

THE MAKING (ADOPTION) OF THE ISLEHAM NEIGHBOURHOOD PLAN

Committee: Full Council

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1.0 **ISSUE**

1.1 Following the successful referendum on 28 April 2022, the Isleham Neighbourhood Plan needs to be formally 'made' by East Cambridgeshire District Council and thereby be formalised as part of the Development Plan (alongside the 2015 Local Plan and other made Neighbourhood Plans) for East Cambridgeshire. Please note that the word 'made' is the word used in legislation when referring to Neighbourhood Plans, and means to all intents and purposes 'adopted'.

2.0 **RECOMMENDATION(S)**

2.1 That the Council:

- (A) congratulates Isleham Parish Council on its preparation of a Neighbourhood Plan and a successful referendum outcome, becoming the fourth parish council to do so in East Cambridgeshire; and
- (B) formally makes the Isleham Neighbourhood Plan (as attached at Appendix 1) part of the Development Plan for East Cambridgeshire with immediate effect.

3.0 **BACKGROUND/OPTIONS**

3.1 At the Parish Council's request, the Isleham Neighbourhood Area was designated by East Cambridgeshire District Council in February 2019. This paved the way for a Neighbourhood Plan to be prepared.

3.2 Following preliminary consultation and evidence gathering, the Isleham Neighbourhood Plan was submitted to the Council by Isleham Parish Council on 07 December 2021. As required by legislation, the District Council then published the Plan, for the purpose of final consultation, in December 2021 and January 2022. Following the publication period, the District Council submitted the Plan for independent examination. The examination took place in February and March 2022. The examination was carried out through written representations. No public hearing session was required.

3.3 The examiner's report concluded that, subject to recommended modifications being followed, the Isleham Neighbourhood Plan makes appropriate provision for sustainable development; has appropriate regard to national policy; is in

general conformity with the strategic policies in the development plan for the local area; and is compatible with EU obligations (as transposed into UK law), including human rights requirements.

- 3.4 In March 2022, with the agreement of Isleham Parish Council, the Strategic Planning Team modified the Isleham Neighbourhood Plan as per the examiner's recommendations.
- 3.5 The *Decision Statement*¹, published 21 March 2022, confirms that the District Council is satisfied the modified Isleham Neighbourhood Plan meets the 'basic conditions' and other legal requirements. Following publication of the Decision Statement, the Council proceeded to arrange a referendum.
- 3.6 The Independent Examiner recommended that the Isleham Neighbourhood Area (i.e. Isleham parish boundary) form the referendum area. People listed on the Council's electoral register (at the date of the vote) within the Neighbourhood Area were entitled to vote.
- 3.7 The Council proceeded to hold the referendum on Thursday 28 April 2022. Voters in Isleham were asked the following question (the question wording being set by legislation):
- Do you want East Cambridgeshire District Council to use the neighbourhood plan for Isleham to help it decide planning applications in the neighbourhood area?'*
- 3.8 Of the votes cast, 276 were in favour and 20 were against. 3 ballot papers were rejected.
- 3.9 With approximately 92% of votes in favour, the Isleham Neighbourhood Plan received the majority support it needed. Following the referendum result, the Neighbourhood Planning Act (2017) automatically gave the Isleham Neighbourhood Plan the same legal status as a plan which has been made (or 'adopted') by the applicable District Council. Accordingly, since the referendum result, the Council has treated the Isleham Neighbourhood Plan as part of the Development Plan for the purposes of decision-making.
- 3.10 However, despite this automatic post-referendum legal position, East Cambridgeshire District Council is required (by virtue of 38A(4) of the Planning and Compulsory Purchase Act, 2004) to formally 'make' the Isleham Neighbourhood Plan part of the Development Plan for the district.
- 3.11 The only exception to 38A(4) is if the Council considers "that the making of the Plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998)" (see s38A(6) of the Act). Officers have given careful consideration to these matters during the process of preparing the Plan and its evidence base,

¹ <https://www.eastcambs.gov.uk/sites/default/files/Isleham%20NP%20Reg18%20Decision%20Statement.pdf>

along with representations received on the Plan and Examiner's Report, and do not consider there to be any such breach, and hence recommend the plan to be made.

4.0 ARGUMENTS/CONCLUSIONS

4.1 The Isleham Neighbourhood Plan received majority support at a duly held referendum of 28 April 2022. The District Council is therefore required to 'make' the Isleham Neighbourhood Plan part of the Development Plan for East Cambridgeshire, as per the will of the majority of voters in Isleham. In doing so, legally it has the same status as the 2015 East Cambridgeshire Local Plan.

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT/ ENVIRONMENTAL IMPACT ASSESSMENT

5.1 There are no financial implications arising from this decision. Costs incurred to date by the District Council (for example, officer support and referendum costs) have been broadly covered by the fixed £25,000 grant payable to East Cambridgeshire District Council by Government (a grant payable for each Neighbourhood Plan which reaches the referendum stage).

5.2 Equality Impact Assessment is not required.

5.3 On the basis that East Cambridgeshire District Council has no legal choice other than to make (adopt) the neighbourhood plan or reject it on the basis of a procedural error (of which, none are known), there is no practical opportunity for the Council to influence, at this stage, the neighbourhood plan from a carbon or other environmental aspect. As such, the carbon impact assessment considers the decision recommended in this agenda item to be neutral from a carbon impact perspective.

5.3 That said, it is worth noting that the Neighbourhood Plan has some reference to carbon linked matters, such as a design policy which states new development must "utilise latest technologies and materials to ensure the highest possible level of energy efficiency including the installation of solar panels on all new developments", as well as some wider natural environment related policies.

6.0 APPENDICES

6.1 Appendix 1: Isleham Neighbourhood Plan (printed separately)

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
	Room 12, The Grange, Ely	Edward Dade Strategic Planning Officer (01353) 616458 E-mail: edward.dade@eastcambbs.gov.uk