

SUBJECT:	Chalfont St Peter Neighbourhood Plan - consideration of referendum result
REPORT OF:	Sustainable Development – Councillor Peter Martin
RESPONSIBLE OFFICER	Anita Cacchioli interim Director of Services Director/Peter Beckford Head of Sustainable Development
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WARD/S AFFECTED	<i>Austenwood, Central, Chalfont Common and Gold Hill</i>

1. Purpose of Report

Following the 2nd referendum (8th September) for the Chalfont St Peter Neighbourhood Plan to report the outcome of the referendum. Given the referendum result is in favour of the plan becoming part of the Development Plan for the Chalfont St Peter area to advise Cabinet to recommend to full Council that the neighbourhood plan be made (adopted).

RECOMMENDATION

That Cabinet recommend to Full Council that the Chalfont St Peter Neighbourhood Plan be made (Adopted) a part of the Development Plan for the Chalfont St Peter Parish area.

2. Reasons for Recommendations

If a neighbourhood plan is supported by the majority of people who vote in a referendum then the Local Planning Authority have to make the plan as soon as is practicable in accordance with the regulations unless the plan would be in breach of European legislation or the convention on human rights. The adopted Neighbourhood Plan Scheme of Delegation requires the Cabinet to recommend to Council that a neighbourhood plan should be made.

3. Content of Report

Background

3.1 As members will be aware The Chalfont St Peter Neighbourhood Plan has been through the formal stages required and following receipt of the Examiner's report and this Council's consideration of that report was recommended to proceed to referendum subject to some minor changes. A referendum on whether the Chalfont St Peter Neighbourhood Plan should become part of the Development Plan for the Chalfont St Peter Parish area was held on the 5 March 2015. The majority of those

eligible to vote who voted supported the neighbourhood plan (78.99% Yes vote based on a 20.8% turnout). However before the Cabinet could resolved to recommend the neighbourhood plan be made, at its meeting in March 2015, a legal challenge was made to the plan and it was recommended that the making of the plan was postponed pending the outcome of the legal challenge.

3.2 The legal challenge related to the decision by the Council to not accept the Examiner's recommendation to exclude the Winkers nightclub from a list of community facilities the published neighbourhood plan sought to protect. Following the legal challenge process the result of the high court judgement was that The High Court quashed the Council's decision in relation to Winkers and also quashed the referendum.

3.3 The Cabinet considered the results of the legal challenge at their meeting on the 5th April 2016 and resolved to accept the Examiners recommendation to exclude reference to Winkers nightclub in the neighbourhood plan and that the neighbourhood plan with the references to Winkers nightclub removed should proceed to a 2nd referendum. (minute 104 refers)

3.4 The draft neighbourhood Plan and all other related documents are published on the Council website <http://www.chiltern.gov.uk/ChalfontStPeter>

2nd Referendum result

3.5 A referendum was held on 8th September to decide if the Chalfont St Peter Neighbourhood Plan should become part of the Development Plan for the Chalfont St Peter Neighbourhood Area (the entire Chalfont St Peter Parish area). 86.7% of those who voted, voted 'Yes' to the question - Do you want Chiltern District Council to use the Neighbourhood Plan for Chalfont St Peter to help it decide planning applications in the neighbourhood area? (note referendum turnout was 16% of those eligible to vote).

3.6 If, following a referendum, more than half of those voting have voted in favour of the plan the Council is under a statutory duty to 'make' the plan as soon as possible after the referendum unless the plan would be in breach of European legislation or the convention on human rights.

3.7 The Council has considered the European and human rights implications of the Neighbourhood Plan as part of its consideration of the draft Plan and its consideration of the Examiner's report and the plan is not considered to contravene those rights.

3.8 Under the approved Scheme of Neighbourhood Plan Delegation (approved by Cabinet 23rd September 2014 - minute 27 refers) the decision to make (adopt) Neighbourhood Plans should be made by the full Council at the recommendation of the Cabinet.

What next ?

3.9 If the Chalfont St Peter Neighbourhood Plan is 'made' by the Council it will form part of the Development Plan for the area of Chalfont St Peter parish. In accordance with the relevant legislation, "if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise", so the neighbourhood plan will be a primary consideration in the determination of planning applications made within the Parish.

3.10 When a neighbourhood plan has been 'made' by the Council it is under a duty to publicise the making of the neighbourhood plan and to make copies of the neighbourhood plan available. The regulations require the decision to make the neighbourhood plan and the neighbourhood plan documents to be published on the Council website and to publicise the making of the neighbourhood plan in any other way the Council feels will bring the making of the plan to the attention of people who live and work in the neighbourhood plan area. In addition the Council is under a duty to inform any person who asked to be notified that the neighbourhood plan had been made.

3.11 When the Cabinet originally considered neighbourhood planning processes in August 2012 it resolved that at each stage in the neighbourhood planning process where publicity has to be undertaken, this should go beyond the minimum requirement of publishing the application, the order or the plan on the District Council's website and should extend to:-

- publishing the matter on the Parish Council's website and/or Parish newsletter (if there is one);
- posting a notice on the Parish Notice Board or, in the absence of such a board, in a prominent position in the Parish stating where the application, order or plan can be inspected; and
- the District Council issuing a press release stating where the application, order or plan can be inspected.

It is therefore considered that the council is committed to this level of publicity and that this should be undertaken as soon as possible after the full Council make the Chalfont St Peter Neighbourhood Plan.

3.12 In addition as the Council is under a duty to inform any person who has asked to be notified that the plan has been made, it is the intention to write to

everyone on the council's Planning Policy Consultation Database and to those who responded to the Chalfont St Peter draft neighbourhood plan consultation.

Changes to neighbourhood planning regulations

3.13 A number of changes were made to the Neighbourhood Planning regulations commencing on the first of October 2016. The stated aim of the government being to speed up the neighbourhood planning process. Specifically in respect of the making of a neighbourhood plan following a positive referendum result. The new regulations introduce a 8 week time limit from the day after the referendum result until the neighbourhood plan should be made by the Local planning authority. Fortunately transitional provisions made in the regulations mean that in the case of the Chalfont St Peter plan as the referendum result pre-dates the commencement of the new regulations the 8 week timeframe doesn't apply. However the 8 week limit may have implications for the agreed decision making process for future neighbourhood plans and could influence the timing of future referendums.

4. Consultation

The Chalfont St Peter Neighbourhood Plan has been the subject of a full public consultation at each of its statutory stages.

5. Options

Because the regulations require a local planning authority to 'make' (adopt) a neighbourhood plan that has passed a referendum as soon as possible after the referendum there are no alternative options.

7. Corporate Implications

Reports must include specific comments addressing the following implications;

- 3.1 Financial – the bulk of costs in the neighbourhood planning process have already been spent in terms of the statutory publicity, examination of the neighbourhood plan, legal challenge and the costs of two referendums. Costs of making the plan are limited to production of plan documents in hard copy and any postal costs related to publicity. These costs can be met within existing budgets.*
- 3.2 Legal – as stated above it is a legal requirement that the Council make the Neighbourhood Plan if it has passed the referendum.*
- 3.3 The Neighbourhood Plan if adopted would form a part of the Development Plan for the Parish of Chalfont St Peter.*

8. Links to Council Policy Objectives

We will work towards safe, healthy and cohesive communities - 3. Promote cohesive communities - Engage with Parish and Town Councils and local neighbourhoods- the council has been working closely with the parish council to produce the neighbourhood plan.

9. Next Step

The recommendation to make the Plan will proceed to the next full Council meeting on the 15th November

Background Papers:	Copy of the Neighbourhood Plan the subject of the referendum and all other related documents are available on the council website. http://www.chiltern.gov.uk/neighbourhoodplan
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