



Decision to Make the Cuddington Neighbourhood Plan part of the Buckinghamshire Development Plan

Date: 23/08/2022

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1.1 The purpose of this report is to recommend that the Director of Planning and Environment exercises his delegated authority to make the Cuddington Neighbourhood plan and the reasons for this.

Recommendation

1.2 That the Director of Planning and Environment uses his delegated powers to declare that the Cuddington 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.

Reasons for the recommendation

2.1. Following its successful examination, on the 30th June 2022 the Cuddington Neighbourhood Plan was put to a referendum of eligible voters within the parish of Cuddington.

2.2. Under the regulations the referendum had to ask the following question –

Do you want Buckinghamshire Council to use the Neighbourhood Plan for Cuddington to help it decide planning applications in the neighbourhood area?

“Yes” or “No”

2.3. If, following a referendum, 50% or more of those voting voted in favour of the plan the Council is under a statutory duty to ‘make’ the plan within 8 weeks of the day after the referendum took place unless the plan would be in breach of European legislation or the Convention on Human Rights.

2.4. Following the close of the referendum for the Cuddington Neighbourhood plan, the votes cast were counted giving the following result:

Yes – 173 No – 11

This represented a 94% Yes vote from those who turned out to vote, above the 50% threshold required.

2.5. The Council has also 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.

2.6. Anyone aggrieved by the conduct of a neighbourhood plan referendum 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. Six weeks have now passed (on 12th August 2022) since the referendum on the Cuddington Neighbourhood Plan and there have been no legal challenges lodged.

2.7. Therefore, the Council is under a statutory duty to 'make' the Cuddington Neighbourhood plan by 26th August 2022.

Next Steps

3.1. This decision to make the neighbourhood plan can be subject to a legal challenge being lodged within six weeks of the decision to make the plan.

3.2. If the Cuddington Neighbourhood Plan is 'made' by the Council, it will form part of the Development Plan for the area of Cuddington 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 will be a primary material consideration in the determination of planning applications made within the parish.

3.3. 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.

3.4. The Council will seek to ask the parish to -

- publish the matter on the Parish Council's website and/or Parish newsletter (if there is one);
- 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; and

3.5. 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 Buckinghamshire Council at key stages.

Financial and Legal Implications

4.1. 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.

4.2. 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.

Once ‘made’ the plan will form part of the Development Plan for the area of Cuddington parish. The plan has been the product of partnership working between the Council and the Parish Council.

Delegated authority

5.1. The Council’s Scheme of Delegations to Officers contained at Part I paragraphs 2.10 and 2.18a of the Council’s Constitution authorises the Director of Planning and Environment to determine all decisions relating to neighbourhood planning. This is further delegated under the scheme of delegation to the Head of Policy and Compliance, Planning Policy Manager and Policy Team Leaders.

Exercise of Delegated Authority

5.2. I, Steve Bambrick, Director of Planning and Environment agree the above recommendation.

Signed:



Dated: 23rd August 2022

Background papers

Cuddington referendum version neighbourhood plan.

Declaration of result of neighbourhood plan referendum - Cuddington
Neighbourhood Plan