

Rother District Council

Report to:	Cabinet
Date:	4 October 2021
Title:	Battle Civil Parish Neighbourhood Plan 2019-2028
Report of:	Ben Hook, Director of Place and Climate Change
Cabinet Member:	Councillor Jonathan Vine-Hall
Ward(s):	Battle
Purpose of Report:	To confirm the result of the recent Neighbourhood Plan Referendum for the civil parish of Battle.
Decision Type:	Non-Key
Officer Recommendation(s):	Recommendation to COUNCIL: That the Battle Civil Parish Neighbourhood Plan 2019 - 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.
Reasons for Recommendations:	To enable Rother District Council to "make" the Plan so that it will become part of the statutory 'development plan' for the area.

Introduction

1. Following a successful local Referendum result in relation to the use of the Battle Civil Parish Neighbourhood Plan (BCPNP) 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. Battle Town Council, as the Qualifying Body (QB), applied for Battle Civil Parish to be designated a Neighbourhood Area under Part 2 of the Neighbourhood Planning (General) Regulations 2012. The area was designated on 13 April 2015.
3. Following consultation on a draft (pre-submission) Plan, the BCPNP was submitted to the District Council in January 2020. The BCPNP and its supporting documents were publicised and representations invited. The period of formal consultation ran from 20 January – 1 March 2020. Independent examination followed and the Examiner, Mr John Slater published his report in May 2021, concluding that the BCPNP, subject to certain modifications proposed in his report, meets the basic conditions as set out in legislation, is

compatible with Schedule 4B of the Town and Country Planning Act 1990 and could therefore proceed to local referendum.

4. On 2 July 2021, 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 BCPNP, agreed by Battle Town Council, was published on Rother District Council’s website. The ‘referendum area’ was determined to be Battle Civil Parish as recommended by the Examiner.

Referendum

5. A Referendum was held on 16 September 2021. The referendum question was

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

6. The results of the referendum were:

Yes = 1127
No = 138
Unmarked or Void = 5

Number of Votes = 1265
Turnout = 24%

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 eight weeks of the referendum result.
8. The Council has also assessed and concluded that the Plan, 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). This includes compliance 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 BCPNP with immediate effect. This will bring it into legal force. An extraordinary meeting of full Council has been convened to take place on Monday 18 October 2021 for this purpose and to meet the prescribed timescales.
10. The principal effect of this is that it will become part of the statutory ‘development plan’ for the area. Hence, planning applications within Battle Civil Parish will be determined against the BCPNP, alongside relevant Local Plan policies, also having regard to the National Planning Policy Framework.
11. A specific outcome to be noted is the fact that the development boundary for Battle as defined in the 2006 Rother District Local Plan will be superseded by that in the BCPNP.

12. The decision to make the BCPNP 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. This statement will set out that the Strategic Environmental Assessment for the BCP NP has also been adopted and will form part of the Local Development Plan for RDC.

Financial Implications

13. There are no financial implications for the proposals within this report.

Legal Implications

14. Compliance with relevant NP legislation is detailed within the report.
15. 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 Town Council, has been careful to ensure due process has been followed.

Human Resources Implications

16. There are no Human Resource implications for the proposals within this report.

Risk Management

17. 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.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	External Consultation	No
Environmental	Yes	Access to Information	No
Risk Management	Yes	Exempt from publication	No

Report Contact Officer:	Julia Edwards
e-mail address:	julia.edwards@rother.gov.uk
Appendices:	None
Relevant Previous Minutes:	None
Background Papers:	None
Reference Documents:	None