

Rother District Council

Report to:	Cabinet
Date:	8 April 2024
Title:	Peasmarsh Neighbourhood Plan 2021-2028
Report of:	Ben Hook, Director – Place and Climate Change
Cabinet Member:	Councillor Killeen
Ward(s):	Peasmarsh
Purpose of Report:	To confirm the result of the recent Neighbourhood Plan Referendum for the parish of Peasmarsh.
Decision Type:	Non-Key
Officer	
Recommendation(s):	Recommendation to COUNCIL: That the Peasmarsh Parish Neighbourhood Plan 2021 - 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 Peasmarsh Parish Neighbourhood Plan (PNP) 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. Peasmarsh Parish Council, as the Qualifying Body (QB), applied for Peasmarsh Parish to be designated a Neighbourhood Area under Part 2 of the Neighbourhood Planning (General) Regulations 2012. The area was designated on 25 March 2021.
3. Following consultation on a draft (pre-submission) Plan, the PNP was submitted to the District Council in February 2023. The PNP and its supporting documents were publicised and representations invited. The period of formal consultation ran from 17 February to 31 March 2023. Independent examination followed and the Examiner, Mr John Slater, held a Hearing in September 2023 to discuss certain issues he had identified in the Plan.

4. The examiner published his report in November 2023, concluding that the PNP, 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.
5. On 19 January 2024, 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 PNP, agreed by Peasmarsh Parish Council, was published on Rother District Council’s website. The ‘referendum area’ was determined to be Peasmarsh Parish as recommended by the Examiner.

Referendum

6. A Referendum was held on 29 February 2024. The referendum question was:

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

7. The results of the referendum were:

Yes = 224
No = 40
Unmarked or Void = 0

Number of Votes = 264
Turnout = 27%

Conclusion

8. 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.
9. 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 more recent basic condition regarding compliance with the Habitat Regulations.
10. Therefore, it is proposed that full Council be recommended to formally ‘make’ the PNP with immediate effect. This will bring it into legal force. An extraordinary meeting of full Council has been convened to take place on Monday 22 April 2024 for this purpose and to meet the prescribed timescales.
11. The principal effect of this is that it will become part of the statutory ‘development plan’ for the area. Hence, planning applications within Peasmarsh Parish will be determined against the PNP, alongside relevant Local Plan policies, also having regard to the National Planning Policy Framework.

12. A specific outcome to be noted is the fact that the development boundary for Peasmarsch as defined in the 2006 Rother District Local Plan will be superseded by that in the PNP.
13. The decision to make the PNP 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 PNP has also been adopted and will form part of the Local Development Plan for Rother District Council.

Financial Implications

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

Legal Implications

15. Compliance with relevant neighbourhood plan legislation is detailed within the report.
16. 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.

Human Resources Implications

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

Environmental

18. The Habitats Regulations Assessment of the strategic issues relating to Rother District Council's Development and Site Allocations Local Plan concluded that, with mitigation in relation to identified development sites and policies in place, there would be no adverse effects on the integrity of the Pevensy Levels SAC/Ramar and Dungeness Complex of Natura 2000 sites. A screening consideration of the one additional allocation proposed by the PNP concludes that the site can be screened out. With the screening out of the additional allocation proposed by the PNP, it can be concluded that the Plan would avoid impact on the protected Habitat Sites.

Risk Management

19. 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

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Appendices:	None
Relevant Previous Minutes:	None
Background Papers:	None
Reference Documents:	None
