

## 7. LINDFIELD AND LINDFIELD RURAL NEIGHBOURHOOD PLAN

REPORT OF: HEAD OF ECONOMIC PROMOTION AND PLANNING  
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Wards Affected: High Weald, Lindfield  
Key Decision: Yes  
Report to: Council  
23 March 2016

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### Purpose of Report

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

### Summary

2. The Lindfield and Lindfield Rural Neighbourhood Plan went to Referendum on the 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 Neighbourhood Plan part of the Local Development Plan. This will enable the District Council to use the Neighbourhood Plan to determine planning applications in Lindfield and Lindfield Rural.**

### 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 a variety of uses such as housing, employment uses and Local Green Spaces. The Lindfield and Lindfield Rural Neighbourhood Plan allocates land as Local Green Space and sets out criteria based policies on which planning applications for development should be determined. The Lindfield and Lindfield Rural Neighbourhood Plan does not allocate sites for built development.
6. Lindfield Parish Council along with Lindfield Rural Parish Council successfully applied for both Parishes to be designated as a combined Neighbourhood Area, under the Neighbourhood Planning (General) Regulations (2012), which came in to force on 6 April 2012. A single Neighbourhood Area was subsequently designated on 9 July 2012 by Mid Sussex District Council to cover both Parishes, with Lindfield Parish Council leading as the Qualifying Body.
7. There are a number of stages, including public consultations, required in preparing a Neighbourhood Plan. The Neighbourhood Plan was published by both Lindfield and Lindfield Rural Parish Councils for the Regulation 14 Pre Submission Consultation during November and December 2013.

8. Following the submission of the Lindfield and Lindfield Rural 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<sup>th</sup> March 2015.
9. Mid Sussex District Council appointed an Independent Examiner; Graham Self, in agreement with the two Parish Councils to review whether the Plan met the Basic Conditions and other legislative requirements and whether the Plan should proceed to referendum.
10. The Examiner recommended that, subject to modifications, the plan should go forward to referendum. The modifications included the amendment of the Built Up Area Boundary to include two additional sites. The Examiner's Report (including a Supplementary Note from the Examiner) was considered by Cabinet on 8 September 2015. Cabinet provisionally agreed to accept the recommendations of the Independent Examiner in relation to the Lindfield and Lindfield Rural Neighbourhood Plan with the exception of the amendment of the Built Up Area Boundary to include SHLAA site 6 and instead provisionally agreed to amend the Built Up Area Boundary to include the 2013 planning permission site noting this alternative modification would be subject to a 21 day consultation after which Cabinet would make a final decision. The consultation period ran from 17<sup>th</sup> September 2015 to the 8<sup>th</sup> October 2015.
11. Cabinet made the aforementioned provisional decision outlined in paragraph 10 on the basis that the Council was not satisfied that the inclusion of SHLAA site 6 would be fully compatible with EU Obligations included in EU Directive 2001/42 and as such it would fail to meet the Basic Conditions set out in the Neighbourhood Planning (General) Regulations 2012 namely (for more detail see the Cabinet Reports of 8<sup>th</sup> September 2015 and 30<sup>th</sup> November 2015 appended to this Report).
12. On the 30<sup>th</sup> November 2015, Cabinet considered the outcome of the consultation, to which 26 representations were received, broadly questioning the Examiner's recommendation to include SHLAA site 6 within the Built Up Area of Lindfield. The Development Industry submitted a variety of representations some broadly in support of Mid Sussex District Council's proposal to exclude SHLAA site 6. Some were in support of amending the Built up Area Boundary to include additional land, but not necessarily SHLAA site 6. Only 1 respondent was in full support of SHLAA site 6 being included within the Built Up Area Boundary. It was noted that representations were received raising concerns about the legality of following the Examiner's Recommendation to include SHLAA site 6 in regards to the SEA process as required by EU Obligations. Further detail about the consultation is available in the Cabinet Report of 30<sup>th</sup> November 2015 which is appended to this Report. It was agreed by Cabinet to modify the Lindfield and Lindfield Rural Neighbourhood Plan in accordance with the Examiner's recommendations with the exception of amending the Built Up Area Boundary to include SHLAA site 6.
13. Subsequently the Lindfield and Lindfield Rural Neighbourhood Plan Referendum was held on the 28<sup>th</sup> January 2016. The result was 1888 persons in favour and 92 against. The turnout at the Referendum was 28.6%.

## **'Making' the Neighbourhood Plan**

14. As a result of the Referendum, it is recommended that the Neighbourhood Plan is 'made' part of the Development Plan by Mid Sussex District Council. This will allow the Lindfield and Lindfield Rural 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).
15. 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.
16. Previously the District Council has made decisions on the Lindfield and Lindfield Rural Neighbourhood Plan which indicate that it has satisfied itself that it has met the EU Obligations and 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 Lindfield and Lindfield Rural Neighbourhood Plan part of the Development Plan.

## **Conclusion**

17. **This is the seventh 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**

18. 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**

19. 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.

### **Financial Implications**

20. There are no financial implications of this decision.

### **Risk Management Implications**

21. 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 Lindfield and Lindfield Rural Neighbourhood Plan would assist in reducing this risk.

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

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

### **Other Material Implications**

23. No other material considerations.

### **Appendices/Background Papers**

- Lindfield and Lindfield Rural Neighbourhood Plan.
- The Declaration of Result of Poll.
- [Cabinet Report of 8<sup>th</sup> September 2015.](#)
- [Cabinet Report of 30<sup>th</sup> November 2015.](#)