of the Examiner’s Report and its decision to proceed to referendum (October 2018): www.scamb.gov.uk/media/12651/decision-statement-examiners-report-referendum-final-incl-appendices.pdf

Decision statement by Joint Director for Planning and Economic Development noting the results of the referendum and recommending that Council ‘make’ (adopt) the Great Abington Former LSA Estate Neighbourhood Plan (1 February 2019):

<https://www.scamb.gov.uk/media/12949/decision-statement-making-gt-ab-former-lsa-estate-np-with-appendices.pdf>

Cabinet Meeting (July 2018) – Neighbourhood Planning decision making process:

<http://scamb.moderngov.co.uk/ieListDocuments.aspx?CId=293&MIId=7343>

Appendices

Appendix 1: Made Great Abington Former LSA Estate Neighbourhood Plan

Appendix 2: Basic Conditions Check of the Made Great Abington Former LSA Estate Neighbourhood Plan

Report Author: Jenny Nuttycombe – Senior Planning Policy Officer
Telephone: (01954) 713184