

Director of Planning – Delegated Authority Report

Planning Function: Neighbourhood Planning

Purpose: To adopt 'Make' the updated Walberton Neighbourhood Development Plan (WNP)

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 eight weeks of the successful Walberton Neighbourhood Plan Referendum, which was held on 6th May 2021. The next available Planning Committee will be held on August 12th 2021 (over eight weeks after a successful referendum), therefore the decision to 'Make' the updated WNP will be carried out using Delegated 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. Updated Walberton Neighbourhood Plan

- 3.1 Walberton Parish Council carried out a review of their Neighbourhood Plan following changes to local and national Policy. SDNPA adopted the first version of the WNP in March 2017. The first WNP contained 41 policies including a seven housing site allocation policies; there were no housing sites allocated in the National Park.
- 3.2 The WNP review has modified nine policies from the original plan and added five new housing allocation policies. The review also includes a new policy on childcare facilities. The remaining policies from the first WNP have been saved in the updated WNP. There are no allocations in the National Park part of Walberton proposed through update of the WNP.
- 3.3 The updated WNP has progressed through all the appropriate stages of Neighbourhood Plan preparation and SDNPA officers have provided input at each stage. As Arun District Council are the lead authority for updated WNP the SDNPA have acted as a consultee to decision making in relation to the updated WNP. The following table sets out the SDNPA input to the updated WNP.
- 3.4 On this basis the updated Walberton Neighbourhood Plan accords with the overarching strategic South Downs Local Plan policies, which were adopted in July 2019 by the SDNPA. The updated Walberton Neighbourhood Plan does not propose any new allocations within the National Park, and the new policies align with the strategic policies of the South Downs Local Plan.

| Neighbourhood Plan Stage | Decision taken and Committee details |
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| Designation of Neighbourhood Area (regulation 7) | Decision taken by SDNPA on 14 March 2013 |
| Pre Submission Consultation (reg. 14) | 3 July – 14 August 2020 Walberton Parish Council Pre Submission Neighbourhood Plan |
| Submission consultation (reg. 16) | Arun District Council carried out a Regulation 16 Submission consultation between 12 November 2020 and 7 th January 2021. Submission documentation can be found here |
| Independent Examination (reg. 17) | Mr Edward Cousins between 25 th January and 26 th February 2021 undertook an independent Examination. The Examiners Report was issued in March 2021 |
| Decision Statement (reg. 18) | Arun District Council, in consultation with SDNPA agreed the Examiners proposed modifications in their Decision Statement published on 19 th March 2021 |
| Referendum | The Walberton NDP was subject to Community Referendum on 6 th May 2021. The results of the referendum were: <ul style="list-style-type: none"> • Turnout: 760 (42.03%) • Yes: 693 (91.19%) • No: 65 (8.55%) • Rejected: 2 |

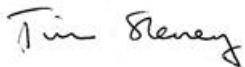
4. Making of the Walberton Neighbourhood Development Plan

- 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 FNDP with modifications met these legislative obligations/rights. No information has subsequently arisen to suggest the making of the Walberton NDP would be in breach with or incompatible with the legislation.
- 4.3 The WNP is now part of the Development Plan for the parish of Walberton. The WNP sits alongside the adopted South Downs Local Plan and relevant Minerals and Waste Plans. The WNP is consistent with the South Downs Local Plan.
- 4.4 As there is no Planning Committee scheduled in July the decision to 'make' the WNP 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 **Walberton Neighbourhood Development Plan Review 2019-2031**, 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 14th July 2021