

MID SUFFOLK DISTRICT COUNCIL

COMMITTEE: Cabinet	REPORT NUMBER: MCa/21/10
FROM: Cllr David Burn (Cabinet Member for Planning)	DATE OF MEETING: 5 July 2021
OFFICER: Robert Hobbs (Corporate Manager - Strategic Planning)	KEY DECISION REF NO. CAB295

NEEDHAM MARKET NEIGHBOURHOOD PLAN

1. PURPOSE OF REPORT

- 1.1 To present the findings of the Independent Examiner's Report on the submission draft Needham Market Neighbourhood Plan.
- 1.2 Subject to implementation of the detailed recommendations in the Examiner's Report, it is proposed that Cabinet agree that the Needham Market 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. 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 is that Mid Suffolk agree that, subject to modification, the Needham Market Neighbourhood Plan proceed to a local referendum.

3. RECOMMENDATIONS

- 3.1 That Needham Market 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 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 Needham Market.

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 Needham Market 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 Needham Market Neighbourhood Plan has been prepared in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended). The key stages prior to examination are set out below:
- Area Designation: 30 September 2013
 - Regulation 14 Pre-submission consultation: 27 January to 10 March 2020 (carried out by the Town Council). [Nb: this version of the plan updated a draft that was published in July 2015].
 - Regulation 16 Submission Draft consultation: 2 December 2020 to 27 January 2021 (carried out by the District Council). During this period representations were received from twelve organisations / individuals. (This includes one late representation accepted by the District Council).

A Consultation Statement submitted by the Town Council sets out how they went about preparing the Plan. District Council officers have also responded to various enquiries during the plan preparation stages.

- 4.3 The Plan has been independently examined by Ann Skippers BSc (Hons) MRTPI FHEA FRSA AoU, 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 for clarification to which both Town and District Council responded. In the interests of openness and transparency, details relating to the examination were published on the District Council website.
- 4.4 On the 24 May 2021, the Examiner issued her Final Report. It notes that: *“Whilst there are no site allocations, this well-presented Plan contains ten policies covering a variety of issues including community uses, heritage and landscape”* Some modifications are made, with those of note summarised in paragraph 4.5 below. A link to the Full Report is provided at Appendix 1. The Examiner did not consider it necessary to extend the local referendum area.
- 4.5 The modifications made are there to improve the policies and supporting text so that they provide clarity for decision makers. Of the ten policies, four required no modification, and two only required very minor edits. The modifications of note are:
- At Policy NM1 (Housing Mix, Type & Size): removing the dwellings threshold which is not evidenced and is otherwise incompatible with both national policy and strategic policies of the development plan; including a new footnote which clarifies when affordable housing provision may be sought and, changes to supporting text to reflect the latest Joint Local Plan housing requirement figures.
 - At Policy NM2 (Securing good design & layout): various changes to provide clarity and to address the fact that neighbourhood plan should not set out any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.

- At Policy NM6 (Community Infrastructure): a change to the running order to remove duplication; a modification to remove blanket support for health and social care provision etc., which might otherwise lead to unacceptable development coming forward, and a modification relating to the criteria and conditions associated with any potential loss of community facilities.
- At Policy NM9 (Reducing and Managing impact of traffic): adding the words '*Otherwise acceptable*' to the start of the policy to remove the blanket support for any development given that this may be development which is not welcomed.

4.6 The District Council must now consider all of the Examiner's recommendations, the reasons for them before deciding 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 of the authority,
- 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.

4.8 Having assessed the Examiner's Report and each recommendation, council officers concur with its findings. It is therefore recommended that all of the modifications proposed be made by the Town Council. If Cabinet agrees with this, the District Council will need to publicise its decision (a 'Regulation 18 Decision Statement') and move 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 As noted above, the task of modifying the Plan falls to the Town Council, with assistance provided as required. While there is no prescribed period for this process the modified plan, along with other specified documents, must be available before the date of the local referendum can be confirmed.

4.11 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. The recent easing of restrictions linked to the coronavirus pandemic now mean that there should be no reason why a referendum cannot take place at the earliest sensible opportunity. The

Council should therefore proceed on that basis, while continuing to monitor the local situation and take appropriate action should new restrictions come back into force.

- 4.12 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 Needham Market to help it decide planning applications in the neighbourhood area?’

- 4.13 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. The regulations also set out the time period by which that must be done. The decision to ratify the eventual outcome will be made either by way of a report presented to Full Council or through an Action out of meeting request, depending on which is the most appropriate.

5. LINKS TO 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 can claim £20,000 from MHCLG for each neighbourhood plan that has not previously been ‘made’ (adopted) for that area. This sum can be claimed once the local planning authority has issued a decision statement detailing their intention to send the plan to referendum. The sum is paid to help meet the costs of delivering this Plan and will be sufficient in this case.
- 6.2 If the Needham Market Neighbourhood Plan is successfully ‘made’ (adopted) the Parish Council will be eligible to receive 25% of any Community Infrastructure Levy (CIL) 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 & Country Planning Act, 1990, the Planning & Compulsory Purchase Act, 2004 and the Neighbourhood Planning (General) Regulations, 2012 (as amended). It has also had regard to the Environmental Assessment of Plans & Programmes Regulations, 2004 and the Conservation of Habitats & Species Regulations, 2017.
- 7.2 If ‘made’ (adopted), the Needham Market Neighbourhood Plan will become part of the Development Plan and be used, where relevant, to determine planning applications

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 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 are 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 decision making processes are clear and transparent.

9. CONSULTATIONS

- 9.1 As noted in paragraph 4.2, the District Council consulted on the submission draft Needham Market Neighbourhood Plan between 2 December 2020 and 27 January 2021. A link to the representations made at this stage is provided at Appendix 2.
- 9.2 Guidance issued by the Independent Examiner Referral Service (NPIERS) affords the Parish Council / Neighbourhood Plan Working Group the opportunity to see and respond to the submitted representations before the examination commences. A link to the Town Council response is provided at Appendix 3.

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 Plan preparation process. The Needham Market Neighbourhood Plan has been subject to the appropriate Strategic Environmental and Habitats Regulations screening assessments.

12. APPENDICES

Title	Location
Examiners Final Report	https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/N-Market-NP-Exam-Report.pdf
Written Representations	https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/N-Market-NP-R16-Reps.pdf
Town Council Response	https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/N-Market-NP-R16-Reps-Response.pdf

13. BACKGROUND DOCUMENTS

The submission draft Needham Market Neighbourhood Plan can be found at:

<https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/N-Market-NP-Sub-Oct20.pdf>