

9. BURGESS HILL NEIGHBOURHOOD PLAN

REPORT OF: HEAD OF ECONOMIC PROMOTION AND PLANNING
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Wards Affected: Dunstall, Franklands, Leylands, Meeds, St Andrews, Victoria
Key Decision: Yes
Report to: Council
27 January 2016

Purpose of Report

1. The purpose of this report is to recommend the District Council formally 'make' the Burgess Hill Neighbourhood Plan part of the Development Plan for Mid Sussex.

Summary

2. The Burgess Hill Neighbourhood Plan went to Referendum on 10 December 2015. The Referendum Result was overwhelmingly in favour of the Neighbourhood Plan being used to help determine planning applications in the Neighbourhood Plan Area.

Recommendations

3. **It is recommended that Full Council agrees to formally make the Burgess Hill Neighbourhood Plan part of the Local Development Plan. This will enable the District Council to use the plan to determine planning applications in Burgess Hill.**
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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 for a variety of uses such as housing, employment uses and Local Green Spaces. The Burgess Hill Neighbourhood Plan seeks to enable the regeneration of the town centre and sets criteria based policies on which planning applications can be determined.
6. Burgess Hill Town Council, as the qualifying body, successfully applied for Burgess Hill 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 in July 2012 by Mid Sussex District Council.
7. There are a number of stages, including public consultations, required in preparing a Neighbourhood Plan. The Neighbourhood Plan was published by Burgess Hill Town Council for the Regulation 14 Pre Submission Consultation during March and April 2014.

8. Following the submission of the Burgess Hill Neighbourhood Plan (Submission Version) to the District Council, the plan was publicised and comments were invited from the public and stakeholders for a further 6 weeks. The consultation period closed on 26 March 2015.
9. Mid Sussex District Council appointed an Independent Examiner; Peter Biggers, in agreement with Burgess Hill Town Council to review whether the plan met the Basic Conditions and other legislative requirements and whether the Plan should proceed to referendum. The Examiner recommended that, subject to modifications, the plan should go forward to referendum. This was agreed by Cabinet on 19 October 2015.
10. Subsequently the Burgess Hill Neighbourhood Plan Referendum was held on 10 December 2015. The result was 4131 persons in favour and 738 against. There were 9 votes that were void for uncertainty. Overall turnout at the Referendum was 21 %.

'Making' the Neighbourhood Plan

11. As a result of the Referendum, it is recommended that the Burgess Hill Neighbourhood Plan is 'made' part of the Development Plan by Mid Sussex District Council. This will allow the Burgess Hill Neighbourhood Plan to be given full weight in the determination of planning applications within the Neighbourhood Area of Burgess Hill. This process is similar to that of the adoption of the Council's own development plan documents, but is referred to as 'making' the neighbourhood plan part of the Development Plan because the local planning authority is required to do this as soon as possible after a Referendum takes place and the result of that Referendum reflects a majority in favour (over 50% of those who voted).
12. There are limited exceptions to this; the Local Planning Authority can decline to make the Plan if they consider that it would breach any EU obligations or any Convention rights. There is no minimum turnout clause applicable to a referendum.
13. Previously the District Council has made decisions on the Burgess Hill Neighbourhood Plan which indicate that there are no concerns with meeting EU Obligations or the Convention on Human Rights. No new circumstances or evidence have materialised to date which would alter those decisions. Therefore it is recommended that the Council 'makes' the Burgess Hill Neighbourhood Plan part of the Development Plan.

Conclusion

14. **This is the sixth Neighbourhood Plan in Mid Sussex to reach the end of the process and become part of the Development Plan. This should provide encouragement to the remaining Town and Parish Councils that they can successfully progress their neighbourhood plans ahead of the District Plan and shape the future of their areas as enabled by the Localism Act.**

Policy Context

15. 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

16. Where a referendum results in a majority 'Yes' vote (i.e. 50 per cent plus 1) the Local Planning Authority must make the neighbourhood plan as soon as reasonably practicable. The plan then becomes part of the statutory development plan for the area. There are limited exceptions to this; the Local Planning Authority can decline to make the Plan if they consider that making the order would breach any EU obligations or any Convention rights.
17. Previously the District Council has made decisions on the Burgess Hill Neighbourhood Plan which indicate that there are no concerns with meeting EU Obligations or the Convention on Human Rights. No new circumstances or evidence have materialised to date which would alter those decisions. Therefore it is considered that there are no alternative options available to the Council but to 'make' the Burgess Hill Neighbourhood Plan part of the Development Plan.

Financial Implications

18. There are no financial implications of this decision.

Risk Management Implications

19. 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 an important element to the District Plan strategy. The decision to 'make' the Burgess Hill Neighbourhood Plan would assist in reducing this risk.

Equality and Customer Service Implications

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

Other Material Implications

21. No other material considerations.

Appendices

- Burgess Hill Neighbourhood Plan.
- The Declaration of Result of Poll.