

x. Ashurst Wood Neighbourhood Plan

REPORT OF: INTERIM HEAD OF ECONOMIC PROMOTION AND PLANNING
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Wards Affected: Ashurst Wood
Key Decision: Yes
Report to: Full Council
29th June 2016

Purpose of Report

1. The purpose of this report is to recommend that the District Council formally 'make' the Ashurst Wood Neighbourhood Plan part of the Development Plan for Mid Sussex. This will enable the District Council to use the plan to help determine planning applications in Ashurst Wood.

Summary

2. The Ashurst Wood Neighbourhood Plan went to Referendum on the 5th May 2016. The Referendum Result was overwhelmingly in favour of the Neighbourhood Plan being used to help determine planning applications in the Neighbourhood Area.

Recommendations

3. **It is recommended that Full Council agrees to formally make the Ashurst Wood Neighbourhood Plan part of the Local Development Plan.**
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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 a variety of uses such as housing and employment. The Ashurst Wood Neighbourhood Plan allocates sites for housing and sets out criteria based policies which applicants will be expected to comply with in order to gain planning permission. In addition the Ashurst Wood Neighbourhood Plan contains a number of policies which are supportive of development at Ivy Dene Industrial Estate and at Brambletye School.
6. Ashurst Wood Village Council, as the qualifying body successfully applied for Ashurst Wood Parish 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 on the 9th July 2012 by Mid Sussex District Council for the whole of Ashurst Wood Parish.
7. The Neighbourhood Plan was published by Ashurst Wood Village Council for the Regulation 14 Pre Submission Consultation during January, February and March 2015 for a period of six weeks.

8. Following the submission of the Ashurst Wood Neighbourhood Plan (Submission Version) to the District Council, the plan was publicised and comments were invited from the public and stakeholders for a further six weeks. The consultation period closed on 7th January 2016.
9. Mid Sussex District Council appointed an Independent Examiner; Andrew Ashcroft, in agreement with Ashurst Wood Village Council to review whether the plan met the Basic Conditions required by legislation and that the plan should proceed to referendum.
10. The Examiner concluded that, subject to some minor modifications to the Plan, it met the Basic Conditions and should go forward to referendum. These modifications were approved by Cabinet on 14th March 2016.
11. Subsequently the Ashurst Wood Neighbourhood Plan Referendum was held on 5th May 2016. The result was 505 persons in favour and 72 against. There was 1 vote that was void for uncertainty. Overall turnout at the Referendum was 43%.

'Making' the Neighbourhood Plan

12. As a result of the Referendum, it is recommended that the Ashurst Wood Neighbourhood Plan is 'made' part of the Development Plan by Mid Sussex District Council. This will allow the Ashurst Wood Neighbourhood Plan to be used in the determination of planning applications within the Neighbourhood Plan Area of Ashurst Wood. 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). There is no minimum turnout clause applicable to a referendum.
13. 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.
14. Previously the District Council has made decisions on the Ashurst Wood 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 Ashurst Wood Neighbourhood Plan part of the Development Plan.

Conclusion

This is the tenth 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

15. 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.
16. Previously the District Council has made decisions on the Ashurst Wood 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 Ashurst Wood Neighbourhood Plan part of the Development Plan.

Financial Implications

17. There are no financial implications of this decision.

Risk Management Implications

18. Strategic Risk 2 for this year is “Failure to achieve a successful examination of the District Plan and Community Infrastructure Charging Schedule”. The successful development of Neighbourhood Plans is an important element to the District Plan strategy. The decision to ‘make’ the Ashurst Wood Neighbourhood Plan would assist in reducing this risk.

Equality and Customer Service Implications

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

Other Material Implications

20. There are no other material considerations.

Appendices

- Ashurst Wood Neighbourhood Plan.
- The Declaration of Result of Poll