

## MID SUFFOLK DISTRICT COUNCIL

<b>TO:</b> Cabinet	<b>REPORT NUMBER:</b> <b>MCa/19/39</b>
<b>FROM:</b> Cabinet Member for Planning	<b>DATE OF MEETING:</b> 13 January 2020
<b>OFFICER:</b> Robert Hobbs (Corporate Manager - Strategic Planning)	<b>KEY DECISION REF NO.</b> CAB177

### EYE NEIGHBOURHOOD PLAN

#### 1. PURPOSE OF REPORT

- 1.1 To present the findings of the Independent Examiner's Report on the content of the Eye 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 Eye Neighbourhood Plan proceed to a local referendum.

#### 2. OPTIONS CONSIDERED

- 2.1 A 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 set out below is that Mid Suffolk District Council agree that this Neighbourhood Plan proceed to a local referendum.

#### 3. RECOMMENDATIONS

- 3.1 That Eye Town 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), this Neighbourhood Plan be advanced to a local referendum covering the parish of Eye.

#### REASON FOR DECISION

- 3.3 To enable the Council to meet its statutory obligations under Section 17A of the Neighbourhood Planning (General) Regulations 2012 (as amended) and to allow the Eye 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 Eye 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: 18 October 2017
  - Regulation 14 Pre-submission Consultation: 9 Nov – 21 Dec 2018 (carried out by the Town Council).
  - Regulation 16 Submission Draft Consultation: 22 May – 5 July 2019 (carried out by the District Council). During this period, twenty-three written representations were received, one of which was subsequently withdrawn.

The Consultation Statement submitted by the Town Council sets out in more detail how they went about preparing this Plan. Officers at the District Council have also assisted the Town Council during its preparation.

- 4.3 The Plan has been independently examined by Rosemary Kidd, Dip TP MRTPI, 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. In the interests of openness and transparency, details of the latter were published and updated on the Councils website during the examination process
- 4.4 On 7 November 2019, the District Council received and published the Examiner's Final Report. It concludes that, subject to the modifications put forward the Plan meets the basic conditions and can proceed to a local referendum. The modifications of note are summarised in paragraph 4.5 below. A link to the Examiner's Full Report is provided at Appendix 1. The Examiner did not consider it necessary to extend the local referendum area.
- 4.5 In the, main the modifications involve improving the wording of policies and supporting text so they are clear and unambiguous and can be used in a consistent manner by decision makers. Those of note include:
- confirmation, [the Examiner having no comments to make on these], that the following policies all meet the basic conditions and require no modification: Eye 10 (Public Car Parking at the Rettery), Eye 11 (Cycle Parking), Eye 12 (Crematorium, Land W of Eye Cemetery), Eye 14 (Sports Hall & Related uses at Hartismere High School), Eye 24 (Shop Front Design), policies Eye 27 to Eye 29 (Public Rights of Way ...), and policies Eye 30 and Eye 31 (Electric Vehicle Charging)
  - ensuring that the clarity of the Policies Map is improved so that the boundaries of areas referred to in policies can be determined;

- the modification of two site allocation policies in particular: Eye 4 (Land at Eye Health Centre ...) and Eye 8 (Reserve Site South of Eye Airfield, Phase 2), which see the overall number of new dwellings being provided for in this Plan rise from c.580 to c.715 during the plan period. This increase comes about primarily through uncertainties over the availability of the Health Centre site which resulted in the deletion of Policy Eye 4 and, a modification to Policy Eye 8 which sees it no longer being referred to as reserve site, and which now include the conditions for when this site should be released. It is proposed that the latter site has the potential to deliver 174 new dwellings comprising a mix of affordable, open-market and sheltered accommodation;
- revised wording, agreed by both Town and District Council, relating to Policy Eye 5 - Paddock House;
- the deletion of two policies relating to landscape matters - Policy Eye 17 (Special Landscape Area), as it does not accord with national guidance and, Policy Eye 19 (Visually Important Open Space) as it was found to be unclear and imprecise and would not be capable of being applied consistently by decision makers;
- the deletion of Policy Eye 21 (Biodiversity Networks), as it does not provide sufficient detail on how high level of connectivity for biodiversity will be provided but a recommendation to Retain the justification and include more information of the sites in the plan area, including a map within the plan text;
- the deletion a number of proposed Local Green Spaces in Policy Eye 20 as they fail to meet the relevant criteria set out in national planning policy;
- the merging of policies Eye 22 (District Shopping Centre) and Eye 23 (Uses Appropriate to the District Shopping Centre) to address overlapping and repetition; *and*
- the re-classification of policies Eye 26 (Management of Car Parking Spaces) and Eye 32 (Traffic Management) as 'Community Aspirations' as these relate to non-planning policy matters.

4.6 The District Council must now consider all of the recommendations made, the reasons for them, and decide what action to take. It must also come to a formal view about whether the Plan meets the 'Basic Conditions'.

4.7 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 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 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 Town Council. If Cabinet agrees, the District Council will need to publicise its decision (a 'Decision Statement') and advance the Plan 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 Town Council. While there are no prescribed periods for this process, a copy of the modified Plan will need to be ready before the date of the local referendum can be confirmed.
- 4.11 Eye Town Council have been working proactively with the District Council to prepare a final version of the Plan which 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). They 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 Electoral Services and the Town Council to agree an appropriate date on which the local referendum can take place.
- 4.13 The Town 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 Eye to help it decide planning applications in the neighbourhood area?'*

- 4.14 If more than 50% of those who vote in the referendum do so 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 THE CORPORATE 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 Eye Neighbourhood Plan is successfully ‘made’ (adopted) the Town 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 Eye Neighbourhood Plan will become part of the Development Plan and be used, where relevant, to help determine planning applications in the neighbourhood area.

## 8. RISK MANAGEMENT

- 8.1 This report is most closely linked with Significant Business Risk No. 9 - Enabling 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 Town 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, the District Council undertook formal consultation on the content of the submission draft Eye Neighbourhood Plan between 21 May and 5 July 2019. The written representations can be accessed via the link at Appendix 2.
- 9.2 Guidance issued in early 2018 by the Independent Examiner Referral Service (NPIERS) afforded the Town Council / Neighbourhood Plan Working Group the opportunity to consider and respond to the submitted representations before the examination commenced. A link to the Town Council 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 Eye Neighbourhood Plan has been subject to the appropriate Strategic Environmental and Habitats Regulations screening assessments.

## 12. APPENDICES

Title	Location
(1) Examiners Final Report'	<a href="https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Eye-NP-Exam-Report.pdf">https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Eye-NP-Exam-Report.pdf</a>
(2) Submission Draft Representations <i>and</i> Eye PC response to the above	<a href="https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Eye-NP-R16-Reps-Updated.pdf">https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Eye-NP-R16-Reps-Updated.pdf</a> <a href="https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Eye-NP-R16-Reps-Response-ReservedMatters.pdf">https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Eye-NP-R16-Reps-Response-ReservedMatters.pdf</a>

## 13. BACKGROUND DOCUMENTS

The submission draft Eye Neighbourhood Plan can be found at:

<https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Eye-NP-R16-Plan-May19.pdf>