



**South Downs**  
National Park Authority

**Agenda Item 9**  
**Report PC25/16**

Report to **Planning Committee**  
Date **12 May 2016**  
By **Director of Planning**  
Title of Report **Making of the Clapham Neighbourhood Development Plan**  
Purpose of Report **To make the Clapham neighbourhood development plan part of the SDNPA statutory Development Plan**

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**Recommendation: The Committee is recommended to:**

- 1) Note the outcomes of the Clapham referendum**
  - 2) Agree to make the Clapham Neighbourhood Development Plan part of the SDNPA's Development Plan**
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## **I. Introduction and Summary**

1.1 This report presents Clapham 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 Clapham 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 Clapham NDP can now be made by the SDNPA and once made, will become part of the Development Plan for the National Park and used in the determination of planning applications within the area of Clapham Parish that is within the South Downs National Park.

## **2. Clapham Neighbourhood Development Plan 2015 to 2035**

- 2.1 The Clapham Neighbourhood Area was designated by SDNPA on 13 November 2014 (**Appendix 1**). Since then, Clapham Parish Council (CPC) and local volunteers have put in a huge amount of work into preparing a NDP for Clapham which included the identification of a builder's merchant's site for housing development.
- 2.2 The SDNPA provided formal comments on the draft Clapham NDP at the Regulation 14 pre-submission stage and Regulation 16 publication stage. An independent examination, followed including unaccompanied site visits on 18 October. There was no need for public hearing sessions. The Examiner invited the SDNPA and CPC to respond to a series of questions and on 10 December he provided his final report and proposed a number of modifications to the Plan which would make it meet the Basic Conditions. The SDNPA then issued a 'Decision Statement' as agreed by Planning Committee on 21 January 2016, stating the modifications to be made to the Clapham NDP. The key modifications included:

- **Village Envelope**

During the examination, the Examiner questioned where specific policies would apply. In response, Clapham Parish Council and the SDNPA proposed a defined 'Village Envelope' which clarifies where specific policies apply e.g. windfall site policy. A village envelope was proposed in recognition that Clapham is not currently identified for a settlement boundary in emerging South Downs Local Plan (SDLP) Policy SD22.

- **Housing site allocation**

While the emerging SDLP has not set a housing requirement for Clapham, through the Clapham NDP, the community have identified a suitable brownfield site - currently

occupied as a builder's merchant, for approximately 30 new homes. This is consistent with criteria 5 of draft SDLP policy SD23 which allows for NDPs to allocate additional sites for development providing that it meets identified local housing need and complies with other relevant policies.

- **Four policies deleted**

Following the recommendation of the examiner the policies on Agricultural/ Horticultural/ Horticultural Employment, Quality of Design, School Travel Planning and Open Access & Permissive Paths were deleted. Some elements were moved to the community aspirations section of the plan.

2.3 The referendum was held on 24 March 2016, with the following results:

Turnout = 52.7%

Votes & % in favour = 118 (94.4%)

Votes & % against = 7 (5.6%)

### **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 Clapham 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 the case for the Clapham NDP. The Environment Report will be publicised once the Clapham NDP is made.

3.3 The making of the NDP will result in the plan forming part of the Development Plan for the neighbourhood area. In Clapham, 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.

### **4. Resources**

4.1 DCLG New Burdens grant of £30,000 has been received. This covers the costs of the costs of Independent Examination (£6,047) and referendum.

4.2 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 development of the area.

### **5. Risk management**

5.1 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. Officers at the SDNPA are satisfied the plan meets the legal requirements and given that it has been through the correct statutory process, the Authority is obliged to "make" the plan part of the Development Plan.

### **6. Crime and Disorder Implication**

6.1 It is considered that the neighbourhood plans do not raise any crime and disorder implications.

### **7. Human Rights Implications**

7.1 The neighbourhood plans are not considered to have any human rights implications.

**8. Equalities Act 2010**

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

**9. External Consultees**

9.1 None

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Appendices I. Clapham Neighbourhood Area

SDNPA Chief Executive Officer, Director of Corporate Services, Director of Planning, Director of Strategy and Partnerships, Director of Operations, Consultees Legal Services, Chief Finance Officer, Monitoring Officer, Planning Policy Manager, Development Management Lead, Minerals and Waste Lead, Link Officer.

Background [Clapham NDP Referendum Version](#)

Documents [Clapham NDP Decision Statement](#)

[Clapham NDP Regulation 16 Consultation Response](#)

[Clapham NDP Regulation 14 Consultation Response](#)

Clapham Neighbourhood Area

