

Wherstead Neighbourhood Plan 2018 - 2037

Post-Examination Decision Statement

Dated: 3 May 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 'Wherstead Neighbourhood Plan 2018 - 2037' has been independently examined by Ann Skippers BSc (Hons) MRTPI FHEA FRSA AoU. In summary, the examiner praised the Plan but also explained that it was necessary to recommend some modifications to ensure that it could provide a clear and practical framework for decision-making. Of note, those modifications included the removal of a some proposed 'important views' and changes to policy wording where it refers to development proposals within, or which might affect, the AONB. The report also concluded that subject to all the modifications being made, the Plan meets the Basic Conditions and that it can proceed to a local referendum. The examiner also concluded that the referendum area should be the same as the Plan area.

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

'Wherstead 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 Wherstead.'

Background

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

- In September 2020, 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 9 October and 22 November 2021
- In October 2022, submission of the draft Plan to Babergh District Council. This was made available for public consultation between 16 November 2022 and 20 January 2023
- Starting in February 2023, independent examination of the Plan. No new issues were raised and the Final Examination Report was published on 6 April 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 Wherstead Neighbourhood Plan has been subject to independent screening. The HRA Screening Report (July 2022) concluded that an Appropriate Assessment was not required as no likely significant effects are predicted, either alone or in combination with other plans and project. It did, however, recommend that the wording of policy WTD 3 be strengthened to ensure that project level HRAs of windfall development be undertaken as these proposals come forward. After consulting with Natural England, who made some further helpful recommendations, the Council issued its HRA Determination Notice in September 2022.

Decision

The Wherstead Neighbourhood Development Plan as modified to incorporate all the modifications set out in the Independent Examiners Report dated 6 April 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 Wherstead Neighbourhood Plan:

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