

8. Balcombe Neighbourhood Plan

REPORT OF: HEAD OF ECONOMIC PROMOTION & PLANNING
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Wards Affected: Ardingly & Balcombe
Key Decision: Yes
Report to: Council
21st September 2016

Purpose of Report

1. The purpose of this report is to recommend that the District Council formally 'make' the Balcombe Neighbourhood Plan and Design Guide part of the Development Plan for Mid Sussex. This will enable the District Council to use these documents to help determine planning applications in Balcombe.

Summary

2. The Balcombe Neighbourhood Plan and Design Guide went to Referendum on the 1st September 2016. The referendum result was overwhelmingly in favour of the Neighbourhood Plan and Design Guide being used to help determine planning applications in the Neighbourhood Area.

Recommendations

3. **It is recommended that Council agrees to formally make the Balcombe Neighbourhood Plan and Design Guide 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. The Balcombe Neighbourhood Plan allocates sites for housing and employment and sets out criteria based policies which applicants will be expected to comply with in order to gain planning permission. The Balcombe Design Guide provides a clear steer on the type and quality of design expected in this Area of Outstanding Natural Beauty.
6. Balcombe Parish Council, as the qualifying body, successfully applied for Balcombe Parish to be designated as a Neighbourhood Area, under the Neighbourhood Planning (General) Regulations (2012), which came in to force on 6th April 2012. A Neighbourhood Area was subsequently designated on the 9th July 2012 by Mid Sussex District Council for the whole of Balcombe Parish.
7. The Neighbourhood Plan and Design Guide were published by Balcombe Parish Council for the Regulation 14 Pre Submission Consultation during June and July 2015 for a period of six weeks.

8. Following the submission of the Balcombe Neighbourhood Plan and Design Guide to the District Council, the documents were publicised and comments were invited from the public and stakeholders for a further six weeks. The consultation period closed on 7th April 2016.
9. Mid Sussex District Council appointed an Independent Examiner; Andrew Ashcroft, in agreement with Balcombe Parish Council to review whether the documents met the Basic Conditions required by legislation and that they should proceed to Referendum.
10. The Examiner concluded that, subject to some minor modifications to the Plan and Guide, they met the Basic Conditions and should go forward to Referendum. These modifications were approved by Cabinet on 11th July 2016.
11. Subsequently the Balcombe Neighbourhood Plan and Design Guide Referendum was held on 1st September 2016. The result was 376 persons in favour and 24 against. Overall turnout at the Referendum was 26.9%.

'Making' the Neighbourhood Plan

12. As a result of the Referendum, it is recommended that the Balcombe Neighbourhood Plan and Design Guide are made part of the Development Plan by Mid Sussex District Council. This will allow the Balcombe Neighbourhood Plan and Design Guide to be used in the determination of planning applications within the Neighbourhood Plan Area of Balcombe. This process is similar to the adoption of the Council's own development plan documents, but the local planning authority i.e. this Council is required to 'make' neighbourhood plans 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 the 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 or Human Rights.
14. Previously the District Council has made decisions on the Balcombe Neighbourhood Plan and Design Guide 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 Balcombe Neighbourhood Plan and Design Guide part of the Development Plan.

Conclusion

15. This is the twelfth 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

16. 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

17. 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 or Human Rights.
18. Previously the District Council has made decisions on the Balcombe Neighbourhood Plan and Design Guide 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 Balcombe Neighbourhood Plan and Design Guide part of the Development Plan.

Financial Implications

19. There are no financial implications of this decision.

Risk Management Implications

20. 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 Balcombe Neighbourhood Plan and Design Guide would assist in reducing this risk.

Equality and Customer Service Implications

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

Other Material Implications

22. There are no other material considerations.

Appendices

- Balcombe Neighbourhood Plan and Design Guide can be viewed at <http://www.midsussex.gov.uk/planning-licensing-building-control/planning-policy/neighbourhood-plans/balcombe-neighbourhood-plan/>
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