

MID SUFFOLK DISTRICT COUNCIL

TO: Cabinet	REPORT NUMBER: MCA/19/11
FROM: Cllr David Burn (Cabinet Member for Planning)	DATE OF MEETING: 08 July 2019
OFFICER: Robert Hobbs (Corporate Manager - Strategic Planning)	KEY DECISION REF NO. N/A

HAUGHLEY NEIGHBOURHOOD PLAN

1. PURPOSE OF REPORT

- 1.1 To presents the findings of the Independent Examiner's Report on the content of the Haughley 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 Haughley 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 Haughley 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 designated plan area.

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 Haughley 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 Haughley 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: 11 Nov 2015
- Regulation 14 Pre-submission Draft Consultation: 25 May - 7 Jul 2018 (carried out by the Parish Council).
- Regulation 16 Submission Draft Consultation: 21 Jan - 6 Mar 2019 (carried out by the District Council). Twelve written representations were received during this period.

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 BSc (Hons) 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 12 June 2019, the Examiner issued their Final Report. The report starts with introductory sections covering the examiners role, the examination process and an explanation of the basic conditions. This is followed by detailed comments on the Plan and its policies. The Examiners modifications and other recommendations of note are summarised at paragraph 4.7 below. The Examiner is also required to consider the extent of the referendum area and has concluded that it will not be necessary to extend this beyond the designated plan area. The Examiners Full Report can be accessed via the link at Appendix 1.

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,*
- *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.*

In addition to the above, a new basic condition came into effect on 28 December 2018. It states that:

- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

4.7 The Examiner has concluded that, subject to the implementation of the modifications, the Plan meets all 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 HAU2 (Housing Developments within Settlement Boundaries), HAU8 (Broadband), HAU9 (Development affecting Haughley's Historic Environment), HAU12 (Protection of Local Community Facilities) require no modification;
- at policies HAU3, HAU4 & HAU5 (the three site allocation policies), a modification to replace the cap imposed on housing density with a requirement that housing density "*should reflect the prevailing character and appearance of the village*";
- at policy HAU5 (Land West of Fishponds Way), a modification to the penultimate bullet point relating to proposed development in the context of adjacent water recycling centre, and the inclusion of a new bullet point relating to flood risk assessment;
- at policy HAU6 (Sites for Commercial & Industrial Development), deletion of the reference to the previous commercial areas of Haughley Park on the basis that its potential future use for employment purposes is uncertain and, at policy HAU7 (Protection of Employment & Existing Business), recognition that the policy criteria should be read as alternatives, subject to some amendments to aid clarity;
- the deletion of policy HAU10 (Possible New Development in the Conservation Area), in part because it goes beyond current planning guidance and because there is some repetition of policy HAU9;
- at Policy HAU14 (Local Green Spaces) and at policy HAU15 (Protection of Rural Landscape), modifications to ensure consistency and clarity with planning guidance around local green space and visually important open space designations, and the requirement to include a more detailed version of Proposals Map PM2 to show the extent of the local green space designations within the village centre [i.e., the map provided in response to a question raised during the examination process];

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 Cabinet that all the modifications proposed be made by the Parish Council. 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 Haughley Parish Council are already working proactively with officers at the District Council to prepare a final version of the 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 the Parish Council to agree an appropriate date on which the local referendum can 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 Haughley 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 If the Haughley 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.
- 6.2 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.

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 Haughley 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 Haughley Neighbourhood Plan between 21 January and 6 March 2019. 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 Haughley 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/Haughley-NP-Exam-Report.pdf
(2) Submission Draft Representations <i>and</i> Haughley PC response to the above	https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Haughley-NP-R16-Reps.pdf https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Haughley-NP-R16-Reps-Response.pdf

13. BACKGROUND DOCUMENTS

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

<https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Haughley-NP-Sub-Dec18.pdf>

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