

Thorndon Neighbourhood Plan

Post-Examination Decision Statement



Dated: 27 May 2021

Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

Summary

Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended) requires the relevant local planning authority to decide what action to take in response each of the recommendations made by the Examiner and to publish its decision on its website. This Decision Statement fulfills that purpose.

The submission draft Thorndon Neighbourhood Plan (the 'Plan') was independently examined by Janet Cheesley BA (Hons) DipTP MRTPI. Her final report, dated 21 September 2020, sets out a number of modifications and advises that subject to those being made, the Plan meets the Basic Conditions and should proceed to referendum. The Examiner also concluded that the referendum area should be the same as the Plan Area.

Following consideration of the Examiners Report at its meeting on 7 December 2020, Mid Suffolk Cabinet agreed to accept all of the modifications proposed. It further resolved that:

1. Thorndon Parish Council be requested to make all the modifications to their Neighbourhood Plan in accordance with the Examiners Report, *and*
2. Subject to satisfactory completion of the above (to be agreed by the Corporate Manager for Strategic Planning), this Neighbourhood Plan be advanced to a local referendum covering the parish of Thorndon.

Cabinet Members were also asked to consider a third recommendation, which was proposed following a Court of Appeal case ruling issued just a few weeks after publication of the Thorndon Examination Report. The ruling was relevant because it relates to the lawfulness of a Local Green Space policy in a neighbourhood plan. The Thorndon Neighbourhood Plan contained just such a policy. The additional recommendation agreed by Cabinet was that:

3. Delegated authority be given to the Assistant Director for Sustainable Communities in consultation with the Cabinet Member for Planning to oversee the process for making any further necessary modification to the Thorndon Neighbourhood Plan in line with the recent Court of Appeal case regarding the lawfulness of a Local Green Space policy in a neighbourhood plan.

Background

The Thorndon Neighbourhood Plan has been prepared in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended). The key stages are set out below:

- In October 2017, designation of the whole parish as a Neighbourhood Plan Area by the District Council, enabling the Parish Council (as the 'qualifying body'), to prepare its Plan



- Publication by the Parish Council of their Regulation 14 Pre-submission draft Neighbourhood Plan for public consultation between 15 February and 30 March 2020
- In June 2020, formal submission of the draft Plan to the District Council, which was checked for compliance with the relevant requirements prior to being made available for public consultation between 22 June and 14 August 2020
- During August and September 2020, independent examination of the Neighbourhood Plan, with the Final Examination Report being issued on 21 September 2020
- Between 17 February and 1 April 2021, a public consultation on the proposed modification to Local Green Space policy THN 11 (was THN 13) of the Thorndon Neighbourhood Plan.

The 'Basic Conditions' are set out in Paragraph 8(2), Schedule 4B the Town and Country Planning Act, 1990. In order to satisfy them a Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State,
- be in general conformity with the strategic policies contained in the Development Plan for the area,
- contribute to the achievement of sustainable development; *and*
- not breach and be otherwise compatible with EU obligations and human rights requirements.

Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) also prescribes the following basic condition - *that the making of the neighbourhood plan should not have a significant effect on a European site or a European offshore marine site either alone or in combination with other plans or projects.*

The Thorndon Neighbourhood Plan was subject to independent screening. This concluded that the need to undertake a Habitats Regulation Assessment was '*screened-out*' and, therefore, the making of the Plan is not likely to have any likely significant effects on a Habitats Site or an Offshore Marine Site. Following consultation with the statutory bodies, the Council issued its formal Determination Notice on this matter in March 2020.

Decision

The Thorndon Neighbourhood Development Plan, as modified to incorporate all of the recommendations set out in the Independent Examiners Report and the subsequent modification to the Local Green Space policy, complies with the 'Basic Conditions' as set out in Paragraph 8(2), Schedule 4B the Town and Country Planning Act, 1990 and should proceed to a local referendum.

The date of the Local Referendum will be announced separately.

A copy of the 'Referendum Version' Thorndon Neighbourhood Plan (i.e., the version incorporating all the required modifications) will be published on the day that the local referendum is announced, or sooner if it is both practical and sensible to do so.

References:

1. Independent Examiners Report on the Thorndon Neighbourhood Plan:
<https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Thorndon-NP-Exam-Report.pdf>
2. Report to and Minutes of Mid Suffolk Cabinet Meeting held on 7 December 2020 [Report number MCa/20/16 Thorndon Neighbourhood Plan refers]:
<https://baberghmidsuffolk.moderngov.co.uk/ieListDocuments.aspx?CId=522&MId=2938&Ver=4>
3. Report on Public consultation on proposed modification to Local Green Space policy THN 11
<https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Thorndon-NP-LGS-Mods-May21.pdf>