

Report to	Planning Committee
Date	10 May 2018
By	Director of Planning
Title of Report	Making of the Ditchling, Streat & Westmeston Neighbourhood Development Plan
Purpose of Report	To make the Ditchling, Streat & Westmeston 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 Ditchling, Streat & Westmeston Referendum;**
- 2) Agree to make the Ditchling, Streat & Westmeston Neighbourhood Development Plan part of the SDNPA's Development Plan for the parishes of Ditchling, Streat & Westmeston.**

1. Introduction and Summary

- 1.1 Ditchling, Streat & Westmeston Parish Councils are the 'qualifying body' with responsibility for preparing the Ditchling, Streat & Westmeston Neighbourhood Development Plan (DSW NDP). The Ditchling, Streat & Westmeston Neighbourhood Area was designated by the SDNPA and Lewes District Council (LDC) on the 16 January 2014. The neighbourhood area is partially within the National Park. The SDNPA is the lead planning authority for supporting the neighbourhood plan as the main centre of population is within the National Park.
- 1.2 Following independent examination, the NDP has been subject to community referendum with 93% of those that voted, voting yes. The DSW NDP is now part of the Development Plan for that part of the National Park within the parish. The SDNPA are required to take a decision to formally 'make' the NDP 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. Ditchling, Streat & Westmeston Neighbourhood Development Plan 2017-2032

- 2.1 The Ditchling, Streat & Westmeston Neighbourhood Area was designated by the SDNPA on 16 January 2014 (**Appendix I**) and follows the parish boundaries of Ditchling, Streat and Westmeston. The three parishes are collectively known as the 'Beacon Parishes'. The parishes have a north/south orientation extending from open downland landscape to the south, via the scarp slope and north to the generally undulating rural landscape of the Sussex Weald. Ditchling is the largest of the three settlements and is the main centre of population for the neighbourhood area (total population at the last census was just under 2,600). The village is identified in the emerging South Downs Local Plan for moderate additional housing growth (15 new homes over the plan period).

- 2.2 The vision and objectives set out in the NDP seek to foster the thriving communities of the Beacon parishes whilst maintaining their discrete individual characteristics and identities. Sustainable development is supported where it meets local housing and employment needs, and is within the established settlement boundary (as revised by the NDP). The Plan also seeks to ensure Ditchling's role as a service centre for residents and visitors is maintained and enhanced. The NDP contains three housing allocations, totalling 22 new homes. The largest of the three is an allocation of land to accommodate 12 new homes at Park Barn Farm/Long Park Corner, which involves an extension south to the existing settlement boundary. The allocation includes 9 affordable homes which will be delivered through a community land trust.
- 2.3 The NDP was submitted to the SDNPA and LDC in June 2017. Six weeks consultation were carried out on the submission NDP from July-August 2017. Following this, Mr Christopher Lockhart-Mummery QC was appointed as Independent Examiner on behalf of the SDNPA and LDC, to undertake the Examination. The Examiner published his final report in January 2018 with a recommendation that the NDP, with modifications could proceed to referendum. In his report, the Examiner congratulated the NDP group on 'an exceptionally well produced, well researched and balanced Neighbourhood Plan'. He also commended the group on their work undertaken to understand local landscape characteristics and justify the designation of Local Green Space within the NDP.
- 2.4 The Decision Statement was agreed, by delegated powers to the Director of Planning, and published in February 2018. A referendum took place on Thursday 19 April 2018 with the following results:

Turn out: 748
Votes & % in favour: 693 (93%)
Votes & % against: 55 (7%)
3. **Making of the Ditchling, Streat & Westmeston 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 NDP 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 NDP is now part of the Development Plan for the parishes of Ditchling, Streat & Westmeston. The NDP sits alongside the Lewes District Local Plan Part I, Joint Core Strategy 2016 (with the exception of policies SPI and SP2 in regard to the National Park, which were quashed following the High Court ruling on the legal challenge made by Wealden District Council) and the saved policies of the Lewes District Plan 2003. Once the South Downs Local Plan is adopted, the Lewes JCS and the saved policies of the Lewes District Plan 2003 will only apply outside the National Park. The NDP is consistent with the Submission version of the South Downs Local Plan.
4. **Planning Committee**
 - 4.1 The NDP 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 DSW NDP, copies of the DSW NDP will be made available to the Development Management teams at the SDNPA and LDC. 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 the MHCLG. To date, SDNPA has spent £6,789.50 on the Examination. 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 MHCLG. 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, Ditchling, Streat & Westmeston Parish Councils prepared a Consultation Statement to support the submission version of the DSW NDP, 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.

Implication	Yes/No
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>Strategic Environmental Assessment and Habitats Regulation Assessment</p> <p>It was concluded that an environmental assessment of the Ditchling, Streat & Westmeston NDP was not required as whilst the parishes are environmentally sensitive, the scale and location of development proposed is not considered likely to give rise to significant environmental effects. A separate HRA screening was undertaken. This concludes that there are not likely to be significant effects arising from the proposals in the DSW NDP with regard to the integrity of Lewes Downs Special Area of Conservation. In addition, in regards to potential air quality impacts on Ashdown Forest SPA/SAC, the screening concludes that given the strategic nature of in combination traffic and air quality, this issue is by definition, one that cannot be fully explored and resolved by an individual neighbourhood plan and is most appropriately addressed through the Local Plan. Given the South Downs Local Plan HRA, which was published in September 2017, the independent examiner of the DSW NDP concluded that the NDP is not likely to have a significant effect on a European site, for the purposes of the relevant Basic Conditions.</p>

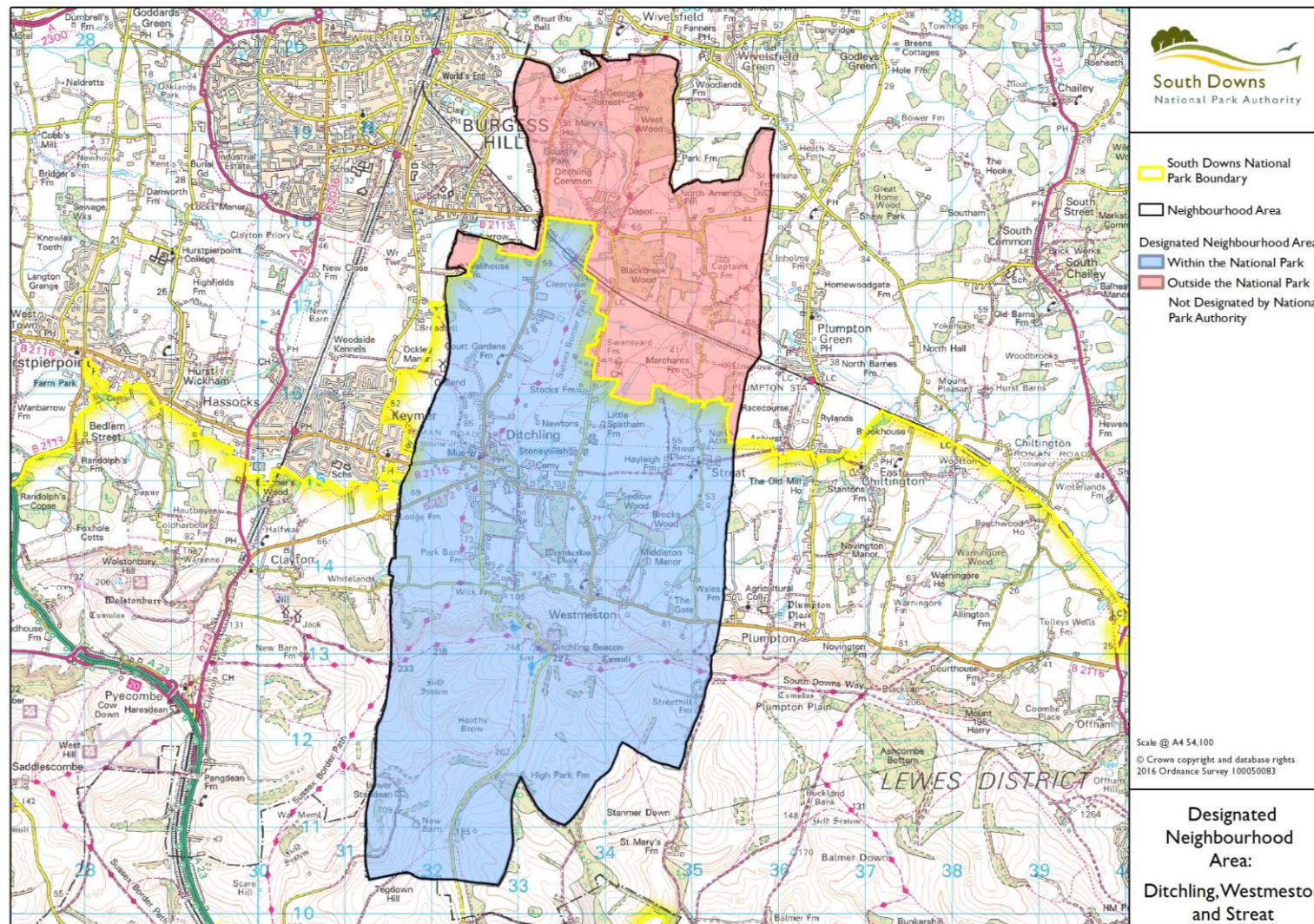
7. Risks Associated with the Proposed Decision

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). Failure of the SDNPA to make the NDP would result in a legal challenge.

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Appendices	I. Ditchling, Streat & Westmeston Neighbourhood Area
SDNPA Consultees	Legal Services; Chief Finance Officer; Monitoring Officer
External Consultees	None
Background Documents	Ditchling, Streat & Westmeston NDP Referendum Version Ditchling, Streat & Westmeston NPD Decision Statement Ditchling, Streat & Westmeston NDP Examiners report

Ditchling, Streat & Westmeston Neighbourhood Area



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