

# Elmswell Neighbourhood Plan 2022 - 2037

## Post-Examination Decision Statement

Dated: 14 September 2023

### 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 recommendation made by the Independent Examiner in their report and to publish their decision on its website. This Decision Statement fulfills that purpose.

The submission draft 'Elmswell Neighbourhood Plan 2022 - 2037' has been independently examined by Ann Skippers BSc (Hons) MRTPI FHEA FRSA AoU. In summary, the Examiner notes that this plan *"takes a pragmatic approach to what has been a rather uncertain planning policy context seeking to revise the settlement boundary for the village in its first policy."* She also notes that it contains four other policies (covering Important Views, Local Green Spaces, Recreational Facilities, and Employment Sites) and that these are designed to complement higher level policies by adding local detail and addressing matters of importance to the local community.

Having considered the Report, it is the District Councils recommendation that:

'Elmswell Parish Council make all the necessary modifications to their Neighbourhood Plan in accordance with the Independent Examiner's Report and, subject to the satisfactory completion of that task, this Plan will be advanced to a local referendum covering the parish of Elmswell.'

#### Background

The Elmswell Neighbourhood Plan has been prepared in accordance with the relevant regulations. The key stages are set out below:

- In January 2014, designation of the whole parish as a Neighbourhood Plan Area, which enabled the Parish Council (the 'qualifying body') to prepare its Plan
- Publication by the Parish Council of a Regulation 14 Pre-submission draft Plan for consultation between 11 May and 1 July 2022
- In late January 2023, submission of the draft Plan to Mid Suffolk District Council. The Plan was made available for public consultation between 6 March and 26 April 2023
- Commencing in June 2023, independent examination of the Plan. The examination period including a focused consultation exercise on a further amendment to the settlement boundary. The final Examination Report was issued on 31 August 2023



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

- have regard to national policies and advice contained in guidance issued by the Secretary of State,
- contribute to the achievement of sustainable development,
- be in general conformity with the strategic policies contained in the Development Plan for the area of the authority, *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:

- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(7).

The Elmswell Neighbourhood Plan has been independently screened. This concluded that an Appropriate Assessment was not required. After consulting Natural England; who agreed with the outcome, the Council issued its formal Determination Notice in October 2022.

## **Decision**

The Elmswell Neighbourhood Plan 2022 - 2037 as modified to incorporate all the recommendations set out in the Independent Examiners Report dated 31 August 2023 complies with the Basic Conditions as set out in Paragraph 8(2) of Schedule 4B of the Town & Country Planning Act 1990 (as amended) and should proceed to a local referendum.

The date of the referendum will be announced separately.

A Referendum Version of this neighbourhood plan (i.e., a version incorporating all the required modifications) will be published either on the day the referendum is announced or sooner if it is practical to do so.

## **References:**

1. Independent Examiners Report on the Elmswell Neighbourhood Plan:  
<https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Elmswell-NP-Exam-Report.pdf>
2. Elmswell Neighbourhood Plan Examination Correspondence:  
<https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Elmswell-NP-Exam-Correspondence.pdf>
3. Elmswell Neighbourhood Plan Settlement Boundary Consultation Letter:  
<https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Elmswell-NP-Settlement-Boundary-Letter.pdf>