

SUBJECT	Chalfont St Giles Neighbourhood Plan - consideration of Referendum Result
RELEVANT MEMBER	Planning and Economic Development Portfolio Holder - Peter Martin
RESPONSIBLE OFFICER	Mark Jaggard - Head of Planning and Economic Development
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WARD/S AFFECTED	Chalfont St Giles

1. Purpose of Report

To report the result of the Chalfont St Giles Neighbourhood Plan Referendum to Council. Given the referendum result is in favour of the plan the next stage is for the Council to 'make' the plan, following which it will become part of the Development Plan for the Chalfont St Giles Parish area. At its meeting on 9 July 2019, Cabinet recommended to Council that the neighbourhood plan be made (subject to any legal challenge being lodged).

RECOMMENDATION TO COUNCIL:

- That Council make the Chalfont St Giles Neighbourhood Plan subject to any legal challenge being made.**

2. Executive Summary

None.

3. Reasons for Recommendation

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, within 8 weeks of the day after the referendum is held, in accordance with the relevant regulations unless the plan would be in breach of European legislation or the Convention on Human Rights. Under the Council's scheme of delegations Cabinet is required to recommend to Council to make this Neighbourhood Plan. The recommendation from Cabinet is subject to any legal challenge being lodged within 6 weeks of the referendum result.

4. Content of Report

- The Chalfont St Giles 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.

- 4.2. Therefore on the 13 June 2019 the Chalfont St Giles Neighbourhood Plan was put to a referendum of eligible voters within the parish of Chalfont St Giles.

Referendum result

- 4.3. Under the regulations the referendum had to ask the following question –

Do you want Chiltern District Council to use the Neighbourhood Plan for Chalfont St. Giles to help it decide planning applications in the neighbourhood area?

Yes or No

- 4.4. Following the close of the referendum the votes cast were counted giving the following result:

Yes – 961 No – 88

This represented a 91.61% Yes vote from those who turned out to vote.

- 4.5. 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 Rights¹.
- 4.6. The Council has considered the European and human rights implications of the Neighbourhood Plan as part of its consideration of the draft Plan and the Examiner's report and it is not considered to contravene those rights.
- 4.7. Anyone aggrieved by the conduct of the referendum result can make a legal challenge to that process within 6 weeks of the referendum result being announced. If such a legal challenge is made the Council is not bound to the 8-week deadline for making the neighbourhood plan.

Neighbourhood Plan – part of Development Plan

- 4.8. If the Chalfont St Giles Neighbourhood Plan is 'made' by the Council it will form part of the Development Plan for the area of Chalfont St Giles parish. In accordance with the relevant legislation², "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", and so will be a primary material consideration in the determination of planning applications made within the parish.

¹ Section 38A(4) of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011

² Section 38(3) & (6) of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011

Recommendation to 'make' the Plan

4.9. At its meeting on 9 July 2019, Cabinet recommended that full Council 'Make' the Chalfont St Giles Neighbourhood Plan subject to any legal challenges to the plan that may be applicable

What next

4.10. 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 regulations³ 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.

4.11. 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 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 plan can be inspected; and
- the District Council issuing a press release stating where the 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 Giles Neighbourhood Plan.

4.12. The Parish Council could decide to review the plan in the future but any such review would be subject to further consultation procedures and involvement by the new Buckinghamshire authority.

5. Consultation

Extensive public consultation was undertaken by the Parish Council in the formulation of the plan and by this Council during the formal statutory stages of the plan culminating in the referendum process itself.

³ The Neighbourhood Planning (General) regulations 2012 as amended – paras 19 and 20

6. Options (if any)

Under the legislation, if a neighbourhood plan passes the referendum process and does not contravene European and Human Rights legislation the Council is required to make the plan. There are no other applicable available options.

7. Corporate Implications

- 7.1 Financial - The costs of the public consultation, undertaking the referendum and publishing the Plan are initially met by the Council. The Government issues neighbourhood plan grants at set stages in the neighbourhood plan process. As such the costs of the making of the plan should be met by the Government grant.
- 7.2 Legal - the Council is legally required to 'make' the plan, subject to any legal challenges. Failure to 'make' the plan could in turn lead to legal action from the Parish Council and/ or the Secretary of State.
- 7.3 Once 'made' the plan will form part of the Development Plan for the area of Chalfont St Giles parish. The plan has been the product of partnership working between the Council and the Parish Council.

8. Links to Council Policy Objectives

The plan is consistent with Joint Business Plan objectives 2 - "Working towards safe and healthier local communities" and 3 – "Striving to conserve the environment and promote sustainability." Promote cohesive communities - Engage with Parish and Town Councils

9. Next Steps

The Council will 'make' the plan, subject to any legal challenges. Once made the plan will form part of the Development Plan for the area of Chalfont St Giles parish.

Background Papers:	The Chalfont St Giles Neighbourhood Plan and the referendum result notice are both available on the Council website. https://www.chiltern.gov.uk/ChalfontStGilesNHPR
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