

**Agenda Item 12**  
**Report PC23/18**

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 Plumpton Neighbourhood Development Plan</b>
Purpose of Report	<b>To make the Plumpton 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 Plumpton Referendum;**
- 2) Agree to make the Plumpton Neighbourhood Development Plan part of the SDNPA's Development Plan for the parish of Plumpton.**

**1. Introduction and Summary**

- 1.1 Plumpton Parish Council (PPC) is the 'qualifying body' with responsibility for preparing the Plumpton Neighbourhood Development Plan (PNDP).
- 1.2 The Plumpton Neighbourhood Area was designated by the SDNPA and Lewes District Council (LDC) on the 28 April 2014. The neighbourhood area is partially within the National Park, with the main settlements of Plumpton Green and Plumpton outside the National Park. LDC are the lead Local Planning Authority for the neighbourhood plan.
- 1.3 Following independent Examination, the Plumpton NDP has been subject to community Referendum with over 80% of those that voted, voting yes.
- 1.4 The Plumpton NDP 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. Plumpton Neighbourhood Development Plan 2017 – 2030**

- 2.1 The Plumpton Neighbourhood Area was designated by the SDNPA on 28 April 2014 and follows the parish boundary. A Map of the designated area is attached as **Appendix I** to this report. The Parish is one of the so-called Scarfoot Parishes that developed on the northern foot of the South Downs but included a long strip of land to the north and south. The two main settlements of Plumpton and Plumpton Green are located in the western half of Lewes District and the rural southern half of the Parish is located in the South Downs National Park (SDNP). Plumpton Green is the largest of the settlements with most of the services, including a railway station located here. The parish also contain Lewes Racecourse located adjacent to the boundary with the National Park and Plumpton College located wholly in the National Park.
- 2.2 The Plumpton NDP provides for 68 new dwellings through the allocation of five small to medium sized Greenfield sites clustered around the centre of Plumpton Green. The Pre-submission (Regulation 14) version of the NDP contained an additional Reserve housing site at Lewes Racecourse, to the south of the railway line. SDNPA Officers response to the Regulation 14

consultation raised concerns regarding this site which would have been prominent in views towards and from the National Park. Following this, the site was removed from the Submission (Regulation 16 Version) of the NDP. The Plumpton NDP also contains policies which include protecting landscape and biodiversity, Local Green Spaces and a policy which seeks to ensure that any development at Plumpton College is led by a masterplan/estate plan. It also sets out a number of Community Infrastructure Projects such as providing a cycle path network to connect to the railway station and South Downs National Park.

2.3 Mr Nigel McGurk was appointed as Independent Examiner on behalf of LDC and SDNPA to undertake the Examination. His report concluded that, subject to a number of modifications, the Plumpton NDP could proceed to Referendum.

2.4 The Decision Statement was agreed, by LDC and the SDNPA under delegated powers and published on 29 January 2018. A Referendum took place on Thursday 8 March 2018 with the following results:

Turn out = 47%

Votes & % in favour = 455 (80.6%)

Votes & % against = 109 (16.3%)

### **3. Making of the Plumpton 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 Plumpton. The PNDP sits alongside the Lewes District Plan Part 1: Joint Core Strategy (JCS) and the saved policies of the Lewes District 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 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>As Lewes District Council is the lead authority for the Plumpton NDP, the SDNPA has not incurred any direct costs, only officer time, relating to this plan, and SDNPA are not eligible to apply for New Burdens funding for this NDP.</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, Plumpton 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.	<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 (SEA)</b></p> <p>LDC concluded that an SEA of the Plumpton NDP was required as the plan was allocating a number of housing sites housing which could have the potential to have significant environmental impacts. A Sustainability Appraisal was provided alongside the Submission (Regulation 16 version) of the NDP.</p>

## 7. Risks Associated with the Proposed Decision

<b>Risk</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Mitigation</b>
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).

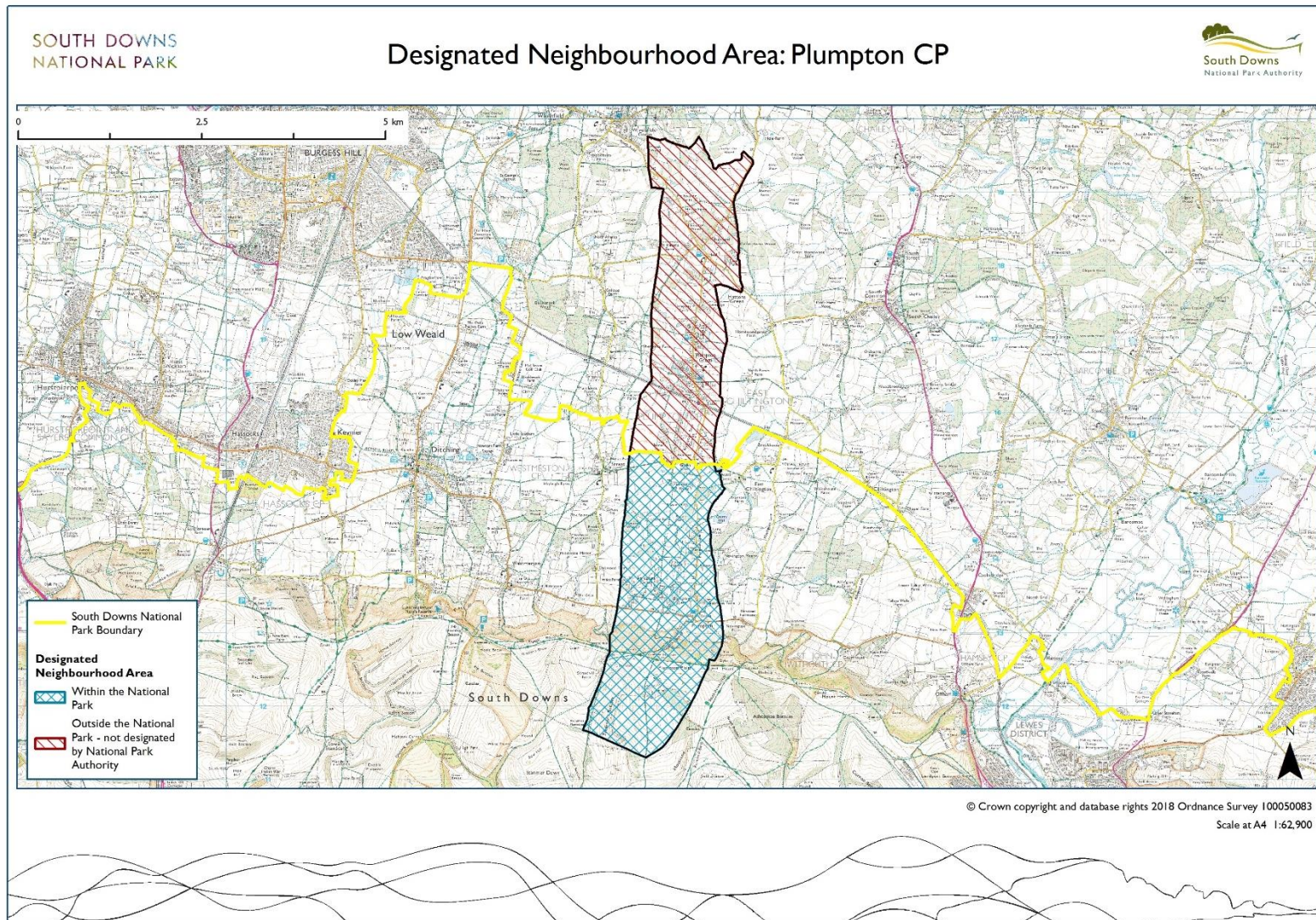
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Appendices I. Plumpton Neighbourhood Area  
SDNPA Consultees Legal Services; Chief Finance Officer; Monitoring Officer  
External Consultees None  
Background Documents [Plumpton NDP Referendum Version](#)  
[Plumpton NPD Decision Statement](#)  
[Plumpton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

Plumpton Neighbourhood Area



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