

**Agenda Item 11
Report PC22/18**

Report to	Planning Committee
Date	12 April 2018
By	Director of Planning
Title of Report	Making of the Patching Neighbourhood Development Plan
Purpose of Report	To make the Patching Neighbourhood Development Plan part of the South Downs National Park Authority's (SDNPA) statutory Development Plan

Recommendation: The Committee is recommended to:

- 1) Note the outcome of the Patching Referendum;**
- 2) Agree to make the Patching Neighbourhood Development Plan part of the SDNPA's Development Plan for the parish of Patching.**

1. Introduction and Summary

- 1.1 Patching Parish Council (PPC) is the 'qualifying body' with responsibility for preparing the Patching Neighbourhood Development Plan (PNDP).
- 1.2 The Patching Neighbourhood Area was designated by the SDNPA on the 14 March 2013. The neighbourhood area is wholly within the National Park.
- 1.3 Following independent examination, the PNDP has been subject to community referendum with 83.7% of those that voted, voting yes.
- 1.4 The PNDP 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. Patching Neighbourhood Development Plan 2017 – 2032

- 2.1 The Patching Neighbourhood Area was designated by the SDNPA on 14 March 2013 (**Appendix 1**) and follows the parish boundary. The parish of Patching rises from the West Sussex coastal plain and is characterised by a rolling landscape of open arable fields separated by hedgerows and large blocks of woodland. These woodlands include ornamental plantations associated with the landscaped parks at Michelgrove and Angmering, as well as areas of ancient woodland with high biodiversity value. To the north, the parish is mostly open pasture on the dip slope and is grazed by sheep and cattle. The settlement is focused in the village of Patching with some associated ribbon development and outlying hamlets at Michelgrove and Myrtle Grove to the north of the village. The settlement pattern is dispersed and low density, characterised by traditional buildings of brick, flint, thatch and clay tile.

- 2.2 The key objectives of the PNDP are to retain and enhance the peaceful rural character of the parish including its local environment, community assets and the small local businesses and farming that distinguish it. The plan therefore establishes policies to ensure any development is small in scale and in sympathy with the landscape character and heritage of the parish. There is no housing requirement for Patching in the adopted Local Plan (Arun Local Plan 2003) or the emerging South Downs Local Plan and no sites are allocated in the plan for housing.
- 2.3 The PNDP was submitted for examination in May 2017. Mr John Slater MRTPI was appointed as Independent Examiner on behalf of the SDNPA, to undertake the Examination. The Examiner was satisfied that there was full and proper consultation during the preparation of the PNDP, providing all stakeholders ample opportunity to comment and influence the neighbourhood plan. The Examiner also considered the plan to be a well-produced, concise and easily read document. He was particularly impressed with the clarity in the way the plan differentiates between planning policies and community actions, which is often a cause of problems in other plans. The Examiner's report concluded that, subject to a number of modifications, the PNDP could proceed to referendum.
- 2.4 The Decision Statement was agreed, by delegated powers to the Director of Planning, and published in January 2018. A referendum took place on Thursday 1 March 2018 with the following results:
- Turn out = 21%
- Votes & % in favour = 36 (83.7%)
- Votes & % against = 7 (16.3%)
- The adverse weather conditions will most likely have contributed to the low turnout level.

3. Making of the Patching 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 PNDP with modifications met these legislative obligations/rights. No information has subsequently arisen to suggest the making of the PNDP would be in breach with or incompatible with the legislation.
- 3.3 The PNDP is now part of the Development Plan for the parish of Patching. The PNDP sits alongside the saved policies of the Arun Local Plan 2003, until the time that the South Downs Local Plan is adopted. The PNDP is consistent with the Submission version of the South Downs Local Plan.

4. Planning Committee

- 4.1 The PNDP 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 PNDP, copies of the PNDP will be made available to the Development Management team at the South Downs National Park Authority. The policies maps will also be entered onto the relevant electronic mapping system.

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 the MHCLG. To date, SDNPA has spent £3,630.50 on the Examination and a short independent review of the NDP. The SDNPA will be able to claim a further £20,000 shortly to cover the cost of the Examination and Referendum.</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, Patching Parish Council prepared a Consultation Statement to support the submission version of the PNDP, 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 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.

Implication	Yes/No
	<p>Strategic Environmental Assessment</p> <p>It was concluded that an environmental assessment of the Patching NDP was not required as the plan was not directly allocating housing or employment which could have significant environmental impacts. 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)

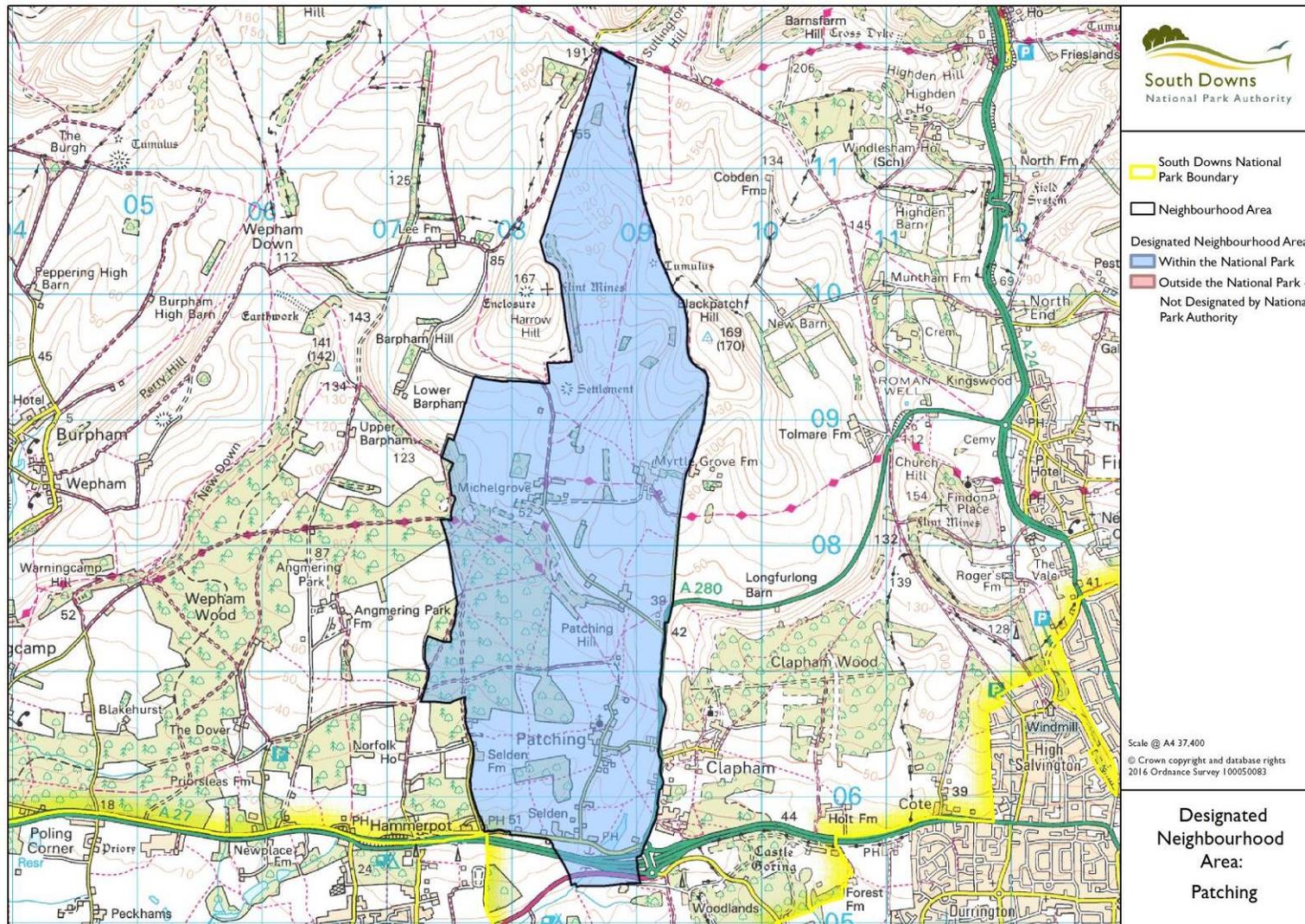
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 Appendices I. Patching Neighbourhood Area
 SDNPA Consultees Legal Services; Chief Finance Officer; Monitoring Officer
 External Consultees None
 Background Documents [Patching NDP Referendum Version](#)
[Patching NPD Decision Statement](#)
[Patching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

Patching Neighbourhood Area



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