

Report to	Planning Committee
Date	11 May 2017
By	Director of Planning
Title of Report	Lavant Neighbourhood Development Plan Decision Statement
Purpose of Report	To agree the Examiner's recommended modifications to Lavant Neighbourhood Development Plan and publish these in the Authority's 'Decision Statement'.

Recommendation: The Committee is recommended to:

- 1) Note the Examiner's Report and recommended modifications to make the Lavant Neighbourhood Development Plan meet the basic conditions as set out at Appendix 2 of the report.**
- 2) Agree the 'Decision Statement' as set out at Appendix 3 of the report, which sets out the modifications that will be made to the Lavant Neighbourhood Development Plan in response to the Examiner's recommendations.**

1. Introduction and Summary

- 1.1 Lavant Parish Council (LPC) are to be congratulated on progressing their Neighbourhood Development Plan (NDP) to the final stage ahead of a community referendum. Getting to this stage is the result of considerable hard work by local volunteers and members of LPC over the past four years. The Lavant NDP takes a positive approach to new development backed up by a housing needs assessment which will hopefully provide much needed affordable housing. LPC have prepared a robust evidence base and undertaken significant community engagement.
- 1.2 LPC submitted the Lavant NDP to the South Downs National Park Authority (SDNPA) for examination in January 2017 and an independent examiner was appointed. The Examiner has now issued his final report and concludes, that subject to a number of modifications, the Lavant NDP can proceed to referendum. Before doing so, the SDNPA must issue a 'Decision Statement' setting out how the Lavant NDP will be modified in response to the Examiner's Report.
- 1.2 This Decision Statement is coming to Planning Committee as Lavant NDP has a housing target substantially above the target set in the emerging South Downs Local Plan and the suggested modifications are likely to be of interest to Committee Members.

2. Background

- 2.1 The Lavant NDP plan period runs from 2016-2031 and has been prepared for a designated neighbourhood area which follows the Lavant parish boundary. The area was designated by SDNPA on 14 March 2013 and Chichester District Council on 18 March 2013 and the area designation map is attached as **Appendix I**. The main settlements of Mid and East Lavant are within the South Downs National Park and so the SDNPA is the lead Local Planning Authority for neighbourhood planning.
- 2.2 Work on the Lavant NDP was launched in October 2013 with a public meeting organised by

the Parish Council. In February 2014, having prepared a communication strategy, a household survey was distributed and received a 20% response rate. A Vision Statement workshop was held in March 2014 and in May 2014 a housing survey was conducted. In September 2014, a 'Beating the Bounds' event was held that asked local people what they value about living in the village and to identify potential development sites. Further public meetings were held in the first half of 2015. In addition, a survey of business users was held in October 2015.

- 2.3 All this preparatory work culminated in the publication of a Regulation 14 pre-submission consultation document which was consulted on from 10 March 2016 to 28 April 2016. The SDNPA provided comments on this consultation which were agreed at Planning Committee in April 2016. In January 2017, LPC submitted the Lavant NDP to the SDNPA for examination. John Slater MRTPI was appointed as Examiner with agreement from Lavant Parish Council.

3. Recommended modifications to the Lavant NDP to meet the Basic Conditions

- 3.1 The Examiner was appointed to assess whether the Lavant NDP meets certain legal requirements for NDPs, known as the 'Basic Conditions', these state NDPs should:

- i) Have regard to national policies and advice contained in guidance issued by the Secretary of State,
- ii) Contribute to the achievement of sustainable development,
- iii) Be in general conformity with the strategic policies contained in the development plan for the area,
- iv) Not breach, and otherwise be compatible with, EU obligations.

- 3.2 The Examiner has identified a number of modifications which are necessary to ensure the Lavant NDP meets the basic conditions (**Appendix 2**). Officers have reviewed the Examiner's report in detail with the NDP group representatives and consider the modifications to be broadly minor in impact. The following key conclusions are highlighted for Members;

- i) Support for Lavant NDP's development strategy to make provision for approximately 75 new homes on allocated sites and small scale housing sites over the plan period.
- ii) Support for the allocation of Eastmead Industrial Estate for mixed use redevelopment.

- 3.3 The Lavant NDP is accompanied by a housing needs survey conducted on behalf of the Parish Council by the Housing Enabling Officer at Chichester District Council. This identified a need for smaller properties for 'down-sizers' and for young families and first-time buyers. The overall numbers revealed by the survey were in the range of 55-89 units over a ten-year period. The South Downs Local Plan: Preferred Options suggests a figure of approximately of 20 new dwellings for the plan period 2014-32. Emerging SDNP Local Plan policy SD23: Housing (criteria 5) states that '*Development that meets an identified local housing need in settlements, in addition to the requirements set out above, is identified in neighbourhood plan and is in compliance with Policy SD22 (Development Strategy) and other relevant policies in this Local Plan will be supported*'. Whilst the allocation of 75 by the Neighbourhood Plan is in excess of the emerging Local Plan allocation, it should be noted that LNDP24 (10 homes – Maddoxwood House) is not in the National Park. The Examiner considers the Lavant NDP's proposal to be a good example of 'localism' which is recognised by the NPPF, allowing local communities to promote more development than set out in the Local Plan. He does not believe the increase will effect either the settlement's role within the National Park, nor in terms of cumulative impact on the transport system or upon European Protected sites.

- 3.4 A key component of Lavant NDP's strategy is the allocation of Eastmead Industrial Estate for mixed use development. The Examiner acknowledges this is one of the more controversial allocations in the plan. He has given particular regard to adopted 1999 development plan Policy B8, which seeks to avoid the loss of employment land. However, the Examiner states that on his site visit he was struck by the significant number of vacant units and that the accommodation appears dated considering modern business requirements. The Examiner

also notes that redevelopment of the site for housing enjoys substantial public support. The Examiner has recommended a modification to the allocation to require that the financial appraisal should have regard to the provision of a realistic level of public financial support for the new units so that the employment component is not marginalised. Coast to Capital Local Enterprise Partnership has been identified as a potential source of grant funding.

4. Decision Statement

- 4.1 The Neighbourhood Planning (General) Regulations 2012 state that a Local Planning Authority must publish what action will be taken in response to the recommendations of an Examiner. This is known as the 'Decision Statement'. The Decision Statement outlines the alterations made to the Lavant NDP in response to each of the Examiner's recommendations (**Appendix 3**). Once agreed, the Decision Statement will be published on the SDNPA website.
- 4.2 Schedule 4B of the Town and Country Planning Act 1990 states that the Local Planning Authority can make modifications to a NDP which:
- The authority consider need to be made to secure that the NDP meets the basic conditions, and
 - Are for the purpose of correcting errors.
- 4.3 Officers have considered the Examiner's Report and accept all the recommended modifications. If the Decision Statement is agreed, the submission version of the Lavant NDP will be revised accordingly.

5. Planning Committee

- 5.1 The Lavant NDP was presented to Planning Committee on the 14 April 2016 and the 9 February 2017 as the plan allocates land for housing.

6. Next steps

- 6.1 Following the publication of the Decision Statement, the Lavant NDP can proceed to referendum which will be organised by Chichester District Council. It is currently anticipated that the referendum will be held in July. If over 50% of those voting, vote in favour of the NDP, then the Plan can be 'made' (adopted) by the SDNPA and Chichester District Council and will form part of the statutory Development Plan for Lavant parish.

7. Other Implications

Implication	Yes/No
Will further decisions be required by another committee/full authority?	Yes – Agreement to Make the Lavant NDP at a subsequent Planning Committee if a referendum is successful.
Does the proposal raise any Resource implications?	<p>Yes - The SDNPA have claimed £5,000 in new burdens funding from CLG to date. SDNPA have granted Lavant £8,275 to support the cost of preparing the NDP and SDNPA have paid £7651.14 for the cost of the NDP Examination. To date the plan has cost £15,926.14 which is £10,926.14 more than the grants received. However, the SDNPA will be able to claim £20,000 shortly to cover the cost of the Examination and Referendum.</p> <p>The cost of Neighbourhood Planning to the SDNPA is currently covered by the grants received from CLG. However there are signs that these are going to start to reduce as Neighbourhood Planning increasingly becomes part of the mainstream. Currently within the National Park the cost of producing a plan ranges from around</p>

Implication	Yes/No
	£8,100 (including the Examination and referendum) to £50,000 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.
Has due regard been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equalities Act 2010. Lavant Parish Council who have the responsibility for preparing the neighbourhood plan have also prepared a Consultation Statement demonstrating how they have consulted the local community and statutory consultees. The Examiner was satisfied that the consultation and publicity undertaken meets regulatory requirements.
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
Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy: 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	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 if a number of modifications were made. 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. Strategic Environmental Assessment It was concluded that an environmental assessment of the Lavant Neighbourhood Plan was required due to the higher level development proposed in the plan which had not been assessed through the emerging Local Plan SEA. LPC undertook a SEA / SA to accompany the NDP.

8. Risks Associated with the Proposed Decision

Risk	Likelihood	Impact	Mitigation
The Examiner has recommended modifications to ensure the Lavant NDP meets the Basic Conditions.	Low	Medium	The Examiners recommended modifications are agreed in full.

If these modifications are not implemented the Lavant NDP would be at risk of legal challenge on the basis it does not meet the legal requirements for NDPs.			
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Appendices

1. Lavant Neighbourhood Area
2. Examination Report (Separate document)
3. Decision Statement

SDNPA Consultees Legal Services; Chief Finance Officer; Monitoring Officer; Director of Planning

External Consultees None

Background Documents [Lavant Regulation 16 Consultation response](#)
[Lavant Regulation 14 Consultation response](#)

Agenda Item 9 Report PC31/17 Appendix I

