

Agenda Item 12
Report PCI9/20-51

Report to	Planning Committee
Date	12 March 2020
By	Director of Planning
Title of Report	Making of the Seaford Neighbourhood Development Plan
Purpose of Report	To make the Seaford 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 Seaford Neighbourhood Development Plan Referendum;**
- 2) Agree to make the Seaford Neighbourhood Development Plan part of the Development Plan for that part of Seaford Parish within the South Downs National Park.**

1. Introduction and Summary

- 1.1 Seaford Parish Council is the 'qualifying body' with the responsibility for preparing the Seaford Neighbourhood Development Plan (SNDP).
- 1.2 The Seaford Neighbourhood Area was designated by the South Downs National Park Authority (SDNPA) on 18 January 2016 and by Lewes District Council (LDC) on the 13 January 2016. The neighbourhood area is partially within the National Park, with the main settlement of Seaford outside the National Park. LDC are the lead Local Planning Authority for the neighbourhood plan.
- 1.3 Following independent Examination, the SNDP has been subject to community Referendum on 6 February 2020 with 89.21% of those that voted, voting yes.
- 1.4 The SNDP is now part of the Development Plan and the SDNPA are required to take a decision to formally 'Make' the Neighbourhood Plan within eight 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. Seaford Neighbourhood Development Plan 2017-2030

- 2.1 The Seaford Neighbourhood Area was designated by the SDNPA on 18 January 2016 and follows the Seaford Parish boundary. A map of the designation area is attached as **Appendix I** to this report.
- 2.2 Seaford town sits on the coast of East Sussex, with Newhaven to the west and the Seven Sisters Country Park to the east. The historic town is set back from the seafront with views of the Seaford Head to the east.

- 2.3 Lewes District Council set Seaford Parish Council a housing requirement of at least 185 dwellings to be delivered through the Neighbourhood Plan. The SNDP plans to provide 218 new dwellings on ten sites. Although sites within the South Downs National Park were analysed through the Sustainability Appraisal process, there are no sites within the National Park allocated in the SNDP. All of the sites allocated in Policy SEA14 Site Allocations are within the Lewes District part of the Seaford Neighbourhood Area.
- 2.4 At the pre-submission stage of the Neighbourhood Plan, officers made comments about the inclusion of the conservation and enhancement of the Heritage Coast as part of the vision of the Neighbourhood Plan. This was then updated by the Town Council at submission stage and subsequent versions of the NDP to reflect this. Officers also commented on policy SEA6 Seaford Seafront. This was in regards to the inclusion of wording to identify the threat and conflicting pressures on the Heritage Coastline. Officers suggested wording to highlight that “any new development should be protective of the setting and views to and from the SDNP and the Heritage Coast.” This wording was later incorporated into the policy.
- 2.5 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 SNDP could proceed to Referendum. The Examiner’s report is attached as **Appendix 2** to this report.
- 2.6 A Referendum took place on Thursday 6 February 2020 with the following results:
- Turn out = 31.8%
 - Votes & % in favour = 5,566 (89.21%)
 - Votes & % against = 673 (10.79%)

3. Making of the Seaford 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 SNDP with modifications met these legislative obligations/rights. No information has subsequently arisen to suggest the making of the SNDP would be in breach with or incompatible with the legislation.
- 3.3 The SNDP is now part of the Development Plan for that part of the parish of Seaford located within the SNDP along with the adopted South Downs Local Plan. The SNDP is consistent with the South Downs Local Plan.

4. Planning Committee

- 4.1 The SNDP 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 SNDP, copies of the SNDP 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
Does the proposal raise any Resource implications?	<p>As Lewes District Council is the lead authority for the SNDP, 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 matters which support the development of the area.</p>
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 Seaford 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:	<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</p> <p>LDC and SDNPA determined that an environmental assessment of the Seaford Neighbourhood Plan was required. A copy of the full Environmental Assessment can be found here.</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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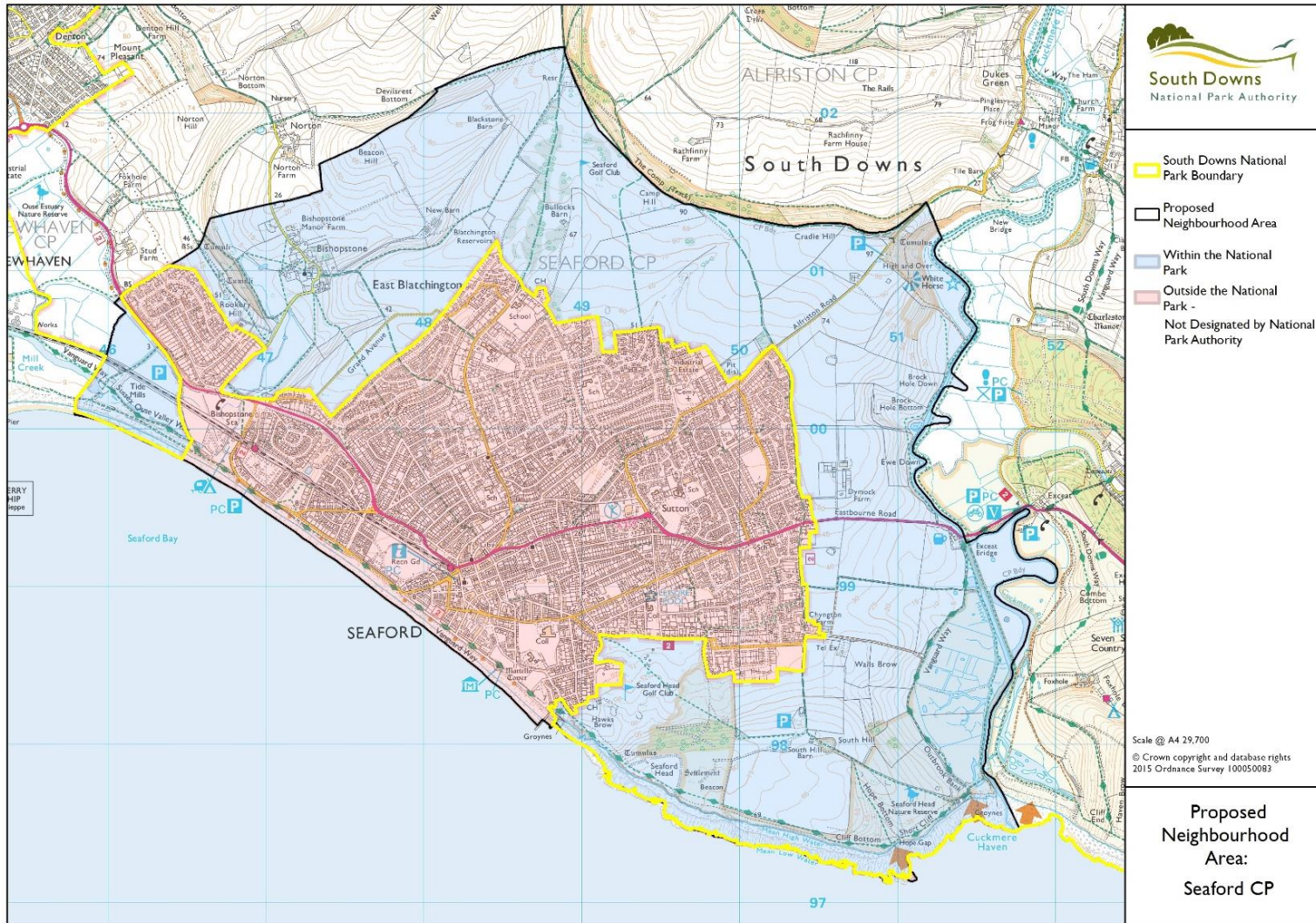
Appendices

1. Seaford Neighbourhood Area
2. Seaford NDP Examiners Report

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

External Consultees None

Background Documents [Seaford NDP Referendum Version](#)
[Seaford NDP Decision Statement](#)



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