

Rother District Council

Report to	-	Cabinet
Date	-	8 July 2019
Report of the	-	Executive Director
Subject	-	Ticehurst Neighbourhood Plan 2018-2028

Recommendation to COUNCIL: That the Ticehurst Neighbourhood Plan 2018 - 2028 incorporating the Examiner's modifications, as presented to local Referendum, be 'made' with immediate effect and form part of the Council's Development Plan.

Head of Service: Tim Hickling
Lead Cabinet Member: Councillor Vine-Hall

Introduction

1. Following an affirmative local Referendum result in relation to the use of the Ticehurst Neighbourhood Plan (TNP) to help in the determination of planning applications in the Parish Neighbourhood Area, this report recommends that it be formally 'made' (adopted) and become part of the statutory Development Plan for the area.

Background

2. Ticehurst Parish Council, as the Qualifying Body (QB), applied for Ticehurst Parish to be designated a Neighbourhood Area under Part 2 of the Neighbourhood Planning (General) Regulations 2012. The area was designated on 2 November 2015.
3. Following consultation on a draft (pre submission) Plan, the TNP was submitted to the District Council in October 2018. The TNP and its supporting documents were publicised and representations invited. The period of formal consultation ran from 9 November 2018 to 21 December 2018. Independent examination followed and the Examiner, Mr John Slater published his report in April 2019, concluding that that the TNP, subject to certain modifications proposed in his report, did meet basic conditions as set out in legislation and is compatible with Schedule 4B of the Town and Country Planning Act 1990 and could therefore proceed to local referendum.
4. On 17 May 2019, the District Council resolved that the Neighbourhood Plan – Submission Plan (as amended in line with the Examiner's proposed modifications) should proceed to local Referendum. This decision and a revised version of the TNP, as agreed with the Ticehurst Parish Council (the QB), has been published on Rother District Council's website. The 'referendum area' was determined to be Ticehurst Parish as recommended by the Examiner.

Referendum

5. A Referendum was held on 27 June 2019. The referendum question was

'Do you want Rother District Council to use the Neighbourhood Plan for Ticehurst to help it decide planning applications in the Neighbourhood Area?'

6. The results of the referendum were:

Yes	=	640 (82.5%)
No	=	134 (17.3%)
Unmarked or Void	=	2 (0.2%)

Number of Votes = 776
Turnout = 26.48%

Conclusion

7. Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Council to 'make' a Neighbourhood Plan if more than half of those voting in a referendum have voted in favour of the Plan being used to help to decide planning applications in the area. This needs to be achieved within 8 weeks of the referendum result.
8. The Council has also assessed and concluded that the TNP, including its preparation, does not breach and would not otherwise be incompatible with any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). The Council issued a specific Habitat Regulations Assessment (HRA) screening on the TNP and concluded that an HRA would not be required. Tunbridge Wells Borough Council in their representations argued that the HRA should have looked at the impact on Ashdown Forest SAC. However, Rother District Council confirmed in its opinion, as the Competent Authority, that assessment had been in respect of the work on the emerging Local Plan (Development and Site Allocations) and that further screening was not required. Also the Examiner confirmed that the TNP complies with the newly introduced basic condition regarding compliance with the Habitat Regulations
9. Therefore, it is proposed that full Council be recommended to formally 'make' the TNP with immediate effect. This will bring it into legal force. The next full Council meeting is to be held on 8 July 2019
10. The principal effect of this is that it will become part of the statutory 'development plan' for the area. Hence, planning applications within Ticehurst Parish will be determined against the TNP, alongside relevant Local Plan policies, also having regard to the National Planning Policy Framework.
11. A specific consequence to draw attention to is the fact that the development boundary for Ticehurst as defined in the 2006 Rother District Local Plan will be superseded by that in the TNP.
12. The decision to make the TNP will need to be publicised and notified to those who had asked to be advised. A statement setting out how environmental

considerations have been integrated into the Plan also needs to be published and consultees informed.

Dr Anthony Leonard
Executive Director

Risk Assessment Statement

The making of a Neighbourhood Plan is a requirement, with very limited exemptions, once it has been supported by a local referendum. The Council needs to be satisfied that all the 'basic conditions' are met and that the Plan has been properly prepared.

There is an opportunity for legal challenge in the event of perceived failures in these respects, but the Council and the independent Examiner, as well as the Parish Council, has been careful to ensure due process has been followed.