

## 7. MAKING OF THE EAST GRINSTEAD NEIGHBOURHOOD PLAN

REPORT OF: HEAD OF ECONOMIC PROMOTION & PLANNING  
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Wards Affected: All East Grinstead Wards  
Key Decision: Yes

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### Purpose of Report

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

### Summary

2. The East Grinstead Neighbourhood Plan went to Referendum on the 20<sup>th</sup> October 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 Council agrees to formally make the East Grinstead 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 prepare a Neighbourhood Plan for their designated area. Neighbourhood Plans can allocate land for development and/or contain criteria based policies to guide development.
5. East Grinstead Town Council, as the qualifying body, successfully applied for the Neighbourhood Plan Area to be designated, under the Neighbourhood Planning (General) Regulations (2012), which came in to force on 6 April 2012. A Neighbourhood Area was subsequently designated on the 9<sup>th</sup> July 2012 by Mid Sussex District Council which covered the whole administrative area of East Grinstead.
6. The Neighbourhood Plan was published by East Grinstead Town Council for a Regulation 14 Pre Submission Consultation during August, September and October 2013. A revised Plan was then published for a further Regulation 14 Pre Submission Consultation during July, August and September 2015. Following the submission of the East Grinstead 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 16<sup>th</sup> March 2016.
7. Mid Sussex District Council appointed an Independent Examiner; Deborah McCann, in agreement with East Grinstead Town Council, 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 held a Hearing

on 20<sup>th</sup> July and her report was published on 17<sup>th</sup> August 2016. The Examiner concluded that, subject to some modifications to the Plan, it met the Basic Conditions and should go forward to Referendum. These modifications were approved by Cabinet on 6<sup>th</sup> September.

8. Subsequently the East Grinstead Neighbourhood Plan Referendum was held on 20<sup>th</sup> October 2016. The result was 4105 persons in favour and 328 against with 10 spoilt ballot papers. Overall turnout at the Referendum was 21.4%

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

9. As a result of the Referendum, it is recommended that the East Grinstead Neighbourhood Plan is made part of the Development Plan by Mid Sussex District Council. This will allow the East Grinstead Neighbourhood Plan to be used in the determination of planning applications within the Neighbourhood Plan Area of East Grinstead. 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.
10. 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. Previously the District Council has made decisions on the East Grinstead 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 East Grinstead Neighbourhood Plan part of the Development Plan.

### **Conclusion**

11. This is the fourteenth Neighbourhood Plan in Mid Sussex to reach the end of the process and become part of the Development Plan.

### **Policy Context**

12. 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**

13. Where a Referendum results in a majority 'Yes' vote (i.e. over 50%) 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.

14. Previously the District Council has made decisions on the East Grinstead 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 East Grinstead Neighbourhood Plan part of the Development Plan.

#### **Financial Implications**

15. There are no financial implications of this decision.

#### **Risk Management Implications**

16. 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 a key element of the District Plan strategy. The decision to accept the Examiner's report on the East Grinstead Neighbourhood Plan will allow the Town and District Council to move forward with confidence.

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

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

#### **Other Material Implications**

18. There are no other material considerations.

#### **Background Papers**

The East Grinstead Neighbourhood Plan. <http://www.midsussex.gov.uk/planning-licensing-building-control/planning-policy/neighbourhood-plans/east-grinstead-neighbourhood-plan/>