

Planning and Compulsory Purchase Act 2004 (As amended)

Local Development Framework

Protocol for Joint Working on the Lewes District Core Strategy

between South Downs National Park Authority and Lewes District Council

As from 1 April 2011 the South Downs National Park Authority (SDNPA) became the Local Planning Authority for that part of the South Downs National Park (hereinafter referred to as the Park) which lies within Lewes District Council (LDC), covering about 56 % of LDC's geographical area and including 24% of its population.

The SDNPA has commenced its preparation of a Core Strategy for the whole Park and intends to have this adopted by October 2014. In the meantime existing saved Local Plan policies and (where relevant) adopted LDF policies will apply in Lewes District and elsewhere in the Park. There is advantage in having Joint Core Strategies adopted for as much of the Park as possible before 2014. The SDNPA will therefore seek to adopt as joint documents Core Strategies which are already well advanced and/ or which it can sign up to without a significant input of staff time and financial resources.

Because of its large area and population within the Park, the SDNPA is willing to provide specific resources for working with LDC on a Joint Core Strategy, providing there is a real prospect of achieving a satisfactory document within reasonable cost and time constraints. Similarly there are benefits to LDC in having a Core Strategy which covers the whole of their administrative area, such as being able to reflect housing, economic development and community infrastructure priorities as part of a more comprehensive spatial plan, albeit within the overriding priority of National Park purposes for the parts of the plan that are of relevance to the National Park. In pursuit of this the SDNPA and LDC hereby agree to prepare and in due course adopt a Joint Core Strategy for Lewes District and to this end have agreed the following principles and procedures.

I. Core Principles

Lewes District Council recognises and understands the role of SDNPA as the sole planning authority for that part of the Park within its area and SDNPA recognises the continuing role of LDC as planning authority for the rest of the district.

LDC recognises the over-riding primacy of the National Park purposes and duty in relation to development within the Park. Its recognition of the Park's purposes is evidenced by Emerging Core Strategy that was published in September 2011. All subsequent documents and policies affecting land and development inside the Park will similarly recognise the importance of the Park purposes and duty, as well as any other Vision and Objectives that may emerge through the preparation of the SDNPA Management Plan. They will also take account of LDC's Sustainable Community Strategy and of its role as strategic housing authority and in promoting economic development, albeit that fostering social and economic well-being is to be done in pursuit of the Park's purposes.

The SDNPA agrees to the overall approach to development within the Park and to the strategic objectives as set out in the Emerging Core Strategy. It is recognised that a locally derived housing target has been developed for the Core Strategy, due to the imminent abolition of the South East Plan. In addition,

further options for a housing delivery strategy have emerged since the Emerging Core Strategy was consulted upon (including potential strategic site options).

The SDNPA is aware of the possibility of identifying a broad location for change (North Street) and a broad location for growth (Old Malling Farm) in Lewes, as set out in the Emerging Core Strategy. These policy options will be addressed in terms of the overall approach to the Core Strategy and achieving NP purposes, taking into account the social and economic well-being of the communities within the National Park. Prima facie, the SDNPA has no objection to the proposed policy approach set out for the North Street area in the Emerging Core Strategy. The SDNPA wish for further assessment of the potential landscape impacts, and in turn the contribution to meeting the National Park purposes, of developing the Old Malling Farm option. This will be before forming a view as to whether it should be taken forward in the Core Strategy – Proposed Submission document.

In the Core Strategy – Proposed Submission document, the SDNPA will prima facie seek an approach to housing and other development outside Lewes town but within the Park, which is as follows. Development in villages and settlements without settlement boundaries will be extremely restrictive, and, in particular, any new housing will be for local needs only. Development in villages and settlements with boundaries may provide for some market housing, but in the general context of meeting primarily local housing needs, while also avoiding village ‘cramming’ and ensuring the character and landscape contribution of the village/settlement is conserved and enhanced. Such an approach was reflected in the Emerging Core Strategy.

2. Joint Ownership and Equivalence of Decision-making

There will be joint ownership of and equivalence in the preparation and decision-making processes at all stages. In particular, all documents will be jointly and equally agreed by the SDNPA and LDC prior to publication. The LDC and SDNPA will ensure continued dialogue between both parties and will work together to present a unified and co-ordinated approach to the public.

This will require that there is sufficient time in the project plan for the SDNPA members to familiarise themselves with the issues which relate to the Park within Lewes District. In addition Park members need to familiarise themselves with issues within the Core Strategy but outside the park that have an impact on the it, while LDC members may need to ensure an equivalent understanding of how issues in the Park impact on the area outside it. Joint training events, briefings and site visits are expected to be undertaken for District Councillors and Members of the SDNPA.

Engagement and involvement of LDC Councillors and Members of the SDNPA will be in accordance with the constitutional arrangements of each body.

As key stages in the preparation of the Core Strategy will need to be approved by both LDC and SDNPA any engagement of Members in the process of production will be replicated for both authorities. The documents to be considered by the relevant authority Members will be prepared by a set date to be agreed by both parties. Officers from both parties will need to agree to the content of the documents by the set date.

The agreed documentation, which is to be considered by the District Councillors and the Members of SDNPA, will be made public by both authorities on the same date, which has been pre-agreed by both parties. Consideration by the relevant authority Members will take place at the earliest possible opportunity thereafter. Both authorities will consider the documentation on dates that are as close as possible together.

If necessary to aid in the smooth and timely progression of the Core Strategy, the formation of an informal co-ordinating group will be considered. The purpose of such a group will be to oversee the strategic policy direction, work programme and resources for the Core Strategy and to advise on issues such as the consultation arrangements. If established, the group would be expected to meet at appropriate intervals. Recommendations concerning the work programme and resources could be reflected in the two authorities service and financial plans that are prepared.

The secretariat for the group will be provided by the District Council and it will be possible to co-opt representatives from other statutory bodies onto the group, if seen as necessary. It is worth noting that such a group would not be a decision making group and they would only make recommendations back to their respective parent bodies.

With two authorities needing to provide approval for various stages of the preparation of the Core Strategy to be undertaken, there is a chance that disagreement could occur. There will therefore be a need for the differing opinions of the two authorities to be resolved. In such instances, the dispute avoidance and dispute resolution procedure that is outlined in Section 6 of the Section 101 Agency Agreement will be expected to be followed. If this procedure needs to be enacted then in most instances the differing opinions will be expected to be resolved through officer level liaison between the two authorities.

3. Timetables

LDC and SDNPA hereby agree a common timetable for completion of the Core Strategy. The timetable will provide for full involvement and ownership of the project by the SDNPA and LDC and provide realistically for SDNPA to participate fully in decision making. The SDNPA and LDC are satisfied that the key dates set out in Appendix I would enable this.

4. Staffing

The lead on professional /technical input into Core Strategy work will be taken by LDC, with funding from the SDNPA as set out in Appendix 2. This is because the District Council have been working on the Core Strategy prior to the joint-working arrangement coming into play and so have a good understanding of the plan preparation to date, and also because the District Council have a greater strategic role in the preparation of the Core Strategy (i.e. it is setting policies for the whole plan area albeit within the context of the National Park purposes for significant parts of the plan area). SDNPA will provide staff to participate in discussions and decisions, to ensure that agreed timescales are met.

No TUPE obligations will arise from this joint-working arrangement.

5. Funding

Costs to be incurred in progressing the Core Strategy will be agreed in advance by both parties and apportioned between SDNPA and LDC in a fair and equitable manner.

The SDNPA funding represents the marginal increase in cost which results from the Park's inclusion. It includes a proportion of the costs (including on-costs such as pension and National Insurance) of employing LDC's staff directly working on the LDF on the basis that savings could have been made on these costs had the joint strategy not been proposed. The proportion of planning policy staff costs assumed to be working on the Core Strategy varies between 39% and 78%, figures, derived from LDC's

time allocation forms (the average percentage of time for all Planning Policy posts is 69%). Of this about 44% of the work is associated with the National Park, which is the basis for the costs to be paid by SDNPA.

The funding does not include fixed costs and recharges from other departments unless it can be established that these relate directly to additional work arising from the LDF Core Strategy and that this additional work is greater as a result of the Park's inclusion in the Core Strategy.

It also includes a percentage of identifiable elements of significant expenditure during 2012-13, e.g. consultancy work, etc. The percentage relates either to the split between the part of the District that lies within the Park and the part outside it, based on either population (24/76) or area (44/56), as appropriate. These are estimated costs at this stage and payment would be on the basis of the actual costs as they are incurred. The most significant cost to be incurred during 2012-13 will be as a result of the Examination in Public. The contribution of the SDNPA towards the Examination costs should reflect the relative importance of the Park-related matters being addressed at the Examination and would be assessed and agreed once the issues for Examination have been decided by the Inspector.

Payment will be quarterly in arrears and will be reviewed should there be significant changes in staffing levels or work priorities. LDC staff will maintain time-sheet records of time spent on LDF Core Strategy work to enable their input to be monitored and to support the quarterly invoices.

6. Continuity with SDNPA Core Strategy

It is recognised that at the same time as the Joint Core Strategy is being progressed, SDNPA will also be progressing work on their own Core Strategy that will cover the whole National Park area. Although this Core Strategy will not be jointly produced in the same way as the Lewes District version will be, it will be important that the LDC, and all other constituent authorities within the National Park, work closely with SDNPA in progressing their document through to adoption. In this regard, LDC will commit to ensuring that it is able to contribute towards the development of the SDNPA's Core Strategy, beyond just its statutory consultee role. This will include the sharing of evidence that has been prepared for the Lewes District Joint Core Strategy and the provision of informal comments on emerging strategy in SDNPA's document.

The Joint Core Strategy will need to be prepared in a way that enables both parties to determine what parts of the document (including each of the policies) apply to the constituent authorities. This means that when the SDNPA prepare their own Core Strategy it will be possible for it to 'lift' the relevant policies from the Joint Core Strategy into their own Core Strategy. The SDNPA commits to transposing the relevant policies and principles of the joint CS work into the SDNP CS, assuming the policies are recently adopted and/ or appropriately current at the time of SDNPA CS submission.

7. Consultation

Both the SDNPA and LDC have recently adopted their own Statement of Community Involvement (SCI). Consultation undertaken on the Core Strategy will be undertaken in accordance with LDC's SCI, providing that a cross-check takes place against the SDNPA's stakeholder / consultee database and that opportunities for consultation in conjunction with the Park Management Plan and other forums and events in the Park are taken where appropriate.

In advance of the Joint Core Strategy being considered by the Members of the respective authorities a schedule of consultation will be agreed upon by Officers from LDC and SDNPA. Preparation of this schedule will be led by LDC Officers.

Details for how the costs of undertaking consultation events will be apportioned between LDC and SDNPA are contained within Appendix 3. Such costs include those incurred for advertising and the printing of documents and exhibition material.

8. Evidence commissioned after the 1st April 2012

LDC has undertaken the preparation of much of the evidence that will be required to support the development of the Core Strategy. Hence, at this stage it is not envisaged that additional evidence will need to be produced after the 1st April 2012, apart from potentially minor updates to existing studies. However, in the event of having to undertake further evidence base studies, including the updating of an existing study, the following will apply:

- As far as possible the study should be undertaken and presented in a way that allows the parts of the evidence that apply to only the Park to be 'detachable' from the rest of the study. This will mean that, where appropriate, the SDNPA can utilise the evidence for their own LDF work, as can LDC.
- The need to commission or undertake a piece of evidence to inform the Core Strategy will need to be agreed by Officers from the LDC and SDNPA. This will apply to updates to studies (e.g. the Strategic Housing Land Availability Assessment).
- If consultants need to be appointed then the procurement will be led by LDC whose procurement procedures will be followed. The exception to this will be if SDNPA consider there is a need to commission consultants to undertake a piece of work that LDC does not consider necessary for the Core Strategy, or if the work is required as a specific result of National Park purposes.
- Although in most instances the procurement of an evidence base study will be led by LDC, SDNPA will be involved in the setting of the brief for the study and the interviewing of potential consultants. The opposite will apply if the procurement is led by SDNPA.
- Details for how the cost of producing an evidence base study by external consultants will be apportioned LDC and SDNPA are contained within Appendix 3. The proportion that each authority pays will be agreed in advance of the commencement of the study.
- Any evidence base studies that are published after the 1st April 2011 will be owned by both LDC and SDNPA.
- Prior to publication of an evidence base document, Officers from both authorities will have had the opportunity to comment on a draft. Publication of any evidence base document will not require Member approval from either authority, although such a document will normally be discussed with the District Council's Lead Member for Planning, and with the SDNPA's Planning Committee Chairman. Any evidence base briefing/ workshop that is undertaken for the District Councillors will also be open to members of SDNPA, or replicated for them on a separate occasion.

9. Examination

Examination of the Core Strategy is due to take place in early 2013. One of the initial tasks for the Examination will be the appointment of a Programme Officer (this will need to be undertaken at the Submission stage). This appointment will be made by LDC. The Examination itself will be held by LDC, unless agreed otherwise.

In advance of the hearing sessions it is expected that the Inspector will raise a number of issues and questions requiring a written response. On receipt of these issues and questions, Officers from the LDC and SDNPA will agree on who prepares the response and their content. Once the hearing sessions have been arranged, Officers will agree on representation at each hearing.

Substantial costs are expected to be incurred in 2012-13 as a result of the Examination (predominantly the cost of the Inspector and Programme Officer). These costs will be apportioned between the LDC and SDNPA depending on the issues that are dealt with at the Hearing Sessions. The cost of Hearing Sessions that deal with plan-wide issues will be apportioned using the same principle as the general approach to plan-wide evidence base studies. Similarly, the cost of Hearing Sessions that deal with location specific issues will be apportioned using the general approach to site-specific evidence base studies.

10. Monitoring and implementation

Once adopted, the policies in the Core Strategy will need to be monitored in order to determine their effectiveness. Under the 'plan, monitor and manage' approach to Development Planning, a series of indicators will need to be identified (some of these will be indicators that are required to be reported upon through the present Annual Monitoring Report process) that will be used to assess the performance of adopted policies. Both SDNPA and LDC will need to agree on the indicators that each authority is going to monitor, as well as targets that will apply to each authority. This will need to be agreed in advance of the publication of the Proposed Submission document (regulation 27).

Implementation of certain policies within the Core Strategy may necessitate either authority, or both, preparing a Local Development Document (LDD) (e.g. an Area Action Plan to provide detailed policy direction for the development of a strategic site/area). If this is the case, the authority that is required to prepare the LDD will commit to its production by identifying the document in an up-to-date version of their LDS.

11. Sustainability Appraisal/Strategic Environmental Assessment (SEA)

The Sustainability Appraisal process (incorporating SEA) for the Core Strategy is being undertaken by LDC Officers. To aid in the robustness of this process Officers from SDNPA will have an opportunity to provide comments on the draft appraisals undertaken. Such comments will be reflected in the Sustainability Appraisal reports that accompany each stage of the Core Strategy.

12. Implications of changes to the planning system

As the Core Strategy is being progressed towards adoption further changes to the planning system are expected to take place (e.g. adoption of Local planning regulations and the National Planning Policy Framework). Such changes may necessitate altering the process for progressing the Core Strategy towards adoption. If this happens to be the case the programme for progressing the Core Strategy towards adoption will be reviewed by LDC and SDNPA Officers. The validity of this protocol against an amended programme for the Core Strategy will be reviewed and necessary amendments made.

13. Website

To ensure consistency and to avoid duplication, it is proposed that the LDC website will host all material and documentation associated with the Core Strategy. This will include evidence base documents (including Sustainability Appraisal reports), any consultation material, documents and statements

associated with the Examination and the different iterations of the emerging Core Strategy document itself. SDNPA will provide a link from their website to the Core Strategy section of the LDC website.

I4. Enquiries, complaints and requests for information

Any enquiries, complaints and requests for information (including those made under the Freedom of Information Act), which are concerned with the Core Strategy, will be responded to by the authority that receives the enquiry, complaint or request in the first instance. An exception to this will be if both authorities agree that the authority that did not receive the enquiry, complaint or request for information is best placed to respond. Where appropriate, both LDC and SDNPA will liaise in preparing responses (this could just involve copying the response to the non-responding authority).

Appendix I

Key Milestones still to be reached/undertaken

Milestone	LDC Meeting/ Date	SDNPA Meeting /Date
Consideration of responses to Emerging Core Strategy consultation and preparation of Proposed Submission Document	December 2011- April 2012	
Approval of Proposed Submission Document	Cabinet 12 July 2012 (a Special Cabinet meeting may be arranged for June)	Planning Committee 14 June 2012 and Authority Meeting – 19 June 2012
Consultation on Proposed Submission Document published	August- September 2012	
Representations considered & summarised	October - November 2012	
Core Strategy submitted	November 2012	
Examination in Public commences	February 2013	
Inspector's Report published	May 2013	
Adoption of Core Strategy by LDC & SDNPA	June 2013	

Appendix 2

SDNPA Contribution to Joint Core Strategy Costs 2012-13

	£
Staff Costs	
Planning Policy Manager: 70% of 1 post x 0.44	£17,007
Senior Planning Officer: 75% of 1 posts x 0.44	£14,258
Senior Planning Officer: 78% of 1 post x 0.44	£13,358
Principal Planning Officer: 72% of 1 post x 0.44	£13,688
Planning Officer: 67% of 0.5 post x 0.44	£4,735
Planning Officer: 62% of 0.5 post x 0.44	£4,382
Team Clerk: 39% of 0.5 post x 0.44	£1,892
Sub-Total	£69,321
Evidence Base	
Strategic Flood Risk Assessment – Sequential Test (estimated)	2,800
Other Costs	
Publicity materials and venue hire (estimated)	240
Grand Total (estimated)	72,361

Staff costs will cover evidence base studies being undertaken in house, the drafting of the actual Core Strategy document, administering and undertaking consultations (including the analysis of reps) and SA/SEA work. The above constitute a fixed price to be paid quarterly, subject to no significant changes in workload or staff levels.

With regard to the estimated costs, SDNPA will pay on the basis of actual costs for these items, when known, using the methodology set out in the Schedule below.

Other costs in 2012-13 will include a share (to be agreed) of Examination expenses, including the fees for the Inspector and Programme Officer. Total cost of these could be in the order of £105,000. How such costs are apportioned between the two authorities will be determined once more information is known on the Examination (eg. number of Hearing Sessions, issues to be discussed, etc).

Schedule of Anticipated Costs

The following schedule identifies how the above costs have been arrived at. This schedule will be kept under review. The evidence base studies that are specifically identified are those studies that the District Council is currently committed to undertaking. Items of expenditure that are likely to just relate to Officers time (i.e. do not involve paying for consultants, inspectors or any items of expenditure) are identified in red.

Items of expenditure	Who pays for what?		Actual Cost / Comment
	Lewes District Council	South Downs National Park Authority	
Plan-wide evidence base studies – general approach	If the study relates to physical issues (e.g. infrastructure, landscape, flood risk) then the proportion of the total cost to be paid will equate to the proportion of the plan area that is outside the Park (44%). If the study relates to human issues (e.g. affordable housing), then the proportion of the total cost to be paid will equate to the proportion of the population that is outside the Park (76%).	If the study relates to physical issues (e.g. infrastructure, landscape, flood risk) then the proportion of the total cost to be paid will equate to the proportion of the plan area that is within the Park (56%). If the study relates to human issues (e.g. affordable housing), then the proportion of the total cost to be paid will equate to the proportion of the population that is within the Park (24%).	This approach will be pursued unless stated otherwise for a particular study detailed in the remainder of this Schedule.
Site/area specific evidence base studies – general approach	If the site/area is wholly within the part of the District outside of the National Park (even if some of the impacts may be felt within the NP).	If the site/area is wholly within the part of the District within the National Park (even if some of the impacts may be felt outside of the NP).	In such instances, the authority that is not meeting the cost of the study will be expected to be involved in its production. This would include commenting on a brief for the study and a draft of the study itself.
Infrastructure Position Paper and Delivery Plan			Costs to be incurred will be the cost of Officers time, included above.
Green Infrastructure Study			Costs to be incurred will be the cost of Officers time, included above.
Appropriate Assessment (AA)	Assessing the impact of development scenarios (across the plan area) on the Ashdown Forest SPA (the Pevensey Levels Ramsar site has been screened out).	Assessing the impact of development scenarios (across the plan area) on the Lewes Downs SAC (the Castle Hill SAC has been screened out).	This work is expected to be completed by LDC Officers. However, in the unlikely event that specialist consultants are required, the cost will be split in accordance with the two previous columns.
Strategic Flood Risk Assessment –	44%.	56%.	Estimated cost of this work is £5,000, hence £2,800 for the

Sequential Test			NPA and £2,200 for LDC.
Strategic Transport Studies	Any modelling and testing of development scenarios that are within the part of the District outside of the National Park.	Any modelling and testing of development scenarios that are within the National Park	No further transport evidence is expected to be commissioned. However, in the unlikely event that it is the cost will be split in accordance with the two previous columns.
Update to the Retail Study	75%, relating to 3 towns outside the Park (Newhaven, Seaford & Peacehaven/ Telscombe)	25%, relating to 1 town within the Park (Lewes)	Cost of the study is £25,675, hence £6,418.75 for SDNPA and £19,256.25 for LDC. Note: it is expected that the majority of these costs will have been incurred during 2011/12
Update to the Strategic Housing Land Availability Assessment (SHLAA)	All sites assessed and re-assessed that are outside of the National Park and the publication of the report.	All sites assessed and re-assessed that are within the National Park.	Costs to be incurred will be the cost of Officers time, included above.
Publicity material (including cost of statutory notices, leaflets and posters) Hire of venues for consultation events	76%	24%	Estimated cost for consultation on the Proposed Submission document is £1,000, hence the share to be paid by the NPA will be £240. LDC will pay £760.
Cost of the Planning Inspector and Programme Officer	How this cost is split between the two authorities will only be established once the Examination programme is known and the Inspector has identified the issues to be examined. The costs incurred in preparing for and undertaking hearing sessions that relate to a particular geographical area (i.e. strategic site policies) will be incurred by the relevant authority. Including the costs of the Programme Officer and the employment of any specialist consultants who are required for EiP hearing sessions it is estimated that the total cost of the Examination will be in the region of £105,000. This figure is based on the costs quoted by PINS, the average length of time spent on the Examination and is consistent with the costs incurred by LPAs who have already been through the process.		
Undertaking the Sustainability Appraisal/ SEA process			Costs to be incurred will be the cost of Officers time.
Administering and analysing representations made on the Core Strategy	76%	24%	Costs to be incurred will be the cost of Officers time. But could include the appointment of temporary staff and/or the purchase of

			consultation software if an unexpectedly high level of representations is made.
Appointment of a mediator to resolve any potential conflict(s) arising as the Core Strategy is progressed	50%.	50%.	Hopefully such a cost will not need to be incurred.