

Report to Council

23 June 2021

By the Cabinet Member for Planning and
Development

KEY DECISION

Not Exempt



**Horsham
District
Council**

Neighbourhood Development Plans

Executive Summary

This report summarises the process of Neighbourhood Plan preparation that has been followed by ten parish Councils in Horsham District. Following the successful referendums which were held on 6 May 2021, the purpose of this report is to seek Council's formal approval to "make" the 10 Neighbourhood Plans part of the statutory Development Plan as required by the Town and Country Planning Act 1990 (as amended) and the Localism Act 2011. Once made, the plan will be used to determine planning applications within their respective Parishes in addition to the Horsham District Planning Framework (HDPF).

Recommendation(s)

Council is recommended to:

- i) Formally "make" the following Neighbourhood Plans for as part of the statutory Development Plan for Horsham District and apply these for the purpose of determining planning applications within the respective parish areas following the Referendums that took place on 6 May 2021:
 1. Ashington Neighbourhood Plan 2019-2031;
 2. The Billingshurst Parish Neighbourhood Plan 2019-2031;
 3. Bramber Neighbourhood Plan 2018 to 2031;
 4. Henfield Neighbourhood Plan 2017-2031;
 5. Rudgwick Neighbourhood Development Plan for the period to 2031;
 6. Rusper Neighbourhood Plan 2018-2031;
 7. Shipley Parish Neighbourhood Plan 2019-2031;
 8. Southwater Neighbourhood Development Plan (2019-2031);
 9. Upper Beeding Parish Neighbourhood Plan 2018-2031
 10. 2019 -2031 West Grinstead Parish Development Plan;

Reason for Recommendation

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

Background Papers

The background papers comprise the ten neighbourhood plans for the parishes affected. These can be viewed from the following link:

<https://www.horsham.gov.uk/planning/planning-policy/current-planning-consultations>

Parishes affected:

1. Ashington
2. Billingshurst
3. Bramber
4. Henfield
5. Rudgwick
6. Ruspur
7. Shipley
8. Southwater
9. Upper Beeding; and
10. West Grinstead

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Background Information

1 Introduction and Background

- 1.1 The Localism Act allows Parish/Town Councils and other forums to shape development in their areas by preparing a Neighbourhood Plan for their designated area. Once complete, plans are 'Made' by the Local Authority and form part of the Development Plan. This means that they are used in the determination of Planning Applications.
- 1.2 A number of Parish Councils have prepared Neighbourhood Plans for their respective areas. The following parishes have now reached the final stage of this process, and it is now a legal requirement that they be 'Made' by Horsham District Council:
1. Ashington
 2. Billingshurst
 3. Bramber
 4. Henfield
 5. Rudgwick
 6. Rusper
 7. Shipley
 8. Southwater
 9. Upper Beeding; and
 10. West Grinstead
- 1.3 This report sets out more detail on this process.

2 Relevant Council policy

- 2.1 The Local Plan for Horsham District, (the Horsham District Planning Framework or HDPF), sets out the key planning policies against which development in the District is considered. This document contains a number of Strategic policies. It is a requirement that Neighbourhood Plans are prepared to be in 'general conformity' with this Plan.
- 2.2 Policy 15 of the HDPF identifies a requirement of a minimum of 1,500 homes to be delivered through Neighbourhood Plans across the District. As part of the preparation of their neighbourhood Plans, local communities have therefore considered the extent to which they can contribute towards this target.

3.0 DETAILS

Preparation of Neighbourhood Plans

3.1 The preparation of a Neighbourhood Plan is subject to several key stages set out in The Neighbourhood Planning (General) Regulations 2012 (as amended). These are outlined below. Appendix A sets out the dates that each parish identified in paragraph 1.2 reached the different stages of plan preparation.

1. **Designation of the Neighbourhood Plan area.**
2. **Pre-submission publicity and consultation:** (commonly referred to as a Regulation 14 consultation). This includes a minimum 6 week consultation on the emerging plan which is held by the Parish / body who are preparing the plan. The feedback from this consultation must be taken into account.
3. **Submission of the plan to the Local Planning Authority:** The plan and supporting evidence is formally submitted to the Local Authority.
4. **Regulation 16 Consultation:** HDC, in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012, undertook a further consultation of the Submission Plan. This was for a minimum 6 week period.
5. **Independent Examination:** In agreement with the respective Parish Councils, Horsham District Council appointed an Examiner to carry out an independent Examination of the Neighbourhood Plan. The purpose of the Examination was to determine whether the Plan met certain key requirements known as the Basic Conditions together with other legislative requirements. Plans which were considered to meet these tests can proceed to Referendum.
6. **Publication of a Decision Statement:** Following receipt of the Examination report, HDC was required to publish a 'decision notice' setting out the Council's decision in light of the Examiner's report. All ten Neighbourhood Plans were successful in meeting the Basic Conditions subject to a number of modifications proposed by the examiner. All groups accepted the modifications following consultation with officers. The full details are set out in the respective 'Decision Statement' for each parish and confirmed progression of the plan to be carried forward to referendum.
7. **Referendum:** A vote is held where the local community are asked whether the plan should be used as part of the Development Plan and help determine planning applications in their respective parishes.

For the three parishes with land in the South Downs National Park, (Bramber, Henfield and Upper Beeding), the referendum question asked whether both HDC and the South Downs National Park use the plan for determining planning applications.

Under usual circumstances referendums must be held within 8 weeks of the Decision notice being published. Due to the Covid 19 Pandemic, The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales)

Regulation 2020 prevented any referendum on neighbourhood plans being held until 5 May 2021 at the earliest.

The referenda were therefore held on 6 May 2020. Table one sets out the results of all 10 Referendums and their respective percentage turnout.

Table 1: Referenda Outcomes

Parish	Votes Recorded Yes (%)	Votes Recorded No (%)	Percentage Turnout
Ashington	769 (82.57%)	168 (17.43%)	46.34%
Billingshurst	2,388 (87.83%)	331 (12.17%)	35.8%
Bramber	278 (89.68%)	32 (10.3%)	45.95%
Henfield	2,085 (90.53%)	218 (9.47%)	47.95%
Rudgwick	849 (90.71%)	87 (9.29%)	41.68%
Rusper	581 (88.03%)	79 (11.97%)	43.46%
Shipley	338 (84.50%)	62 (15.50%)	38.83%
Southwater	2,440 (82.49%)	518 (17.51%)	35.05%
Upper Beeding	999 (85.24%)	173 (14.76%)	39.31% ²
West Grinstead	826 (78.67%)	224 (21.33%)	45.28%

Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment

- 3.2 In the Examination of the Neighbourhood Plans, the respective Examiners have considered whether the Parish has fulfilled their legal obligations in considering whether a Sustainability Appraisal and /or Habitats Regulation Assessment is required. The outcomes and recommendations were considered by this Council under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 in producing the Decision notice for each plan.
- 3.3 For each of the ten Neighbourhood Plans, the need for a Habitat Regulation Assessment to accompany the plan preparation process was screened out. This was because the plans either did not allocate land for housing development, or were part of the 1,500 homes, set out in Policy 15 of the HDPF, which were to be delivered through Neighbourhood Plans. This level of development had already been subject to a Habitats Regulation Assessment as part of the preparation of

the Council's Local Plan. The Council agreed with the Examiner's view that it additional HRA assessment was not required.

3.4 Of the ten Neighbourhood Plans prepared, Ashington, Henfield, Southwater and Upper Beeding parishes all allocated land for housing development. The Council agreed with the respective Examiners of these plans that:

- an SEA was necessary to accompany the production of these plans, and
- that the documentation which was produced was in accordance with the regulatory requirements.

For the remaining Plans, which do not allocate land for housing development, the Council agreed with the respective Examiners that the preparation of an SEA was not necessary but it is noted that Billingshurst and Bramber parishes prepared a Sustainability Statement to accompany their respective plans in any case.

4 Next Steps

4.1 Where over 50% of those who voted in a Referendum are in favour of using the plan to determine planning applications, the Horsham District Council is legally required to formally 'Make' the Neighbourhood Plan within 8 weeks of the Referendum in accordance with the Regulation 18A of the Neighbourhood Planning (General) Regulations 2012 (as amended). Making the Plan will allow the document to come into 'force' and be given full weight in determining planning applications within the parish. Bramber, Henfield and Upper Beeding Neighbourhood Plans were 'made' by South Downs National Park Authority at Planning Committee on the 10 June 2021. Those made plans can be used to determine planning application in areas where it is the Local Planning Authority.

4.2 Once made, each Plan document will be available to the public electronically on the Council's website. As with other planning documents, each Plan will be made available in print for a fee that covers printing costs.

5 Outcome of Consultations

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

6 Other Courses of Action Considered but Rejected

- 6.1 The Council could reject any one of the 10 Neighbourhood Plan if it considers that the Plan is in breach of its legal obligations, or any conventions or rights. Taking into account the views of the Examiners, as set out in respective reports, 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 (as amended).

7 Resource Consequences

- 7.1 It is not considered that there are any specific resource implications that arise from the Making of the ten Neighbourhood Plans. Resources are set aside in the Council's budget to provide support to local communities in the preparation of their plans. The process of 'Making' Neighbourhood plans is accounted for in the Council's budget setting process.

8 Legal Consequences

- 8.1 Section 38A (4) of the Planning and Compulsory Purchase Act 2004 Act, as inserted by the Localism Act 2011 states that a local planning authority:
1. must make a neighbourhood development plan if more than half of those voting in the neighbourhood plan Referendum vote are in favour of the Plan; and
 2. do so as soon as reasonably practicable after the Referendum is held and in any event by such date as may be prescribed
- 8.2 The Neighbourhood Planning (General) Regulations 2012 (as amended) stipulate under Regulation 18a state that *"The date prescribed for the purposes of section 38A(4)(b) of the 2004 Act is the date which is the last day of the period of 8 weeks beginning with the day immediately following that on which the last applicable referendum is held."*
- 8.3 Failure to 'Make' each Neighbourhood Plan would therefore mean that the Council would not be acting in accordance with its legal obligations.

9 Risk Assessment

- 9.1 Under Section 113 of the Planning and Compulsory Purchase Act 2004 (as amended) (3) a person aggrieved may make an application to the High Court on the ground that a procedural requirement has not been complied with. The application must be made within 6 weeks. A procedural requirement is a requirement made by Regulations or an order which relates to the adoption publication or approval of a plan/document. By following the procedural requirements for Neighbourhood Plan preparation, the risk of a successful Judicial Review is considered to be low.

10 Procurement implications

- 10.1 There are no procurement implications which arise from the Making of the 10 Neighbourhood Plans.

11 Equalities and Human Rights implications / Public Sector Equality Duty

- 11.1 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. In their preparation of their respective neighbourhood plans, Parishes have had to consider how to meet the needs of their parish, and as part of this have engaged with the local community. A number of Parishes have specifically identified policies which seek to address certain protected characteristics, including provision for elderly accommodation or those with impaired mobility. These matters will also be considered as part of the forthcoming local plan review. It is not considered that the making of the plans or their policies will have any direct impacts on gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

- 11.2 Human Rights

The Plans were tested against the Basic Conditions set by legislation during the Neighbourhood Plan Examination process. One of the Basic Conditions is that the Plan must be compatible with EU and human rights obligations. The Council agrees that the plans meets all the basic conditions including human rights obligations.

12 Environmental Implications

- 12.1 Paragraphs 3.2 to 3.4 set out how the preparation of the 10 Neighbourhood Plans has met the requirements in relation to Habitat Regulations and Strategic

Environmental Assessment. In addition, the Neighbourhood Plans that have been prepared set out policies which seek to protect and enhance the environment of the respective parishes. These cover a wide range of issues including biodiversity and the historic environment. It is considered that these policies will help to protect and enhance the local environment of each parish in relation to planning matters.

13 Other Considerations

- 13.1 It is not considered that the making of the Neighbourhood Plans will have any further additional impacts including those in relation to GDPR/Data Protection or Crime & Disorder.