

## 6. ACCEPTANCE OF THE RECOMMENDATIONS CONTAINED IN THE ALBOURNE PARISH COUNCIL NEIGHBOURHOOD PLAN EXAMINATION REPORT.

REPORT OF: BUSINESS UNIT LEADER FOR PLANNING POLICY AND ECONOMIC DEVELOPMENT  
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Wards Affected: Bolney  
Key Decision: Yes  
Report to: Cabinet 6<sup>th</sup> June 2016

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### Purpose of Report

1. The purpose of this report is to seek Cabinet acceptance of the modifications to the Albourne Parish Council Neighbourhood Plan following its Examination in respect of the Basic Conditions for Neighbourhood Plans.

### Summary

2. The Examination Report into the Albourne Parish Council Neighbourhood Plan recommended that the Neighbourhood Plan should proceed to referendum, subject to a number of modifications. It is recommended that the Recommendations of the Examiner are accepted by the District Council subject to minor variations as set out in paragraph 11.

### Recommendations

3. **It is recommended that Cabinet formally accepts the modifications to the Albourne Parish Council Neighbourhood Plan as set out in Appendix 2 to this report.**
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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 prepare a Neighbourhood Plan for their designated area. Neighbourhood Plans can allocate land for development and/or contain criteria based policies to guide development.
5. Albourne Parish Council, as the qualifying body, successfully applied for the Neighbourhood Plan Area to be designated, under the Neighbourhood Planning (General) Regulations (2012), which came in to force on 6 April 2012. A Neighbourhood Area was subsequently designated on the 09<sup>th</sup> July 2012 by Mid Sussex District Council which covered the whole parish. Part of the parish comes under the South Downs National Park, and the plan area was also agreed by the National Park Authority on 13<sup>th</sup> September 2012.

6. The Neighbourhood Plan was published by Albourne Parish Council for the Regulation 14 Pre Submission Consultation during October and November 2014 for a period of six weeks. Following the submission of the Albourne 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<sup>th</sup> January 2016.
7. Mid Sussex District Council appointed an Independent Examiner; Clare Wright, in agreement with Albourne Parish Council, to review whether the plan met the Basic Conditions as required by legislation and to recommend whether the plan should proceed to referendum. The Examiner's report was published on 15<sup>th</sup> April 2016 and is included as Appendix 1 to this report.

### **Examiners Recommendations**

8. The Examiner commended the Parish Council and all those that took part in the creation of the plan. She commented that "this Plan includes some delicately balanced approaches to meeting the onward development requirements of the area whilst protecting the landscape that so clearly contributes to its quality and local distinctiveness".
9. In summary it is the Examiner's view that "Albourne Parish Council Neighbourhood Plan reflects the views of the community and sets out a clear and deliverable vision for the neighbourhood area. There are minor Modifications to the Plan. None fundamentally change its content or direction, but are intended to ensure that the Plan meets the Basic Conditions and is a user-friendly document. Subject to the above, the Albourne Parish Council Neighbourhood Plan has regard to national policies and advice contained in guidance 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 compatible with European Union obligations and the European Convention of Human Rights. The Albourne Parish Council Neighbourhood Plan meets the Basic Conditions".
10. The Examiner recommended that, subject to the minor modifications proposed, the Neighbourhood Plan should go forward to referendum, with the area based on the administrative boundary of the parish.

### **Modifications to the Albourne Neighbourhood Plan**

11. The modifications recommended by the Examiner are identified in the Albourne Parish Council Neighbourhood Plan Modifications Addendum at Appendix 2. In general the recommendations have been wholly accepted. However, some minor variations have been agreed with the Parish Council. These are as follows:

- The Examiner has suggested updating references to the evidence base in the Neighbourhood Plan and similarly modifying the Basic Conditions Statement and the Sustainability Appraisal. The suggestions in relation to the Basic Conditions Statement and the Sustainability Appraisal are beyond her remit as an Examiner can only recommend modifications to the Plan itself. The evidence base, Sustainability Appraisal and Basic Conditions Statement are 'of their time' and included to show how they informed the preparation of the Plan and to assist with the examination. They should not be amended post-examination as this would be retro-fitting.
- The Plan includes landuse policies that can be implemented through planning applications and aspirations or aims that relate to non landuse matters or aspects that cannot be controlled through the planning system. The Examiner's role is to examine the landuse policies of the Plan as to whether they meet the Basic Conditions. However, in this case she has also suggested a modification to the Housing Aim which currently states:

"Windfall development is expected to deliver at least 16 dwellings in the Plan area over the Plan period. In addition, the plan will aim to deliver 5 affordable for rent dwellings on two sites. The first site is described in Policy ALH2 and shown on Map 9.3 on page 24 and the second site will be a rural exception site as defined in the Rural Exceptions Aim.

In total, the above when taken together with the 13 newly built dwellings on the three sites outlined in Section 4.5 below (and also shown on Map 9.3 on page 24) takes the projected number of dwellings delivered during the Plan period to 34".

The Examiner has recommended that the words 'a minimum of' be added before 34 to avoid this number being viewed as a cap on development. The Parish Council is concerned that this implies that the Parish or the Local Planning Authority has control over the implementation of these commitments. Instead it is suggested that the word 'about' be added before 34 so that this figure is not seen as a limit but as an estimate as was the intention.

- An additional minor modification has been agreed with the Parish Council to delete references to H2 in Policy ALH2 Proposed Housing Sites. This is unnecessary as the proposed site can just be referenced by the Policy Number ALH2 and it could cause confusion with other housing policies in the district.

## Conclusion

12. Albourne Parish Council has agreed to accept these modifications to the Plan and it is recommended that Cabinet formally accept these modifications as they are considered to be necessary in order for the Plan to meet the Basic Conditions.

## Policy Context

13. 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”.

14. 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**

15. 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, other than is set out in paragraph 12, this is not considered appropriate as the modifications are considered necessary in order for the Neighbourhood Plan to meet the Basic Conditions.

### **Financial Implications**

16. There are no financial implications of this decision.

### **Risk Management Implications**

17. Strategic Risk 2 for this year is “Failure to achieve a successful examination of the District Plan and Community Infrastructure Charging Schedule”. The successful development of Neighbourhood Plans is a key element of the District Plan strategy. The decision to accept the Examiner’s report on the Albourne Parish Council

Neighbourhood Plan will allow the Parish and District Council to move forward with confidence.

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

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

### **Other Material Implications**

19. There are no other material considerations.

### **Appendices**

1. The Independent Examination Report into the Albourne Neighbourhood Plan.
2. Albourne Neighbourhood Plan Modifications Addendum.

### **Background Papers**

The Albourne Neighbourhood Plan <http://www.midsussex.gov.uk/planning-licensing-building-control/planning-policy/neighbourhood-plans/albourne-neighbourhood-plan/>