

## 7. ACCEPTANCE OF THE RECOMMENDATIONS CONTAINED IN THE ASHURST WOOD NEIGHBOURHOOD PLAN EXAMINATION REPORT

REPORT OF: HEAD OF ECONOMIC PROMOTION AND PLANNING  
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Wards Affected: Ashurst Wood  
Key Decision: Yes  
Report to: Cabinet  
14 March 2016

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### Purpose of Report

1. The purpose of this report is to seek Cabinet approval for the District Council to formally accept the recommendations outlined in the Examination Report for the Ashurst Wood Neighbourhood Plan.

### Summary

2. The examination into the Ashurst Wood Neighbourhood Plan recommended that the Neighbourhood Plan should proceed to referendum, subject to a small number of modifications. It is recommended that the Recommendations of the Examiner are accepted by the District Council.

### Recommendations

3. **It is recommended that Cabinet agrees the District Council formally accept the recommendations of the Independent Examiner in relation to the Ashurst Wood Neighbourhood Plan.**
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### Background

4. The Neighbourhood Planning process has come about due to the Localism Act 2011. This Act allows Parish/Town Councils and other designated forums to conduct a Neighbourhood Plan for their designated area.
5. The Neighbourhood plan is a locally prepared document, in the case of Mid Sussex by a Town or Parish Council, for managing development. Neighbourhood Plans can allocate land for development or contain criteria based policies to guide development. The Ashurst Wood Neighbourhood Plan allocates sites for housing and sets out criteria based policies which applicants will be expected to comply with in order to gain planning permission. In addition the Ashurst Wood Neighbourhood Plan contains a number of policies which are supportive of development at Ivy Dene Industrial Estate and at Brambletye School.
6. Ashurst Wood Village Council, as the qualifying body successfully applied for Ashurst Wood Parish to be designated as a Neighbourhood Area, under the Neighbourhood Planning (General) Regulations (2012), which came in to force on 6 April 2012. A Neighbourhood Area was subsequently designated on the 9 July 2012 by Mid Sussex District Council for the whole of Ashurst Wood Parish.
7. The Neighbourhood Plan was published by Ashurst Wood Village Council for the Regulation 14 Pre Submission Consultation during January, February and March 2015 for a period of six weeks.

8. Following the submission of the Ashurst Wood Neighbourhood Plan (Submission Version) to the District Council, the plan was publicised and comments were invited from the public and stakeholders for a further six weeks. The consultation period closed on 7 January 2016.
9. Mid Sussex District Council appointed an Independent Examiner; Andrew Ashcroft, in agreement with Ashurst Wood Village Council to review whether the plan met the Basic Conditions required by legislation and that the plan should proceed to referendum.

### **Examiners Recommendations**

10. A small number of modifications to policies in the Plan are recommended to ensure that the Basic Conditions have been met and to provide clarity.
  - The Examiner concluded that the Ashurst Wood Neighbourhood Plan has had regard to national policies and advice issued by the Secretary of State.
  - Contributes to the achievement of sustainable development.
  - Is in general conformity with the strategic policies of the development plan for the area.
  - Does not breach, and is otherwise compatible with EU obligations and the European Convention of Human Rights.
  - Meets all of the other requirements that an Examiner is obliged to examine.

### **Conclusions**

11. The Examiner's Report concludes that the Ashurst Wood Neighbourhood Plan does meet the Basic Conditions subject to a number of modifications and therefore can proceed to a Referendum. The Referendum area should be based on the Ashurst Wood Neighbourhood Plan Area which is contiguous with the Village Council boundary.

### **Modifications to the Ashurst Wood Neighbourhood Plan**

12. A small number of modifications have been made as recommended by the Examiner these are identified in the Ashurst Wood Neighbourhood Plan Modifications Addendum at Appendix 2.
13. The main modifications relate to policy wording and are concerned with improving the clarity of the Neighbourhood Plan.

### **Policy Context**

14. The Sustainable Communities Strategy supports
  - Protecting and Enhancing the Environment
  - Ensuring Cohesive and Safe Communities
  - Promoting Economic Vitality and
  - Supporting Healthy Lifestyles

The Strategy identifies the District Plan as a key complementary document and states "Neighbourhood plans drawn up by the Town and Parish Councils will sit alongside the District Plan. These set out how local communities would like their neighbourhoods to evolve".

15. Acceptance of the recommendations in the examination report will allow for a Referendum to take place. This would provide certainty for the community and for those in the development sector at the earliest opportunity. The National Planning Policy Framework and the Localism Act 2011 are supportive of Neighbourhood Plans.

#### **Other Options Considered**

16. Cabinet has the option not to accept the recommendations of the Independent Examiner on all of the elements, one of the elements, or some of the elements contained within the Examiner's Report. However to do so would put the District Council at odds with the Recommendations and thus open the possibility of a judicial review.

#### **Financial Implications**

17. There are no financial implications of this decision.

#### **Risk Management Implications**

18. Strategic Risk 2 for this year is "Failure to approve a District Plan which meets community needs and aspirations and protects Mid Sussex from inappropriate development" and which, "meets the tests of soundness at examination". The successful development of Neighbourhood Plans is a key element of the District Plan strategy. The decision to accept the Examiner's recommendations outlined in the report on the Ashurst Wood Neighbourhood Plan will allow the Village and District Council to move forward with confidence.

#### **Equality and Customer Service Implications**

19. It is considered that there are no equality and customer service implications.

#### **Other Material Implications**

20. No other material considerations.

#### **Appendices**

- A. The Independent Examination Report into the Ashurst Wood Neighbourhood Plan.
- B. Ashurst Wood Neighbourhood Plan Modifications Addendum.

#### **Background Papers**

The Ashurst Wood Neighbourhood Plan.