

# Newmarket Neighbourhood Plan: Referendum and decision to 'make' (adopt) as a West Suffolk Development Plan Document

<b>Report No:</b>	<b>COU/WS/20/003</b>	
<b>Report to and date:</b>	<b>Council</b>	25 February 2020
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**Decisions Plan:** Not applicable as this is not an executive matter.

**Wards impacted:** Newmarket North, Newmarket East, Newmarket West and Exning.

**Recommendation: It is recommended that:**

- 1. West Suffolk Council “makes” (adopts) the Newmarket Neighbourhood Plan (Referendum version) so that it becomes part of the statutory development plan, and a material consideration for determining planning applications in the Newmarket Neighbourhood Area; and**
- 2. delegated authority is given to the Assistant Director (Growth) and the Service Manager (Strategic Planning), to make minor non-material consequential changes to the Plan, as necessary, and exercise all of the Council’s functions and responsibilities in relation to making the Newmarket Neighbourhood Plan.**



## **1. Background**

- 1.1 Neighbourhood Plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012, and subsequent revisions in 2018 and 2019.
- 1.2 Legislation requires a neighbourhood to meet a set of basic conditions, in summary it must:
  - a) Have regard to national policies and advice;
  - b) Contribute to the achievement of sustainable development;
  - c) Be in general conformity with the strategic policies of the development plan; and
  - d) Not breach, and be otherwise compatible with, European Union and European Convention on Human Rights obligations.
- 1.3 In order for a Neighbourhood Plan to become part of the development plan it must follow a statutory process involving public consultation at each formal stage including the designated of the plan's area, pre-submission, submission, examination and finally by referendum.

## **2. Newmarket Neighbourhood Pan**

- 2.1 The neighbourhood plan area was designated in December 2015 and subsequently amended in June 2018 in conjunction with the designation of the Exning Neighbourhood Area and a parish boundary review. The designated area includes all of the parish of Newmarket and a small area which is now in Exning parish, south of the A14 and north of, and including, Exning cemetery on Exning Road. See map on the link below:  
[https://www.westsuffolk.gov.uk/planning/Planning\\_Policies/neighbourhood-planning/upload/Newmarket-NP-Colour-Plan-A-15-06-2018.pdf](https://www.westsuffolk.gov.uk/planning/Planning_Policies/neighbourhood-planning/upload/Newmarket-NP-Colour-Plan-A-15-06-2018.pdf)
- 2.2 The Neighbourhood Plan underwent two rounds of pre submission consultation in June – July 2018 and January – February 2019 which were considered by West Suffolk Joint Executive (Cabinet) Committee on 24 July 2018 and subsequently by Cabinet colleagues on an informal basis on 5 February 2019 respectively.

## **3. Examination**

- 3.1 The Newmarket Neighbourhood Plan was submitted to the Council for examination in March 2019 and was subsequently publicised for consultation in June – July 2019. All comments received were passed to an independent Examiner, Andrew Ashcroft, for consideration alongside the Submission Neighbourhood Plan in August 2019. The Examiner's report was issued to West Suffolk Council in October 2019 and found that, subject to modifications, the plan met the basic conditions for the preparation of a neighbourhood plan. The report stated in summary that:



- *The Plan includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on designating local green spaces and safeguarding its attractive character. It is a very effective Plan which carefully addresses a series of important issues that face the local community.*
- *The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been engaged in its preparation.*
- *Subject to a series of recommended modifications set out in this report I have concluded that the Newmarket Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.*

#### **4. Referendum and 'making' the Neighbourhood Plan**

- 4.1 Following the examination, West Suffolk Council in consultation with Newmarket Town Council considered and accepted the examiner's recommendations and issued the decision that the amended Newmarket Neighbourhood Plan could proceed to a referendum in Newmarket on 30 January 2020.
- 4.2 The referendum asked the question *"Do you want West Suffolk Council to use the Neighbourhood Plan for Newmarket to help it decide planning applications in the neighbourhood area?"* The Neighbourhood Plan was successful at the referendum with a clear majority of 1,361 people voting 'Yes' and 263 'No' from a turnout of 13.85%.
- 4.3 The Planning and Compulsory Purchase Act 2004 requires Local Planning Authorities to 'make' (adopt) a Neighbourhood Development Plan if more than half of those voting at a Referendum have voted in favour of the Plan. The Plan must be made as soon as reasonably practicable, and no longer than eight weeks, after the referendum is held.
- 4.4 Council can only decide to refuse the plan at this stage if it considers that the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). The Legislative Compliance check undertaken by West Suffolk Council in November 2019 considered that the referendum version Newmarket Neighbourhood Plan proposal met the legislative requirements; and furthermore, the Plan proposal met the basic conditions of neighbourhood planning including EU Obligations or any of the Convention Rights (within the meaning of the Human Rights Act 1998).

#### **5. Conclusion**

- 5.1 The Council has a duty to support communities who are preparing Neighbourhood Plans. The Regulations detail the Council's responsibilities. The Plan has been independently examined and agreed by West Suffolk to meet the Basic Conditions; it has been endorsed by the community at Referendum and has otherwise complied with all the legal requirements of plan production. It is considered that the Plan meets European legislation and is compatible with the European Convention on Human Rights within

the meaning of the Human Rights Act 1998 and should therefore be 'made' to become part of the development plan for West Suffolk.

## **6. Next Steps**

- 6.1 In accordance with Regulation 19 and 20 of the 2012 Regulations, the Council must as soon possible after deciding whether to make a neighbourhood development plan:
- a) Publish on its website and in such other manner as is likely to bring the Plan to the attention of people who live, work or carry on business in the neighbourhood area the 'decision statement' and neighbourhood plan, giving details of where and when they can be inspected.
  - b) Send a copy of the 'decision statement' to the Town Council, statutory consultees and any person who has asked to be notified of the decision.

## **7. Alternative Options**

- 7.1 As a result of the successful referendum, the Council is obliged to proceed to make the Plan as outlined above. The only exception to this is where the Council considers the neighbourhood plan would breach, or otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). The Newmarket Neighbourhood Plan is considered to be compatible with these rights and obligations.

## **8. Consultation and engagement**

- 8.1 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Town Council has prepared a Consultation Statement for the Neighbourhood Plan. This Statement is proportionate to the Plan area and its policies. It summarises the key stages of consultation and provides the details in a series of appendices. The Statement records the various activities that were held to engage the local community and the feedback from each event. It also provides specific details on the consultation processes that took place on the second pre-submission version of the Plan.

## **9. Risks**

- 9.1 Financial – The Ministry for Housing, Communities and Local Government make funds available to local authorities to cover the extra burden of supporting neighbourhood plan preparation and the referendum process. This must be claimed within specific deadlines when the application window is open.

If the Newmarket Neighbourhood Plan is 'made' (adopted), and West Suffolk Council decides to later implement Community Infrastructure Levy (CIL), then the making of the Neighbourhood Plan will enable Newmarket Town Council to receive 25% of any CIL receipts from development in its area from that date onwards.



- 9.2 Legal Compliance – A legal challenge can be made in relation to:
- a) The Council declining to make a Neighbourhood Plan which has been successful at referendum within 8 weeks. (Unless agreed with the qualifying body or if the plan is considered to breach the EU obligations or convention rights). Proceedings must be brought within six weeks of the day the decision is published.
  - b) The conduct of the referendum. Proceedings must be brought by a claim for judicial review filed within six weeks beginning the day on which the results are published.
- 9.3 Environmental or sustainability - The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required. In order to comply with this requirement, officers undertook a screening exercise in July 2018 on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. It was concluded that the neighbourhood plan is not likely to have any significant effects on the environment and accordingly would not require SEA. The plan proposals have not significantly changed since that time.
- 9.4 Changes to existing policy – The Neighbourhood Plan (NP) meets the basic condition of being in general conformity with the strategic policies in the relevant elements of the West Suffolk Development Plan. The NP adds a local dimension and detail to this strategic context on a number of issues in Newmarket but has remained silent on the wider delivery of new housing in the neighbourhood area and relies on the policies in the FH Core Strategy and Site Allocations Plan for this. If 'made' the NP will become part of the West Suffolk development plan and its policies a material consideration when determining planning applications in the neighbourhood area.

## **10. Background documents**

- 10.1 The full Newmarket Neighbourhood Plan (referendum version), policies maps and supporting documents can be viewed online at [www.westsuffolk.gov.uk/newmarketplan](http://www.westsuffolk.gov.uk/newmarketplan)

