

7. MAKING OF THE HAYWARDS HEATH NEIGHBOURHOOD PLAN

REPORT OF: HEAD OF ECONOMIC PROMOTION & PLANNING
Contact Officer: Chris Tunnell
Email: Chris.Tunnell@midsussex.gov.uk Tel: 01444 477322
Wards Affected: All Haywards Heath Wards and part of Cuckfield Ward
Key Decision: Yes
Report to: Council 14th December 2016

Purpose of Report

1. The purpose of this report is to recommend that the District Council formally 'make' the Haywards Heath 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 Haywards Heath.

Summary

2. The Haywards Heath Neighbourhood Plan went to Referendum on the 1st December 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 Haywards Heath Neighbourhood Plan part of the Local Development Plan.**

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. Haywards Heath 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 16th July 2012 by Mid Sussex District Council which covered the whole parish. This Neighbourhood Area was subsequently amended by agreement with Ansty and Staplefield Parish Council to include part of the latter parish to the south of Rocky Lane. This amended Neighbourhood Area was designated by Mid Sussex District Council on 11th March 2013.
6. The Neighbourhood Plan was published by Haywards Heath Town Council for a Regulation 14 Pre Submission Consultation during February and March 2014. A revised Plan was published for a further Regulation 14 Pre Submission Consultation during November and December 2015 for a period of six weeks. Following the submission of the Haywards Heath 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 21st April 2016.

7. Mid Sussex District Council appointed an Independent Examiner; Peter Biggers, in agreement with Haywards Heath 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 21st July 2016. The Examiner's report was received on 26th August 2016 and recommended that, subject to modifications, the Plan proceed to Referendum. The modifications were agreed by Cabinet on 17th October 2016.
8. Subsequently the Haywards Heath Neighbourhood Plan Referendum was held on 1st December 2016. The result was 3117 persons in favour and 328 against with 13 spoilt ballot papers. Overall turnout at the Referendum was 15.54%

'Making' the Neighbourhood Plan

9. As a result of the Referendum, it is recommended that the Haywards Heath Neighbourhood Plan is made part of the Development Plan by Mid Sussex District Council. This will allow the Haywards Heath Neighbourhood Plan to be used in the determination of planning applications within the Neighbourhood Plan Area. 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 Haywards Heath 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 Haywards Heath Neighbourhood Plan part of the Development Plan.

Conclusion

11. This is the fifteenth 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 Haywards Heath 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 Haywards Heath 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 Haywards Heath 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

Haywards Heath Neighbourhood Plan

<http://www.haywardsheath.gov.uk/controls/DownloadDocument.ashx?docID=fk1372FLWBU GWTJKKY7400uLuv&aID=4958>