



Decision to 'make' the Hazlemere Neighbourhood Plan

04 January 2024

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1 Recommendation

- 1.1 That the Director of Planning and Environment uses their delegated powers to declare that the Hazlemere Neighbourhood Plan be made part of the Buckinghamshire Development Plan in accordance with Regulation 18A of The Neighbourhood Planning (General) Regulations 2012 as amended and under section 38A (4) of the 2004 Act.

2 Background

- 2.1 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 which the referendum is held, unless the plan would be in breach of European legislation or the Convention on Human Rights.
- 2.2 The referendum process and the subsequent decision to make the neighbourhood plan can be subject to a legal challenge being lodged within 6 weeks of the referendum result of the decision to make the plan.
- 2.3 The Hazlemere 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, it was ultimately recommended to proceed to a further consultation on some modifications additional to the examiners suggested modifications. After the consultation concluded it was concluded that subject to the examiner's modifications and the additional modifications being made to the plan, that it could proceed to a referendum.
- 2.4 Therefore, on 9 November 2023, the Hazlemere Neighbourhood Plan was put to a referendum of eligible voters within the parish of Hazlemere and polling district of Holmer Green.

3 Referendum result

- 3.1 Under the regulations the referendum had to ask the following question –
Do you want Buckinghamshire Council to use the Neighbourhood Plan for Hazlemere to help it decide planning applications in the neighbourhood area?

Yes or No

- 3.2 Following the close of the referendum, the votes cast were counted giving the following result: Yes – 1691 No – 275. This represented a 86% Yes vote from those who turned out to vote.
- 3.3 Since more than half of those voting in the referendum voted ‘YES’, the plan became a part of the development plan on 10 November 2023 and the Council is under a statutory duty to ‘make’ the plan within 8 weeks from the day after the referendum unless the plan would be in breach of European legislation or the Convention on Human Rights.
- 3.4 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.
- 3.5 Anyone aggrieved by the conduct of the referendum result can make a legal challenge to the 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. However, the 6 week period has now passed and so the plan should be made within 8 weeks.

4 Next Steps

- 4.1 If the Hazlemere Neighbourhood Plan is ‘made’ by the Council, it will continue to form part of the Development Plan for the area of Hazlemere 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”, and so the Plan will be a primary material consideration in the determination of planning applications made within the parish.

- 4.2 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.
- 4.3 The Council will ask the parish to;
- 4.3.1 publish the matter on the Parish Council’s website and/or Parish newsletter (if there is one) and;
- 4.3.2 post 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.
- 4.4 The Parish Council could decide to review the plan again in the future but any such review would be subject to further consultation procedures and involvement by Buckinghamshire Council at key stages.

5 Financial and Legal Implications

5.1 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.

5.2 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.

- 5.3 Once ‘made’ the plan will form part of the Development Plan for the designated neighbourhood area which is shown in the neighbourhood plan. The plan has been the product of partnership working between the Council and the Parish Council.

6 Delegated authority

6.1 Part I Section 2 (Scheme of Delegation to Officers) Para 2.21 of Buckinghamshire Council's Constitution authorises the Director of Planning and Environment to determine all decisions relating to neighbourhood planning. The Director of Planning and Environment has further delegated authority to the Head of Planning Policy and Compliance, the Planning Policy Manager and Planning Policy Team Leaders to make decisions relating to neighbourhood planning in a note dated August 9th 2021 titled 'Non-Financial Delegations to Officers'; 'Relating to Planning and Development Management'.

Exercise of Delegated Authority

I, Eric Owens, Director of Planning and Environment agree the above recommendation.

Signed: 

Dated 04/01/24

7 Background papers

- Hazlemere Neighbourhood Plan - referendum version.
- Declaration of result of neighbourhood plan referendum – Hazlemere Neighbourhood Plan