

Chelmondiston Neighbourhood Plan

Post-Examination Decision Statement

Dated: 20 July 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 Independent Examiner and to publish its decision on its website. This Decision Statement fulfills that purpose.

The submission draft Chelmondiston Neighbourhood Plan has been independently examined by Janet Cheesley BA (Hons) DipTP MRTPI. In her final report issued on 19 May 2021 she set out a number of modifications and advised that subject to those being made the Plan meets the Basic Conditions and can proceed to referendum. The Examiner also concluded that the referendum area should be the same as the Plan Area.

Following consideration of the Independent Examiners Report at its meeting on 5 July 2021, Babergh Cabinet agreed to accept all of the modifications proposed. It further resolved that:

“Chelmondiston Parish Council make the necessary modifications to their Neighbourhood Plan in accordance with the Examiner’s recommendations, and, subject to satisfactory completion of that task (to be agreed by the Corporate Manager for Strategic Planning), the Neighbourhood Plan be advanced to a local referendum covering the parish of Chelmondiston.”

Background

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

- In March 2018, designation of the whole parish as a Neighbourhood Plan Area by the District Council. This enabled 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 18 July and 1 September 2020
- In late January 2021, formal submission of the draft Plan to the District Council. This was checked for compliance with the relevant requirements prior to being made available for public consultation between 15 February and 9 April 2021
- Starting in April 2021, independent examination of the Plan. The Final Exam Report was issued on 19 May 2021.



The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B of the Town and 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 Chelmondiston Neighbourhood Plan was subject to independent screening. This concluded that the need to undertake a Habitats Appropriate Assessment was '*screened-out*' and, therefore, the making of the Plan is not likely to have any Likely Significant Effect on any Habitats Site, either alone or in combination with other plans and projects. The Council issued a formal Determination Notice to this effect in May 2020.

Decision

The Chelmondiston Neighbourhood Development Plan as modified to incorporate all the modifications set out in the Independent Examiners Report dated 19 May 2021 complies with the 'Basic Conditions' as set out in Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended) and should proceed to a local referendum.

The date of the Local Referendum will be announced separately.

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

References:

1. Independent Examiners Report on the Chelmondiston Neighbourhood Plan:

<https://www.babergh.gov.uk/assets/Neighbourhood-Planning/Chelmondiston-NP-Exam-Report.pdf>
<https://www.babergh.gov.uk/assets/Neighbourhood-Planning/Little-Waldingfield-NP-Exam-Report.pdf>

2. Report to and Minutes of Babergh Cabinet Meeting held on 5 July 2021 [see report number BCa/21/11 Update on Five Neighbourhood Plan in Babergh]:

<https://baberghmidsuffolk.moderngov.co.uk/ieListDocuments.aspx?CId=521&MId=3141&Ver=4>