

Report to	Planning Committee
Date	9 March 2016
By	Director of Planning
Title of Report	Making of the Walberton Neighbourhood Development Plan.
Purpose of Report	To make the Walberton Neighbourhood Development Plan part of the SDNPA statutory Development Plan.

Recommendation: The Committee is recommended to:

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

1. Summary

1.1 This report presents the Walberton Neighbourhood Development Plan (WNDP) which recently passed referendum and is ready to be made part of the South Downs National Park's Development Plan. The WNDP has been through the neighbourhood planning process as set out by the Neighbourhood Planning (General) Regulations 2012. Following independent examination, the WNDP has been subject to community referendum with 95.66% of those voting, voting yes. The WNDP can now be made by the South Downs National Park Authority (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 Walberton that is within the South Downs National Park (SDNP).

2. Walberton Neighbourhood Development Plan 2015-2035

2.1 The SDNPA welcomes the opportunity to 'make' the WNDP part of the development plan for that part of the National Park that is located within the parish of Walberton. The local community is to be congratulated on all their hard work to achieve this milestone for the village.

2.2 The Walberton Neighbourhood Area was designated by the SDNPA on 14 March 2013 (**Appendix I**). Since then, Walberton Parish Council and the local community have put a huge amount of work into preparing a NDP for Walberton.

2.3 The SDNPA did not make any comments of note on the draft WNDP at any stage in its preparation as either the issues were not of relevance to the National Park or were dealt with adequately within the plan.

2.4 A small segment of the settlement falls within the SDNPA area in the north of the parish, however as the majority of the settlement is in Arun District, they are the lead Local Planning Authority for the neighbourhood plan. Arun District Council (ADC) are writing their own new "emerging" Local Plan and will replace the current one, this will apply to the area outside of the SDNP. There are references to the emerging South Downs Local Plan (SDLP) throughout the NDP and this will apply to the parish area within the SDNP. The NDP also makes reference to the SDLP throughout the text.

2.5 A core objective of the WNDP is to maintain the intrinsic rural character of the Parish. The Plan also seeks to develop safe off-road connections to connect the villages of Walberton, Binsted and Fontwell to the South Downs National Park. Policy VE3 (Protection of Trees and Hedgerows) requires development to demonstrate that trees and hedgerows will not be

- damaged or destroyed. Development proposals must be designed to retain wherever possible ancient trees, trees of good arboricultural and amenity value and hedgerows.
- 2.6 Walberton has a number of areas where light pollution is minimal and where the full night sky can be seen. Policy VE8 (Unlit village status) requires that developments conform to the highest standard of light pollution regulations. This protects the village environment and supports the South Downs International Dark Night Skies Reserve status.
- 2.7 Policy VE9 (Rural Buildings) supports the re-use, conversion and adaptation of rural, redundant buildings for small businesses, recreation or tourism purposes. A number of criteria are set by the policy including a requirement for conversion works to respect the local character and ensuring any proposal does not have a detrimental impact on any archaeological, architectural, historic or environmental features.
- 2.8 An independent examiner was appointed by ADC with the consent of the Parish Council and also on behalf of the SDNPA, to undertake the examination. An examination hearing was held on the 16 March 2016. The examiner's report concluded that subject to making the modifications recommended, the NDP could proceed to referendum. Led by Arun District Council a Decision Statement was agreed on 12 September 2016 and a referendum took place on 01 February 2017 with the following results:

Do you want Arun District Council and the South Downs National Park Authority to use the neighbourhood plan for Walberton to help them decide planning applications in the neighbourhood area?		
	Votes Recorded	%
Number cast in favour of a 'Yes'	794	95.66
Number cast in favour of a 'No'	35	4.22
Total Turnout	829	99.88

3. Making of the Neighbourhood Development Plan

- 3.1 The Local Planning Authority (LPA) has a statutory duty to 'make' a Neighbourhood Development Plan (NDP) 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). This also includes assisting communities in the preparation of a neighbourhood development plan, its orders and to take plans through a process of examination and referendum.
- 3.2 ADC decided to accept all of the examiner's recommendations on Policy VE1 and Schedule 4, in particular the designation of (i), (ii), (iii) as LGS. ADC also outlines further modifications. Some recommended modifications require changes to be made subsequently to the paragraph and Policy numbering. This also includes the introductory objective/index boxes and the list of plan policies. No information has arisen afterwards to suggest the making of the NDP would be in breach of or incompatible with the legislation.
- 3.3 The making of the WNDP will result in the plan forming part of the Development Plan for the neighbourhood area. In Walberton, the NDP will sit alongside the ADC – Local Plan 2003 (Saved Policies) which in time will be replaced by the SDLP policies for that part of the parish which falls within the SDNP.
- 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 forms that SDNPA Regulation 19 'Decision Statement'.

4. Planning Committee

- 4.1 The WNDP 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?	<p>No - As lead Authority Arun District Council were able to claim the DCLG New Burdens grant which covers the costs of Independent Examination and referendum.</p> <p>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.</p>
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>Arun District Council as lead Authority determined that an environmental assessment of the Walberton Neighbourhood Plan was not required. The policies of the WNDP were not considered likely to have a significant effect on any European site.</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 Arun 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. Walberton Neighbourhood Area
SDNPA Consultees Legal Services; Chief Finance Officer; Monitoring Officer
External Consultees None
Background Documents [Walberton NDP Referendum Version](#)
[Walberton NDP Decision Statement](#)



