

Mendlesham Neighbourhood Plan 2018 - 2037

Post-Examination Decision Statement

Dated: 1 August 2022



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 version of the revised Mendlesham Neighbourhood Plan 2018 - 2037 was independently examined by Janet Cheesley BA (Hons) DipTP MRTPI. Her final report dated 22 June 2022 sets out a small number of modifications to some policies but notes that none of these significantly or substantially alter the nature of the Plan. Subject to those modifications being made, the report concludes that this Plan meets the basic conditions and can proceed to referendum. The report also concludes that the referendum area should remain the same as the Plan area.

Having considered the Examiners Report, Mid Suffolk District Council hereby agree to accept all of the recommendations made. It also instructs Mendlesham Parish Council to:

'... make all the necessary modifications to their Neighbourhood Plan in accordance with the Examiner's recommendations, and, subject to the satisfactory completion of that task (to be signed-off by the Corporate Manager for Strategic Planning), the Neighbourhood Plan will be advanced to a local referendum covering the parish of Mendlesham.'

Background

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

- Publication by the Parish Council of their Regulation 14 Pre-submission modification draft Plan for consultation between 15 February and 12 April 2021
- In June 2021, submission of the modification draft Plan to Mid Suffolk District Council. This was made available for public consultation between 12 July and 17 September 2021
- Starting in October 2021, the independent examination of the Plan. Following a focused consultation exercise to address two specific issues, which took place between 15 March and 29 April 2022, the Final Examination Report was issued on 22 June 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 modification draft Mendlesham Neighbourhood Plan was subject to independent screening. This concluded that the need to undertake a Habitats Regulation Assessment was 'screened-out' and, therefore, the making of the Plan is not likely to have any likely significant effects on a European site or a European offshore marine site. After consultation with Natural England, the Council issued its formal Determination Notice on this matter in September 2020.

Decision

This latest iteration of Mendlesham Neighbourhood Development Plan 2018 – 2037, as amended to incorporate all the modifications set out in the Independent Examiners Report dated 22 June 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.

The referendum version of the 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 modification draft Mendlesham Neighbourhood Plan:

<https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Mendlesham-NP-Mod-Exam-Report.pdf>