



<b>Report to:</b>	Council	30 March 2023
<b>Lead Cabinet Member:</b>	Cllr Dr Tumi Hawkins	
<b>Lead Officer:</b>	Joint Director for Planning and Economic Development	

## **Fulbourn Neighbourhood Plan – Making (adopting) the Neighbourhood Plan**

### **Executive Summary**

1. The Fulbourn Neighbourhood Plan has been prepared by Fulbourn Parish Council. They formally submitted their plan and associated documents to South Cambridgeshire District Council (SCDC) in October 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 Fulbourn Neighbourhood Plan on 9 February 2023 where the majority of those who voted said 'yes' to SCDC using the plan to help it decide planning applications in the Fulbourn 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 Fulbourn Neighbourhood Plan took place on 9 February 2023.
  - b. 'Makes' (adopts) the Fulbourn Neighbourhood Plan as it was a successful referendum. 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 Fulbourn 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 Fulbourn 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 Fulbourn Neighbourhood Area was designated on 13 August 2018. The neighbourhood area is for the whole parish of Fulbourn.
8. Officers 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 November 2020.
10. Pre-submission public consultation on the draft Neighbourhood Plan was undertaken by the Parish Council from 1 January 2021 until 28 February 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 met with the steering group to discuss these comments and the submission version of the plan took on board many of the suggested changes.
11. On 18 October 2021, Fulbourn Parish Council submitted their Neighbourhood Plan to SCDC. Officers confirmed by carrying out a 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 therefore were able to carry out a consultation on the Fulbourn Neighbourhood Plan from 8 November 2021 until 18 January 2022. This extended period of consultation was to take into account that the consultation period extended over the Christmas and New Year holiday period. We wished to ensure everyone had an opportunity to comment on the Plan.
12. Officers, in conjunction with Fulbourn 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 24 January 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 on 14 February 2022 a note which set out the arrangements for the examination and also a clarification note which included some questions for the Parish Council (PC). The PC responded to the questions set for them on 8 March 2022.
14. The examiner subsequently decided that in order to ensure an adequate examination of the Fulbourn Neighbourhood Plan it was necessary to hold a hearing on three policies. This hearing took place on 4 July 2022 at the Fulbourn Centre within the neighbourhood area. The examiner issued a hearing note on 25 April 2022 setting out the issues to be discussed, the participants invited and the format and arrangements for the hearing.
15. The Examiner's Report was received on 12 September 2022. The examiner in his report concludes that subject to a series of recommended modifications the Fulbourn 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.
16. 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.
17. Officers, in conjunction with Fulbourn 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 Fulbourn Parish Council. A 'Referendum' version of the Fulbourn Neighbourhood Plan was prepared including these modifications.
18. The Joint Director for Planning and Economic Development, having consulted with the Lead Cabinet Member for Environmental Services and Licensing (in the absence of the Lead Member for Planning) agreed on 14 December 2022 the Referendum version of the Fulbourn Neighbourhood Plan and that this plan should proceed to a referendum.

19. A referendum on the 'making' (adoption) of the Fulbourn Neighbourhood Plan was held on 9 February 2023. Voters were asked "Do you want South Cambridgeshire District Council to use the neighbourhood plan for Fulbourn to help it decide planning applications in the neighbourhood area?" The results were declared as follows:
- Yes votes: 581 (91.93%)
  - No votes: 51 (8.07%)
  - Turnout: 17.17%

## 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 Fulbourn 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 Fulbourn 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 Fulbourn Neighbourhood Plan does not breach, and is otherwise compatible with, EU and human rights obligations (see Appendix 2).
24. The made version of the Fulbourn Neighbourhood Plan is included in Appendix 1 of this report. Officers have worked with Fulbourn 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 footer, and in chapter 1 (introduction)

so that it is clear that the Neighbourhood Plan is made and forms part of the statutory development plan.

## **Timescales**

25. SCDC's meeting of full Council on the 30 March 2023 will decide whether to formally make the Fulbourn Neighbourhood Plan. SCDC and Fulbourn Parish Council are keen to take the first opportunity to make the Fulbourn 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 Fulbourn 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 the plan has been through the examination and a referendum date has been set. Officers have already submitted the claim for this government grant.

## **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, Strategy and Economy 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. Included as part of the [Basic Conditions Statement](#) is an Equalities Impact Assessment undertaken by Fulbourn Parish Council to examine the impact of the Neighbourhood Plan in relation to the 'protected characteristics' as identified in the Equality Act 2010. The Equalities Impact Assessment concludes that: a number of policies in the Neighbourhood Plan will have positive benefits for specific protected characteristics; there are no negative equality impacts that arise from the policies or proposals contained within the Neighbourhood Plan; and the Neighbourhood Plan does not raise any issues in relation to any of the convention rights in the Human Rights Act 1998. The Examiner agreed with this assessment.

## **Consultation responses**

33. The decision made by the Joint Director for Planning and Economic Development on 13 March 2023, that considered the results of the referendum on 9 February 2023 and recommended that Council formally 'make' (adopt) the Fulbourn Neighbourhood Plan, was shared with and agreed by the Lead Cabinet 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 Fulbourn Neighbourhood Plan includes an objective to support business development and employment opportunities. The Neighbourhood Plan does not have a specific policy for employment development, as this is covered by policies within the adopted South Cambridgeshire Local Plan 2018. However, the Neighbourhood Plan sets out that employment development is welcomed as long as the impact of car parking, traffic and HGV movement can be adequately accommodated and the countryside setting is respected.

## **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 Fulbourn Neighbourhood Plan includes an objective to have a mix of housing that is affordable, available and suitable for all ages and appropriate to the village. The Neighbourhood Plan has policies that set out the key requirements for larger residential developments and to guide the design of all housing development so that they make a positive contribution to the village.

## **Being green to our core**

36. By preparing a Neighbourhood Plan local communities are being given the opportunity to create planning policies that will encourage greener and more sustainable communities. Neighbourhood plans can include policies to protect special green spaces, encourage net gains in biodiversity, ensure developments are located close to services and facilities, and secure environmentally sustainable buildings. The Fulbourn Neighbourhood Plan includes an objective to recognise the challenges of climate change and promote the application of appropriate measures through all aspects of development. The Neighbourhood Plan sets out that this objective will be applied through all the policies within the Neighbourhood Plan.

## **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.

## **Background Papers**

[Fulbourn 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 \(13 August 2018\) Fulbourn Neighbourhood Area Designation](#)

[Joint Director for Planning and Economic Development – \(24 February 2022\)  
Council's response on the pre-submission version of the Fulbourn Neighbourhood Plan](#)

[Lead Cabinet Member for Planning Decision Statement \(11 January 2022\) –  
Council's response on submission version of the Fulbourn Neighbourhood Plan](#)

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

[Joint Director for Planning and Economic Development \(13 March 2023\) – Results of  
the referendum and recommendation to Council to make the Fulbourn  
Neighbourhood Plan](#)

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

## **Appendices**

Appendix 1: Made version of the Fulbourn Neighbourhood Plan

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

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