

## MID SUFFOLK DISTRICT COUNCIL

<b>TO:</b> Council	<b>REPORT NUMBER:</b> <b>MC/18/50</b>
<b>FROM:</b> Councillor Glen Horn, Cabinet Member for Planning	<b>DATE OF MEETING:</b> 18 March 2019
<b>OFFICER:</b> Robert Hobbs, Corporate Manager - Strategic Planning	<b>KEY DECISION REF NO.</b> CNL26

### DEBENHAM NEIGHBOURHOOD [DEVELOPMENT] PLAN

#### 1. PURPOSE OF REPORT

- 1.1 This report updates Full Council on the local referendum that was held in relation to the Debenham Neighbourhood Plan.
- 1.2 The report recommends that Mid Suffolk District Council agree to 'make' (adopt) the Debenham Neighbourhood Plan.

#### 2. OPTIONS CONSIDERED

- 2.1 The relevant regulations require that, if the majority of those who vote in a referendum are in favour of the draft Plan, then that Plan must be made by the local planning authority within 8 weeks of the referendum. In light of the referendum result, no other options were considered.

#### 3. RECOMMENDATIONS

- 3.1 That the Debenham Neighbourhood Plan be formally 'made' (adopted) as part of the District Council's Development Plan and be used to help determine planning applications where relevant.
- 3.2 That the Decision Statement (Appendix 1) be published with immediate effect.

#### REASON FOR DECISION

- 3.3 To enable the Council to meet its statutory obligations under Section 18A of the Neighbourhood Planning (General) Regulations 2012 (as amended) and to allow the Debenham Neighbourhood Plan to be 'made'.

#### 4. KEY INFORMATION

- 4.1 Mid Suffolk Cabinet resolved at its meeting on 10 December 2018 that the Debenham Neighbourhood Plan should proceed to a local referendum. The local referendum was held on Thursday 7 February 2019.
- 4.2 The format of the referendum question was: '*Do you want Mid Suffolk District Council to use the neighbourhood plan for Debenham to help it decide planning applications in the neighbourhood area?*'

- 4.3 The count took place on 7 February 2019 and more than 50% of those who voted were in favour of the Plan. The declared result was:

<b>Response</b>	<b>Votes Cast</b>	<b>Percentage of total</b>
YES	972	95.5%
NO	46	4.5%
<i>Total</i>	<i>1018</i>	<i>100%</i>

- 4.4 The above result now enables the District Council to formally 'make' (adopt) the Debenham Neighbourhood Plan and for it to become part of the Development Plan. It will therefore be used in conjunction with existing planning policy documents to help determine planning applications where relevant.
- 4.5 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.
- 4.6 The report presented to Cabinet on 10 December 2018 confirmed that the Debenham 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 Debenham Neighbourhood Plan should be duly made. A 'final draft' Decision Statement is appended to this report.

#### **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.

#### **5. 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 The Debenham Neighbourhood Plan once 'made' (adopted) enables the Parish Council to receive 25% of any Community Infrastructure Levy receipts from development in its area.

#### **6. LEGAL IMPLICATIONS**

- 6.1 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.
- 6.2 Once 'made' (adopted), the Debenham Neighbourhood Plan will become part of the Development Plan and be used to help determine planning applications where relevant.

## 7. RISK MANAGEMENT

- 7.1 This report is most closely linked with Significant Business Risk No. 3a – We may not be able to help communities to become more sustainable. The key risks are set out below:

<b>Risk Description</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Mitigation Measures</b>
The Neighbourhood Plan fails to receive support at the referendum stage.	Unlikely - 2	Bad - 3	The Parish Council were 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 were followed and that the decision making processes were clear and transparent.

## 8. CONSULTATIONS

- 8.1 The District Council undertook formal consultation on the submission draft version of the Debenham Neighbourhood Plan between 2 July and 24 August 2018.

## 9. EQUALITY ANALYSIS

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

## 10. ENVIRONMENTAL IMPLICATIONS

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

## 11. APPENDICES

Title	Location
(1) 'Final Draft' Decision Statement	Attached

## Mid Suffolk District Council

### Debenham Neighbourhood Development Plan - Final Decision Statement

On 7 February 2019 a local referendum was held in which more than half of those who voted did so in favour of the Debenham Neighbourhood [Development] Plan. Accordingly Mid Suffolk District Council has decided to 'make' (adopt) 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 18 March 2019.

#### 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 Debenham Neighbourhood Plan.

The examination was undertaken by Janet Cheesley BA (Hons) DipTP MRTPI, a 'suitably qualified and experienced' person who was independent of the plan making process. 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.

Mid Suffolk Cabinet, at its meeting on 10 December 2018, agreed with the suggested modifications and concurred that the Plan so modified would comply with the Basic Conditions. Cabinet therefore resolved that the Debenham Neighbourhood Plan should proceed to a local referendum.

The local referendum was held on 7 February 2019. The format of the local referendum question was: *'Do you want Mid Suffolk District Council to use the neighbourhood plan for Debenham to help it decide planning applications in the neighbourhood area?'*

More than 50% of those who voted in the referendum were in favour of the Plan. The declared result was:

Response	No. of Votes Cast	Percentage of Total
Yes	972	95.5%
No	46	4.5%
<i>Total</i>	<i>1018</i>	<i>100%</i>

The result of the local referendum enables the District Council to formally make the Debenham 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 10 December 2018 the 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: Monday 18 March 2019**