

TO RECEIVE AND APPROVE THE OUTCOME OF THE HORSTED KEYNES NEIGHBOURHOOD PLAN REFERENDUM

REPORT OF: Deputy Chief Executive

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Wards Affected: *High Weald*

Key Decision: Yes

Report to: Annual Council
24th May 2023

Purpose of Report

1. The purpose of this report is to recommend that the Council formally 'make' the Horsted Keynes Neighbourhood Plan. The Neighbourhood Plan will then sit alongside the District Plan as part of the Development Plan for Mid Sussex and be used in the determination of planning applications in the parish of Horsted Keynes.

Summary

2. 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. Once this Neighbourhood Plan is 'made', there will be full coverage across the district.
3. The Horsted Keynes Neighbourhood Plan has been through independent examination and received the support of the community in a Referendum. Mid Sussex District Council is required to formally 'make' the Horsted Keynes Neighbourhood Plan following a successful Referendum, unless to do so would breach, or would otherwise be incompatible with any EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998).

Recommendations

4. **Council is recommended to:**
 - (i) **Note the outcome of the Horsted Keynes Neighbourhood Plan Referendum;**
 - (ii) **Formally 'make' the Horsted Keynes Neighbourhood Plan part of the Development Plan for the parish of Horsted Keynes.**
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Background

5. Horsted Keynes Parish Council is the 'qualifying body' with responsibility for preparing the Horsted Keynes Neighbourhood Plan. The 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.
6. The Parish Council started the preparation of a Neighbourhood Plan for its parish in July 2012 when the Neighbourhood Plan area was designated by the District Council.

7. The Plan sets out a vision and objectives for the parish and, in line with paragraph 28 of the National Planning Policy Framework, it contains a series of policies on housing; the design of development; environment and green space; business and employment; and on transport.
8. The Neighbourhood Plan was published by the District Council for Regulation 16 public consultation from 22nd September until 7th November 2022.
9. In agreement with Horsted Keynes Parish Council, Mid Sussex 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. 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 6th February 2023.
10. The Horsted Keynes Neighbourhood Plan Referendum was held on 4th May 2023. The result was 451 persons in favour and 96 against.

Making of the Neighbourhood Plan

11. The Neighbourhood Planning Act 2017 provides that a Neighbourhood Plan automatically becomes part of the Development Plan following a successful Referendum, holding full weight in relation to the determination of planning applications. However, the Local Planning Authority (LPA) also has a statutory duty to 'make' a Neighbourhood Plan, following a successful Referendum, if more than half of those voting have voted in favour of the plan. The LPA is not subject to this duty if (and only if) the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998).
12. The Examiner concluded that the Horsted Keynes Neighbourhood Plan, with modifications, met these legislative obligations. No information has subsequently arisen to suggest the making of the Horsted Keynes Neighbourhood Plan would be in breach with or incompatible with the legislation.

Policy Context

13. 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.

Other Options Considered

14. There are no other options as the Local Planning Authority has a statutory duty to 'make' a neighbourhood plan, following a successful Referendum, and where the Neighbourhood Plan meets statutory requirements.

Financial Implications

15. The cost of the Examination was £4,128. This, plus the cost of holding the Referendum, will be met from the Government grant which is made available to Local Planning Authorities following the publication of a decision statement.

Risk Management Implications

16. If the Neighbourhood Plan is not 'made', the Council could be at risk of legal challenge on the basis it has not met the legal requirements for Neighbourhood Development Plans.

Equality and Customer Service Implications

17. 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 met regulatory requirements.

Other Material Implications

18. There are no other material considerations.

Sustainability Implications

19. 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.
20. 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: The Declaration of Result of Poll

Background Papers

- The Horsted Keynes Neighbourhood Plan – Referendum Version
<https://www.midsussex.gov.uk/planning-building/neighbourhood-plans>