

**Agenda Item 10**  
**Report PC21/18**

Report to	<b>Planning Committee</b>
Date	<b>12 April 2018</b>
By	<b>Director of Planning</b>
Title of Report	<b>Making of the Bury Neighbourhood Development Plan</b>
Purpose of Report	<b>To make the Bury 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 Bury Referendum;**
- 2) Agree to make the Bury Neighbourhood Development Plan part of the SDNPA's Development Plan for the parish of Bury.**

**1. Introduction and Summary**

- 1.1 Bury Parish Council (PPC) is the 'qualifying body' with responsibility for preparing the Bury Neighbourhood Development Plan (BNDP).
- 1.2 The Bury Neighbourhood Area was designated by the SDNPA on the 12 December 2015. The neighbourhood area is wholly within the National Park.
- 1.3 Following independent examination, the BNDP has been subject to community referendum with 90.6% of those that voted, voting yes.
- 1.4 The BNDP is now part of the Development Plan and the SDNPA are required to take a decision to formally 'Make' the Neighbourhood Plan within 8 weeks of a successful Referendum, unless to do so would breach, or would otherwise be incompatible with any EU obligation or any of the Conventions Rights (within the meaning of the Human Rights Act 1998).

**2. Bury Neighbourhood Development Plan 2017 – 2032**

- 2.1 The Bury Neighbourhood Area was designated by the SDNPA on 12 December 2015 and follows the Parish boundary. A Map of the designated area is attached as **Appendix I** to this report. The Parish has a strong agricultural heritage and comprises pasture and arable land with large areas of woodland in the coombes of the scarp slope of the Downs and in the sandstone areas to the north. Bury village is the largest settlement within the Parish and is located 5 miles south west of Pulborough. The eastern border of the village runs along the River Arun. Further to the west is the small hamlet of West Burton built on a Saxon figure of eight design which is still apparent today. The parish also contains the small scattered settlements of Bury Common and Bury Gate along the A29.
- 2.2 The BNDP allocates a small site, known as Jolyons and Robin's Hill, on the western edge of the village for six new dwellings. A proportion of these will be affordable homes, in line with the Local Plan affordable housing requirement. The Plan also includes a number of policies that add local distinctiveness to the emerging South Downs Local Plan (SDLP) policies such as protecting sunken lanes, historic walls, historic orchards, Parish Heritage Assets, Local

Green Spaces and Local Views. The NDP also seeks to reduce the dominance of the A29 and its severance effect on the Parish, make local roads safer and improve the sense of community cohesion between the dispersed settlements.

- 2.3 The BNDP was submitted for Examination in August 2017. Mr John Slater MRTPI was appointed as Independent Examiner on behalf of the SDNPA, to undertake the Examination. The Examiner considered the NDP to be a locally distinctive plan that offers protection to the main village of Bury and the other settlements from inappropriate development. He felt the Parish was a really beautiful area within the South Downs National Park and the NDP strikes the right balance between protecting what is important to the community, at the same time taking the initiative in allocating a site to meet the parish's future housing needs.
- 2.4 The Examiner's report was received in October 2017 which recommended the NDP could proceed to Referendum with a number of modifications. A Decision Statement was prepared that accepted all the modifications set out in the Examiner's report apart from two minor variations from the Examiner's recommendations, namely changes to the wording of the allocation policy to allow for greater flexibility in how the site comes forward and to retain the designation of the Wharf and Common Land as a Parish Heritage Asset. Any variations to an Examiner's report must be consulted upon. Historic England commented in support of the retention of the Wharf and Common Land as a Parish Heritage Asset. The final Decision Statement was agreed by the Director of Planning under delegated powers and published in January 2018.
- 2.5 A Referendum took place on Thursday 1 March 2018 with the following results:  
Turn out = 38%  
Votes & % in favour = 455 (90.6%)  
Votes & % against = 109 (9.4%)

### **3. Making of the Bury Neighbourhood Development Plan**

- 3.1 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. However, 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 BNDP with modifications met these legislative obligations/rights. No information has subsequently arisen to suggest the making of the BNDP would be in breach with or incompatible with the legislation.
- 3.3 The BNDP is now part of the Development Plan for the parish of Bury. The BNDP sits alongside the saved policies of the Chichester Local Plan 1999, until the time that the South Downs Local Plan is adopted. The BNDP is consistent with the Submission version of the South Downs Local Plan.

### **4. Planning Committee**

- 4.1 The BNDP has not previously been presented to Planning Committee and all SDNPA responses to the plan during its preparation have been dealt with through delegated powers to officers.

### **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.

- 5.2 Following the 'making' of the BNDP, copies of the BNDP will be made available to the Development Management teams at the South Downs National Park Authority and Chichester District Council. The policies maps will also be entered onto the relevant electronic mapping systems.

## 6. Other Implications

Implication	Yes/No
Will further decisions be required by another committee/full authority?	No
Does the proposal raise any Resource implications?	<p>Yes - The SDNPA has claimed £5,000 in new burdens funding from CLG. To date, SDNPA has spent £5,485 on the Examination. The referendum cost are yet to be received from Chichester District Council. Once the NDP is Made the SDNPA will be able to claim a further £20,000.</p> <p>The cost of Neighbourhood Planning to the SDNPA is normally 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, Bury Parish Council prepared a Consultation Statement to support the submission version of the BNDP, 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.	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

Implication	Yes/No
	<p>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 Bury NDP was not required as the plan only allocates a small site for housing and would not affect any sensitive environmental areas. It was also concluded that Habitats Regulations Assessment was also not required. The SDNPA provided a screening opinion to this effect in February 2017.</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 unless making 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)

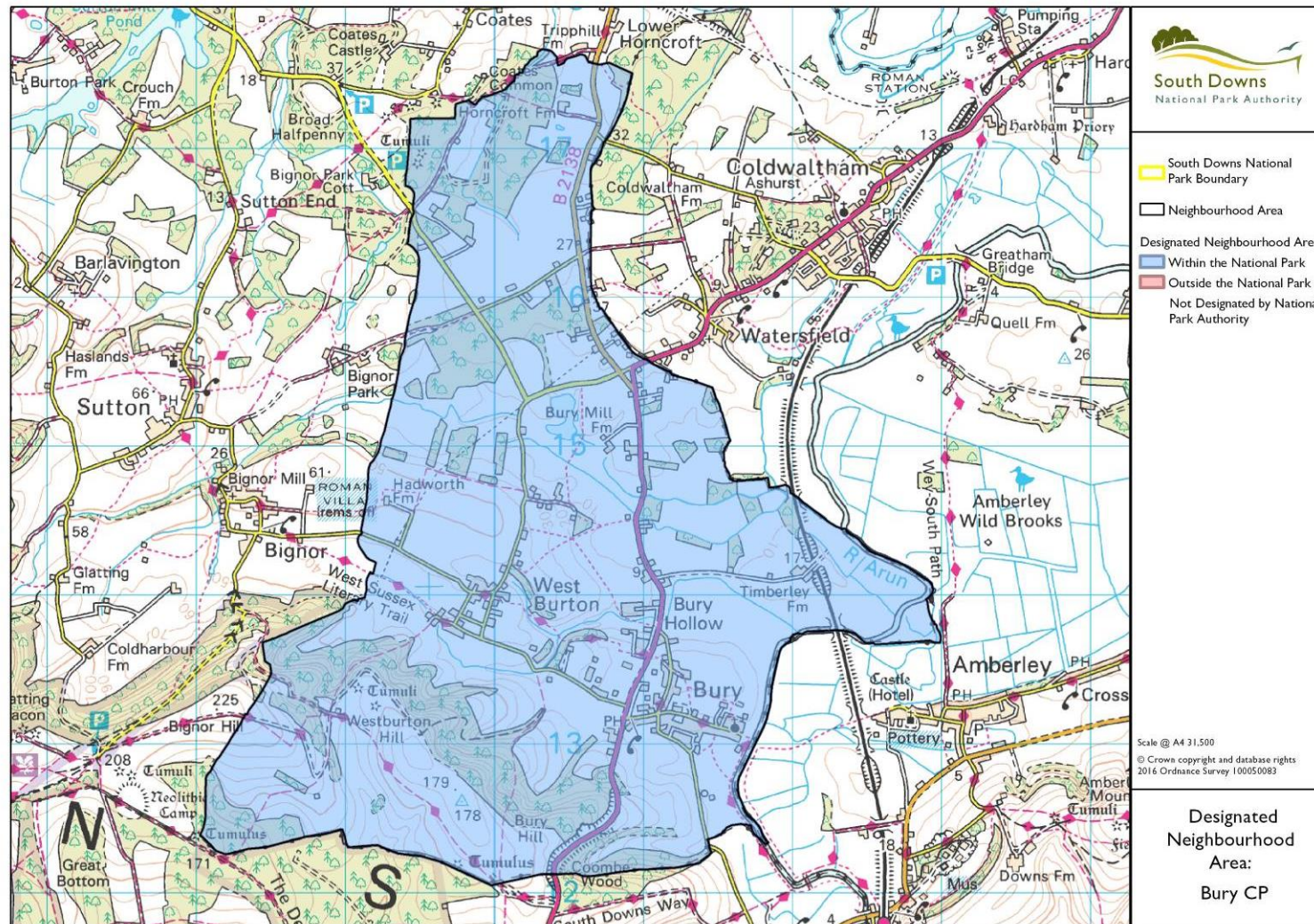
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Appendices I. Bury Neighbourhood Area  
SDNPA Consultees Legal Services; Chief Finance Officer; Monitoring Officer  
External Consultees None  
Background Documents [Bury NDP Referendum Version](#)  
[Bury NPD Decision Statement](#)  
[Bury NDP Examiners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

## Bury Neighbourhood Area



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