

# ANNUAL COUNCIL - 25 MAY 2021

## PART I

### 9. CHORELYWOOD NEIGHBOURHOOD DEVELOPMENT PLAN: RESULT OF REFERENDUM (DCES)

#### 1 Summary

1.1 The purpose of this report is following a positive referendum result to enable Full Council to 'make' the Chorleywood Neighbourhood Development Plan (CWNDP) part of the Development Plan for Three Rivers District Council in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.

#### 2 Details

2.1 In September 2020 the Policy and Resources Committee resolved to agree that modifications to the CWNDP be made in accordance with the Examiner's Report and that the modified Chorleywood Neighbourhood Development Plan (Appendix 1) proceed to referendum.

2.1.1 The CWNDP referendum took place on the 6 May 2021. Voters were asked 'Do you want Three Rivers District Council to use the Chorleywood Neighbourhood Plan for Chorleywood to help to decide planning applications in the neighbourhood area?' Voters were given the opportunity to vote 'Yes' or 'No'

2.1.2 The results were as follows:

|                             | Votes Recorded | Percentage |
|-----------------------------|----------------|------------|
| Number of votes cast as Yes | 3776           | 88.99%     |
| Number of votes cast as No  | 467            | 11.01%     |

| The number of ballot papers rejected was as follows  | Number of ballot papers |
|--|-------------------------|
| A Want of official mark                              | 0                       |
| B Voting for more than one answer                    | 3                       |
| C Writing or mark by which voter could be identified | 0                       |
| D Being unmarked or wholly void for uncertainty      | 81                      |
| <b>Total spoilt votes</b>                            | <b>84</b>               |

2.2 The electorate was 9,172, total votes cast was 4,327. The turnout was 47.18%.

2.3 Next Steps: The legislation<sup>1</sup> and regulations<sup>2</sup> require that were more than 50% of those voting in the referendum vote 'yes', then the Council is required to 'make' the Plan within six weeks. The CWNDP would then form part of the statutory Development Plan for the area.

2.4 The Plan has been screened for Strategic Environmental Assessment (SEA) and the Screening Opinion was that SEA is not required. The Council is satisfied that the

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<sup>1</sup> Section 34A(4) of the Planning and Compulsory Purchase Act 2004

<sup>2</sup> Neighbourhood Planning (General) Regulations 2012

making of the CWNDP does not breach any EU obligations or the European Convention on Human Rights, as enacted in the Human Rights Act 1998.

2.5 The CWNDP should therefore be 'made'.

### **3 Options and Reasons for Recommendations**

3.1 The CWNDP has been independently examined and has been found to meet the Basic Conditions. The CWNDP has been endorsed by the community at referendum and otherwise complies with all the legal requirements of Plan production. It is considered that the CWNDP meets European legislation and is compatible with the European Convention on Human Rights within the meaning of the Human Rights Act 1998. The Council has therefore no option but to comply with the legislation and proceed the CWNDP to be 'made'.

### **4 Policy/Budget Reference and Implications**

4.1 The recommendations in this report are within the Council's agreed policy and budgets. The relevant policy is the Local Plan.

### **5 Financial Implications**

5.1 Producing a Neighbourhood Development Plan allows Parish and Town Councils to increase the amount of Community Infrastructure Levy (CIL) funds they receive from developments within their area from 15% to 25%.

### **6 Legal Implications**

6.1 Not choosing to 'make' the plan could leave the Council vulnerable to legal challenge.

### **7 Equal Opportunities, Staffing, Environmental, Community Safety, Public Health, Customer Services Centre Implications**

7.1 None specific.

### **8 Communications and Website Implications**

8.1 The Final Decision Statement will be published on the Council's website alongside the documents relating to the Examination and the Referendum of the Chorleywood Neighbourhood Development Plan.

### **9 Risk and Health & Safety Implications**

9.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

9.2 The subject of this report is covered by the Economic and Sustainable Development service plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

| <b>Nature of Risk</b>  | <b>Consequence</b> | <b>Suggested Control Measures</b> | <b>Response</b><br><i>(tolerate, treat, terminate, transfer)</i> | <b>Risk Rating</b><br><i>(combination of likelihood and impact)</i> |
|--|--------------------|-----------------------------------|--|---|
| If the Council decides not to proceed the CWNP to be 'made' it may result in a legal challenge | Legal costs        |                                   | Tolerate   | 6   |

9.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less

|   |            |               |                  |                  |
|---|------------|---------------|------------------|------------------|
| <b>Very Likely</b><br>-----<br><b>Likelihood</b><br>-----<br>▼<br><b>Remote</b> | <b>Low</b> | <b>High</b>   | <b>Very High</b> | <b>Very High</b> |
|   | 4          | 8             | 12               | 16               |
|   | <b>Low</b> | <b>Medium</b> | <b>High</b>      | <b>Very High</b> |
|   | 3          | 6             | 9                | 12               |
|   | <b>Low</b> | <b>Low</b>    | <b>Medium</b>    | <b>High</b>      |
| 2   | 4          | 6             | 8                |                  |
| <b>Low</b>  | <b>Low</b> | <b>Low</b>    | <b>Low</b>       |                  |
| 1   | 2          | 3             | 4                |                  |
| <b>Impact</b><br>Low -----▶ Unacceptable  |            |               |                  |                  |

**Impact Score**

4 (Catastrophic)

3 (Critical)

2 (Significant)

1 (Marginal)

**Likelihood Score**

4 (Very Likely (≥80%))

3 (Likely (21-79%))

2 (Unlikely (6-20%))

1 (Remote (≤5%))

9.4 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

## **10 Recommendation**

- That Council acknowledges the results of the referendum where 88.99% voted YES to the question 'Do you want Three Rivers District Council to use the Chorleywood Neighbourhood Plan for Chorleywood to help to decide planning applications in the neighbourhood area?'
- That Council make the Chorleywood Neighbourhood Development Plan in accordance with Section 38A(4)(a) of the Planning and Compulsory Purchase Act 2004.

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### **Background Papers**

Chorleywood Neighbourhood Development Plan

Chorleywood Neighbourhood Development Plan Independent Examiner's Report

The Localism Act 2011

Town and Country Planning Act 1990 (as amended)

Neighbourhood Planning (General) Regulations 2012 (as amended)

The Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

The Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

National Planning Policy Framework

Community Infrastructure Levy Regulations 2010 (as amended)

### **APPENDICES**

Appendix 1 Chorleywood Neighbourhood Development Plan (Referendum Version)