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| Report to | Planning Committee |
| Date | 9 June 2016 |
| By | Director of Planning |
| Title of Report | Making of the Wisborough Green Neighbourhood Development Plan |
| Purpose of Report | To make the Wisborough Green Neighbourhood Development Plan part of the SDNPA statutory Development Plan |

Recommendation: The Committee is recommended to:

- 1) Note the outcomes of the Wisborough Green referendum**
- 2) Agree to make the Wisborough Green Neighbourhood Development Plan part of the SDNPA's Development Plan**

I. Summary

- 1.1 This report presents the Wisborough Green Neighbourhood Development Plan (NDP) which recently passed referendum and is ready to be made part of the South Downs National Park's Development Plan. The Wisborough Green NDP has been through the neighbourhood planning process as set out by the Neighbourhood Planning (General) Regulations 2012. Following independent examination the NDP has been subject to community referendum and over 50% of those voting, voted yes. The Wisborough Green NDP can now be made by the SDNPA and once made, will become part of the Development Plan for the National Park and will be used in the determination of planning applications within the area of Wisborough Green that is within the South Downs National Park.
- 2. Wisborough Green Neighbourhood Development Plan 2014 - 2029**
 - 2.1 The Wisborough Green Neighbourhood Area was designated by the SDNPA on 13 September 2012 (**Appendix 1**). Since then, Wisborough Green Parish Council and local volunteers have put a huge amount of work into preparing a NDP for Wisborough Green.
 - 2.2 The SDNPA provided formal comments on the draft Wisborough Green NDP at the Regulation 14 pre-submission stage and Regulation 16 publication stage. An independent examination, followed.
 - 2.3 An examiner was appointed by Chichester District Council with the consent of the Parish Council and also on behalf of the South Downs National Park Authority (SDNPA), to undertake the examination. The examiner's report concluded that subject to making the minor modifications recommended, the Wisborough Green Neighbourhood Plan met the basic conditions set out in the legislation and should proceed to referendum. Led by Chichester District Council a Decision Statement was agreed and a referendum took place on 5 May 2016.
 - 2.4 The SDNPA made only limited comments and only a small part of the Parish is within the National Park. Albeit that the plan needed to make provision for a minimum of 60 homes, none of these sites occur within or adjacent to the SDNP. The plan does however include a

policy on development taking place within the neighbourhood plan area within the SDNP and a further policy on development on land adjoining the National Park.

2.5 The referendum was held on 5 May 2016, with the following results:

| Do you want Chichester District Council and the South Downs National Park to use the neighbourhood plan for Wisborough Green to help them decide planning applications in the neighbourhood area? | | |
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| | Votes Recorded | % |
| Number cast in favour of a 'Yes' | 351 | 83.2% |
| Number cast in favour of a 'No' | 71 | 16.8% |
| Total Turnout | 422 | 36.58% |

3. Making of the neighbourhood development plan

- 3.1 The Local Planning Authority (LPA) has a statutory duty to 'make' a neighbourhood plan part of the Development Plan, as soon as reasonably practical, if more than half of those voting have voted in favour of the plan. The LPA is not subject to this duty if (and only if) the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998).
- 3.2 The Examiner concluded that the Wisborough Green NDP with modifications meets these legislative obligations/rights. No information has subsequently arisen to suggest the making of the NDP would be in breach with or incompatible with the legislation. The SDNPA is also responsible for the publication of the 'Environment Report' where NDPs have been subject to the SEA Directive – this is not the case for the Wisborough Green NDP.
- 3.3 The making of the NDP will result in the plan forming part of the Development Plan for the neighbourhood area. In Wisborough Green, the NDP will sit alongside the saved policies of the Chichester Local Plan 1999 which will in time be replaced by the SDNP Local Plan policies.
- 3.4 The Neighbourhood Planning Regulations 2012 require Local Planning Authorities to publish a statement setting out their decision to make a NDP and reasons for making that decision. This statement should be published as soon as practical after the decision is taken to make the NDP. This report will form the SDNPA Regulation 19 'Decision Statement'.

4. Planning Committee

- 4.1 The Wisborough Green NDP has not previously been presented to Planning Committee. Responses were sent under officer's delegated powers.

5. Other Implications

| Implication | Yes/No |
|---|---|
| Will further decisions be required by another committee/full authority? | No |
| Does the proposal raise any Resource implications? | No - As lead Authority, Chichester District Council were able to claim the DCLG New Burdens grant which covers for them the costs of Independent Examination and referendum. Once a NDP is made, a Parish Council is entitled to 25% of Community Infrastructure Levy (CIL) collected from development within the neighbourhood area, as opposed to the capped 15% share where there is no NDP. The Parish Council can choose how it wishes to spend these funds on a wide range of things which support the |

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| | development of the area. |
| Has due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010? | Yes |
| Are there any Human Rights implications arising from the proposal? | None |
| Are there any Crime & Disorder implications arising from the proposal? | None |
| Are there any Health & Safety implications arising from the proposal? | None |
| <p>Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy:</p> <ol style="list-style-type: none"> 1. Living within environmental limits 2. Ensuring a strong healthy and just society 3. Achieving a sustainable economy 4. Promoting good governance 5. Using sound science responsibly | <p>The qualifying body with responsibility for preparing the neighbourhood plan must demonstrate how its plan will contribute to the achievement of sustainable development. This is set out in the Basic Conditions Statement. The examiner who assessed the plan considered that it met the requirements. Please note that the sustainability objectives used by qualifying bodies may not be the same as used by the SDNPA, but they will follow similar themes.</p> <p>Strategic Environmental Assessment</p> <p>Chichester District Council as lead Authority determined that an environmental assessment of the Wisborough Green Neighbourhood Plan was not required.</p> |

6. Risks Associated with the Proposed Decision

| Risk | Likelihood | Impact | Mitigation |
|---|------------|--------|---|
| A legal challenge to a NDP can be launched by way of judicial review within six weeks of the LPA publishing a decision to make the NDP. | Low | Medium | Officers at Chichester District Council and the SDNPA are satisfied the plan meets the legal requirements and given that it has been through the correct statutory process, including examination and referendum, the Authority is obliged to "make" the plan part of the Development Plan. |

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Appendices I. Wisborough Green Neighbourhood Area

SDNPA Consultees Legal Services; Chief Finance Officer, & Monitoring Officer;

External Consultees None

Background Documents

[Wisborough Green NDP Referendum Version](#)

[Wisborough Green NDP Decision Statement](#)

[Wisborough Green Regulation 16 Consultation response](#)

[Wisborough Green Regulation 14 Consultation response](#)



