

Director of Planning – Delegated Authority Report

Planning Function: Neighbourhood Planning

Purpose: To adopt 'Make' the Hassocks Neighbourhood Development Plan

## **1. Background**

- 1.1 The Neighbourhood Planning Act 2017 provides that a Neighbourhood Development Plan (NDP) 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.
- 1.2 Normally a decision to 'make' a NDP is taken by SDNPA Planning Committee. However, on this occasion the making of the Hassocks Neighbourhood Plan (HNP) was due to take place at the April Planning Committee of the SDNPA following a successful referendum on the 5<sup>th</sup> March 2020. The April Planning Committee was cancelled due to COVID-19 lockdown restrictions. Whilst Planning Committee resumed in June the decision to 'Make' the updated Hassocks NDP will be carried out using Delegated Authority Functions to the Director of Planning.

## **2. SDNPA Standing Orders – Delegation of function to Director of Planning**

- 2.1 The following is an extract from the SDNPA Standing Orders setting out decisions and actions which can be carried out under Delegated Authority

*The Director of Planning is hereby authorised to make all decisions required and take all actions necessary in the discharge of the functions of the Authority falling within the terms of reference of the Planning Committee, except where and to the extent that the particular matter falls within one of the following descriptions (in which case it shall be referred to the Planning Committee for determination, however, this does not prevent the Planning Committee from delegating any of these functions to the Director of Planning):*

- i) planning applications (except for householder and other minor applications) which are contrary to the approved or draft development plan or other planning policies but which are recommended for approval*
- ii) applications (except for householder and other minor applications) which are requested for referral to the Planning Committee by any Member of the Authority, in writing or email to the Director of Planning and with specified reasons*
- iii) applications (except for householder and other minor applications) which, in the opinion of the Director of Planning, have generated significant and material third party representations which are contrary to the officer recommendation*
- iv) applications from Authority Members or employees*
- v) applications submitted by or on behalf of the Authority for its own developments, except for the approval of minor developments*
- vi) applications which, at the discretion of the Director of Planning, have potential significant impact or could set an important precedent*
- vii) enforcement action which requires prosecution, the service of a "Stop Notice" or any other Notice or action which in the opinion of the Director of Planning might potentially have significant financial risks for the Authority.*
- viii) the allocation of resources received through the community infrastructure levy.*

Note – All other enforcement action taken in terms of these delegations is to be carried out only after the appropriate legal advice has been taken and subject to reports on progress being made to the Planning Committee as required by the committee

### 3. Hassocks Neighbourhood Plan

3.1 Hassocks Parish Council are the Qualifying Body responsible for preparing an NDP for the designated Hassocks Neighbourhood Area. The Neighbourhood Area is contiguous with the parish boundary and is partially within the National Park. The Neighbourhood Area was designated by Mid Sussex District Council (MSDC) in July 2012 and by the SDNPA in September 2012. As the main settlement is outside the National Park, MSDC is the lead authority for the neighbourhood plan.

3.2 The HNP contains 19 policies which will deliver the key objectives identified in the HNP. The first strategic objective of the HNP is to preserve and enhance the rural character of the parish with special regard to the relationship of the parish within, and part of the setting of the SDNP. The HNP also recognises the parish as a gateway to the National Park. There are no housing allocations in the National Park part of Hassocks neighbourhood area, but there are three local green space designations within the National Park:

LGS 3: Land south of Downlands

LGS 4: Land to the west of the railway field

LGS 5: Land at Pheasant

Also land within the National Park, is identified as a Local Gap between Hassocks and Ditching settlements. Policy 6 relates to land outside of, but contributing to the setting of the SDNP and requires that development does not detract or cause detriment to the special qualities of the SDNP.

3.3 The HNP has progressed through all the appropriate stages of Neighbourhood Plan preparation and SDNPA officers have provided input at each stage. As Mid Sussex District Council are the lead authority for HNP the SDNPA have acted as a consultee to decision making in relation to the HNP. The following table sets out the SDNPA input to the HNP.

3.4 On this basis the Hassocks Neighbourhood Plan accords with the overarching strategic South Downs Local Plan policies which were adopted in July 2019 by the SDNPA. The Hassocks Neighbourhood Plan does not propose any new allocations within the National Park, and the policies align with the strategic policies of the South Downs Local Plan.

Neighbourhood Plan Stage	Decision taken and Committee details
Designation of Neighbourhood Area (regulation 7)	Decision taken by SDNPA 13 September 2012
Pre Submission Consultation (reg. 14)	A <a href="#">response to the pre-submission version of the HNP</a> was prepared by officers in February 2016
Withdrawal of Submission of Plan	Due to the emerging Mid Sussex Local Plan Hassocks Parish Council formally withdrew the previous Submission (Regulation 16) Hassocks Neighbourhood Plan dated June 2016 on 4th January 2019.
Second Pre-submission Consultation (reg. 14)	A <a href="#">response to the second pre-submission version of the HNP</a> was prepared by officers in January 2019.
Submission consultation (reg. 16)	A <a href="#">response to the Submission version</a> of the HNP was prepared by officers in September 2019.
Independent Examination (reg. 17)	An independent Examination was undertaken by Mr Andrew Ashcroft in October 2019. The <a href="#">Examiners Report</a> was issued in

	December 2019
Decision Statement (reg. 18)	Mid Sussex District Council, in consultation with SDNPA agreed the Examiners proposed modifications in their <a href="#">Decision Statement</a> published on 13 <sup>th</sup> January 2020
Referendum	The HNP was subject to Community Referendum on 5 <sup>th</sup> March 2020. The results of the referendum were: <ul style="list-style-type: none"> <li>• Turnout: 1,729 (26.43%)</li> <li>• Yes: 1635 (94.8%)</li> <li>• No: 90 (5.2%)</li> <li>• Rejected: 4</li> </ul>

#### 4. Making of the Hassocks Neighbourhood Development Plan

- 4.1 The Neighbourhood Planning Act 2017 provides that a NDP 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).
- 4.2 The Examiner concluded that the HNP with modifications met these legislative obligations/rights. No information has subsequently arisen to suggest the making of the Hassocks NDP would be in breach with or incompatible with the legislation.
- 4.3 The HNP is now part of the Development Plan for the parish of Hassocks. The HNP sits alongside the adopted South Downs Local Plan and relevant Minerals and Waste Plans. The HNP is consistent with the South Downs Local Plan.
- 4.4 As there was no Planning Committee in April or within the 8 week period following the referendum the decision to 'make' the HNP will be agreed by the Director of Planning using their delegated authority as set out in paragraph 2.1. This signed report will form the SDNPA Regulation 20 Statement.
- 4.5 I confirm, that the **Hassocks Neighbourhood Development Plan 2014-2031**, complies with the legal requirements and basic conditions set out in the Localism Act 2011, and can therefore be made by the South Downs National Park Authority.

Signed 

**Name** Tim Slaney

**Role** Director of Planning

**Date** 2<sup>nd</sup> July 2020