

Agenda Item 12
Report PCI9/20-28

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| Report to | Planning Committee |
| Date | 14 November 2019 |
| By | Director of Planning |
| Title of Report | Making of the Newhaven Neighbourhood Development Plan |
| Purpose of Report | To make the Newhaven 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 Newhaven Neighbourhood Development Plan Referendum;**
- 2) Agree to make the Newhaven Neighbourhood Development Plan part of the SDNPA's Development Plan for the part of the parish within the South Downs National Park.**

1. Introduction and Summary

- 1.1 Newhaven Parish Council is the 'qualifying body' with the responsibility for preparing the Newhaven Neighbourhood Development Plan (NNDP).
- 1.2 The Newhaven Neighbourhood Area was designated by the SDNPA and by Lewes District Council (LDC) on the 8 July 2013. The neighbourhood area is partially within the National Park, with the main settlement of Newhaven outside the National Park. LDC are the lead Local Planning Authority for the neighbourhood plan.
- 1.3 Following independent Examination, the NNDP has been subject to community Referendum on 10 October 2019 with 85% of those that voted, voting yes.
- 1.4 The NNDP 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. Newhaven Neighbourhood Development Plan 2017-2030

- 2.1 The Newhaven Neighbourhood Area was designated by the SDNPA on 8 July 2013 and follows the boundary of the Newhaven Parish boundary omitting central and southern parts of the Newhaven Harbour. This was because the harbour is noted to be of Strategic Importance and impacts a larger area than the immediate neighbourhood of the parish of Newhaven. A map of the designation area is attached as Appendix I to this report. Newhaven town sits on the coast of East Sussex and lies on the mouth of the River Ouse. There is residential development on both sides of the River, with views east into the Ouse Estuary nature reserve and westwards into the Open Downs and Scarp Footslopes of the South Downs National Park (SDNP).
- 2.2 The NNDP provides for 358 new homes on six sites. The housing figure for Newhaven was set out in the 2016 Lewes District Joint Core Strategy (JCS) and identified a housing need of

825 outside of the SDNP. The JCS (Local Plan Part one) allocated 400 dwellings via strategic sites, commitments and completions.

- 2.3 At the submission stage of the NNDP representations were raised by SDNPA officers to the Independent Examiner in relation to Policy ES1; The regeneration of Eastside. Originally the policy omitted any mention of the landscape, but during examination the independent examiner incorporated wording that planning applications in this location should “seek to enhance open spaces and landscape”. Although this site is not within the SDNPA and the NNDP does not allocate any development inside the SDNP, the SDNPA officers welcomed the aforementioned wording towards a more landscape led approach with sites close to the National Park boundary, which affected its setting.
- 2.4 Mr Tony Burton 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 NNDP could proceed to Referendum.
- 2.5 A Referendum took place on Thursday 10 October 2019 with the following results:
- Turn out = 14.74%
 - Votes & % in favour = 1,105 (85.19%)
 - Votes & % against = 192 (14.80%)

3. Making of the Newhaven Neighbourhood Development Plan

- 3.1 The 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 eight 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 NNDP with modifications met these legislative obligations/rights. No information has subsequently arisen to suggest the making of the NNDP would be in breach with or incompatible with the legislation.
- 3.3 The NNDP is now part of the Development Plan for the parish of Newhaven the NNDP sits alongside the adopted South Downs Local Plan. The NNDP is consistent with the South Downs Local Plan.

4. Planning Committee

- 4.1 The NNDP 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 by officers. Members have been updated on the Plan through the Quarterly Update to Planning Committee.

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 NNDP, copies of the NNDP will be made available to the Development Management teams at the South Downs National Park Authority and Lewes 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 |

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| Does the proposal raise any Resource implications? | As Lewes District Council is the lead authority for the NNDP, 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. 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. |
| Has due regard been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010? | Yes, the qualifying body prepared a Consultation Statement to support the submission version of the SSW 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 |
| Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy: 1. Living within environmental limits 2. Ensuring a strong healthy and just society 3. Achieving a sustainable economy 4. Promoting good governance 5. Using sound science responsibly | 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. Strategic Environmental Assessment LDC and SDNPA determined that an environmental assessment of the Newhaven Neighbourhood Plan was not required. |

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) |

TIM SLANEY
Director of Planning
South Downs National Park Authority

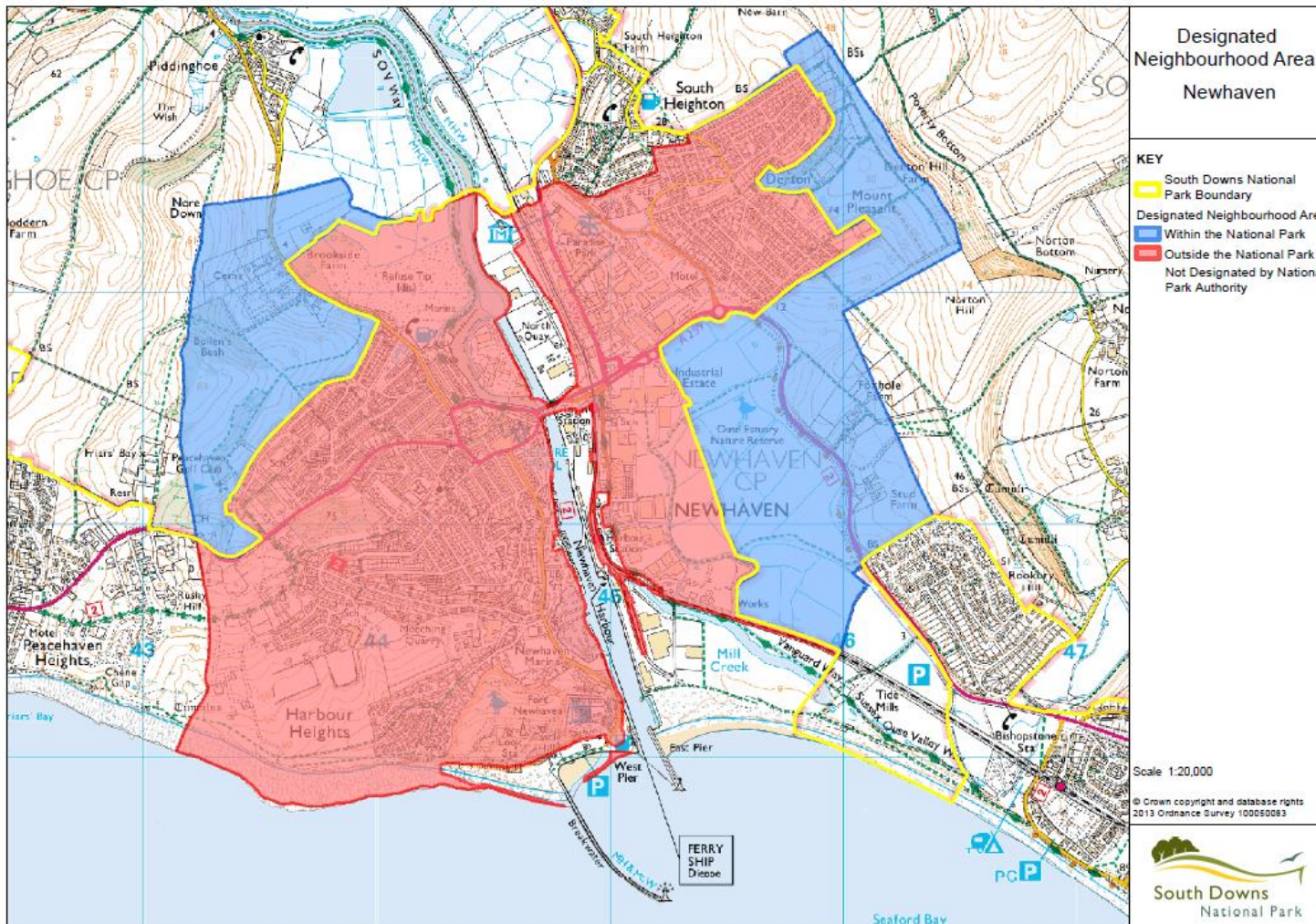
Contact Officer: Hannah Collier
Tel: 01730 819345
email: hannah.collier@southdowns.gov.uk
Appendices I. Newhaven Neighbourhood Area

SDNPA Consultees Legal Services; Chief Finance Officer; Monitoring Officer; Director of Planning

External Consultees None

Background Documents [Newhaven NDP Referendum Version](#)
[Newhaven NDP Decision Statement](#)
[Newhaven NDP Examiners Report](#)

**Agenda Item 12 Report PCI9/20-28 Appendix I
Newhaven Neighbourhood Area Map**



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