

# Bentley Neighbourhood Plan 2018 - 2037

## Post-Examination Decision Statement



Dated: 22 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 the decision on its website. This Decision Statement fulfills that purpose.

The submission draft Bentley Neighbourhood Plan 2018 - 2037 has been independently examined by Ann Skippers BSc (Hons) MRTPI FHEA FRSA AoU. Her final report was issued on 12 August 2022. Responding to a proposal put forward by the Parish Council (the 'qualifying body'), the report recommends that the housing and site allocation policies (BEN 1 to BEN 4) be deleted from the Plan. It also concludes that, subject to these and other 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 Examiners Report, Babergh District Council accepts all the recommendations made. It also instructs Bentley Parish Council to:

*'... make all the necessary modifications to their Neighbourhood Plan in accordance with the Examiner's Report, 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 Bentley.'*

#### Background

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

- In July 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 1 October and 16 November 2020
- In June 2021, submission of the draft Plan to Babergh District Council. This was made available for public consultation between 24 June and 27 August 2021
- Starting in summer 2021, independent examination of the Plan. A focused consultation on proposed significant modifications to the Plan took place between 12 July and 27 July 2022. The Final Examination Report was issued on 12 August 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 Bentley Neighbourhood Plan has been subject to independent screening. Relevant to the content of the Plan at the time, it identified the potential for recreational disturbance impacts and an Appropriate Assessment (AA) was prepared. The AA recommended amendments to two of the housing related policies and, after consulting Natural England on this, the Council issued its formal Determination Notice in January 2021.

## **Decision**

The Bentley Neighbourhood Development Plan as modified to incorporate all the modifications set out in the Independent Examiners Report dated 12 August 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 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 Bentley Neighbourhood Plan:

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