

Holbrook Neighbourhood Plan 2022 - 2037

Post-Examination Decision Statement

Dated: 27 February 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 of the recommendations made by the Independent Examiner and to publish the decision on its website. This Decision Statement fulfills that purpose.

The submission draft 'Holbrook Neighbourhood Plan 2022 - 2037' has been independently examined by Janet Cheesley BA (Hons) DipTP MRTPI. In summary, the report notes that the Plan is well-written and has a clear vision supported by five objectives, but also explains that it was necessary to recommend some modifications to ensure that it provides a strong practical framework for decision-making. In particular, three proposed Local Green Spaces were found not to meet the criteria for designation, so are removed from the Plan. The Report also concludes that subject to all the modifications being made, the Plan meets the Basic Conditions and can proceed to a local referendum. The Examiner also agreed that the referendum area should be the same as the Plan area.

Having considered the examination report, it is the District Councils recommendation that:

'Holbrook 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 Holbrook.'

Background

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

- In April 2018, 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 their Regulation 14 Pre-submission draft Plan for consultation between 25 October and 5 December 2021
- In October 2022, submission of the draft Plan to Babergh District Council. This was made available for public consultation between 28 November 2022 and the 25 January 2023
- Starting in January 2023, independent examination of the Plan. No new issues were raised and the Final Examination Report was issued on 20 February 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 Holbrook Neighbourhood Plan has been subject to independent screening. This concluded that an Appropriate Assessment was not required but it did recommend that Policy HNP 13: Biodiversity and the supporting text be updated to also include a reference to potential likely significant effects on the Deben Estuary SPA and Ramsar as the zone of influence for these sites also overlaps the Plan area.

After consulting with Natural England, who made some further helpful recommendations regarding the wording of Policy HNP 13, the Council issued its formal Determination Notice in September 2022.

Decision

The Holbrook Neighbourhood Development Plan as modified to incorporate all the modifications set out in the Independent Examiners Report dated 20 February 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 the Neighbourhood Plan, i.e., the version incorporating all the required modifications, will be published either on the day that the referendum is announced, or sooner if it is practical to do so.

References:

1. Independent Examiners Report on the Holbrook Neighbourhood Plan:

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