

## ACCEPTANCE OF THE RECOMMENDATIONS CONTAINED IN THE SLAUGHAM NEIGHBOURHOOD PLAN EXAMINATION REPORT

REPORT OF:	Divisional Leader for Planning and Economy
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Wards Affected:	Slaugham
Key Decision:	Yes
Report to:	Cabinet 3 <sup>rd</sup> June 2019

### Purpose of Report

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

### Summary

2. Slaugham Parish Council submitted a revised Slaugham Neighbourhood Plan to Mid Sussex District Council for Examination in November 2018. An Independent Examiner was appointed to examine the Plan; this took place between January to May 2019. The Examiner considered the representations received and determined that no public hearing was required.
3. The Examiner has now issued his final report and concludes, that subject to a number of modifications, the Slaugham Neighbourhood Plan can proceed to Referendum. It is recommended that the proposed modifications of the Examiner are accepted by the District Council.
4. Mid Sussex District Council as the Local Planning Authority (LPA) must publish a 'Decision Statement' setting out how the Neighbourhood Plan will be modified in response to the Examiner's Report.

### Recommendations

5. **It is recommended that Cabinet:**
  - a) **formally accepts the Examiner's recommended modifications to the Slaugham Neighbourhood Plan to enable the Plan to proceed to Referendum;**
  - b) **agrees to publish the 'Decision Statement' as set out at Appendix 2 of the report;**

### Background

6. The Slaugham Neighbourhood Plan covers the plan period 2014 to 2031 and has been prepared for a designated neighbourhood area which follows the Slaugham Parish boundary.
7. The Parish Council first prepared their Pre-submission (Regulation 14) Neighbourhood Plan at the end of 2012. The Submission (Regulation 16) Plan underwent public consultation in May 2013 and was the subject of Examination. Ann

Skippers was appointed as Examiner and her report (dated 17 January 2014) concluded that the Plan should not proceed to a Referendum for three reasons: that the Strategic Environmental Assessment (SEA) did not meet the legislative requirements', there had been insufficient consultation on the Pre-submission (Regulation 14) Plan, and the assessment of housing need needed to be more robust.

### **Revised Slaugham Neighbourhood Development Plan**

8. Slaugham Parish Council resolved to prepare a revised Neighbourhood Plan in August 2014 and carried out Pre-submission (Regulation 14) consultation from 13 November 2017 to 22 January 2018. The Slaugham Submission (Regulation 16) Neighbourhood Plan was submitted to the District Council on 7<sup>th</sup> November 2018.
9. The Plan sets out a vision for the Parish and, in line with paragraph 14 of the National Planning Policy Framework, it contains a series of policies to protect the environment and heritage, community facilities, the local economy, improve sustainability as well as proposing to allocate two sites for housing development. The NPPF explains that one of the conditions that needs to be met in order for Neighbourhood Plans to be immune from speculative development when a Local Planning Authority does not have a five year land supply, is that the Neighbourhood Plan contains policies and allocations to meet its identified housing requirement. Two housing sites have been identified:
  - Policy 11 - St Martin Close (east) for 30 residential units;
  - Policy 12 – St Martin Close (west) for 35 residential units as a Reserve Site.
10. The Neighbourhood Plan was published by the District Council for public consultation from 19<sup>th</sup> November 2018 until 14<sup>th</sup> January 2019. 50 representations were received during the consultation period. A summary of the representations can be found at: <https://www.midsussex.gov.uk/media/3846/slaugham-neighbourhood-plan-summary-representations.pdf>
11. In agreement with Slaugham Parish Council, Mid Sussex District Council appointed Mr Andrew Ashcroft as Independent Examiner 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's report was published on 6<sup>th</sup> May 2019 and is included as Appendix 1 to this report.

### **Examiner's Recommended Modifications to the Slaugham Neighbourhood Plan**

12. Officers have reviewed the Examiner's report in consultation with Slaugham Parish Council. The Examiner has recommended:
  - The deletion of Policy 2 – Protection of the Landscape as this policy is not in general conformity with District Plan Policies DP12 (Protection and Enhancement of the Countryside), DP14 (Sustainable Rural Development) and DP15 (New Homes);
  - The deletion of Policy 3 - Protection of the Open Countryside as this is inconsistent with District Plan policy DP12 and fails to add any local value or distinctiveness;

- Although supporting Policy 11, which allocates St Martin Close (east) as a housing site, as the development involves the loss of informal open space, he recommends that the development of the site should make provision for high quality open space to approved District Council standards;
  - Modifications to the policy and supporting text to Policy 12 - St Martin Close (west) housing site so that it properly operates as a reserve site and has recommended a series of triggers points at which the potential release of the reserve site would apply. These include: the review of the Neighbourhood Plan; the adoption of the emerging Mid Sussex Site Allocations DPD, the Review of the District Plan; and a material delay in the delivery of the strategic site at Pease Pottage. He has also recommended that the Policy includes a criterion relating to open space provision;
  - The inclusion of a section on monitoring the effectiveness of the implementation of the Neighbourhood Plan on an annual basis is recommended for inclusion;
13. Details of each modification recommended by the Examiner are set out in the Decision Statement at Appendix 2.
14. It is recommended that Cabinet formally accept the Examiner's modifications as they are considered to be necessary in order for the Neighbourhood Plan to meet the Basic Conditions tests.

### **Decision Statement**

15. The Neighbourhood Planning (General) Regulations 2012 state that a Local Planning Authority (LPA) must publish what actions will be taken in response to the recommendations of the Examiner. This is known as the 'Decision Statement'.
16. The Neighbourhood Plan Regulations impose no obligations for the Examiner or the LPA to have to consult on the changes to the Plan which they are minded to accept. Those that do not endorse the plan have the chance to vote to reject it at Referendum.
17. As the LPA, Mid Sussex District Council is recommending that all the modifications are accepted, therefore there is no requirement to carry out any further consultation.

### **Next Steps**

18. Following the publication of the Decision Statement, the Slaugham Neighbourhood Plan can proceed to Referendum. It is provisionally agreed that the Referendum will be held on Thursday 25<sup>th</sup> July 2019. If over 50% of those voting are in favour of the Neighbourhood Plan, then the Plan can be 'made' (adopted) by the District Council and will form part of the statutory Development Plan for Slaugham Parish and used in the assessment and determination of planning proposals.

### **Policy Context**

19. The National Planning Policy Framework and the Localism Act 2011 support Neighbourhood Plans. The Mid Sussex District Plan was adopted in March 2018 and the preparation of Neighbourhood Plans is part of its overall development strategy.

Neighbourhood Plans will sit alongside the District Plan and set out how local communities wish their neighbourhoods to evolve.

### **Other Options Considered**

20. 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**

21. The cost of the Examination is £9,000 and the Referendum will cost £3,000. These costs can be met from Government grant once the Plan achieves a successful Referendum.

### **Risk Management Implications**

22. The Examiner has recommended modifications to ensure the Neighbourhood Plan meets the Basic Conditions. If these modifications are not implemented the Plan would be at risk of legal challenge on the basis it does not meet the legal requirements for Neighbourhood Development Plans.

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

23. An Equality Impact Assessment was carried out at the Submission (Regulation 16) Stage of the Neighbourhood Plan. The Parish Council also prepared a Consultation Statement demonstrating how they have consulted the local community and statutory consultees. The Examiner was satisfied that the consultation and publicity undertaken meets regulatory requirements.

### **Other Material Implications**

24. There are no other material considerations.

### **Appendices**

1. The Independent Examination Report into the Slaugham Neighbourhood Plan.
2. Slaugham Neighbourhood Plan Decision Statement.

### **Background Papers**

- The Slaugham Submission (Regulation 16) Neighbourhood Plan - <https://www.midsussex.gov.uk/media/3751/slaugham-neighbourhood-plan-submission-plan.pdf>