

Director of Planning – Delegated Authority Report

Planning Function: Neighbourhood Planning

Purpose: To adopt 'Make' the Fittleworth Neighbourhood Development Plan

## **1. Background**

- 1.1 The Neighbourhood Planning Act 2017 provides that a NDP automatically becomes part of the Development Plan following a successful Referendum. However, the Local Planning Authority (LPA) has a statutory duty to 'make' a neighbourhood plan, within eight weeks of a Referendum, if more than half of those voting have voted in favour of the plan.
- 1.2 Normally a decision to 'make' a NDP is taken by SDNPA Planning Committee. However, on this occasion there will be no Planning Committee within 8 weeks of the successful Fittleworth Referendum which was held on 7 November. The next available Planning Committee will be held on January 16 2020 (10 weeks after a successful referendum), therefore the decision to 'Make' the Fittleworth NDP will be carried out using Delegation Authority Functions to the Director of Planning.

## **2. SDNPA Standing Orders – Delegation of function to Director of Planning**

- 2.1 The following is an extract from the SDNPA Standing Orders setting out decisions and actions which can be carried out under Delegated Authority

*The Director of Planning is hereby authorised to make all decisions required and take all actions necessary in the discharge of the functions of the Authority falling within the terms of reference of the Planning Committee, except where and to the extent that the particular matter falls within one of the following descriptions (in which case it shall be referred to the Planning Committee for determination, however, this does not prevent the Planning Committee from delegating any of these functions to the Director of Planning):*

- i) planning applications (except for householder and other minor applications) which are contrary to the approved or draft development plan or other planning policies but which are recommended for approval*
- ii) applications (except for householder and other minor applications) which are requested for referral to the Planning Committee by any Member of the Authority, in writing or email to the Director of Planning and with specified reasons*
- iii) applications (except for householder and other minor applications) which, in the opinion of the Director of Planning, have generated significant and material third party representations which are contrary to the officer recommendation*
- iv) applications from Authority Members or employees*
- v) applications submitted by or on behalf of the Authority for its own developments, except for the approval of minor developments*
- vi) applications which, at the discretion of the Director of Planning, have potential significant impact or could set an important precedent*
- vii) enforcement action which requires prosecution, the service of a "Stop Notice" or any other Notice or action which in the opinion of the Director of Planning might potentially have significant financial risks for the Authority.*
- viii) the allocation of resources received through the community infrastructure levy.*

Note – All other enforcement action taken in terms of these delegations is to be carried out only after the appropriate legal advice has been taken and subject to reports on progress being made to the Planning Committee as required by the committee

### 3. Fittleworth Neighbourhood Plan

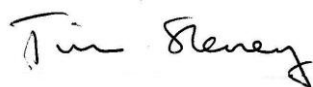
- 3.1 The FNDP sets out a vision to deliver an appropriate level of housing to meet local need whilst retaining its special character as an historic but viable village set within a beautiful landscape which is rich in biodiversity and cultural heritage. A key objective of the Neighbourhood Plan is to provide affordable housing to meet a locally identified need. Policy SD26 of the SDLP sets a housing requirement of 6 dwellings for the settlement of Fittleworth. However, Fittleworth Parish Council, in consultation with the wider community proposed a higher level of growth, allocating 2 sites to provide 18 dwellings. Policy SD26 allows Neighbourhood Plans to accommodate higher levels of growth where the development will meet local needs and are in general conformity with the SDLP. SDNPA have considered the proposed sites carefully, and worked closely with the Parish Council to ensure the levels of development are appropriate for the village.
- 3.2 On that basis, the allocations and policies accord with the overarching strategic South Downs Local Plan policies which were adopted in July 2019 by the SDNPA.
- 3.3 Fittleworth Parish Council (FPC) are to be congratulated on progressing the FNDP to the final stage of the Neighbourhood Planning process. Getting to this stage is the result of considerable hard work by local volunteers and members of FPC over the past four years. The preparation of the FNP has been particularly challenging as the steering group have had to balance community aspirations to deliver much needed affordable housing whilst conserving and enhancing the special qualities of the National Park. In addition the FNDP has had to have regard to the international nature conservation designations of the Mens SAC (Special Area of Conservation) and Ebernoe Common SAC, which significantly constrain the allocation of land for development.
- 3.4 The FNP has progressed through all the appropriate stages of Neighbourhood Plan preparation following the initial community engagement. The FNP has been presented to Planning Committee at all relevant stages of preparation as the FNP proposes a higher level of development than set out in the South Downs Local Plan. Links to all relevant Planning Committee reports are included below and more detailed information on each stage is also on the website at <https://www.southdowns.gov.uk/planning/planning-policy/neighbourhood-planning/neighbourhood-development-plans/fittleworth-neighbourhood-plan/>

Neighbourhood Plan Stage	Decision taken and Committee details
Designation of Neighbourhood Area (reg. 7)	Decision taken by SDNPA on <a href="#">5 March 2015</a>
Pre Submission Consultation (reg. 14)	A <a href="#">response to the Pre Submission Fittleworth Neighbourhood Plan</a> was agreed by SDNPA Planning committee on 8 March 2018
Submission of Plan proposals (reg. 15)	SDNPA carried out a <a href="#">legal compliance check</a> on the submitted Fittleworth NDP in January 2019
Submission consultation (reg. 16)	A <a href="#">response to the Submission version</a> of the Fittleworth NDP was agreed by SDNPA Planning Committee on 11 April 2019
Independent Examination (reg. 17, 18)	An independent Examination was undertaken by Mr John Slater from April to June 2019. The <a href="#">Examiners Report</a> was issued in July 2019
Decision Statement (reg. 19)	The SDNPA considered and agree the Examiners proposed modifications in their <a href="#">Decision Statement</a> which was presented to SDNPA Planning Committee on 12 <sup>th</sup> September 2019
Referendum	The Fittleworth NDP was subject to Community Referendum on 7 <sup>th</sup> November 2019. The results of the referendum were: <ul style="list-style-type: none"> <li>• Turnout: 195 (25.6%)</li> <li>• Yes: 164 (84%)</li> <li>• No: 30 (15%)</li> </ul>

#### **4. Making of the Fittleworth Neighbourhood Development Plan**

- 4.1 The Neighbourhood Planning Act 2017 provides that a NDP automatically becomes part of the Development Plan following a successful Referendum. However, the Local Planning Authority (LPA) has a statutory duty to 'make' a neighbourhood plan, within eight weeks of a Referendum, 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).
- 4.2 The Examiner concluded that the FNNDP with modifications met these legislative obligations/rights. No information has subsequently arisen to suggest the making of the Fittleworth NDP would be in breach with or incompatible with the legislation.
- 4.3 The FNNDP is now part of the Development Plan for the parish of Fittleworth. The FNNDP sits alongside the adopted South Downs Local Plan and relevant Minerals and Waste Plans. The FNNDP is consistent with the South Downs Local Plan.
- 4.4 As there is no Planning Committee scheduled in December the decision to 'make' the FNNDP will be agreed by the Director of Planning using their delegated authority as set out in paragraph 2.1. This signed report will form the SDNPA Regulation 20 Statement, '
- 4.5 I confirm, that the Fittleworth Neighbourhood Development Plan 2018-2033, as revised, complies with the legal requirements and basic conditions set out in the Localism Act 2011, and can therefore be adopted 'made' by the South Downs National Park Authority.

**Signed**



**Name** Tim Slaney

**Role** Director of Planning

**Date** 20<sup>th</sup> December 2019