

## Report to Council

4 September 2019

By the Cabinet Member for Planning and Development

### KEY DECISION



Not Exempt

## Storrington, Sullington and Washington Neighbourhood Development Plan

### Executive Summary

Following the preparation and subsequent Examination of the Storrington, Sullington and Washington Neighbourhood Plan, a Referendum was held on 18 July 2019. The majority of those who voted were in favour of the plan.

The purpose of this report is to seek Council's formal approval to "make" the Storrington, Sullington and Washington Neighbourhood Plan part of the statutory Development Plan as required by the Planning and Compulsory Purchase Act 2004 as amended ('the 2004 Act') and the Neighbourhood Planning (General) Regulations 2012. Once made, the plan will be used to determine planning applications within Storrington and Sullington Parish and Washington Parish in addition to the Horsham District Planning Framework and the South Downs National Park Authority Local Plan.

### Recommendation(s)

Council is recommended to:

1. Formally "make" the Storrington and Sullington and Washington Neighbourhood Plan under section 38A (4) of the Planning and Compulsory Purchase Act 2004 as part of the Council's statutory Development Plan, following the Referendum held on 18 July 2019.
2. Publish as soon as possible on the Council's website (and in such other manner as is likely to bring the decision to the attention of people who live, work or carry on business in the neighbourhood area):
  - i) the Decision Statement including the reasons for making that decision; and
  - ii) details of where and when the Decision Statement and the Storrington and Sullington and Washington Neighbourhood Development Plan may be inspected.
3. Send a copy of the Decision Statement to the Qualifying body and notify any person who asked to be notified of the decision.
4. Notify any person who asked to be notified of the making of the neighbourhood plan that it has been made and where it may be inspected.

## **Reason for Recommendation**

- i) To meet the requirements of the Planning and Compulsory Purchase Act 2004, the Town and Country Planning Act 1990 the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 (as amended)

## **Background Papers**

- i) The Town and Country Planning Act 1990
- ii) The Planning and Compulsory Purchase Act 2004
- iii) The Localism Act 2011
- iv) The Neighbourhood Planning (General) Regulations 2012 (as amended)
- v) The Storrington and Sullington and Washington Neighbourhood Plan
- vi) Examiner's Report & HDC Decision Statement (1 May 2019) for the Neighbourhood Plan

**Parishes affected:** Storrington and Sullington Parish and Washington Parish

## **Contact:**

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## **Background Information**

### **1 Introduction and Background**

- 1.1 The Localism Act, which received Royal Assent on 15 November 2011, introduced new rights and powers to allow local communities to shape development in their areas by preparing a neighbourhood plan. The Act allows Parish/Town Councils and other forums to prepare a Neighbourhood Plan for their designated area.
- 1.2 Preparation of a Neighbourhood Plan is subject to several key stages set out in The Neighbourhood Planning (General) Regulations 2012 (as amended) which include:
1. Designation of the neighbourhood plan area;
  2. Pre-submission publicity and consultation;
  3. Submission of the plan to the Local Planning Authority;
  4. Independent Examination;
  5. Referendum; and
  6. Making the Neighbourhood Plan (i.e. bringing it into force).
- 1.3 Storrington and Sullington Parish and Washington Parish Council has undertaken the preparation of a Neighbourhood Plan and following the completion of the Examination process a Referendum was held on 18 July 2019 to seek the support of the community for the plan. The result of the Referendum was a majority 'yes' vote in favour of the plan with a turnout of 19.13% and 86% voting in favour of the Storrington and Sullington and Washington Neighbourhood Plan.

### **2 Relevant Council policy**

- 2.1 The Local Plan for Horsham District, referred to as the Horsham District Planning Framework, sets out the key planning policies against which development in the district is considered. It is a requirement that Neighbourhood Plans are prepared to be in general conformity with the Local Plan.
- 2.2 The Horsham District Planning Framework sets out a requirement that Neighbourhood Plans across the district cumulatively provide at least 1500 new homes in the district over the plan period to 2031. (Policy 15 Horsham District Planning Framework).

## **3.0 DETAILS**

### **Preparation of the Storrington, Sullington and Washington Neighbourhood Plan**

- 3.1 Storrington and Sullington Parish Council, as the Qualifying Body along with Washington Parish, successfully applied to Horsham District Council to be designated as a Neighbourhood Area under Regulation 5 of The Neighbourhood Planning (General) Regulations 2012. The Neighbourhood Plan Area which covers the entire parishes of Storrington, Sullington and Washington parishes was designated as a Neighbourhood Plan Area on the 19 December 2013.
- 3.2 The Storrington and Sullington and Washington Neighbourhood Plan plan is not the first neighbourhood plan that has been prepared and subject to Examination. In early 2016, an examination of an earlier plan concluded that the Plan did not meet the basic conditions and should not proceed to referendum. It is to the credit of the Steering Group that it did not abandon preparation of a Neighbourhood Plan after this setback and instead, sought to address the failings of the first plan, producing a new version of the Neighbourhood Plan.
- 3.3 The Steering group leading the preparation of the Horsham District Planning Framework undertook a range of evidence gathering activities and consultation activities before publishing a Pre-Submission Plan for consultation under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. This consultation was held between 10 July 2016 to 2 September 2016. The Pre-Submission Plan was amended in response to the comments made during the consultation and the "Submission Plan" was then formally submitted to Horsham District Council on the 12 February 2018. The Council, in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012, held a consultation on the Storrington, Sullington and Washington Neighbourhood Plan 2018-2031 Submission Plan. Representations were invited between 23 February 2018 and 13 April 2018.
- 3.4 In agreement with the Parish Council, Horsham District Council appointed Mr John Slater to carry out an independent Examination of the Horsham District Planning Framework. The purpose of the Examination was to determine whether the Plan met the Basic Conditions together with other legislative requirements and therefore whether the Plan should proceed to Referendum. A hearing session was held on the 20 September 2018 at Storrington Village Parish Hall.
- 3.5 The Examiner's Report was formally completed and sent to Horsham District Council on the 22 November 2018. The Examiner concluded that with a number of modifications the Submission Storrington, Sullington and Washington Neighbourhood Plan would meet the Basic Conditions and could proceed to a Referendum on that basis.

- 3.6 Following consultation with the Steering Group of the Qualifying Body, both Horsham District Council and the steering groups accepted the majority of the Examiner's recommendations. It was considered that as these recommendations included a new housing allocation and designations that it would be appropriate to undertake a further consultation on proposed modifications. This included consultation on a revised Strategic Environmental Assessment which was updated to take account of the Examiner's recommendations. A further six-week consultation was therefore held between 6 February 2019 and 27 March 2019.
- 3.7 Following the conclusion of the consultation, the Council considered each of the representations and in agreement with the Qualifying Body put forward some minor textual amendments for clarification. A final decision statement was published on the 1 May 2019 recommending the plan with modifications proceed to referendum. It is the conclusion of the council the Storrington, Sullington and Washington Neighbourhood Plan contributes positively towards sustainable development.
- 3.7 Under the Neighbourhood Planning (General) Regulations 2012, the Examiner has the power to extend the referendum area if it is considered the policies within the plan have a direct or indirect impact beyond the designated neighbourhood plan area. The Examiner proposed to extend the referendum area which took account of a Memorandum of Understanding between Thakeham Parish Council and the Qualifying Body. The Examiner had reasoned that some residents within Thakeham Parish could potentially be impacted by the policies within the Storrington, Sullington and Washington Neighbourhood Plan and for completeness and consistency it would be appropriate to extend the referendum area to include those properties in the roads identified by the Examiner in his report. The Council considered this approach to be appropriate and extended the referendum area in accordance with the Examiner's recommendations.
- 3.8 On 18 July 2019, the Storrington, Sullington and Washington Neighbourhood Plan Neighbourhood Development Plan to 2031 successfully passed Referendum with 86% of the votes cast agreeing that the Storrington, Sullington and Washington Neighbourhood Plan be used by Horsham District Council and South Downs National Park Authority to help in the determination of planning applications in the Parish of Storrington and, Sullington Parish and Washington Parish. Turnout at the Referendum was 19.13%.

### **Strategic Environmental Assessment (SEA)**

- 3.9 Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 requires the Council as local planning authority to outline what action to take in response to the recommendations of the Examiner made his report under paragraph 10 of Schedule 4A to the 1990 Act (as applied by Section 38A of the 2004 Act). The Council has given consideration to the commentary made by the Examiner, including having regard to the adequacy of the plan in meeting EU legislation. It is considered the final decision is the most comprehensive and delivers the most

sustainable form of development for Storrington and Sullington Parish and Washington parish.

- 3.10 Taking into account the National Planning Policy Guidance ('the NPPG') which states: "*(The SEA) should focus on the environmental impacts which are likely to be significant. It does not need to be done in any more detail, or using more resources, than is considered to be appropriate for the content and level of detail in the neighbourhood plan.*" The Council is of the view that the revised updated SEA, which accompanied the further 6-week consultation held between 6 February and 27 March 2019, meets the necessary regulatory requirements.

## **4 Next Steps**

- 4.1 As a result of the Referendum, the Council is required, in accordance with Legislation to formally 'make' the Storrington, Sullington and Washington Neighbourhood Plan as over 50% of those who voted in the Referendum were in favour of the Plan. Making the Plan will allow the document to be given full weight in determining planning applications within the parish. Horsham District Council is required to 'make' the Plan within 8 weeks of the Referendum in accordance with the Regulation 18A of the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 4.2 In accordance with Regulation 19 and Regulation 20 of the Neighbourhood Planning (General) Regulations 2012, as soon as possible after making the Storrington, Sullington and Washington Neighbourhood Plan under section 38A(4) of the Planning and Compulsory Purchase Act 2004, the Council must publish details of their decision and their reasons for making that decision on their website and in such other manner as they consider is likely to bring the decision to the attention of people who live, work or carry on business in the neighbourhood area. This is described in the regulations as 'the Decision Statement'. Horsham District Council must also provide:
- a) details of where and when the decision statement may be inspected; and
  - b) send a copy of the decision statement to:
    - i. the Qualifying Body; and
    - ii. any person who asked to be notified of the decision.
- 4.3 The Council must also publicise on the website the Neighbourhood Plan itself, so that it is likely to bring the decision to the attention of people who live, work or carry on business in the neighbourhood area. They must also provide details of where and when the Plan may be inspected and notify any person who asked to be notified of the making of the Plan that it has been made and where and when it may be inspected

## **5 Outcome of Consultations**

- 5.1 The preparation of the Neighbourhood Plan has been undertaken in consultation with stakeholders and the community. These consultations have been carried out by both the Parish and District Council in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended).

## **6 Other Courses of Action Considered but Rejected**

- 6.1 The Council could reject the Storrington, Sullington and Washington Neighbourhood Plan if it considers that the Plan is in breach of any EU or other legal obligations, convention or rights. Taking into account the views of the Examiner, as set out in section three of this report, it is not considered that this is the case. The Council is therefore required to make the Plan in accordance with the Neighbourhood Planning (General) Regulations 2012.

## **7 Resource Consequences**

- 7.1 The Plan document will be made available for viewing electronically free of charge. As with other planning documents, the Plan will be made available in hardcopy at a fee that covers printing costs.
- 7.2 As making the Plan does not alter its status in the planning system, there are not considered to be any additional costs for planning decisions.
- 7.3 There are no other staffing or financial consequences resulting from this decision.

## **8 Legal Consequences**

- 8.1 Section 38A (4) of the Planning and Compulsory Purchase Act 2004 Act, as inserted by the Localism Act 2011 requires a local planning authority to whom a proposal for the making of a neighbourhood development plan has been made to do the following:
- a) they must make a neighbourhood development plan to which the proposal relates if more than half of those voting in the neighbourhood plan Referendum have voted in favour of the Plan; and
  - b) they must make the plan as soon as reasonably practicable after the Referendum is held and, in any event, by the last day of the period of 8 weeks beginning with the day immediately following that on which the Referendum was held. The period of 8 weeks is prescribed by Regulation 18A of the Neighbourhood Planning (General) Regulations 2012.
- 8.2 As stated in paragraph 4 of this report 'Next Steps' the Council must issue a Decision Statement with reasons and bring this to the attention of the general public, sending a copy to the Qualifying Body and anyone who has asked to be notified of that decision in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012. They must also publicise the Neighbourhood Plan itself and comply with the publicity requirements of Regulation 20 by publishing it on their website and providing details of where and when it may be inspected and notifying

any person who asked to be notified of the making of the Neighbourhood Plan and when it may be inspected.

8.4 Section 38A(6) of the Planning and Compulsory purchase Act 2004 enables a local planning authority to refuse to make a Neighbourhood Plan, but only in the limited circumstances where they consider that the making of the plan would breach, or otherwise be incompatible with any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). In those cases, a statement setting out the decision and the reasons in accordance with Regulation 19, would have to be published. As stated in paragraph 10.2 of this report it is considered that the Storrington, Sullington and Washington Neighbourhood Plan is compatible with EU and Human Rights provisions and obligations.

8.5 Once the Storrington, Sullington and Washington Neighbourhood Plan Neighbourhood Plan has been 'made' there is a six-week period when an application to for Judicial Review can be sought on the decision to adopt the Plan. By following the relevant regulatory procedures and undertaking additional consultation following the receipt of the Examiner's report, the Council has sought to minimise the likelihood of a successful legal challenge.

## **9 Risk Assessment**

9.1 No additional risks have been identified over and above those set out in section 8 of this report.

## **10 Other Considerations**

### **10.1 Equality and Diversity Implications**

The making of the Plan is not expected to have any adverse impact on people with protected characteristics under the Equality Act 2010. The plan's policies were considered in relation to potential equality impacts that could arise as a result of the plan's referendum and making, which officers consider to be either neutral or positive.

### **10.2 Human Rights**

The Plan was tested against the basic conditions set by legislation during the examination. One of the basic conditions is that the Plan must be compatible with EU and human rights obligations. Officers agree with the Examiner's view that the Plan, as amended, meets all the basic conditions including EU and human rights obligations and that therefore the Plan should be made.