

## Chichester District Council

### CABINET

3 June 2014

### Recommendations from the Development Plan Panel

#### 1.0 Contacts

- 1.01 The following individuals may be contacted in respect of the contents of this report:

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#### 2.0 Recommendation

- 2.01 **That the Cabinet considers the recommendations made in paragraphs 3.10 and 3.16.**

#### 3.0 Development Plan Panel – Thursday 15 May 2014

- 3.01 At its meeting on 15 May 2014 the Development Plan Panel (the Panel) considered and made recommendations to the Cabinet with respect to the two matters set out below.

**(1) Making the Kirdford Neighbourhood Plan Part of the Development Plan for Chichester District (Excluding the South Downs National Park)**

- 3.02 The Panel received a report on the outcome of the recent referendum on the Kirdford neighbourhood development plan (NDP) in consequence of which it is now being recommended that the NDP should form part of the development plan for Chichester District.
- 3.03 Kirdford Parish Council was identified as the qualifying body and the parish of Kirdford was designated as a neighbourhood area on 2 October 2013 by CDC and

by the South Downs National Park Authority (SDNPA) on 13 September 2013 under the *Neighbourhood Planning (General) Regulations 2012*. The parish of Kirdford lies within both the CDC and SDNPA areas but CDC is the lead authority for supporting neighbourhood planning in that parish because it is the local planning authority for the main built-up area of Kirdford and most of the parish.

- 3.04 Kirdford Parish Council developed a NDP with its local community, which was subjected to a public consultation in 2013 before undergoing an examination to ascertain whether it complied with the basic conditions required by legislation and could proceed to a referendum.
- 3.05 The independent examiner, Janet Cheesley, concluded that subject to making certain modifications as set out in her report the NDP (a) did satisfy the basic conditions in para 8 (2) of Schedule 4B to the *Town and Country Planning Act 1990*, (b) was compatible with European Union obligations and the *European Convention on Human Rights*, (c) complied with the relevant provisions made by or under section 38A and 38B of the *Planning and Compulsory Purchase Act 2004* and (d) should proceed to a referendum. Kirdford Parish Council subsequently confirmed its acceptance of those modifications.
- 3.06 On 25 February 2014 the Cabinet resolved that the Kirdford NDP should proceed to a referendum, which took place on 1 May 2014. The referendum complied with the requirements of the *Localism Act 2011* and the *Neighbourhood Planning (Referendums) Regulations 2012*. The turn-out was 44% and of those who voted 95% were in favour of the NDP being used to help decide planning applications in the NDP area.
- 3.07 In view of the outcome of the referendum, section 38A (4) of the *Planning and Compulsory Purchase Act 2004* (as amended by Part 2 of Schedule 9 to the *Localism Act 2011*) requires CDC to make the Kirdford NDP as soon as reasonably practicable after the referendum has been held, unless (which is not the case here) the making of the NDP would breach or otherwise be incompatible with any European Union obligation or any of the rights under the *European Convention on Human Rights* (within the meaning of the *Human Rights Act 1998*).
- 3.08 The Panel unanimously agreed to recommend to the Cabinet that it should in turn recommend to the Council meeting that the Kirdford NDP should be made part of the development plan for Chichester District, in which event CDC will then publish a formal decision statement as required under the *Neighbourhood Planning (General) Regulations 2012*.
- 3.09 The SDNPA will also take the recommendation to its planning committee on Thursday 12 June 2014 for the NDP to be made part of SDNPA's development plan.

#### **RECOMMENDATION TO THE CABINET**

- 3.10 **That the Cabinet recommends to the Council meeting that the Kirdford neighbourhood development plan shall be made part of the development plan for Chichester District (excluding the South Downs National Park).**

#### **(2) Loxwood Neighbourhood Plan Draft Decision Statement**

- 3.11 The Panel received a report on the examination by Janet Cheesley in March 2014 of the Loxwood neighbourhood development plan (NDP). The examiner's report recommended that (a) the NDP should proceed to a referendum subject to a

number of modifications and (b) the referendum area should be the same as the designated neighbourhood area.

- 3.12 The details of the modifications and the reasons for them are set out in the draft decision statement which has been seen by the Panel and appears as appendix one to this report.
- 3.13 As a result of discussions by Chichester District Council (CDC) with Loxwood Parish Council regarding the examiner's findings, the draft decision statement has been amended in certain respects: (a) ten minor changes eg typographical changes and (b) two major changes namely (i) the text referring to the minimum number of houses and (ii) the position within the plan of the section relating to affordable housing. The examiner does not object to those amendments and on the basis that they have been made Loxwood Parish Council has agreed that the NDP should now proceed to a referendum. The Panel has seen those amendments, a schedule of which appears as appendix two to this report.
- 3.14 The proposed date for the referendum is 24 July 2014, the question in which would be: 'Do you want Chichester District Council to use the neighbourhood plan for Loxwood parish to help it decide planning applications in the neighbourhood area?' The eligible electorate would consist of anyone registered to vote within the designated neighbourhood area. A simple majority of votes (ie over 50%) is required for the plan to be approved, in which case CDC would then need to make the Loxwood NDP (as explained for the Kirdford NDP in paragraph 3.07 above).
- 3.15 The Panel unanimously agreed to recommend to the Cabinet that the Loxwood NDP should proceed to a referendum.

#### **RECOMMENDATION TO THE CABINET**

3.16 **That the Cabinet approves:**

- (1) **The Loxwood neighbourhood development plan shall proceed to a referendum subject to (a) the modifications set out in the draft decision statement and (b) the further amendments thereto.**
- (2) **The Loxwood neighbourhood development plan referendum area shall have the same boundary as the Loxwood designated neighbourhood area.**

#### **4.0 Background Papers**

- 4.01 *Making the Kirdford Neighbourhood Plan Part of the Development Plan for Chichester District (Excluding the South Downs National Park):* report to Chichester District Council's Development Plan Panel on Thursday 15 May 2014
- 4.02 *Loxwood Neighbourhood Plan Draft Decision Statement:* report to Chichester District Council's Development Plan Panel on Thursday 15 May 2014

#### **5.0 Appendices**

- 5.01 Loxwood Neighbourhood Plan Draft Decision Statement
- 5.02 Amendments to Loxwood Neighbourhood Plan Draft Decision Statement