

# Stutton Neighbourhood Plan 2022 - 2037

## Post-Examination Decision Statement

Dated: 11 January 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 'Stutton Neighbourhood Plan 2022 – 2037' has been independently examined by Ann Skippers BSc (Hons) MRTPI FHEA FRSA AoU. In summary, the examiner praised the Plans clarity and its approach to linking the vision, objectives, planning policies, and community actions together but also explained that it had been necessary to recommend some modifications to improve clarity, particularly in relation to development proposals within the AONB. The report also concluded that subject to all the modifications being made, the Plan meets the Basic Conditions and can proceed to a local referendum, and, that the referendum area should be the same as the Plan area.

Having considered the proposed modifications, it is the District Council recommendation that:

*'Stutton 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 Stutton.'*

### Background

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

- In October 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 8 November and 20 December 2021
- In August 2022, submission of the draft Plan to Babergh District Council. This was made available for public consultation between 12 September and 28 October 2022
- Starting in November 2022, independent examination of the Plan. No new issues were raised and the Final Examination Report was issued on 20 December 2022



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 Stutton Neighbourhood Plan has been subject to independent screening. Relevant to its content at the time, two potential impact pathways; from recreational disturbance, and from changes in water quality from waste water, were identified on four Habitats sites. An Appropriate Assessment (AA) was carried out which recommended some additions to the relevant Plan policies and supporting text. The AA also concluded that, with mitigation secured, the Plan would not have any adverse impact on the sites in question, either alone or in combination with other plans or projects. After consulting Natural England on screening report etc. the Council issued its formal Determination Notice in May 2022.

## **Decision**

The Stutton Neighbourhood Development Plan as modified to incorporate all the modifications set out in the Independent Examiners Report dated 20 December 2022 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 Stutton Neighbourhood Plan:

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