

Report to	South Downs National Park Authority
Date	18 September 2012
By	Director of Planning
Title of Report	Delegation to the South Downs National Park Authority (SDNPA) Planning Committee to approve the Joint Lewes District Core Strategy for pre-submission publication and subsequent submission to the Secretary of State.
Purpose of Report	For the Authority to consider the delegation of procedural matters in the progression of the Joint Lewes District Core Strategy to the SDNPA Planning Committee.

Recommendation: The South Downs National Park Authority is recommended to:

- 1) agree delegation to the Planning Committee to approve the proposed pre-submission document for Regulation 19 consultation**
- 2) agree delegation to the Director of Planning in consultation with the Planning Committee Chair of any minor modifications of the pre-submission version of the Joint Lewes District Core Strategy for formal submission to the Secretary of State**
- 3) authorise the Director of Planning, in consultation with the Chair of the Planning Committee, to agree main modifications to the Joint Core Strategy necessary to make the document sound during the Examination in Public, including any public consultation, subject to any significant changes of policy being referred to Planning Committee.**
- 4) note that once the Inspector has found the Joint Lewes Core Strategy ‘sound’ following the formal examination the South Downs National Park Authority, and Lewes District Council, will be required to adopt the final version.**

1. Introduction

1.1 The Lewes District Core Strategy is a joint Development Plan Document (DPD), being prepared by the South Downs National Park Authority (SDNPA) and Lewes District Council (LDC), working in partnership. This joint working arrangement was formally agreed in June 2011 by the NPA. The details of the joint working arrangement were included in a formal protocol (**Appendix 1**) which explained funding arrangements, dispute resolution and timetables. One of the most important elements within the Protocol, which both authorities are signed up to, is the equivalence of decision making throughout the process, “*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*” (Section 2, Joint Working protocol, Appendix 1)

2. Reason for Delegation Being Sought (Proposed Submission Consultation)

2.1 One of the primary reasons behind a partnership approach to producing a Core Strategy for Lewes District, both within and without the National Park, was the timescale for completion of an up to date plan for this part of the National Park. This is particularly pertinent as the Lewes District Core Strategy is aiming for adoption two years before the South Downs National Park (SDNP) Local Plan is scheduled for adoption in June 2016.

- 2.2 The Core Strategy is currently being redrafted to take into account representations made during consultation. The next stage of consultation, on the proposed submission Core Strategy was scheduled for June – August 2012. However due to further evidence base work being undertaken, including additional sites being assessed for housing, employment and Gypsy and traveller use, the next phase of consultation has been delayed. The aim is to carry out consultation in October 2012, so as to avoid consultation over the Christmas and New Year period.
- 2.3 As this is a joint development plan document, the pre-submission version needs to be approved for publication and consultation by both the SDNPA and LDC. Given the tight timescale and the need for further discussion between SDNPA and LDC Members prior to any formal decision making, it was not considered feasible to get the fully redrafted Core Strategy to the SDNPA Planning Committee and LDC Cabinet before this SDNPA meeting of 18 September 2012.
- 3. Reason for Delegation Being Sought (Submission to Secretary of State)**
- 3.1 Once the Pre- Submission consultation has been completed, the representations (which need to relate specifically to the soundness of the document) made by the public and organisations are collated and submitted to the Secretary of State along with the rest of the documentation accompanying the Core Strategy. Between the pre-submission and submission stages only minor changes can be made to the Core Strategy. It is, therefore, recommended that the authority approves that any minor changes at this stage and the subsequent submission to the Secretary of State be agreed by the Director of Planning in consultation with the Planning Committee Chair.
- 4. Reason for Delegation Being Sought (Consultation on Main Modifications - during Examination in Public)**
- 4.1 On 15 January 2012 new provisions in the Localism Act 2011 came into force which, together with new Planning Regulations published in April 2012, alter the process for examination of the Plan. Previously, local planning authorities were bound to implement the Inspector's Report recommendations on soundness. The process is now that the Inspector can indicate that changes are needed and the local planning authorities can then recommend modifications to the Inspector to make the Plan sound and suitable for adoption. The local planning authority can also make non-material changes before adoption. This change to the process will mean that the timeline to adoption is, therefore, longer.
- 4.2 The experience to date has been that the implementation of the new process at the same time as the new provisions of the National Planning Policy Framework (NPPF), Localism Act 2011 and new Regulations has been to potentially add time to the overall length of Examination in Public (the Joint Wealden District Core Strategy was submitted in August 2011, has gone out to four post hearing consultations on modifications and is now awaiting a re-opening of the hearings, 12 months after submission).
- 4.3 In order to minimise delay to the process, it is proposed that delegated authority is given to the Director of Planning, in consultation with the Planning Committee Chairman, to agree any necessary draft modifications emerging from the public examination and for the modifications to be published for public comment. Any major shift to the policy approach in the Joint Core Strategy, which is of significance to the SDNP, required by the Inspector to make it sound would be the subject of a decision of the SDNPA (with comments from the Planning Committee). Our partner authorities are seeking similar delegations.
- 5. Conclusion**
- 5.1 It is requested that authority be delegated to the SDNPA's Planning Committee to approve the Proposed Submission Core Strategy for Regulation 19 consultation and for the Director of Planning to approve the Joint Lewes District Core Strategy for submission to the Secretary of State, in consultation with the Planning Committee Chairman.
- 5.2 It is also recommended that the SDNPA agree delegation to the Director of Planning, in consultation with the Chair of the Planning Committee, to agree main modifications to the Core Strategy necessary to make the document sound during the Examination in Public,

including any public consultation, subject to any significant changes of policy being referred to SDNPA Planning Committee.

6. Resources

- 6.1 SDNPA planning policy officers will be required to support LDC officer colleagues in the pre-submission publication, submission, examination and modification stages of the LDC Core Strategy.

7. Risk management

- 7.1 Risk: The NPPF sets out a 12 month period after which existing policies will be judged in accordance with their consistency with the NPPF. The NPPF makes it clear that “due weight should be given to relevant policies in existing plans according to their degree of consistency with [the NPPF] (the closer the policies in the plan to the policies in the framework, the greater weight that may be given)” (para. 215, NPPF). An analysis of the existing saved Lewes Local Plan policies has been carried out and approximately one third of the saved policies were found to either not accord with or only partially accord with the NPPF.
- 7.2 Mitigation: Paragraph 216 of the NPPF allows weight to be given to policies in emerging planning documents. The “more advanced the preparation, the greater the weight that may be given” to the policies it contains. Therefore, by progressing the emerging Lewes Core strategy as swiftly as possible the greater weight can be given to the policies it contains.
- 7.3 Risk: the timetables for the five joint core strategies and the emerging SDNP Local Plan being undertaken by the SDNPA are largely running concurrently and resourcing of the consultations and hearings will take up considerable SDNPA planning policy officer time. If the SDNPA does not delegate the approval of the pre-submission publication stage of the Lewes Joint Core Strategy to the SDNPA planning committee there will be a further delay to the Joint Core Strategy’s timetable and will delay the approval of an up-to-date planning strategy for the district.
- 7.4 Mitigation: by reducing the number of approval stages by the SDNPA for the joint Core Strategy but enabling Members to engage via meetings with counterparts in Lewes and through workshops where appropriate this enables a more timely and proportionate decision making process whilst ensuring consultation to take place.

8. Crime and Disorder Implication

- 8.1 It is considered that the proposal does not raise any crime and disorder implications.

9. Human Rights Implications

- 9.1 It is considered that there are no human rights implications from this report.

10. Equalities Act 2010

- 10.1 Due regard, where relevant, has been taken to the South Downs National Park Authority’s equality duty as contained within the Equalities Act 2010.

11. External Consultees

- 11.1 Planning Policy Manager, Lewes District Council

TIM SLANEY Director of Planning

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Appendices: Appendix 1: Joint Working Protocol
Background Documents: Emerging Core Strategy
SDNPA Consultees: Director of Corporate Services, Director of Strategy and Partnerships, Head of Operations, Chief Finance Officer, Monitoring Officer & Legal Services