

Report to	<b>Planning Committee</b>
Date	<b>10 August 2017</b>
By	<b>Director of Planning</b>
Title of Report	<b>Making of the Lavant Neighbourhood Development Plan</b>
Purpose of Report	<b>To make the Lavant 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 outcome of the Lavant Referendum;**
- 2) Agree to make the Lavant Neighbourhood Development Plan part of the SDNPA's Development Plan for the part of the neighbourhood area that lies within the South Downs National Park.**

**1. Summary**

- 1.1 This report presents the Lavant Neighbourhood Development Plan (LNDP) which recently passed referendum and is now part of the South Downs National Park Authority's (SDNPA) Development Plan. The plan has been through the neighbourhood planning process as set out by the Neighbourhood Planning (General) Regulations 2012 (as amended). Following Independent Examination it has been subject to community referendum with 86% of those that voted, voting yes. The recent enactment of the Neighbourhood Planning Act 2017 now means that a Neighbourhood Plan automatically becomes part of the Development Plan following a successful referendum unless the Local Planning Authority decides not to make the plan. The Neighbourhood Planning (General) Regulations (as amended) require the LPA to 'make' a neighbourhood plan within 8 weeks of a successful referendum.

**2. Lavant Neighbourhood Development Plan 2016 -2031**

- 2.1 The Lavant Neighbourhood Area was designated by the SDNPA on 14 March 2013 (**Appendix 1**) and follows the parish boundary. The main settlements of Mid and East Lavant are within the South Downs National Park, therefore the SDNPA is the lead LPA for neighbourhood planning. Lavant lies in a rural river valley, approximately 2 miles north of Chichester in the western corner of West Sussex. Approximately 78% of the northern part of the parish lies within the South Downs National Park and the character of the landscape is typical of the South Downs. The area has some very attractive features, which include a picturesque village green and cricket pitch, pond, two church buildings, primary school and well used footpaths and historic views.
- 2.2 The Neighbourhood Plan has been presented to planning committee on three previous occasions: at the Pre-submission, Submission and Decision stages. Mr John Slater MRTPI was appointed as Independent Examiner on behalf of the SDNPA, to undertake the Examination. The Examiner's report concluded that subject to making the modifications recommended, the NDP could proceed to referendum. The NDP allocates 4 sites for approximately 75 dwellings to meet Lavant's identified housing need. This is much higher than the housing requirement for Lavant of 20 dwellings set out in the emerging South Downs Local Plan. However, the emerging strategic Policy SD26 of the Local Plan allows for NDPs to plan for the need for additional housing to meet local needs. The Examiner considered 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 did 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. One of the more controversial aspects of the LNDP was the allocation of the Eastmead Industrial Estate for housing. While both the existing Chichester Local Plan and the emerging South Downs Local Plan contain policies to protect existing employment sites, we have consistently recognised in our responses on the LNDP that this needs to be balanced against the aspirations of the local community, in particular their wish to secure affordable housing. The Examiner also noted that the redevelopment of the site for housing had a large amount of public support. In addition to policies on housing, the LNDP contains policies to protect Dark Night Skies, Local Green Space, Landscape Character and key Views in order to conserve and enhance the National Park's special qualities.

- 2.3 The Decision Statement was agreed by the SDNPA Planning Committee on 11 May 2017 and a referendum took place on Thursday 18 July 2017 with the following results:

Turn out = 24%

Votes & % in favour = 272 (86%)

Votes & % against = 43 (14%)

### 3. Making of the Neighbourhood Development Plan

- 3.1 The Local Planning Authority (LPA) has a statutory duty to 'make' a neighbourhood plan, within 8 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).
- 3.2 The Examiner concluded that the LNDP with modifications met 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.
- 3.3 The LNDP will be also be made (for those policies which apply outside the National Park) at the meeting of Chichester District Council Full Council on 25 July 2017.
- 3.4 The Lavant Neighbourhood Plan is now part of the Development Plan for the neighbourhood area. The LNDP sits alongside the Chichester Local Plan 1999, with the areas within the National Park subject to the policies of this Plan until the time that the South Downs Local Plan is adopted.

### 4. Planning Committee

- 4.1 The Lavant NDP was presented to Planning Committee on the 14 April 2016, the 9 February and on 11 May 2017 as the plan allocates land for housing.

### 5. Next Steps

- 5.1 The Neighbourhood Planning Regulations 2012 (as amended) require LPAs 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 Statements' for this NDP.

### 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 CLG to date. SDNPA has granted Lavant £8,275 to support the cost of preparing the NDP and SDNPA have paid £7651.14 for the cost of the NDP

Implication	Yes/No
	<p>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 £8,100 (including the Examination and referendum) to £50,000.</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, Lavant Parish Council prepared a Consultation Statement to support the submission version of the LNDP, 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
<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"> <li>1. Living within environmental limits</li> <li>2. Ensuring a strong healthy and just society</li> <li>3. Achieving a sustainable economy</li> <li>4. Promoting good governance</li> <li>5. Using sound science responsibly</li> </ol>	<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 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.</p> <p><b>Strategic Environmental Assessment</b></p> <p>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.</p>

## 7. Risks Associated with the Proposed Decision

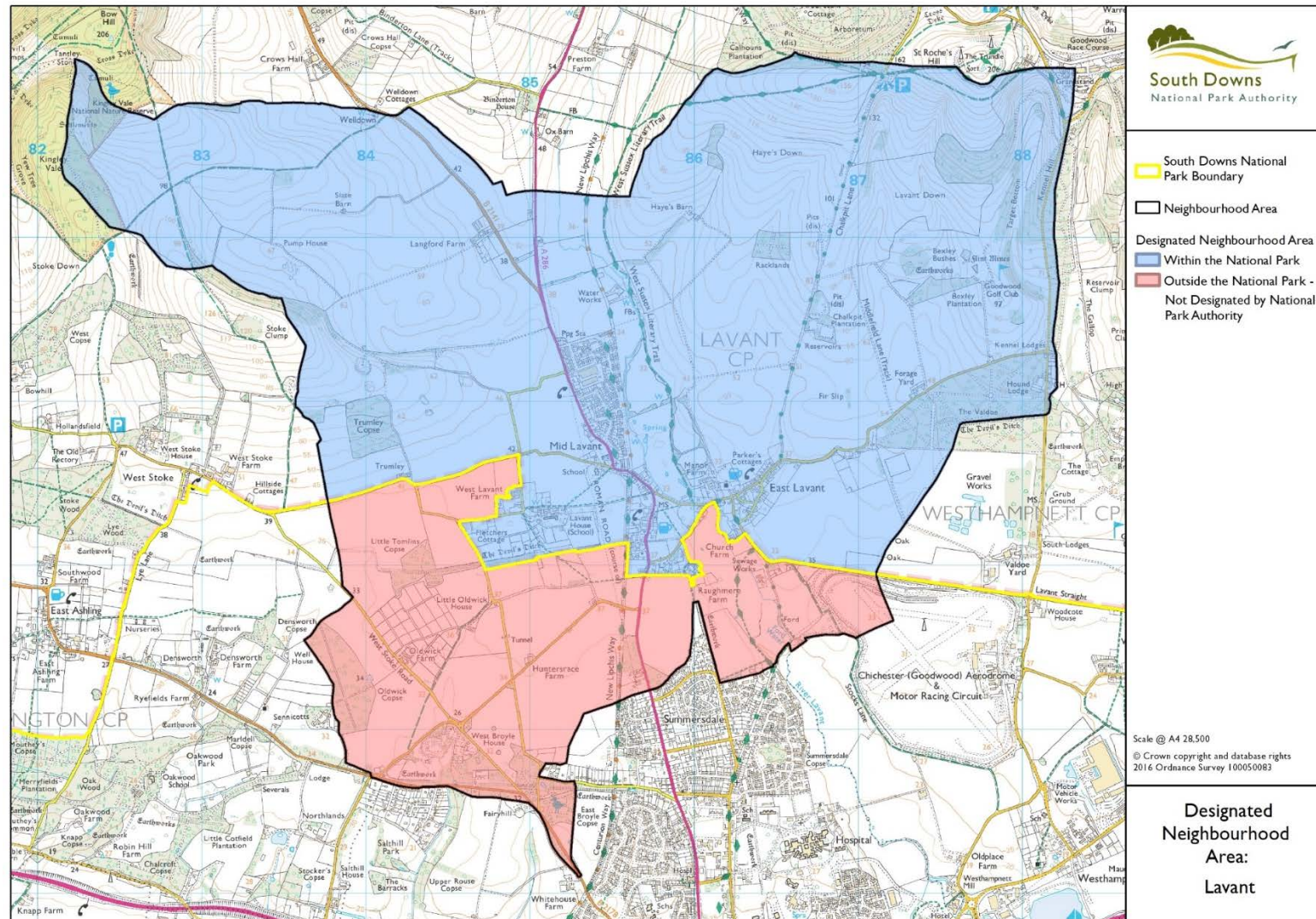
Risk	Likelihood	Impact	Mitigation
A legal challenge to a NDP can be launched by way of judicial review within six weeks of the LPA publishing a decision to make the NDP.	Low	Medium	Officers at SDNPA are satisfied the NDP meets the legal requirements. Given that it has been through the correct statutory process, including Examination and Referendum, the Authority is obliged to “make” the plan.

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Appendices I. Lavant Neighbourhood Area  
SDNPA Consultees Legal Services; Chief Finance Officer; Monitoring Officer  
External Consultees None  
Background Documents [Lavant NDP Referendum Version](#)  
Lavant NPD Decision Statement



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