

Report to Council

7 September 2022

By the Cabinet Member for Planning and Development

KEY DECISION



**Horsham
District
Council**

Not Exempt

Steyning Neighbourhood Development Plan

Executive Summary

This report summarises the process of Neighbourhood Plan preparation that has been followed by Steyning Parish Council in Horsham District. Following the successful referendum, which was held on 14 July 2022, the purpose of this report is to seek Council's formal approval to "make" the Steyning Neighbourhood Development Plan (SNDP) 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 Steyning Parish area in addition to the Horsham District Planning Framework (HDPF).

Recommendation(s)

Council is recommended to:

- i) Formally "make" the following Neighbourhood Plan as part of the statutory Development Plan for Horsham District and apply the policies within the plan for the purpose of determining planning applications within the relevant parish area:
 1. Steyning Neighbourhood Development Plan 2011-2031

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 Referendum version of the Steyning Neighbourhood Plan and accompanying evidence base documents to support the plan:

<https://www.horsham.gov.uk/planning/neighbourhood-planning/steyning>

Parishes affected:

1. Steyning

Contact:

Catherine Howe, Head of Strategic Planning ext. 5505

Background Information

1 Introduction and Background

- 1.1 The Localism Act 2011 allows Parish/Town Councils and other forums to shape development in their areas by preparing a Neighbourhood Plan for their designated area. Once complete, a neighbourhood plan is 'Made' by the Local Authority and forms part of the Development Plan. This means that they are given appropriate statutory weight in the determination of Planning Applications.
- 1.2 Steyning Parish Council has prepared a Neighbourhood Plan for their parish. Following the statutory consultation stages, formal examination of the Plan, the community have voted in a referendum and agree the plan should be used in the determination of planning applications. It is now a legal requirement the Steyning Neighbourhood Plan is 'Made' by Horsham District Council.
- 1.3 This report sets out more detail on this process.

2 Relevant Council policy

- 2.1 The Local Plan for Horsham District is currently the Horsham District Planning Framework (HDPF) This 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 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 must therefore consider the extent to which they can contribute towards this target. Steyning Parish Council made the decisions not to allocate land for housing in their neighbourhood plan, but to work with the District Council on progressing the Local Plan Review and how housing needs for Steyning parish should be addressed. The plan therefore seeks to provide development management policies which will guide development within the area.

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.
 1. **Formal Designation of the Neighbourhood Plan area:** The entirety of Steyning Parish was designated as a Neighbourhood Plan area in May 2018.
 2. **Pre-submission publicity and consultation:** (commonly referred to as a Regulation 14 consultation). Steyning Parish Council undertook a between 6 September and 18 October 2019 with the local community and relevant stakeholders on the content of emerging plan. The feedback from this

consultation was then taken into account with appropriate amendments made to the plan.

3. **Submission of the plan to the Local Planning Authority:** The plan and supporting evidence was formally submitted to Horsham District Council (HDC).
4. **Regulation 16 Consultation:** HDC, in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012, undertook a further consultation on the content of the Submission Plan. This took place between 17 July 2020 and 11 September 2020. All representations submitted at this stage are provided to the Independent Examiner, who considers whether a plan can proceed to Referendum.
5. **Independent Examination:** In agreement with Steyning Parish Council, 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 are considered to meet these tests can proceed to Referendum.

The Examination of Steyning Neighbourhood Plan took place during 2021, with the final report provided to Horsham District Council in April 2022.

6. **Publication of a Decision Statement:** Following receipt of the Examination report, HDC is required to publish a 'Decision Statement' setting out the Council's decision and next steps in light of the Examiner's report. The Council's Decision Statement for the Steyning Neighbourhood Plan is available on the Council's website: [https://www.horsham.gov.uk/_data/assets/pdf_file/0003/114159/Steyning-Decision-Statement-1-June-2022 .pdf](https://www.horsham.gov.uk/_data/assets/pdf_file/0003/114159/Steyning-Decision-Statement-1-June-2022.pdf) It concludes that the HDC, in consultation with Steyning Parish Council agreed with the proposed modifications. The Plan was therefore able to proceed to referendum.
7. **Referendum:** A vote was held where the local community were asked whether the plan should be used as part of the Development Plan and help determine planning applications in their parish. For Steyning Parish, part of the neighbourhood plan area lies with the South Downs National Park. The referendum question therefore asked whether both HDC and the SDNPA should use the plan for determining planning applications.

3.2 Table 1. sets out the results of the Steyning Referendum and the respective percentage turnout:

Table 1: Referendum Result.

Parish	Votes Recorded Yes (%)	Votes Recorded No (%)	Percentage Turnout (%)
Steyning	800 (88.8%)	101 (11.2%)	903 (19.87%)

A clear majority of those who voted agreed that the Plan should be used in the determination of Planning Applications in Steyning Parish.

Strategic Environmental Assessment (SEA)

- 3.3 Horsham District Council has undertaken a ‘standard’ Strategic Environmental Assessment (SEA) screening assessment for all neighbourhood plans in the district. This process confirmed that a SEA is not required for parishes which are not seeking to allocate land for development within their Plan. This includes the Steyning Neighbourhood Plan. A Sustainability Statement has been prepared to accompany the submission Plan and has been the subject of consultation with the Environment Agency, Natural England and Historic England at statutory consultation stages. None of these bodies raised any concerns such that a SEA would be required for the Plan. The Examiner agreed that no SEA was required for this plan and that the Basic Conditions had been met. In our Decision Statement HDC also concurred with this view.

Habitats Regulation Assessment

- 3.4 HDC initially commissioned a Habitats Regulations Assessment (HRA) of the Steyning Neighbourhood Development Plan in October 2019. It concluded that the SNDP would not have significant environmental effects on designated European Nature Conservation Sites known as Special Protection Areas and Special Areas of Conservation (SPAs/SACs) or undermine their conservation objectives alone or in combination. The assessment took account of a number of protected sites, including the Arun Valley SPA/SAC, Ashdown Forest (SAC) and The Mens (SAC).
- 3.5 In September 2021, Natural England released a Position Statement on the issue of Water Neutrality. The Position Statement states that in the Sussex North Water Resource Zone (which includes the whole of Horsham District), data collected by Natural England shows that increasing levels of water abstraction for mains water supplies is harming the Arun Valley SPA/SAC. The effect of the Position Statement is that new development within Sussex North Water Resource Zone must demonstrate that it is not adding to the adverse impact. This includes considering any development which may come forward through plans and programmes that are being prepared including Neighbourhood Plans.
- 3.6 A way of ensuring that new development is not increasing rates of water abstraction and demand is for Neighbourhood Plans to demonstrate that they are ‘Water Neutral’. The definition of water neutrality is for the level of water abstraction in the Water Resource Zone to remain the same or lower after any development / development plan is in place.
- 3.7 The receipt of the Natural England Position Statement triggered an additional requirement to re-screen the Steyning Neighbourhood Development Plan under the Habitat Regulations Assessment process to consider whether the content of the Plan is water neutral.
- 3.8 Horsham District Council therefore commissioned further Habitat Regulations Assessment work in November 2021 and consulted Natural England on the conclusions of this assessment. Natural England responded in February 2022. The

response agreed that the Steyning Neighbourhood Development Plan is not likely to have a significant effect on the protected habitats. This is because the plan does not contain policies which specifically allocate land for development. However, sites or projects which come forward on a project level basis still need to conform to Habitat Regulations and be subject to a project level Habitat Regulations Assessment. Additional wording to the SNDP has been incorporated into the Plan to reflect this point.

- 3.9 The Examiner has confirmed he was satisfied with this assessment and the additional text. As the competent authority, HDC therefore considers the Neighbourhood Plan to meet the Basic Conditions.

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. The South Downs National Park Authority will also 'Make' the plan so that the plan can be used to determine planning applications in those part of the neighbourhood plan area where it is the Local Planning Authority.
- 4.2 Once made, the SNDP document will be available to the public electronically on the Council's website. As with other planning documents, the Plan will be made available in print for a fee that covers printing costs.

5 Outcome of Consultations

- 5.1 The preparation of the Steyning Neighbourhood Plan has been undertaken in consultation with stakeholders and the community in the 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 the Steyning 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 Examiner, as set out in his respective 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 (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 Steyning Neighbourhood Plan over and above staff time. Resources are set aside in the Council's budget to provide support to local communities in the preparation of their plans.

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’ the Steyning 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 Steyning Neighbourhood Plan.

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. It is not considered that the making of this plan or its policies will have any direct or indirect impacts on gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

11.2 Human Rights

The Plan was 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 human rights obligations. The Council agrees that the plan meet 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 Steyning Neighbourhood Plan has met the requirements in relation to Habitat Regulations and Strategic Environmental Assessment. In addition, the Steyning Neighbourhood Plan that has been prepared sets out policies which seek to protect and enhance the environment. 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 the parish in relation to planning matters.

13 Other Considerations

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