

MID SUFFOLK DISTRICT COUNCIL

TO: Cabinet	REPORT NUMBER: MCa/19/40
FROM: David Burn, Cabinet Member for Planning	DATE OF MEETING: 13 January 2020
OFFICER: Robert Hobbs (Corporate Manager - Strategic Planning)	KEY DECISION REF NO. CAB178

FRESSINGFIELD NEIGHBOURHOOD PLAN

1. PURPOSE OF REPORT

- 1.1 To present the findings of the Independent Examiner's Report on the content of the Fressingfield 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 Fressingfield 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 this Mid Suffolk District Council agree that this Neighbourhood Plan proceed to a local referendum.

3. RECOMMENDATIONS

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

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 Fressingfield 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 Fressingfield 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: 5 Feb 2018
 - Regulation 14 Pre-submission Consultation: 29 Mar – 17 May 2019 (carried out by the Parish Council).
 - Regulation 16 Submission Consultation: 5 Aug – 27 Sept 2019 (carried out by the District Council). During this period, thirteen written representations were received.

A Consultation Statement submitted by the Parish Council / Neighbourhood Plan Working Group sets out in more detail how they went about preparing this Plan. Officers at the District Council have also assisted the working group during its preparation.

- 4.3 The Plan has been independently examined by Janet Cheesley BA (Hons) DipTP 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 the Parish and District Council responded.
- 4.4 On 28 October 2019, the Examiner issued her Final Report. It concludes that the plan “*is a well-written document, which is easy to read*” and that “*subject to my recommendations, the Plan meets the basic conditions.*” 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 so they are clear and unambiguous and can be used in a consistent manner by decision makers. These modifications include:
- a small revision to wording in policy FRES 2 (Housing Size, Type & Tenure) to ensure existing / future development takes account of the latest evidence of need;
 - a small revision to wording in policy FRES 3 (Infrastructure) to clarify that developer contributions may not always be in the form of funding, i.e., developers should provide or support the infrastructure necessary;
 - in policy FRES 4 (Community Facilities), a modification to remove a potential internal conflict within the Plan by making a clear distinction between what constitutes a community facility (i.e. the Sports & Social Club) and what is subsequently designated as a local green space (i.e. the school playing field);

- in policy FRES 7 (Local Green Spaces), and in addition to the modification already referred to previously, a number of other tweaks which clarify which parts of the allocated local green spaces accord with the NPPF definition and, that appropriate scale OS based maps be produced to precisely identify these boundaries.
- in policy FRES 8 (Non Designated Heritage Assets), deletion of the last paragraph which set out criteria relating to demolition, etc. as it was concluded that this elevated the status of heritage assets beyond the balanced judgement outlined in national planning policy;
- the re-wording of policy FRES 11 (Localised Flooding & Pollution) which is based on wording provided by, and which addresses a number of concerns raised by Suffolk County Council. [Note also the Parish Council gave their support to the proposed wording in their Consultation Responses statement.], *and*
- in policy FRES 15 (Transport & Highway Safety), and also address a representation made by County [and subsequently supported by the Parish Council] revised wording to the first paragraph to ensures the requirement to provide pedestrian / cycling linkages is appropriate to the scale and location of the proposed development and, deletion of the second paragraph in this policy which did not allow new development to increase traffic flows

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 otherwise be 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.*

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 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 Parish 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 Fressingfield Parish 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 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 Fressingfield 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 Fressingfield 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 Fressingfield 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:

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, the District Council undertook formal consultation on the content of the submission draft Fressingfield Neighbourhood Plan between 5 August and 27 September 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) afforded the Parish Council / Neighbourhood Plan Working Group the opportunity to consider and respond to the submitted representations before the examination commenced. A link to the Parish 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 Fressingfield 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/Fressingfield-NP-Exam-Report.pdf

(2) Submission Draft Representations <i>and</i> Fressingfield PC response to the above	https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Fressingfield-NP-R16-Reps.pdf https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Fressingfield-NP-Reg16-Reps-Response.pdf
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13. BACKGROUND DOCUMENTS

The submission draft Fressingfield Neighbourhood Plan can be found at:

<https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Fressingfield-NP-Plan-July19.pdf>