

Report to	<b>Planning Committee</b>
Date	<b>15 June 2017</b>
By	<b>Director of Planning</b>
Title of Report	<b>Making of the Amberley Neighbourhood Development Plan</b>
Purpose of Report	<b>To make the Amberley Neighbourhood Development Plan part of the South Downs National Park Authority's (SDNPA) statutory Development Plan</b>

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

- 1. Note the outcomes of the Amberley referendum;**
- 2. Agree to make the Amberley Neighbourhood Development Plan part of the SDNPA's Development Plan.**

**1. Summary**

- 1.1 This report presents the Amberley Neighbourhood Development Plan (ANDP) which recently passed Referendum and is ready to be made part of the SDNPA's Development Plan. The Plan has been through the neighbourhood planning process as set out by the Neighbourhood Planning (General) Regulations 2012. Following independent Examination it has been subject to community Referendum with over 90% of those that voted, voting yes. The Neighbourhood Development Plan (NDP) can now be made by the SDNPA and by Horsham District Council. Once made, the ANDP will become part of the Development Plan for the South Downs National Park and will be used in the determination of planning applications within the neighbourhood area.
- 2. Amberley Neighbourhood Development Plan 2016-2032**
  - 2.1 The SDNPA welcomes the opportunity to 'make' the ANDP part of the development plan for the National Park. The local community is to be congratulated on all their hard work to achieve one of the last milestones in the neighbourhood plan process.
  - 2.2 The Amberley Neighbourhood Area was designated by the SDNPA on 5 March 2015 (**Appendix 1**). This area corresponds with the Amberley Parish Council boundary which lies wholly within the South Downs National Park Local Planning Authority Area. It is a delightful and historic parish at the heart of the South Downs covering the four settlements of North Stoke, Houghton Bridge, Amberley Village itself and Cross Gates. It contains the famous Amberley Castle, Amberley Wildbrooks, an important wetland site, and the Chalk Pits industrial museum. As a result is an important destination for tourists and visitors.
  - 2.3 Recognising the very high quality of the parish's heritage, landscape and biodiversity, the ANDP includes planning policies protecting these important aspects as well those relating to open views, tranquillity, dark night skies, and tourism. It also allocates a small site for a minimum of 6 residential units and another for a joint use school/community hall building as a result of lack of space at the school and few meeting spaces within the village. Both sites are located to the south of the village. The SDNPA was supportive of these allocations.
  - 2.4 Amberley Parish Council carried out Pre-Submission consultation on a draft ANDP in March and April 2016. The SDNPA made officer level comments in response to the Pre-Submission consultation. The Submission version of the plan was published and consulted on in September

and October of 2016. Limited comments were made by the SDNPA at this stage. Rosemary Kidd MRTPI appointed as Examiner recommended that the ANDP, with a number of modifications, could proceed to Referendum. The SDNPA then issued a 'Decision Statement' stating the modifications to be made to the Plan before proceeding to Referendum.

2.5 The Referendum was held on Thursday 4 May , with the following results:

Turn out = 57.67%

Votes & % in favour = 243 (91%)

Votes & % against = 24 (9%)

### 3. Making of the Neighbourhood Development Plan

3.1 The Local Planning Authority (LPA) has a statutory duty to 'make' a neighbourhood 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 Examiners concluded that the ANDP with modifications met the legislative obligations/rights. No information has subsequently arisen to suggest the making of the NDPs would be in breach with or incompatible with the legislation.

3.3 The making of the neighbourhood plan will result in the ANDP forming part of the Development Plan for the neighbourhood area. It will sit alongside the Horsham District Core Strategy and General Development Control Policies 2007 until the time they are replaced by the South Downs National Park.

### 4. Planning Committee

4.1 As the Plan allocates sites, the ANDP has been presented to Planning Committee at Regulation 16 and Decision Statement stages in the process.

### 5. Other Next Steps

5.1 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' for this Plan.

### 6. Other Implications

Implication	Yes/No
Will further decisions be required by another committee/full authority?	No.
Does the proposal raise any Resource implications?	Yes - The SDNPA has claimed £5,000 in New Burdens funding from DCLG to date. SDNPA has granted Amberley £5,000 to support the cost of preparing the NDP and have paid £4,125 for the cost of the NDP Examination. At the time of this report the costs of the referendum are not yet known but are estimated to be approx. £3,000. To date the plan has therefore cost £12,125 which is £7,125 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. 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

Implication	Yes/No
	wide range of things which support the development of the area.
Has due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	Yes, Amberley Parish Council prepared a Consultation Statement to support the submission version of the ANDP setting out how all sections of the local community (people who live, work or carry out business in the neighbourhood area) including hard to reach groups, have been engaged in the plan's production.
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 this NDP considered that it met the legislative 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.  <b>Strategic Environmental Assessment (SEA)</b> As lead Authority for the Amberley Neighbourhood Plan, we determined that SEA was not required. The policies of were also not considered likely to have a significant effect on any European site.

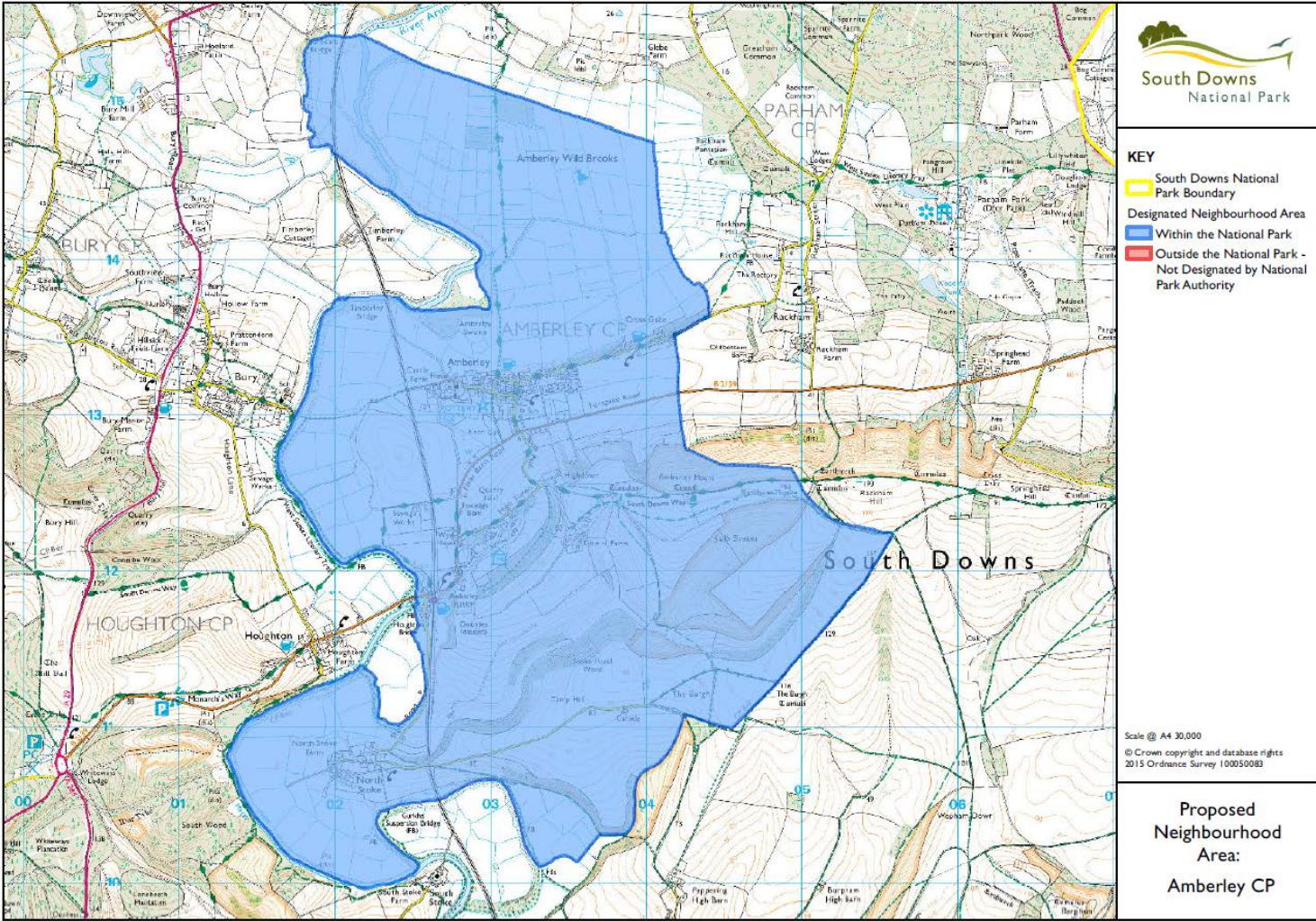
## 7. Risks Associated with the Proposed Decision

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 SDNPA and Horsham District Council 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. Amberley Neighbourhood Area
SDNPA Consultees	Legal Services; Chief Finance Officer; Monitoring Officer
External Consultees	None
Background Documents	Amberley NDP Referendum Version Amberley NPD Decision Statement

**Agenda Item 9 Report PC34/17 Appendix I  
Amberley Neighbourhood Area**



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