

8. ACCEPTANCE OF THE RECOMMENDATIONS CONTAINED IN THE EAST GRINSTEAD NEIGHBOURHOOD PLAN EXAMINATION REPORT.

REPORT OF:	HEAD OF ECONOMIC PROMOTION & PLANNING
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Wards Affected:	All East Grinstead Wards
Key Decision:	Yes
Report to:	Cabinet 6 September 2016

Purpose of Report

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

Summary

2. The Examination Report into the East Grinstead 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.

Recommendations

3. **It is recommended that Cabinet formally accepts the modifications to the East Grinstead Neighbourhood Plan as set out in Appendix 2 to this report.**

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. East Grinstead Town 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 9th July 2012 by Mid Sussex District Council which covered the whole administrative area of East Grinstead.
6. The Neighbourhood Plan was published by East Grinstead Town Council for a Regulation 14 Pre Submission Consultation during August, September and October 2013. A revised Plan was then published for a further Regulation 14 Pre Submission Consultation during July, August and September 2015. Following the submission of the East Grinstead 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 16th March 2016.
7. Mid Sussex District Council appointed an Independent Examiner; Deborah McCann, in agreement with East Grinstead Town Council, to review whether the Neighbourhood Plan met the Basic Conditions as required by legislation and to recommend whether it should proceed to referendum. The Examiner held a Hearing

on 20th July. The Examiner's report was published on 17th August 2016 and is included as Appendix 1 to this report.

Examiner's Recommendations

8. The Examiner summarised her findings as follows:

- “1. *I find the East Grinstead Neighbourhood and the policies within it, subject to the recommended modifications does meet the Basic Conditions.*
2. *I am satisfied that the Referendum Area should be the same as the Plan Area, should the East Grinstead Neighbourhood Plan go to Referendum.*
3. *I have read the East Grinstead Consultation Statement and the representations made in connection with this subject I consider that the consultation process was robust and that the Neighbourhood Development Plan and its policies reflects the outcome of the consultation process including recording representations and tracking the changes made as a result of those representations.*
4. *I find that the East Grinstead Neighbourhood Plan can, subject to the recommended modifications proceed to Referendum.*
5. *At the time of my examination the adopted local plan was the Mid Sussex Local Plan 2004”.*

Modifications to the East Grinstead Neighbourhood Plan

9. The modifications recommended by the Examiner are identified in the Modifications Addendum at Appendix 2. The most significant modification proposed is to policy EG5 relating to housing. As originally submitted this restricted new housing development to within the existing Built-Up-Area boundary. The Examiner was concerned that this approach would not enable the town to meet its housing needs and, whilst she acknowledged the significant transport and environmental constraints, she considered that such a restriction was not justified without individual testing of proposals against the NPPF. The Examiner has therefore recommended modifications to EG5 that would allow residential development outside of the Built-Up-Area boundary subject to strict criteria.
10. East Grinstead Town Council will consider these recommendations at its meeting on 30th August and Cabinet will be updated on the result of these discussions at the meeting on 6th September.

Conclusion

11. 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

12. 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”.

13. 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

14. 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, this is not considered appropriate as the modifications are considered necessary in order for the Neighbourhood Plan to meet the Basic Conditions. In the event that the proposed modifications are not acceptable to Cabinet or the Town Council it would be recommended that the Neighbourhood Plan be re-drafted and taken back to Regulation 14 stage for further public consultation and examination.

Financial Implications

15. There are no financial implications of this decision.

Risk Management Implications

16. 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 East Grinstead Neighbourhood Plan will allow the Town and District Council to move forward with confidence.

Equality and Customer Service Implications

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

Other Material Implications

18. There are no other material considerations.

Appendices

- The Independent Examination Report into the East Grinstead Neighbourhood Plan.
- East Grinstead Neighbourhood Plan Modifications Addendum.

Background Papers

The East Grinstead Neighbourhood Plan. <http://www.midsussex.gov.uk/planning-licensing-building-control/planning-policy/neighbourhood-plans/east-grinstead-neighbourhood-plan/>