

BABERGH DISTRICT COUNCIL

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| From: Assistant Director - Planning for Growth | Report Number: S61 |
| To: COUNCIL | Date of meeting: 20 September 2016 |

EAST BERGHOLT NEIGHBOURHOOD PLAN

1. Purpose of Report

- 1.1 This report provides details of the local referendum that was held in relation to the East Bergholt Neighbourhood Plan.
- 1.2 In the light of the outcome it recommends that Council makes (adopts) the Plan.

2. Recommendation

- 2.1 That, the East Bergholt Neighbourhood Plan be formally made (adopted) as part of the District Council's Development Plan and used to help determine planning applications where relevant.

3. Key Information

- 3.1 The Strategy Committee resolved at its meeting on 14 July 2016 that the East Bergholt Neighbourhood Development Plan should proceed to a local referendum. The local referendum was held on 8 September 2016.

- 3.2 The format of the local referendum question was:

'Do you want Babergh District Council to use the neighbourhood plan for East Bergholt to help it decide planning applications in the neighbourhood area?'

- 3.3 The count took place on 9 September 2016 and more than 50% of those who voted were in favour of the Plan. The results of the local referendum were:

| Response | Votes Cast | Percentage of total |
|-----------------|-------------------|----------------------------|
| YES | 1100 | 94.75 |
| NO | 61 | 5.25 |
| Total | 1161 | 100 |

- 3.4 The result of the local referendum now enables the District Council to formally 'make' adopt the East Bergholt Neighbourhood Plan. The Plan once made will formally 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.

3.5 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.

3.6 The report presented to the Strategy Committee on 14 July 2016 confirmed that, the East Bergholt 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 East Bergholt Neighbourhood Development Plan should be duly made. The formal Decision Statement is appended to this report.

4. Financial Implications

4.1 The District Council receives £20,000 from the Department of 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 and will be sufficient in this case.

4.2 The East Bergholt Neighbourhood Plan once 'made' (adopted) enables the parish council to receive 25% of any Community Infrastructure Levy receipts from development in its area.

5. Legal Implications

5.1 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, 2010.

5.2 Once 'made' (adopted), the East Bergholt Neighbourhood Plan will become part of the Development Plan and, where relevant, be used to determine planning applications.

6. Risk Management

6.1 The key risks are set out below:

| Risk Description | Likelihood | Impact | Mitigation Measures |
|---|------------|--------|---|
| Legal challenge to the content of the neighbourhood development plan or order and/or judicial review of the District Council's decisions. | Unlikely | Bad | Ensuring that the relevant Regulations are followed and that the decision-making processes are clear and transparent. |

7. Consultations

7.1 The District Council undertook formal consultation on the content of the submission draft East Bergholt Neighbourhood Plan from 18 January to 1 March 2016.

8. Equality Analysis

8.1 There are no equality and diversity implications arising directly from the content of this report.

9. Shared Service / Partnership Implications

9.1 This report relates to matters affecting Babergh only.

10. Links to Joint Strategic Plan

10.1 The 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.

11. Appendices

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| 11.1 | Appendix 1 | Final Decision Statement | Attached |
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**Babergh District Council
East Bergholt Neighbourhood Plan – Final Decision Statement**

On 8 September 2016 a local referendum was held in which more than half of those who voted did so in favour of the East Bergholt Neighbourhood Plan. Accordingly Babergh District Council has decided to ‘make’ 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 20 September 2016.

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 East Bergholt Neighbourhood Plan.

The examination was undertaken by Rosemary Kidd DipTP MRTPI a ‘suitably qualified and experienced’ person who was independent of the plan making process via written representations. 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.

The Strategy Committee at its meeting on 14 July 2016 agreed with the suggested modifications and concurred that the Plan so modified would comply with the Basic Conditions. The Strategy Committee therefore resolved that the East Bergholt Neighbourhood Development Plan should proceed to a local referendum.

The local referendum was held on 8 September 2016. The format of the local referendum question was:

‘Do you want Babergh District Council to use the neighbourhood plan for East Bergholt to help it decide planning applications in the neighbourhood area?’

More than 50% of those who voted were in favour of the Plan. The results of the local referendum were:

| Response | Votes Cast | Percentage of total |
|-----------------|-------------------|----------------------------|
| YES | 1100 | 94.75 |
| NO | 61 | 5.25 |
| Total | 1161 | 100 |

The result of the local referendum enables the District Council to formally make the East Bergholt 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 20 September 2016 Babergh District 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: 20 September 2016