

5. ACCEPTANCE OF THE RECOMMENDATIONS CONTAINED IN THE HAYWARDS HEATH NEIGHBOURHOOD PLAN EXAMINATION REPORT

REPORT OF: HEAD OF ECONOMIC PROMOTION & PLANNING
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Wards Affected: All Haywards Heath Wards and part of Cuckfield Ward
Key Decision: Yes
Report to: Cabinet
17th October 2016

Purpose of Report

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

Summary

2. The Examination Report into the Haywards Heath 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 Haywards Heath 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. Haywards Heath 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 16th July 2012 by Mid Sussex District Council which covered the whole parish. This Neighbourhood Area was subsequently amended by agreement with Ansty and Staplefield Parish Council to include part of the latter parish to the south of Rocky Lane. This amended Neighbourhood Area was designated by Mid Sussex District Council on 11th March 2013.
6. The Neighbourhood Plan was published by Haywards Heath Town Council for a Regulation 14 Pre Submission Consultation during February and March 2014. A revised Plan was published for a further Regulation 14 Pre Submission Consultation during November and December 2015 for a period of six weeks. Following the submission of the Haywards Heath 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 21st April 2016.

7. Mid Sussex District Council appointed an Independent Examiner; Peter Biggers, in agreement with Haywards Heath 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 21st July 2016. The Examiner's report was received on 26th August 2016 and is included as Appendix 1 to this report. Haywards Heath Town Council at its meeting on 26th September agreed the proposed examiners modifications.

Examiner's Recommendations

8. The Examiner summarised his conclusions as follows:

- “0.1 Following my examination of the Haywards Heath Neighbourhood Plan (HHNP), including a site visit to the Neighbourhood Area on 20 July 2016 and Public Hearing on 21 July 2016, it is my view that the HHNP reflects the views of the community and sets out a clear vision and suite of policies and proposals for the Neighbourhood Area.*
- 0.2 However my report highlights a number of areas where I consider the wording of the plan as submitted is not wholly in accordance with one or more of the basic conditions. In particular there are tensions with National policy and guidance.*
- 0.3 I have therefore recommended a number of modifications to the Plan which should be made before the plan can proceed to Referendum. These are intended to ensure that first and foremost the Plan can meet the Basic Conditions.*
- 0.4 In proposing the modifications I have tried to ensure that the integrity and value of the HHNP and its vision is retained and that the intention of neighbourhood planning, where the community's wishes should be central to the plan, is honoured. However there are four occasions in respect of policies E2 and E12 and L6 and L7 where modification is not possible and the policy should simply be deleted to ensure Basic Conditions are met. In none of these cases will this affect the ability of the plan to achieve sustainable development.*
- 0.5 It is possible that Haywards Heath Town Council as qualifying body will be disappointed that there are a significant number of modifications. However the plan is a comprehensive one with a large number of policies and by its nature the examination has to be rigorous. Any criticism is not at all to undermine the huge community effort that has gone into the plan. Rather the purpose of the examination is to ensure that the Neighbourhood Plan is as robust as possible and that it can play its part in planning*

- 0.6 *In addition to the recommended modifications it should also be noted that there will be a number of consequential changes to the text and referencing that will be needed as a result of making the modifications. It will also be necessary to ensure all document referencing is up to date. I have not highlighted every one of these changes, but these are matters that will need remedying in the final version of the Plan.*
- 0.7 *Subject to the recommended modifications in the report being completed I am satisfied that:*
- *having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;*
 - *the making of the neighbourhood plan contributes to the achievement of sustainable development;*
 - *the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority.*
 - *the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.*
 - *prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the plan.*
- 0.8 *Subject to the recommended modifications, the HHNP also complies with the legal requirements set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.*
- 0.9 *With the modifications in place the HHNP will meet the Basic Conditions and can proceed to a Referendum. When that takes place I also recommend that the Neighbourhood Area is taken as the basis for the referendum and there is no need to widen the referendum area”.*

Modifications to the Haywards Heath Neighbourhood Plan

9. The modifications recommended by the Examiner are identified in the Modifications Addendum at Appendix 2. Haywards Heath Town Council considered these recommendations at its meeting on 26th September and resolved to accept all of the Examiner’s proposed modifications.
10. The Examiner recommended two significant proposed modifications to the plan as follows.

- (i) Cabinet will note that the Examiner is proposing a modification to policy H5 which requires further work to support the replacement of the green space at Beech Hurst Gardens.

The Examiner has therefore recommended that the capacity of the site is reduced to 15 units (from 24). However, it is a long held aspiration of both the District and Town Councils to provide much needed affordable housing in the district, particularly in the towns. In Haywards Heath there are over 400 families waiting for housing and over 300 of those have a local connection with the town. The District Council has also stated on many occasions that it wishes to use its own land wherever possible to deliver much needed affordable housing.

The District Council has taken legal advice and discussed the matter with the Town Council who understand that, subject to further work regarding the greenspace, the District Council will make an application for the whole site thereby enabling 24 units of affordable housing to help meet the huge need in the town.

- (ii) Cabinet will also note that the Examiner has also recommended the inclusion of Birchen Lane into the Built Up Area (BUA) boundary. After careful consideration the Town Council have agreed to accept the Examiners recommendations.
11. Acceptance of the recommendations in the examination report will allow for a Referendum to take place and this is planned for the 1st December 2016. 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.

Conclusion

12. It is recommended that Cabinet formally accept these modifications as they are considered to be necessary in order for the Neighbourhood 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”.

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.

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 Haywards Heath 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 Haywards Heath Neighbourhood Plan.
- Haywards Heath Neighbourhood Plan Modifications Addendum.

Background Papers

The Haywards Heath Neighbourhood Plan:

<http://www.midsussex.gov.uk/planning-licensing-building-control/planning-policy/neighbourhood-plans/haywards-heath-neighbourhood-plan/>