

Report to	South Downs National Park Authority
Date	11 July 2017
By	Director of Planning
Title of Report	Draft Pre-Submission South Downs Local Plan

Recommendation: The Authority is recommended to:

- 1) Approve the draft Pre-Submission Local Plan for public consultation under Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012 subject to any minor changes that are deemed necessary prior to the start of the consultation being agreed by the Director of Planning in consultation with the Chair of the Authority**
- 2) Note the draft Sustainability Appraisal (SA) and draft Habitat Regulation Assessment (HRA) as supporting evidence for the draft Pre-Submission Local Plan.**
- 3) Delegate authority to the Director of Planning in consultation with the Chair of the Authority to make any minor changes arising from the consultation and submit the Pre-Submission Local Plan to the Secretary of State under regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for examination.**
- 4) Note that if major changes are required to the Pre-Submission Local Plan that a further public consultation and decision by the Authority will be required.**

I. Summary and Background

- I.1 This report introduces the draft Pre-Submission South Downs Local Plan (subsequently referred to as the Local Plan). The report carries forward the recommendation of Planning Committee on 15 June 2017 for NPA to approve the plan for public consultation in September for a period of eight weeks in line with our Statement of Community Involvement.
- I.2 The Local Plan forms appendix 1 of this report. This is the same version of the plan that was presented to Planning Committee on 15 June and to the Full Authority Local Plan Review Meeting on 29 June. A full report on the plan was considered at Planning Committee and was sent out to all Members. This addressed key issues relating to both the whole plan and individual policies, the main matters arising from the Sustainability Appraisal (SA) and Habitat Regulation Assessment (HRA) including an update on Ashdown Forest and a brief explanation of the way ahead including submission and examination. This report provides an update on the Local Plan from Planning Committee, but does not repeat the detail of the original report.
- I.3 An update sheet forms appendix 2 of this report. The updates arise from changes requested at Planning Committee, the Full Authority Local Plan Review Meeting, legal advice on specific policies, emerging evidence base and proof reading by officers.

- 1.4 The draft SA forms appendix 3 of this report. This considers and reports on the likely significant effects of the emerging plan, and the reasonable alternatives considered during the plan making process, in terms of key sustainability issues. The aim of SA is to inform and influence the plan-making process with a view to avoiding or mitigating negative effects and maximising positive effects.
- 1.5 The draft HRA forms appendix 4 of this report. The purpose of the HRA is to report on the 'likely significant effects' of the plan on internationally designated nature conservation sites. The Planning Committee report explains how the High Court decision on the Lewes Joint Core Strategy has implications for the HRA of the South Downs Local Plan.

2. Planning Committee

- 2.1 Planning Committee unanimously endorsed the direction of the draft Pre-Submission Local Plan on 15 June 2017. A number of speakers addressed the Committee focusing on Shoreham Cement Works and allocations at Hawkley, Greatham, Kingston near Lewes, Stedham and Findon. Members discussed the matters arising but did not make any changes to the relevant policies.
- 2.2 Planning Committee discussed all the chapters of the draft plan and made a total of 14 recommended changes. These are all included in the Update Sheet.

3. Town and Parish Councils

- 3.1 We have been working closely with the town and village councils where there are Local Plan allocations. We held the Sites & Settlements consultation in autumn 2016, which focused on this matter. As the plan has progressed the allocations have changed for a number of settlements and we have held individual meetings with the relevant parish councils. Since March 2017 Planning Committee we have met with the parish councils of Alfriston, Buriton, Cheriton, Coldwaltham, Easebourne, Findon, Kilmeston, Kingston near Lewes, Midhurst, Sheet, South Harting and Stedham.

4. Further Advice

- 4.1 Advice has been sought on a further tranche of policies namely SD6: Safeguarding Views, SD7: Relative Tranquility and SD8: Dark Night Skies and the recommended changes are listed in the Update Sheet.
- 4.2 Advice was also sought on 'major development' and particularly whether it is right to say that, in considering whether a development proposal amounts to 'major development' for the purposes of paragraph 116 of the NPPF, a decision taker can only take into account the cumulative effects of other development falling within the National Park and must not take into account the cumulative effects of other development falling outside the National Park. The advice confirmed this position. It did, however, go on to confirm that the cumulative effects of development outside the National Park could still be relevant to an assessment of the acceptability of proposed development. It is, however, not relevant to the question of whether the proposed development is major development for the purposes of paragraph 116.

5. Emerging Evidence

- 5.1 A number of updates have been commissioned to key evidence based studies. Firstly, the Whole Plan Viability and Affordable Housing Study provides up to date evidence to support draft policy SD28: Affordable Homes and SD29: Rural Exception Sites. The recommended policy adjustments were discussed in detail at the Full Authority Local Plan Review Meeting on 29 June are set out in the Update sheet. Secondly, the Housing and Economic Development Needs Assessment (HEDNA) does a combined update of our Strategic Housing Market Assessment (SHMA) and Employment Land Review (ELR). Officers have just received the first draft of this report. Thirdly, our Transport Assessment supplement looks at the highway impact of changes to allocations in Midhurst and Easebourne, and in more detail at impacts on the A3 in Petersfield. Finally, the draft report on the Assessment of Site Allocations against Major Development Considerations has been received. Officers

will provide verbal updates on the main findings of these draft reports at NPA.

6. Duty to Cooperate

- 6.1 An important part of local plan preparation is to comply with the Duty to Cooperate (DtC). This is a legal requirement, and also the means by which the SDNPA should demonstrate that it has worked collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly coordinated and clearly reflected in local plans, in line with NPPF.
- 6.2 To evidence compliance with DtC, officers have been working collaboratively with partner local authorities and other bodies, and will produce an interim Duty to Cooperate Statement to be published alongside the Pre-submission Local Plan. This will be finalised in time for local plan submission. In addition, officers will work towards producing Memoranda of Understanding with relevant bodies to provide specific commitment to future ongoing principles and actions to ensure strategic priorities continue to be addressed jointly.

7. NPA Considerations

- 7.1 All of the chapters, policies and explanatory text have been previously reviewed at least once individually by both Local Plan Members Working Group (LPMWG) and Planning Committee. The composite plan has been presented and discussed in detail by Planning Committee on 15 June and all Members at the Full Authority Local Plan Review Meeting on 29 June. All the changes recommended at these meetings by Members have been addressed.
- 7.2 This report asks that the NPA approves the draft Pre-Submission Local Plan for public consultation under Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012. The Pre-Submission consultation would start in September for a period of eight weeks in line with the Statement of Community Involvement. The Local Plan and its Policies Map will be published alongside the SA, HRA, interim Duty to Cooperate Statement and the full core document library. This includes all the evidence supporting the Local Plan such as the South Downs Integrated Landscape Character Assessment (SDILCA) and the Housing and Economic Development Needs Assessment (HEDNA).
- 7.3 We will log and summarise the main issues arising from the representations on the plan. Providing that no issues are raised that go to the heart of soundness, the NPA will submit the Local Plan and any proposed minor changes it considers appropriate along with the core document library to the Planning Inspectorate for examination on behalf of the Secretary of State. If the NPA considers that major changes are required that go to the heart of soundness then a further round of public consultation will be required. The intention to submit the Local Plan for examination will be reported to NPA in early 2018.
- 7.4 The examination of the South Downs Local Plan will commence on the submission of the plan. The examination will include public hearings, but the majority of matters arising will be addressed through written representations. The examination will focus on matters of soundness. It is likely that the Inspector will recommend main modifications to make the plan sound and legally compliant. We will consult on these modifications.
- 7.5 If the Local Plan is found sound subject to a number of modifications the NPA will then decide whether to adopt the plan. Following the adoption of the Local Plan, it will be the first time that the National Park has been planned for as a single entity. It will also supersede all inherited Local Plans and Joint Core Strategies which cover the National Park other than those relating to minerals and waste. The Local Plan will be the key to delivering sustainable development in the National Park in a way that conserve and enhances the landscape.
- 7.6 The Local Plan will form part of the 'development plan' alongside adopted neighbourhood development plans, which are being developed by local communities in many settlements across the National Park. The Minerals and Waste Plans will also be part of the Development Plan. The new Local Plan must be in conformity with the National Planning Policy Framework (NPPF) (2012) and the DEFRA Vision and Circular for National Parks

(2010).

8. Other Implications

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	If major modifications that arise from emerging evidence are required to the Local Plan prior to consultation this will be reported back to NPA for a further decision. The submission of the Local Plan for examination will be reported to NPA in February for information.
Does the proposal raise any Resource implications?	The Local Plan is one of the top corporate priorities for the SDNPA with adoption timetabled for 2018, which has been reflected in approved budgets and the Medium Term Financial Strategy. Officers within the Planning Policy team are leading the work on developing the Local Plan and utilising expertise elsewhere within the Authority. Costs associated with the delivery of the Local Plan will be monitored and any variation to approved budgets will be reported as part of the budget monitoring process
How does the proposal represent Value for Money?	Replacing all our existing saved and adopted plans with a single document will save time for our DM officers and Planning Committee. Various policies in the Local Plan will ensure developers increase their contribution to the Purposes and Duty of the National Park. Protecting the South Downs from inappropriate development has a value that cannot be monetarised.
Are there any Social Value implications arising from the proposal?	The decision does not relate to, or initiate, a relevant public procurement process.
Has due regard been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	Due regard, where relevant, has been taken to the South Downs National Park Authority's equality duty as contained within the Equalities Act 2010. An Equalities Impact Assessment is being prepared for the whole Local Plan.
Are there any Human Rights implications arising from the proposal?	These draft policies have been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.
Are there any Crime & Disorder implications arising from the proposal?	It is considered that the proposal does not raise any crime and disorder implications.
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"> 1. Living within environmental limits 2. Ensuring a strong healthy and just society 3. Achieving a sustainable economy 4. Promoting good governance 	<p>The South Downs Local Plan is a landscape led plan that seeks to deliver multiple eco system services within a nationally protected landscape.</p> <p>A sustainability appraisal has been prepared to inform the preparation of the Local Plan and forms appendix 3 of this report.</p>

5. Using sound science responsibly	
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9. Risks Associated with the Proposed Decision

Risk	Likelihood	Impact	Mitigation
That the South Downs Local Plan is not found 'sound' at examination.	Medium	High	The policies are consistent with the NPPF and are based on robust evidence

TIM SLANEY

Director of Planning

South Downs National Park Authority

Contact Officer: Lucy Howard, Planning Policy Manager
 Tel: 01730 819284
 email: Lucy.howard@southdowns.gov.uk
 Appendices

1. [Draft Pre-Submission South Downs Local Plan](#) (previously circulated)
2. Local Plan update sheet
3. Draft Sustainability Appraisal
4. Draft Habitat Regulations Assessment

SDNPA Consultees Chief Executive; Director of Countryside Policy and Management; Director of Planning; Chief Finance Officer; Monitoring Officer; Legal Services,

External Consultees None

Background Documents [Planning Committee report on Local Plan 15 June 2017](#)
<https://www.southdowns.gov.uk/meeting/planning-committee-8-june-2017/>
[South Downs Local Plan: Preferred Options](#)
[Summary of Responses on the South Downs Local Plan: Preferred Options](#)

