

MID SUFFOLK DISTRICT COUNCIL

TO: Cabinet	REPORT NUMBER: MCa/18/70
FROM: Councillor Glen Horn, Cabinet Member for Planning	DATE OF MEETING: 4 March 2019
OFFICER: Robert Hobbs, Corporate Manager - Strategic Planning	KEY DECISION REF NO. CAB106

STOWUPLAND NEIGHBOURHOOD PLAN

1. PURPOSE OF REPORT

- 1.1 To presents the findings of the Independent Examiner's Report on the content of the Stowupland Neighbourhood Plan Submission Draft document.
- 1.2 Subject to the implementation of the detailed recommendations contained within the Examiner's Report, it is proposed that Cabinet agree that the Stowupland Neighbourhood Plan proceed to a local referendum.

2. OPTIONS CONSIDERED

- 2.1 The local planning authority may propose to make a decision on a recommendation that differs from that set out by the Examiner in their report. If so, it must give its reason why and undertake further consultation before issuing a final decision. As appropriate, this may require the matter to be re-examined. For the reasons set out in section 4 below, this option has been discarded.
- 2.2 The recommended option as set out below is that the local planning authority agree that this Neighbourhood Plan proceed to a local referendum.

3. RECOMMENDATIONS

- 3.1 That Stowupland Parish Council be requested to make the necessary modifications to their Neighbourhood Plan in accordance with the Examiner's recommendations.
- 3.2 That, subject to the satisfactory completion of the above (to be agreed by the Corporate Manager for Strategic Planning); the Neighbourhood Plan be advanced to a local referendum covering the parish of Stowupland.

REASON FOR DECISION

- 3.3 To enable the Council to meets its statutory obligations under Section 17A of the Neighbourhood Planning (General) Regulations 2012 (as amended) and to allow the Stowupland Neighbourhood Plan to proceed to a local referendum

4. KEY INFORMATION

- 4.1 The Localism Act 2011 introduced the concept of neighbourhood plans. These are plans developed by local communities covering the area in which they live and work, and provide them with an opportunity to prepare planning policies and allocate land to shape the future of their area. Consequently, each plan has its own character.
- 4.2 The Stowupland Neighbourhood Plan has been prepared in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended). The key stages prior to independent examination are set out below:
- Area Designation: 3 Feb 2015
 - Regulation 14 Pre-submission Consultation: 14 June - 27 July 2018 (carried out by the Parish Council).
 - Regulation 16 Submission Draft Consultation: 19 Oct - 30 Nov 2018 (carried out by the District Council). During this period, six written representations were received.

The Consultation Statement provided by the Parish Council / Neighbourhood Plan Working Group sets out in more detail how they went about preparing the Plan. Officers at the District Council have also had regular engagement with the group during the Plan's preparation.

- 4.3 The independent examination of the Plan was carried out by Ann Skippers MRTPI FRSA AoU, they being a suitably qualified and experienced person who was independent of the plan making process. The examination was conducted via the written representation, and through matters of clarification from the Examiner to which both the Parish and District Council responded.
- 4.4 On 29 January 2019, the Examiner issued their Final Report. It concludes that - "*the plan is well presented and clear*" and "*subject to [...] modification, [...] the Plan does meet the basic conditions and all other requirements I am obliged to examine.*" The modifications and other recommendations of note are summarised in paragraph 4.7 below. The Examiner's full report can be accessed via the link at Appendix 1. The Examiner did not consider it necessary to extend the local referendum area.
- 4.5 The District Council must now consider each recommendation, the reasons for them, and decide what action to take in each case. It must also come to a formal view about whether the Plan meets the 'Basic Conditions'.
- 4.6 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act, 1990 (as amended). In order to satisfy them, the Plan must:
- *have regard to national policies and advice contained in guidance issued by the Secretary of State,*
 - *contribute to the achievement of sustainable development,*
 - *be in general conformity with the strategic policies contained in the development plan for the area,*
 - *not breach, and is otherwise compatible with, European Union (EU) obligations, and*

- *meet the prescribed conditions in relation to the neighbourhood plan and the prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.*

4.7 The Examiner has concluded that, subject to the implementation of the modifications, the Neighbourhood Plan meets the Basic Conditions and other statutory requirements and can proceed to a referendum. In the main the recommendations involve improving the wording of policies so that they are clear and unambiguous and can be used in a consistent manner by decision makers.

The recommendations of note are:

- that policies SNP10 (Natural Environment ...), SNP11 (Playing Fields), and SNP16 (... Locally Valued Resources) require no modification;
- providing a clearer identification as to what constitutes a '*Community Action*', and in the interests of accuracy, a modification to para 3.2 to fully reflect the relevant basic condition;
- at policy SNP1 (Strategy for Sustainable Growth), noting that the terms '*important gaps*' and '*green gaps*' refer to one and the same [the latter now applies] and, policy re-wording relating to the weight attached to the green gaps between the village and Stowmarket and Saxham Street;
- at policy SNP2 (Land between Church Road and Gipping Road), modifications which include updates to all related maps, removing the cap on the number of dwellings proposed, and revised wording for the public footpath criteria to provide sufficient flexibility in decision making;
- at policy SNP3 (Land between Church Farm Barn and Brecklands), modifications similar to SNP2 above, including a repeat of the revised footpath criteria wording;
- at policy SNP4 (Land on the SE side of Church Road), modifications as per SNP2 and SNP3 above. Also, re-classification of three of the policy criteria as community aspirations as they would be difficult to achieve through the planning system and, inclusion of a new criteria for an assessment of the risk of groundwater pollution for the proposed cemetery extension;
- at policy SNP5 (Affordable Housing), recognition of the hybrid approach taken re existing and emerging policy, and revised wording to pick up on references in the supporting text to viability and flexibility;
- removing the '*maximum of 20 dwellings*' limit in policy SNP6 (Rural Exception Sites) to avoid ambiguity;
- at Policy SNP7 (Settlement Boundaries), minor modifications to policy text, a modification to Map 8 and, in the Examiner's report supporting text, a note to the LPA re adopting the settlement boundary put forward in the neighbourhood plan;
- at Policy SNP8 (Landscape Character) modifications that refer to 'green gaps and not 'important gaps';
- at Policy SNP9 (Protecting Best and Most Versatile Agricultural Land) removal of the blanket embargo to ensure compliance with NPPF;
- at Policy SNP12 (Local Green Spaces), recognition that the two proposed local green spaces meet the criteria set out in the NPPF, and an amendment which see the removal of the "Very special circumstances .." paragraph from policy text to supporting text;

- Re-wording of the first paragraph in Policy SNP13 to provide clarity and flexibility when it comes to protecting existing public rights of way;
- at Policy SNP14 (Quality of Development ...), the amalgamation of three criteria into one new criteria to ensure that the policy takes into account Government guidance that it is not appropriate to include local construction standards;
- at Policy SNP15 (Retention of Employment, Retail and Business Premises) the inclusion of a new sentence which addresses the inadvertent introduction of the support for a change of use etc. regardless of what impact of those changes may have; *and*
- Updates to two entries in the Glossary

4.8 Officers have assessed the content of the Examiner's Report and each recommendation and concur with its findings. It is therefore recommended to the Cabinet that all the modifications proposed be made by the Parish Council to ensure that the Stowupland Neighbourhood Plan complies with the Basic Conditions. If the Cabinet agrees with this recommendation the District Council will need to publicise its decision (a 'Decision Statement') and move to a local referendum.

4.9 The Housing and Planning Act 2016 has made it clear that the only modifications that the District Council can make at this stage are those required to ensure that:

- the plan is compatible with EU obligations,
- the plan does not breach Convention Rights, or
- those required for the purpose of correcting minor errors.

The District Council is therefore only able to exercise limited discretion at this point.

4.10 The task of modifying the plan falls to the Parish Council with assistance from the District Council. While there are no prescribed periods for this process, a copy of the plan, as modified, along with other specified documents will be required before the date of the local referendum can be confirmed.

4.11 Stowupland Parish Council are already working proactively with officers at the District Council to prepare a final version of the neighbourhood plan that incorporates all of the Examiner's recommendations. The plan is therefore nearing the local referendum stage.

4.12 The referendum process is governed by the Neighbourhood Planning (Referendum) Regulations, 2012 (as amended). The regulations set out that not less than 28 working days' notice must be provided of the date of the local referendum. Officers will work with colleagues in the Electoral Services Team and with the Parish Council to agree an appropriate date on which the local referendum will take place.

4.13 The Parish Council will be expected to promote the referendum but it should be noted that there are restrictions on the publication of promotional material, advertisements and expenses. The format of the Referendum question will be:

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

4.14 If more than 50% of those who vote in the referendum are in favour of the Neighbourhood Development Plan, then it must be brought into legal force and be 'made' (adopted) by the District Council. A further paper would be presented to Full Council to ratify the eventual outcome.

5. LINKS TO JOINT STRATEGIC PLAN

5.1 The successful 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.

6. FINANCIAL IMPLICATIONS

6.1 The District Council receives £20,000 from the Ministry of Housing, 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 in helping to deliver this Plan and will be sufficient in this case.

6.2 If the Stowupland Neighbourhood Plan is successfully 'made' (adopted) the Parish Council will be eligible to receive 25% of any Community Infrastructure Levy receipts from qualifying development in its area.

7. LEGAL IMPLICATIONS

7.1 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, 2017.

7.2 If 'made' (adopted), the Stowupland Neighbourhood Plan will become part of the Development Plan and, where relevant, used to determine planning applications.

8. RISK MANAGEMENT

8.1 This report is most closely linked with Significant Business Risk No. 3a - Enabling communities to become more sustainable. The key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
The Neighbourhood Plan fails to receive support at the referendum stage.	Unlikely - 2	Bad - 3	The Parish Council is responsible for promoting the referendum.
Legal challenge to the content of the Neighbourhood Plan and/or judicial review of the District Council's decisions.	Unlikely - 2	Bad - 3	Ensuring that the relevant Regulations are followed and that the decision making processes are clear and transparent.

9. CONSULTATIONS

- 9.1 As noted in paragraph 4.2 above, the District Council undertook formal consultation on the content of the submission draft Stowupland Neighbourhood Plan between 19 October and 30 November 2018. The written representations received can be accessed via the link at Appendix 2.
- 9.2 Guidance issued in early 2018 by the Independent Examiner Referral Service (NPIERS) affords the Parish Council / Neighbourhood Plan Working Group the opportunity to consider and respond to the submitted representations before the examination commences. A link to the Parish Councils response is also provided at Appendix 2.

10. EQUALITY ANALYSIS

- 10.1 There are no equality or diversity implications arising directly from this report. An Equality Impact Assessment (EqIA) is not required.

11. ENVIRONMENTAL IMPLICATIONS

- 11.1 The consideration of environmental implications are an integral part of the Neighbourhood Plan preparation process. The Stowupland Neighbourhood Plan has been subject to the appropriate Strategic Environmental and Habitats Regulations screening assessments.

12. APPENDICES

Title	Location
(1) Examiners Final Report'	https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Stowupland-NP-Exam-Report.pdf
(2) Submission Draft Representations <i>and</i> Stowupland PC response to the above	https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Stowupland-NP-Reg16-Sub-Reps.pdf https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Stowupland-NP-Reg16-Reps-Response.pdf

13. BACKGROUND DOCUMENTS

The submission version of the Stowupland Neighbourhood Plan can be found at:

<https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Stowupland-NP-Sub-Sept18.pdf>