

APPROVAL OF THE RECOMMENDATIONS CONTAINED IN THE HORSTED KEYNES NEIGHBOURHOOD PLAN EXAMINATION REPORT

REPORT OF: HEAD OF PLANNING POLICY AND HOUSING ENABLING
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Wards Affected: *High Weald*
Key Decision: Yes
Report to: Cabinet
6th February 2023

Purpose of Report

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

Summary

2. Horsted Keynes Parish Council submitted the Horsted Keynes Neighbourhood Plan to Mid Sussex District Council for Examination on 10 August 2022. An Independent Examiner was appointed to examine the Plan which took place between November 2022 and January 2023. The Examiner considered the representations received and determined that no public hearings were required.
3. The Examiner has issued his final report and concludes that, subject to a number of modifications, the Horsted Keynes 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. **Cabinet is recommended to:**
 - (i) **Formally accept the Examiner's recommended modifications to the Horsted Keynes Neighbourhood Plan to enable the Plan to proceed to Referendum**
 - (ii) **Agree to publish the 'Decision Statement' as set out at Appendix 1 of the report.**
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Background

6. The District Council supports communities who wish to prepare Neighbourhood Plans. Altogether, in addition to the Horsted Keynes Plan, 19 Neighbourhood Plans have been 'Made' (adopted) in the district. If the Horsted Keynes Neighbourhood Plan is successful at referendum, every parish in the district will have an adopted Neighbourhood Plan.

7. Horsted Keynes Parish Council is the 'qualifying body' with responsibility for preparing the Horsted Keynes 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.

Horsted Keynes Neighbourhood Development Plan

8. An initial Neighbourhood Plan was subject to Examination and subsequently withdrawn in July 2018. Further work was carried out by the parish Council and the revised draft Plan was subject to public consultation under Regulation 14 (Pre-submission) of the Neighbourhood Planning regulations which started in September 2020. The Parish Council formally submitted their revised Neighbourhood Plan to the District Council for further consultation and Examination on 10 August 2022.
9. The Horsted Keynes Neighbourhood Plan covers the plan period 2016 to 2031 and has been prepared for a designated neighbourhood area which follows the Horsted Keynes 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 on housing and design of development, environment and green space, business and employment as well as transport.
11. The Plan does not propose to allocate any sites for housing but proposes a range of policies which reflect local distinctiveness.
12. The Neighbourhood Plan was published by the District Council for Regulation 16 public consultation from 22nd September until 7th November 2022. 10 representations were received during the consultation period. A summary of the representations can be found at: <https://www.midsussex.gov.uk/media/8806/hknp-representations.pdf>
13. The District Council has worked proactively with the Parish Council to ensure the best outcome 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 Horsted Keynes 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.

Horsted Keynes Neighbourhood Plan Examination

14. In agreement with Horsted Keynes 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.
15. The Examiner's report was sent to the District Council on 12th January 2023. The Examiner in his summary commented that, "The Plan sets out a range of policies to guide and direct development proposals in the period up to 2031. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community. The Plan has been refined and updated since an earlier submitted version was withdrawn from examination."
16. Officers at the District Council have reviewed the Examiner's report. The Parish Council confirmed that they accepted the Examiner's recommendations on 24th January 2023.

Key Recommended Modifications by Examiner to the Horsted Keynes Neighbourhood Plan

17. The Examiner's key recommendations are:
 - Minor modifications to the wording of a number of policies to assist in the implementation of the policies and/or ensure proportionate application of the policy
 - Addition of a caveat on the dwelling mix policy (policy HK3) to take account of the viability of proposals
 - Deletion of the paragraph setting out the implications of the Local Green Space Designation from the policy so that the policy takes the matter-of-fact approach in the NPPF and take account of a recent legal decision.
18. Further minor modifications were recommended by the Examiner and are detailed in the Decision Statement (Appendix 1).

Decision Statement

19. The Neighbourhood Planning (General) Regulations 2012 state that a Local Planning Authority (LPA) must publish the actions that will be taken in response to the recommendations of the Examiner. This is known as the 'Decision Statement'.
20. Details of each modification recommended by the Examiner are set out in the proposed Decision Statement at Appendix 1.
21. The Neighbourhood Plan Regulations impose no obligations for the Examiner or the LPA 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 an 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.
22. 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.
23. It is recommended that Cabinet formally accept the Examiner's modifications as they are necessary for the Neighbourhood Plan to meet the Basic Conditions tests.

Next Steps

24. Following approval by Cabinet and the publication of the Decision Statement, the Horsted Keynes Neighbourhood Plan can proceed to Referendum. It is provisionally agreed that the Referendum will be held on Thursday 4th May 2023. 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 the Horsted Keynes Parish and used in the assessment and determination of planning proposals.

Policy Context

25. 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

26. Cabinet has the option not to accept the recommendations of the Independent Examiner on all 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 for the Neighbourhood Plan to meet the Basic Conditions.

Financial Implications

27. The cost of the Examination is £4,128 and the Referendum will cost approximately £1,600. These costs can be met from Government grant once the Plan achieves a successful Referendum.

Risk Management Implications

28. 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

29. 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

30. There are no other material considerations.

Sustainability Implications

31. The National Planning Policy Framework recognises the role that planning can have in addressing and mitigating future impacts of climate change – the draft policies within the Horsted Keynes Neighbourhood Plan were found to be in general conformity with national policy and ambitions.
32. The Horsted Keynes Neighbourhood Plan is accompanied by a Sustainability Appraisal (incorporating a Strategic Environmental Assessment). It documents, at each formal stage of the plan-making process, the impacts of the proposed policies against the sustainability criteria and informs the plan-making process by ensuring the plan is the most sustainable given all reasonable alternatives.

Appendices

Appendix 1: Horsted Keynes Neighbourhood Plan Decision Statement

Background Papers

- Horsted Keynes Submission (Regulation 16) Neighbourhood Plan - <https://www.midsussex.gov.uk/planning-building/neighbourhood-plans/>
- The Independent Examination Report into the Horsted Keynes Neighbourhood Plan. <https://www.midsussex.gov.uk/planning-building/neighbourhood-plans/>