

BABERGH DISTRICT COUNCIL

TO: Council	REPORT NUMBER: BC/19/30
FROM: Cabinet Member for Planning	DATE OF MEETING: 21 January 2020
OFFICER: Robert Hobbs (Corporate Manager - Strategic Planning)	KEY DECISION REF NO. N/A

ALDHAM 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 Aldham Neighbourhood Plan.
- 1.2 The report recommends that Babergh District Council agree to 'make' (adopt) the Aldham 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 eight weeks of the referendum. In light of the declared result, no other options were considered.

3. RECOMMENDATIONS

- 3.1 That the Aldham 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 Aldham Neighbourhood Plan to be 'made'.

4. KEY INFORMATION

- 4.1 Babergh Cabinet resolved at its meeting on 10 October 2019 that the Aldham Neighbourhood Plan should proceed to a local referendum. The local referendum was held on Thursday 5 December 2019.
- 4.2 The format of the referendum question was: *'Do you want Babergh District Council to use the neighbourhood plan for Aldham to help it decide planning applications in the neighbourhood area?'*

- 4.3 The count took place on 5 December 2019 and more than 50% of those who voted were in favour of the Plan. The declared result was:

Response	Votes Cast	Percentage of total
YES	61	91%
NO	6	9%
Other	0	-
<i>Total</i>	<i>67</i>	<i>100%</i>

[Electorate: 166 Ballot Papers Issued: 67 Turnout: 40%]

- 4.4 The above result now enables the District Council to formally ‘make’ (adopt) the Aldham 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 October 2019 confirmed that the Aldham 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 & Country Planning Act, 1990. Accordingly the Aldham Neighbourhood Plan should be duly made. A ‘final draft’ Decision Statement is appended to this report.

5. LINKS TO THE CORPORATE PLAN

- 5.1 The successful making (adoption) of this 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 The Aldham Neighbourhood Plan once ‘made’ (adopted) enables the relevant Parish Councils to receive 25% of any Community Infrastructure Levy receipts from development in their 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 Once 'made' (adopted), the Aldham Neighbourhood Plan will become part of the Development Plan and be used to help determine planning applications where relevant.

8. RISK MANAGEMENT

8.1 This report is most closely linked with Significant Business Risk No. 9 – We may not be able to help communities to become more sustainable. The key risk is set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
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.

9. CONSULTATIONS

9.1 The District Council undertook formal consultation on the submission draft version of the Aldham Neighbourhood Plan between 28 May and 10 July 2019.

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 Aldham Neighbourhood Plan has been subject to the appropriate Strategic Environmental and Habitats Regulations screening assessments.

12. APPENDICES

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

Babergh District Council

Aldham Neighbourhood Development Plan

Final Decision Statement



On 5 December 2019 a local referendum was held in which more than half of those who voted did so in favour of the Aldham Neighbourhood Development Plan. Accordingly Babergh 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 21 January 2020.

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 Aldham Neighbourhood Plan.

The examination was undertaken by Ann Skippers BSc (Hons) MRTPI FRSA AoU, 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.

Babergh Cabinet, at its meeting on 10 October 2019, agreed with the suggested modifications and concurred that the Plan so modified would comply with the Basic Conditions. Cabinet therefore resolved that the Aldham Neighbourhood Plan should proceed to a local referendum.

The local referendum was held on 5 December 2019. The format of the local referendum question was: *‘Do you want Babergh District Council to use the neighbourhood plan for Aldham 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	61	91%
No	6	9%
Other	0	0
<i>Total</i>	<i>67</i>	<i>100%</i>

The result of the local referendum enables the District Council to formally make the Aldham 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 October 2019 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: 21 January 2020