

9. TURNERS HILL NEIGHBOURHOOD PLAN

REPORT OF: HEAD OF ECONOMIC PROMOTION AND PLANNING
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Wards Affected: Turners Hill
Key Decision: Yes
Report to: Council
23 March 2016

Purpose of Report

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

Summary

2. The Turners Hill Neighbourhood Plan went to Referendum on 28 January 2016. 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 the Council agrees to formally make the Turners Hill Neighbourhood Plan part of the Local Development Plan. This will enable the District Council to use the plan to determine planning applications in Turners Hill Parish.**
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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 Turners Hill Neighbourhood Plan seeks to allocate a site for housing, protect to the rural setting of the parish and secure highway improvements.
6. Turners Hill Parish Council, as the qualifying body, successfully applied for the Parish of Turners 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 Turners Hill Parish Council for the Regulation 14 Pre Submission Consultation for a period of six weeks during October, November and December 2014.

8. Following the submission of the Turners 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 25th June 2015.
9. Mid Sussex District Council appointed an Independent Examiner; Brian Dodd, in agreement with Turners Hill Parish 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 minor modifications, the plan should go forward to referendum. This was agreed by Cabinet on 30th November 2015.
10. Subsequently the Turners Hill Neighbourhood Plan Referendum was held on 28th January 2016. The result was 325 persons in favour and 58 against. There were no votes that were void for uncertainty. Overall turnout at the Referendum was 30.3 %.

'Making' the Neighbourhood Plan

11. As a result of the Referendum, it is recommended that the Turners Hill Neighbourhood Plan is 'made' part of the Development Plan by Mid Sussex District Council. This will allow the Turners Hill Neighbourhood Plan to be given full weight so far as that is possible without a five year housing land supply in the determination of planning applications within the Neighbourhood Area. 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 Turners 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 Turners Hill Neighbourhood Plan part of the Development Plan.

Conclusion

14. **This is the ninth 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 Turners 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 Turners 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 Turners 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

- A. Turners Hill Neighbourhood Plan.
- B. The Declaration of Result of Poll.