

## Report to Council

27 April 2016

By the Cabinet Member for Planning & Development

**DECISION REQUIRED**



**Horsham  
District  
Council**

Not Exempt

## Henfield Neighbourhood Plan

### Executive Summary

Following extensive preparation and successful Examination, Henfield Neighbourhood Plan is the second in Horsham district to have been subject to a Referendum, where the majority voted in favour of the plan. The purpose of this report is to seek Council's formal approval to "make" Henfield Neighbourhood Plan part of the Development Plan as required by the Town and Country Planning Act 1990 and the Localism Act 2011.

### Recommendations

That the Council is recommended:

- i) To formally "make" the Henfield Neighbourhood Plan part of the Development Plan, following the Referendum held on 12 April 2016.

### Reasons for Recommendations

- i) The preparation of the Henfield Neighbourhood Plan has followed the statutory procedures set out in The Neighbourhood Planning (General) Regulations 2012. The plan has successfully undergone examination and has satisfied the basic test that the plan is in conformity with the Horsham District Planning Framework (HDPF).
- ii) Where a Referendum results in a majority 'yes' vote, the Local Planning Authority is required to "make" the Neighbourhood Plan as soon as reasonably possible. This will enable the District Council to use the plan to determine planning applications in Henfield Parish.

### Background Papers

The Localism Act 2011

The Neighbourhood Planning (General) Regulations 2012

**Wards affected:** Henfield

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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 coming together to prepare neighbourhood plans. 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 which include:
  - Designation of the neighbourhood area;
  - Pre-submission, publicity and consultation;
  - Submission of the plan to the Local Planning Authority;
  - Independent Examination;
  - Referendum; and
  - Making the Neighbourhood Plan (i.e. bringing it into force).
- 1.3 Henfield Neighbourhood Plan is the second within Horsham district to have undergone the statutory procedures culminating in a Referendum held on 12 April 2016 where the result was a majority 'yes' vote in favour of the plan.

### **2 Relevant Council Policy**

- 2.1 The strategic policies within the adopted Horsham District Planning Framework.

### **3 Progress of the Plan**

- 3.1 Henfield Parish Council as the qualifying body 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 Area was subsequently designated by the Council on the 31 January 2014.
- 3.2 Initially, Henfield Parish Council completed a number of tasks that are required to prepare a Neighbourhood Plan. These included the preparation of an evidence base and undertaking various consultation exercises before drawing up a draft of the plan (known as the Pre-submission Draft).
- 3.3 Henfield Parish Council published the Regulation 14 Pre Submission Henfield Neighbourhood Plan for consultation during 5 December 2014 to 23 January 2015. The plan was subsequently amended in response to the comments made and the "Submission Plan" formally submitted to the District Council 13 March 2015.
- 3.4 The "Submission Plan" was published and comments were invited from the public and stakeholders for a six week period between 30 March 2015 and 11 May 2015.
- 3.5 Horsham District Council appointed Ms Clare Wright in agreement with Henfield Parish Council and the South Downs National Park Authority to carry out a public

examination to determine whether the plan met the Basic Conditions together with other legislative requirements and whether the plan should proceed to referendum.

3.6 The Examiner's report was received on 10 July 2015 and stated that:

**I am pleased to report that the Plan may proceed to Referendum subject to a series of minor Modifications. None of these fundamentally change the Plan's content or direction, but are intended to ensure that the Plan meets the Basic Conditions. Within this report are also clearly marked recommendations that are optional and will enable the information to be presented more clearly in a user-friendly document.**

3.7 The report went on to conclude that the plan should proceed to Referendum.

3.8 The Henfield Neighbourhood Plan Referendum was originally scheduled to be held on Tuesday 22 September 2015 but was postponed after the Council was advised that the SE Tyres site was no longer available solely for residential development as allocated under Policy 2 of the Submission Draft Neighbourhood Plan 10 March 2015.

3.9 The owners of SE Tyres advised that they had been unable to find alternative premises to relocate the existing business and therefore would need to remain on the site. They requested therefore that the site be reallocated as a mixed use site comprising business/residential and be included in the Neighbourhood Plan as an allocated mixed use site under Policy 3. The Parish Council agreed to this request and the Neighbourhood Plan was amended accordingly.

3.10 The changes to the Plan were considered to be significant and therefore the District Council took the decision to undertake a further round of public consultation under Regulation 16 from 9 October 2015 to 20 November 2015. The Plan was subsequently submitted for re-examination by Clare Wright during January and February 2016.

3.11 The Examiner's second report was received on 25 February 2016 which recommended the removal of the SE Tyres site from the Plan. The report stated:

**Policy 3A is removed from the NDP due to lack of information on mitigation measures necessary to satisfactorily accommodate the vehicle related (B2) use in proximity to the proposed housing.**

3.12 The report went on to conclude that the Plan could proceed to Referendum subject to a number of minor modifications and the removal of the SE Tyres site (Policy 3A) from the Plan.

3.13 The Referendum was held on the 12 April 2016. The overall turnout was 36% with 93% voting 'yes' to the plan.

## **4 Next Steps**

4.1 As a result of the Referendum, the Council has to decide whether or not the Henfield Neighbourhood Plan is "made" part of the Development Plan for Horsham district. This will allow the Plan to be given full weight in determining planning

applications within the parish of Henfield. This process is similar to that used to adopt the Council's own Development Plan documents, but the terminology used in the Act is referred to as "making" the neighbourhood plan part of the Development Plan.

- 4.2 Provided the result of the Referendum shows a majority of over 50% of those who voted in favour of the plan, the Local Planning Authority is required to declare the plan is "made" as soon as possible after the Referendum has taken place.

## **5 Outcome of Consultations**

- 5.1 All consultations have been carried out by both the Parish and District Council in accordance with The Neighbourhood Planning (General) Regulations 2012.

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

- 6.1 The Council could reject the Henfield Neighbourhood Plan on the grounds that they consider it to be in breach of any EU obligations or convention rights. Previously Horsham District Council has not identified any breaches and furthermore the Examiner came to the same conclusion. There has been no change in circumstances since those decisions were taken and therefore it is recommended that the Council "make" the Henfield Neighbourhood Plan part of the District Council's Development Plan.

## **7 Financial Consequences**

- 7.1 Failure to "make" the Henfield Neighbourhood Plan could result in the Council being open to High Court challenge on the ground that it has acted in breach of the Town and Country Planning Act 1990 as amended by the Localism Act 2011. This would incur significant costs including Officer's time and costs associated with legal challenges and appeals.

## **8 Legal Consequences**

- 8.1 Given that the plan has been through the correct statutory process, the Council is legally obliged to "make" the plan part of the Development Plan. Failure to do so would mean that Council has not acted in accordance with the law and could be subject to legal challenge.

## **9 Staffing Consequences**

- 9.1 None.

## **10 Risk Assessment**

- 10.1 There are no other risks other than those previously outlined in this report.

## Appendix 1

### Consequences of the Proposed Action

<p>How will the proposal help to reduce Crime and Disorder?</p>	<p>Section 17 of the Crime and Disorder Act 1998 requires the Council to do all that it reasonably can to reduce crime and disorder. There are no crime and disorder implications as a result of this report.</p>
<p>How will the proposal help to promote Human Rights?</p>	<p>This Council has a positive obligation to ensure that respect for human rights is at the core of its day to day work, and must in particular consider Article 6 (Determination of Civil Rights), 8(A Right to Family Life etc.) and Article 1 of the First Protocol (Right to Property). The preparation of the Neighbourhood Plan, by the Parish Council as the statutory designated body, and the involvement of the community at each stage, will potentially contribute to improving the quality of life in the parish of Henfield and will therefore have a positive impact on human rights.</p>
<p>What is the impact of the proposal on Equality and Diversity?</p>	<p>The impact of the Henfield Neighbourhood Plan on equality and diversity has been assessed as part of the wider sustainability appraisal.</p> <p>Mitigation measures that have been identified in the revised Plan have been considered fully in the revised Sustainability Appraisal.</p>
<p>How will the proposal help to promote Sustainability?</p>	<p>Key requirement of the NPPF is to achieve sustainable development. The plan therefore seeks to ensure that development which takes place in the future meets the needs of current and future residents and those working in the District. In addition, the plan seeks to ensure that the key environmental features of the District are retained. A sustainability appraisal has been undertaken which seeks to ensure that the plan is as sustainable as possible.</p>