



Report to:	Council	22 September 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	

West Wickham Neighbourhood Plan – Making (adopting) the Neighbourhood Plan

Executive Summary

1. The West Wickham Neighbourhood Plan has been prepared by West Wickham 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 West Wickham Neighbourhood Plan on 11 August 2022 where the majority of those who voted said 'yes' to SCDC using the plan to help it decide planning applications in the West Wickham neighbourhood area. SCDC is required to formally make (adopt) the plan where there has been a successful referendum.

Key Decision

3. Not a key decision. However, it was first published in the July 2022 Forward Plan.

Recommendations

4. It is recommended that Council:
 - a. Notes that the referendum for the West Wickham Neighbourhood Plan took place on 11 August 2022,
 - b. As it was a successful referendum 'makes' (adopts) the West Wickham 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 West Wickham 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 Cabinet Member for Planning, 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 West Wickham 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

7. The West Wickham Neighbourhood Area was designated on 17 November 2015. The neighbourhood area is for the whole parish of West Wickham.
8. Officers met with the steering group ahead of the 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.
9. 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 May 2021.
10. Pre-submission public consultation on the draft Neighbourhood Plan was undertaken by the Parish Council from 1 May 2021 to 30 June 2021. 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 these comments and the submission version of the plan has taken on board many of the suggested changes.
11. On 3rd December 2021, West Wickham 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 this stage of plan making. We were able

therefore to carry out a consultation on the West Wickham Neighbourhood Plan from 18 January 2022 until 15 March 2022.

12. Officers, in conjunction with West Wickham 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 Freeman of Intelligent Plans and Examinations (IPE). On 17 March 2022 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.
13. The examiner issued a procedural letter and questions on 4 April 2022 to SCDC. The Parish Council responded to the questions set for them on 11 May 2022.
14. The Examiner's Report was received on 31 May 2022 (see Appendix 1). The examiner in his report concludes that subject to a series of recommended modifications the West Wickham 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.
15. 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.
16. It was noted that the examiner in his report praised those involved in preparing the plan (See paragraph 5.4 on page 15):

It is evident that a considerable amount of time and effort has been devoted to the development and production of this Plan and I congratulate those who have been involved. The Plan should prove to be a useful tool for planning and change in West Wickham over the coming years.
17. Officers, in conjunction with West Wickham 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 West Wickham Parish Council. A 'Referendum' version of the West Wickham Neighbourhood Plan was prepared including these modifications.

18. The joint Director for Planning and Economic Development having consulted with the Planning Lead Member agreed on 28 June 2022 the Referendum version of the West Wickham Neighbourhood Plan and that this plan should proceed to a referendum.
19. A referendum on the 'making' (adoption) of the West Wickham Neighbourhood Plan was held on 11 August 2022. Voters were asked "Do you want South Cambridgeshire District Council to use the neighbourhood plan for West Wickham to help it decide planning applications in the neighbourhood area?" The results were declared as follows:
- Yes votes: 98 (91.59%)
 - No votes: 9 (8.41%)
 - Turnout: 30.48%

Considerations

20. 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.
21. 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.
22. The West Wickham 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.
23. Officers have assessed whether the West Wickham 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 West Wickham Neighbourhood Plan does not breach, and is otherwise compatible with, EU and human rights obligations (see Appendix 2).

24. The Made version of the West Wickham Neighbourhood Plan is included in Appendix 1 of this report. Officers have worked with West Wickham Parish Council to update the Referendum version of the Neighbourhood Plan.

Timescales

25. SCDC's meeting of full Council on the 22 September 2022 will decide whether to formally make the West Wickham Neighbourhood Plan. SCDC and West Wickham Parish Council are keen to take the first opportunity to make the West Wickham Neighbourhood Plan as it was a successful referendum vote.

Next Steps

26. 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.
27. Once formally 'made' (adopted) the West Wickham 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

28. 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

29. 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 been able to claim this government grant for West Wickham Neighbourhood Plan.

Legal

30. 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

31. 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

32. 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. West Wickham 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

33. The decision made by the Joint Director for Planning and Economic Development on 31st August 2022 that considered the results of the referendum on 11 August 2022 and as the referendum was successful was able to recommend that Council formally 'make' (adopt) the West Wickham Neighbourhood Plan was shared with and agreed by the Lead Member for Planning prior to it being published.

Alignment with Council Priority Areas

Growing local businesses and economies

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

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

Being green to our core

36. 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

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. 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

[West Wickham 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 \(17 November 2015\) West Wickham Neighbourhood Area Designation](#)

[Joint Director for Planning and Economic Development – \(June 2021\) Council's response on the pre-submission version of the West Wickham Neighbourhood Plan.](#)

[Lead Cabinet Member for Planning Decision Statement \(28 February 2022\)– Council's response on submission version of the West Wickham Neighbourhood Plan](#)

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

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

Appendices

Appendix 1: Made version of the West Wickham Neighbourhood Plan

Appendix 2: Basic Conditions Check of the Made West Wickham Neighbourhood Plan

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