

APPROVAL OF THE RECOMMENDATIONS CONTAINED IN THE HASSOCKS NEIGHBOURHOOD PLAN EXAMINATION REPORT

REPORT OF: Divisional Leader for Planning and Economy
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Wards Affected: Hassocks
Key Decision: Yes
Report to: Cabinet 13th January 2020

Purpose of Report

1. The purpose of this report is to seek Cabinet's approval of the recommended modifications to the Hassocks Neighbourhood Plan following independent Examination in respect of the Basic Conditions for Neighbourhood Plans.

Summary

2. Hassocks Parish Council submitted a revised Hassocks Neighbourhood Plan to Mid Sussex District Council for Examination on 28th June 2019. An Independent Examiner was appointed to examine the Plan which took place between September – November 2019. The Examiner considered the representations received and determined that no public hearing was required.
3. The Examiner has issued his final report and concludes that subject to a number of modifications, the Hassocks Neighbourhood Plan can proceed to Referendum. It is recommended that the proposed modifications 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 Hassocks 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 District Council supports communities who wish to prepare Neighbourhood Plans. Altogether 17 Neighbourhood Plans have been 'Made' (adopted) in the District, with three remaining parishes Hassocks, Horsted Keynes and Copthorne, at different stages in the process.
7. Hassocks Parish Council is the 'qualifying body' with responsibility for preparing the Hassocks Neighbourhood Plan. The Parish Council started their preparation of a Neighbourhood Plan for its Parish in July 2012 when the Neighbourhood Plan area

was designated by the District Council. However, after reaching Submission stage, the first Hassocks Neighbourhood Plan was formally withdrawn on 4th January 2019, due to the new housing requirement set out in the District Plan.

Revised Hassocks Neighbourhood Development Plan

8. The Parish Council embarked on a revised Neighbourhood Plan with public consultation on a Regulation 14 (Pre-submission) Neighbourhood Plan taking place in February 2019. The Parish Council formally submitted their revised Regulation 16 Neighbourhood Plan to the District Council for Examination on 28th June 2019.
9. The Hassocks Neighbourhood Plan covers the plan period 2014 to 2031 and has been prepared for a designated neighbourhood area which follows the Hassocks Parish boundary.
10. The Plan sets out a vision and objectives 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, heritage, sustainability, community facilities and the local economy.
11. The Plan does not propose to allocate any sites for housing instead the Neighbourhood Plan contains policies that support the District Plan housing allocation for 500 dwellings at Clayton Mills and the development for 165 dwellings at Hassocks Golf Club.
12. The Neighbourhood Plan also contains the following policies:
 - Policy 1: Local Gap which seeks to maintain the separate identity and amenity between Keymer/Hassocks and Ditchling; Keymer/Hassocks and Hurstpierpoint and Keymer/Hassocks and Burgess Hill.
 - Policy 2: designating a number of Local Green Spaces (LGS) which are areas demonstrably special to the local community by virtue of their beauty, biodiversity, tranquillity, heritage or recreational function and are protected from development.
13. The Neighbourhood Plan was published by the District Council for public consultation from 22nd July until Monday 16th September 2019 along with a focused consultation until Monday 14th October 2019 to ensure that everyone who responded to the Regulation 14 (Pre-submission) consultation was given the opportunity to respond to the Regulation 16 Submission. 69 representations were received during the consultation period. A summary of the representations can be found at: <https://www.midsussex.gov.uk/media/4466/summary-of-representations-to-the-regulation-16-submission-hassocks-neighbourhood-plan.pdf>
14. The District Council has worked proactively with the Parish Council to ensure the best success for the Neighbourhood Plan at Examination and has provided informal and formal comments on the Neighbourhood Plan as it has progressed through the various stages. The progression of the Hassocks Neighbourhood Plan to this stage is recognised as an important milestone, the result of a considerable amount of hard work by the Steering Group on behalf of the Parish Council. Many of the policies in the Neighbourhood Plan support the Mid Sussex District Plan policies and add local distinctiveness.
15. The District Council however, has consistently advised the Parish Council that LGS1 (Land to the north of Shepherds Walk part of The Friars Oak applications sites), LGS2 (Land at the Ham) and LGS4 (Land to the east of Ockley Lane) are not in

general conformity with Government policies in the National Planning Policy Framework (NPPF) or advice set out in the National Planning Practice Guide (NPPG) and should therefore be removed as LGS designations in the Neighbourhood Plan. In addition, the District Council advised that only land that is clearly needed to prevent coalescence should be covered by the Local Gap designation. In this respect, land at Friars Oak, which was identified by a Planning Inspector and supported by the Secretary of State in the appeal decision (Appeal reference – APP/D3830/V/17/3166992), as not contributing to coalescence should not be included within the Local Gap designation.

Hassocks Neighbourhood Plan Examination

16. In agreement with Hassocks Parish Council, Mid Sussex District Council appointed an Independent Examiner, Mr Andrew Ashcroft to review whether the Neighbourhood Plan met the Basic Conditions, as required by legislation and to recommend whether it should proceed to Referendum.
17. The Examiner's report was sent to the District Council on 16th December 2019 and is included at Appendix 1 of this report. The Examiner in his summary commented that: "The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding local character and providing a context within which new homes can be accommodated within the context of the recently-adopted Mid Sussex District Plan."
18. Officers at the District Council have reviewed the Examiner's report. The Parish Council will provide its formal position on the Examiner's recommendations following its meeting on 7th January 2020. This will be reported verbally to Cabinet.

Key Recommended Modifications by Examiner to the Hassocks Neighbourhood Plan

19. The Examiner's key recommendations are:
 - Retention of Policy 1- Local Gaps but modifications to the wording of this policy are recommended to ensure that uses that accord with national and local policies for development in the countryside are not prevented by this policy;
 - Modification to the Local Gap policy boundary to remove the parcels of land that are identified for development within the application sites of planning applications DM/18/2342 and DM/19/1897 (Land at Friars Oak) from the Hassocks – Burgess Hill Local Gap as shown in Appendix 1 to the Examiner's report;
 - Retention of five Local Green Space (LGS) designations but the deletion of LGS1 (Land to the north of Shepherds Walk part of The Friars Oak applications sites), LGS2 (Land at the Ham) and LGS4 (Land to the east of Ockley Lane). The Examiner considers that these designations do not meet the NPPF tests as being demonstrably special and, in addition, planning permission has been granted for development at Land at Friars Oak;
 - Modification to the wording of Policy 2 - Local Green Spaces to make it more precise and to comply with the wording in the NPPF to say that 'Proposals for development within designated Local Green Spaces will only be supported in very special circumstances';

- Modification to Policy 17 - Affordable Housing on the basis that the second and third parts of this policy relate to the MSDC Housing Allocation Scheme which is not a land use matter and in any case is described in the supporting text;
- Deletion of criteria 3 and 4 of Policy 5 relating to Enabling Zero Carbon. The Examiner considers that criterion 3 is a process matter rather than a land use policy. The fourth criteria conflicts with the Government's Ministerial Statement (2015) which states that Neighbourhood Plans should not set out technical requirements relating to the performance of new dwellings and this requirement has not been tested for impacts on viability;
- Modifications to Policy 11 Outdoor Space so that this policy conforms with Mid Sussex District Council's Development, Infrastructure and Contributions SPD to take account of the flexibility to contribute towards more substantial facilities off site;
- Deletion or significant amendment to the Foreword as the Examiner considers this contains statements which are not factually correct or are potentially misleading. The foreword will need updating to refer to the next stages of the Neighbourhood Plan process;
- The inclusion of a section on monitoring of the effectiveness of the implementation of the Neighbourhood Plan and a review process to take into account future potential changes to the wider Development Plan.

Decision Statement

20. 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'.
21. Details of each modification recommended by the Examiner are set out in the proposed Decision Statement at Appendix 2.
22. 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. Should a LPA decide not to accept an Examiner's recommendations it must notify those that made representations of their proposed decision (and the reason for it) and invite representations for a period of 6 weeks.
23. 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.
24. It is recommended that Cabinet formally accept the Examiner's modifications as they are considered to be necessary for the Neighbourhood Plan to meet the Basic Conditions tests.

Next Steps

25. Following approval by Cabinet and the publication of the Decision Statement, the Hassocks Neighbourhood Plan can proceed to Referendum. It is provisionally agreed that the Referendum will be held on Thursday 5th March 2020. 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 Hassocks Parish and used in the assessment and determination of planning proposals.

Policy Context

26. 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

27. 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

28. The cost of the Examination is £7,000 and the Referendum will cost £11,000. These costs can be met from Government grant once the Plan achieves a successful Referendum.

Risk Management Implications

29. 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

30. 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

31. There are no other material considerations.

Appendices

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

Background Papers

- Hassocks Submission (Regulation 16) Neighbourhood Plan - <https://www.midsussex.gov.uk/planning-building/neighbourhood-plans/>