

BABERGH DISTRICT COUNCIL

From: Assistant Director - Planning for Growth	Report Number: BC/17/16
To: COUNCIL	Date of meeting: 24 October 2017

LAWSHALL NEIGHBOURHOOD PLAN

1. Purpose of Report

- 1.1 The report has been prepared in advance of the Lawshall Neighbourhood Plan Local Referendum result being known. It makes provision for Council to be notified of the result at the meeting.
- 1.2 The report has been written on the basis of a favourable referendum result, where more than half of those voting do so in favour of the neighbourhood plan. In that case, Council will be asked to endorse the recommendation that it makes (adopts) the Plan.
- 1.3 In the unlikely event that the referendum will not find in favour of adopting the Plan this report will be withdrawn and an update given to the appropriate Council / Committee meeting at a later date.

2. Recommendation

- 2.1 That, subject to the local referendum being in favour, the Lawshall Neighbourhood Plan be formally made (adopted) as part of the District Council's Development Plan and used to help determine planning applications where relevant.
- 2.2 That, subject to the above, the Final Decision Statement (at Appendix 1) be updated to include the referendum results and be published with immediate effect.

3. Key Information

- 3.1 Babergh Cabinet resolved at its meeting on 7 September 2017 that the Lawshall Neighbourhood Development Plan should proceed to a local referendum. The local referendum date was set for 19 October 2017.
- 3.2 The format of the local referendum question is:

'Do you want Babergh District Council to use the neighbourhood plan for Lawshall to help it decide planning applications in the neighbourhood area?'
- 3.3 Council will be notified by the Portfolio Holder for Planning of the referendum result at the meeting. In practice, the count will have taken place and the 'Declaration of Results' already be published on the Council website.
- 3.4 A 'yes' vote at the local referendum enables the District Council to formally 'make' (adopt) the Lawshall Neighbourhood Plan. The plan once made formally becomes part of the Development Plan and will therefore be used in conjunction with existing planning policy documents to help determine planning applications where relevant.

- 3.5 The District Council is only able to exercise further discretion at this point if it considers that the Plan would be in breach of any environmental legislation or any of the Convention Rights (within the meaning of the Human Rights Act, 1998). The Plan is not in breach of either pieces of legislation.
- 3.6 The report presented to Cabinet on 7 September 2017 confirmed that, the Lawshall Neighbourhood Plan as modified to incorporate the Examiner's Recommendations, complies with the 'Basic Conditions' as set out in Paragraph 8(2), Schedule 4B the Town and Country Planning Act, 1990. Accordingly the Lawshall Neighbourhood Development Plan should be duly made. A formal Decision Statement is appended to this report.

4. Financial Implications

- 4.1 The District Council receives £20,000 from the Department of Communities and Local Government for each neighbourhood plan once a referendum date has been set following a successful examination. This sum is paid to meet the District Council's costs and will be sufficient in this case. The claim for this payment will be submitted at the next available opportunity (in December 2017)
- 4.2 The Lawshall Neighbourhood Plan once 'made' (adopted) enables the parish council to receive 25% of any Community Infrastructure Levy receipts from development in its area.

5. Legal Implications

- 5.1 The Neighbourhood Plan has been prepared in accordance with the provisions of the Town and Country Planning Act, 1990, the Planning and Compulsory Purchase Act, 2004 and the Neighbourhood Planning (General) Regulations, 2012 (as amended). It has also had regard to the Environmental Assessment of Plans and Programmes Regulations, 2004 and the Conservation of Habitats and Species Regulations, 2010.
- 5.2 Once 'made' (adopted), the Lawshall Neighbourhood Plan will become part of the Development Plan and, where relevant, be used to determine planning applications.

6. Risk Management

- 6.1 This report most closely links with Strategic Risk no. 3a - *Failure to deliver Neighbourhood Plans*. Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
Legal challenge to the content of the neighbourhood development plan or order and/or judicial review of the District Council's decisions. If successful all or part of the neighbourhood planning process would have to be repeated. Any costs of defending a legal challenge would have to be met by the District Council.	Unlikely (2)	Bad (3)	Ensuring that the relevant Regulations are followed and that the decision-making processes are clear and transparent. Ensuring compliance with the Independent Examiner's recommendations.

7. Consultations

- 7.1 The District Council undertook formal consultation on the content of the submission draft Lawshall Neighbourhood Plan from 13 February to 31 March 2017.

8. Equality Analysis

- 8.1 There are no equality and diversity implications arising directly from the content of this report.

9. Shared Service / Partnership Implications

- 9.1 This report relates to matters affecting Babergh only.

10. Links to Joint Strategic Plan

- 10.1 The making (adoption) of the neighbourhood plan will enable the District Council to fulfil its corporate priorities, in terms of housing delivery, business growth and community capacity building.

11. Appendices

- 11.1 Appendix 1 - (Draft) Final Decision Statement (attached)

Authorship

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*** **FINAL DRAFT** ***

Babergh District Council

Lawshall Neighbourhood Plan - Final Decision Statement

On 19 October 2017 a local referendum was held in which more than half of those who voted did so in favour of the Lawshall Neighbourhood Plan. Accordingly Babergh District Council has decided to 'make' the Plan.

The Plan as made becomes part of the Development Plan for the area and will be used where relevant to help the District Council decide planning applications. This decision was taken by Full Council on 24 October 2017

Reason for Decision

In accordance with the provisions of the Neighbourhood Planning (General) Regulations, 2012 (as amended) the District Council appointed an independent examiner to assess the submitted Mendlesham Neighbourhood Plan.

The examination was undertaken by Ann Skippers MRTPI a 'suitably qualified and experienced' person who was independent of the plan making process via written representations. The Examiner concluded that subject to modification the Plan would comply with the 'Basic Conditions' as set out in Paragraph 8(2), Schedule 4B the Town and Country Planning Act, 1990.

Babergh Cabinet at its meeting on 7 September 2017 agreed with the suggested modifications and concurred that the Plan so modified would comply with the Basic Conditions. Cabinet therefore resolved that the Lawshall Neighbourhood Development Plan should proceed to a local referendum.

The local referendum was held on 19 October 2017. The format of the local referendum question was:

'Do you want Babergh District Council to use the neighbourhood plan for Lawshall to help it decide planning applications in the neighbourhood area?'

More than 50% of those who voted were in favour of the Plan. The results of the local referendum were:

Response	Votes Cast	Percentage of total
Yes	<i>'to be inserted'</i>	<i>'to be inserted'</i>
No	<i>'to be inserted'</i>	<i>'to be inserted'</i>
Total	<i>'to be inserted'</i>	100%

The result of the local referendum enables the District Council to formally make the Lawshall Neighbourhood Plan unless it considers that the Plan would be in breach of any EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act, 1998).

At its meeting on 24 October 2017 Babergh District Council decided that the Plan was not in breach of this legislation and that it should be made part of the Development Plan for the district.

Dated: 'to be inserted'