

**Agenda Item 10**  
**Report PC21/22-51**

Report to	<b>Planning Committee</b>
Date	<b>14 April 2022</b>
By	<b>Director of Planning</b>
Title of Report	<b>Revisions to SDNPA Statement of Community Involvement (SCI) to incorporate Review of Publicity relating to Non-Statutory Planning Pre-application Service</b>
Purpose of Report	<b>To gain approval from Members for the updated Statement of Community Involvement specifically in relation to Publicity relating to the Non-Statutory Planning Pre-application Service.</b>

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**Recommendation: To approve the revised Statement of Community Involvement Document**

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**I. Introduction**

- I.1 The Statement of Community Involvement (SCI) sets out the processes and methods of consultation and community engagement that the Authority will undertake during the development of all planning policy and the process of determination of planning applications, and also pre-application enquiries.
- I.2 The SCI was originally adopted in March 2012, the First Revision approved in January 2014, a second revision subsequently approved in 2017 and the most recent adopted version was approved in August 2021.
- I.3 It should also be noted that it was agreed at Planning Committee in August, when the current iteration of the SCI was approved, that a thorough review of the SCI would take place as part of the Local Plan Review. This will still take place in due course, and members of the public will be consulted at the appropriate time.
- I.4 This report specifically considers the current arrangements in place for the publicity of Pre-application Enquiries that are made to the Authority by potential applicants and puts forward recommendations to remove publicity for such enquiries, with the exception of consulting with Parish Councils on sites which have been allocated in Neighbourhood Plans.
- I.5 It is important to distinguish between pre-application *advice* that we encourage and is proven to add value to applications and weed out many unsuitable proposals that do not come forward, and the *publicity* that we, uniquely, carry out.
- I.6 The benefits of providing pre- application advice are that it provides a steer as to how officers consider that the proposals being brought forward may or may not accord with the Policies contained in the Development Plan. In some cases Officers are able to head off any potential issue at this stage in order to make the application process smoother. In addition the Authority can be clear if the proposals are fundamentally flawed and save the applicant the expense of applying for full permission. There is no proposal to change the provision of

pre-application advice at the moment even though many LPA's have halted pre-application advice during the pandemic and some are considering not re-instating it.

- 1.7 The report looks at the benefits and dis-benefits of the current pre-application *publicity* and makes suggestions as to whether to alter our system and be clearer on who will be engaged when and what the baseline is, in terms of making public pre-application advice available.
- 1.8 The report has been prepared, having regard to
- ensuring a quality pre-application service that adds value to as many pre-application enquiries as possible;
  - the increased pressure on resources;
  - the renewed aim to focus on corporate priorities.

## 2. Background

- 2.1 The Authority made a decision on introducing the Pre-application Enquiry Service across the National Park (commencing in January 2013), to publicise each enquiry on the website. This was made clear to potential applicants both verbally and on the website. The decision was taken to show an openness and transparency in the work that the Authority undertook. The Authority did confirm that there would be cases where enquiries would be made sensitive (i.e. if it related to commercial sensitivities such as relocation of a business). It is up to the applicant to define this and officers to check.
- 2.2 The Statement of Community Involvement currently confirms at Section 4c (para 4.9) that *“The SDNPA operate a transparent service, whereby pre-application details and responses, although not actively publicised, will be placed on the online planning register. This is unless the applicant gives reasons why the enquiry is commercially sensitive”*
- 2.3 The current way of working has some benefit in as much as no-one, in theory, can advise they were not aware of a pre-application enquiry but this is dependent on tracking the website. However that decision was taken nearly 10 years ago and much has altered since.
- 2.4 The South Downs National Park is one of the very few Authorities who publicise such enquiries at all. We are unique as far as we are aware in publicising pre-application enquiries before any application may be received. None of the other Authorities who have land within the National Park (including the host authorities) publicise the pre-application enquiries on their website and a cursory check of a small number of other National Park Authorities would appear to show a similar approach of no publicity. Indeed, in some cases, during the pandemic, Authorities have actually withdrawn their pre-application service for a temporary period.
- 2.5 Central government guidance in the National Planning Policy Framework is silent in relation as to whether Local Planning Authorities should publicise pre-application enquiries. It is neither a legal requirement or recommended in Policy Guidance. Not directly related to publicity undertaken by an LPA it does state that Local Planning Authorities *“should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees before submitting their applications”*.
- 2.6 The National Planning Policy Guidance confirms that *“parties involved at the pre-application stage will vary on a case by case basis, and the level of engagement needs to be proportionate to the nature and scale of a proposed development. Each party has an important role to play in the efficiency and effectiveness of pre-application engagement.”*
- 2.7 In 2021 the South Downs National Park Authority (including work undertaken by the host authorities on our behalf) amounted to 621 Enquiries (only nine of which were marked as sensitive). Whilst a good number of such enquires do not result in correspondence from the general public, it has become clear that the publicity undertaken, can and does result in significant time and effort in managing the subsequent engagement. Most recently a pre-application enquiry concerning Lewes Bus Station resulted in 343 representations. Such correspondence required administrative work from the Planning Technical Support Team

amounting to approximately 57 hours (the equivalent of losing a member of staff for just under two weeks). This is before factoring in planning officer and other colleagues time, which would have doubled those hours in terms of dealing with 'interested' parties.

- 2.8 In some cases, not understanding the process, local residents when writing in again when an application is received, are confused/frustrated as to why their concerns were not acted upon at the pre-application stage. Notwithstanding as much information posted on our website concerning the reason for a pre-application service, the similarities with a full application service (and its publicity) serve to cause confusion with local communities, parish councils and, on occasions, the applicants and agents. Expectations can be falsely raised as to what the outcome is on a pre-app enquiry.
- 2.9 It is also important to note that the fees currently charged for the service rarely cover the costs involved in providing the advice. Whilst we are looking at charging more the service needs to be timelier and more widely taken up, which goes to some of the issues associated with publicising pre-application advice raised in this paper.
- 2.10 In addition to posting all documentation and correspondence online, officers encourage developers/applicants to undertake their own engagement with the Community and the local Parish Council and interested parties. Agents and applicants are strongly advised that it is better to make local parties aware of plans rather than for them to only hear of the proposals when an application is submitted.

#### Benefits of Publicity

- 2.11 **Openness/Transparency:** The publicity avoids the impression that the Authority is engaged in secret meetings. There is some benefit in as much as no-one, in theory, can advise they were not aware of a pre-application enquiry. This is however dependent upon tracking the website. Local Neighbourhood Plan Groups and Parish Councils, who have invested significant time into allocating sites, wish to be actively involved as their allocations come to fruition and some publicity around pre application advice has assisted this. Local community groups have also acknowledged how much they appreciate local engagement with developers at an early stage albeit this is not directly related to the publication of pre-application enquiry progress.

#### Disbenefits of publicity

- 2.12 **Disproportionate Use of Resources:** The provision of advice by the Authority is given primarily to alert the applicant to the possibilities and constraints that a site presents and Development Plan policies. It is not designed to gather the thoughts of the local community or statutory bodies particularly as applicants often just want a rough guide in a short space of time.
- 2.13 Difficulty is encountered as described above managing the correspondence that is generated by interested parties on such enquiries. Managing e-mail and telephone traffic from interested parties during the application process is resource hungry. It becomes the responsibility of the case officer to deal with this and respond accordingly, despite there being no statutory responsibility to do this. It takes up valuable officer time, potentially taking them away from the important job of exploring the matters that might need to be addressed, including more recent initiatives and policy considerations such as renewable energy, sustainability, biodiversity net gain, eco-system services etc. The time undertaken in managing correspondence from interested parties far outweighs the financial resources that pay for the service, with limited benefit to the applicant who has paid for the service.
- 2.14 There are also increasing calls for meetings where physical or 'remote-meets'. This is very resource hungry and can involve others in the organisation particularly Support Services. One recent meeting is estimated to have taken over 40 hours between all those involved and has resulted in another meeting!
- 2.15 **Raised Expectation of Local Community Groups:** It has been the case more recently that Neighbourhood Plan Groups, having invested so much time in the Adoption of their plans, want and expect a place at the table to discuss the pre-application enquiry. A decision was made to seek to involve them more in such discussions, but this has led to expectation as to

the steer that they would be providing. In some cases, the local groups have essentially seen themselves as the Planning Authority, driving forward their interests at the expense of the wider considerations that an officer has to consider as part of the application process. Officers then struggle to deal with such raised expectations that can clearly not be met at this stage of the process.

- 2.16 Disengagement with the Pre-application Enquiry Process: Anecdotally it would seem that some planning agents and applicants are now starting to disengage with the service currently provided. There has been a slow decline in the number of such enquiries being submitted for the last few years. Some will go directly to submission of a Planning Application and essentially deal with that as their “pre-app”. They see the current system as cumbersome and not helped by the publicity that is attracted, and having to respond to the subsequent e-mail traffic and or requests for meetings that they receive as well as ourselves.
- 2.17 Neighbours Relationships: There is also some evidence that if a pre-app results in no scheme coming forward, nevertheless there can be concern in the community and occasionally a stress on neighbour relationships. In short, given the information is available as it is received, if a potential applicant decides not to go ahead due to advice received, damage may be done as the neighbour is aware and expresses concern. Whilst relatively rare this is particularly unhelpful in terms of community well-being.
- 2.18 Commercial Sensitivity: There is also a balancing judgement to be made when an applicant / agent advises there are commercial sensitivities. This is a very tricky task and there is no real rule or guide that can be formulated if someone advises the enquiry is sensitive and should not be published. Should an application subsequently come in that can cause more confusion as neighbours and other interested parties then retrospectively query why such an enquiry was assessed as being sensitive and not published. This is particularly unsatisfactory on schemes that may be subject to legal proceedings.
- 2.19 A decision to reduce publicity on pre-application enquiries will reduce the workload that has arisen in managing the significant resources needed. Of course, requests made for information under the Freedom of Information Act or the Environmental Information Regulations can still occur. Whilst there may be a potential for an increase in requests under FOI/EIR,, it is considered that this would still result in less resource and as importantly less confusion than is currently expended in managing the pre-application enquiry service with the current publicity arrangements.
- 2.20 Weighing up the issues: Whilst the reason for originally publicising the pre-application enquiries was laudable and seen as a statement that the Authority is open and transparent in its dealing with applicants, there is a disproportionate amount of time being undertaken in managing the resultant stream of communication with interested parties. There are also tensions arising as described above. There is also no discernible benefit in terms of the quality of the outcome given the primary reason is having regard to the Development Plan. With the Authority looking to focus on corporate priorities, ensure a proportionate approach to all that we do and plan robustly for a difficult financial position, it is important to consider this process now and what the ‘gains’ really are and whether this is an efficient use of resources?
- 2.21 It is acknowledged that to take a step away from our current protocol might result in adverse publicity and a suggestion that the Authority does not wish to remain transparent. In order to overcome this a clear explanation and new approach is proposed in the SCI *which results in the enquiry being made public at the point a formal application is received* At that point all interested parties would be able to view the outcome of the enquiry on the public access system if and when an application comes forward. This is a model used successfully by a handful of authorities including one of our hosts.
- 2.22 For matters relating to a site designated in a made Neighbourhood Plan arrangements can be made as per the existing protocol so as to ensure active involvement for the local community who already have an investment in the site, having allocated it within their Neighbourhood Plan.

2.23 Therefore it is proposed to amend the SCI accordingly in the following respect:-

Existing wording for Paragraph 4.9

“4.9 The SDNPA operate a transparent service whereby pre-application details and responses although not actively publicised, will be placed on the online planning register. This is unless the applicant gives reasons why the enquiry is commercially sensitive.”

Proposed wording for Paragraph 4.9

“4.9 ***In order to operate a transparent service, pre-application details and responses will be placed on the online planning register at the point of which a formal planning application is received and validated by the Authority.***”

**3. Recommendation**

3.1 To approve and adopt the revised wording of Paragraph 4.9 to the South Downs National Park Statement of Community Involvement (Version 4a) April 2022.

**4. Risk Management**

4.1 Risk – There might be a reputational risk in withdrawing public access to such enquiries, but this needs to be seen in the context of whether such a service is available in other local planning authorities and the identified issues. In addition it would be stated in the SCI that the information would be made available to interested parties if a formal application is progressed at the time that it is validated.

**5. Human Rights, Equalities, Health and Safety**

5.1 There are no implications arising from this report.

**TIM SLANEY**

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Appendices: I. Statement of Community Involvement (Version 4) August 2021

SDNPA Consultees: Director of Planning





**South Downs National Park**  
**Statement of Community**  
**Involvement**  
**(Version 4)**  
**August 2021**

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The Statement of Community Involvement is available:

- On the SDNPA website [www.southdowns.gov.uk](http://www.southdowns.gov.uk)
- At the South Downs Centre, Midhurst
- By post, on request



# EXECUTIVE SUMMARY

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The Statement of Community Involvement (SCI) sets out how the South Downs National Park Authority (SDNPA) will consult with all stakeholders, including local communities, businesses and public bodies, on planning matters.

This is the fourth version of the SCI with the first adopted in 2012. This latest version of the SCI reflects updates to government legislation, the adoption of the South Downs Local Plan and the need for flexibility and adaption in consultation as a result of the Covid 19 pandemic.

Changes to the planning system and the context of the SCI are explained further in the Introduction.

Consultation and engagement on Planning Policy and Development Management (the planning application process), are covered in chapters 3 and 4 respectively.

Neighbourhood Planning is a key part of planning for local communities in the South Downs National Park. Consultation on neighbourhood planning is covered in chapter 5.

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# I. INTRODUCTION

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- I.1 The South Downs National Park Authority (SDNPA) updated the Statement of Community Involvement (SCI) in August 2021 to ensure consistency with legislative changes since the previous version and amend the text to reflect the adoption of the South Downs Local Plan in July 2019. In addition, the SCI was updated to reflect the flexible and adaptable approach to consultation using different methods of electronic and virtual engagement arising from the Covid-19 pandemic.
- I.2 The South Downs National Park Authority (SDNPA) first adopted its *Statement of Community Involvement (SCI)* in 2012 to highlight the role that communities and other key partners play in influencing the formulation of planning policies and the determination of planning applications in the area. It identified what the Authority would do to ensure that the local community was proactively involved and has the opportunity to ‘have their say’ in planning decisions. Public participation remains at the heart of the process and allows interested parties to influence the decisions made.

## Ia) WHAT IS A STATEMENT OF COMMUNITY INVOLVEMENT?

- I.3 The SCI sets out how the SDNPA will effectively involve residents, groups, organisations, businesses, other representatives and individuals within the community in decisions on planning applications and in the preparation and review of planning policies.

### **Data Protection**

- I.4 The consultation and engagement methods in the SCI, including the recording and storage of personal data for those purposes, will be conducted in accordance with the principles of the Data Protection Act 2018.

## Ib) THE PLANNING SYSTEM

- I.5 The planning system is underpinned by Acts of Parliament and guided by Government policy in the National Planning Policy Framework (NPPF). Greater community participation and empowerment is high on the national agenda as outlined in the Localism Act 2011 and the NPPF. The Neighbourhood Planning Act (2017) aimed to strengthen planning at the community level and the impact on consultation is outlined below.

### **The National Planning Policy Framework (NPPF)**

- I.6 The NPPF sets out the Government’s policies for the system of writing plans, the planning application process and clarifies the overarching objectives for sustainable development. Particular reference is made to National Parks in the document (paragraphs 176, 177). It also directs readers to the *English National Parks and the Broads: UK Government Vision and Circular (2010)* for further guidance (NPPF footnote 59).

- I.7 Each Local Authority is required to produce a Local Plan, which can be reviewed in whole or in part. Any additional development plan documents should only be used where clearly justified.
- I.8 Paragraph 16 of the NPPF promotes early and meaningful engagement with the local community so that Local Plans are reflective of a collective vision and set agreed priorities for the sustainable development of the area, including those contained in any neighbourhood plans that have been made.
- I.9 The NPPF also sets one of the overarching roles of the planning system as having a set of core land-use principles that underpin plan-making and decision-taking. One of those principles is to empower local people to shape their surroundings, with succinct local and neighbourhood plans setting a positive vision for the future of the area.

### **The Localism Act 2011**

- I.10 The *Localism Act 2011* introduced a number of changes to the planning system. These included the introduction of Neighbourhood Development Plans (NDP) and Neighbourhood Development Orders (NDO) and the removal of Regional Spatial Strategies, such as the *South East Plan*.

### **The Neighbourhood Planning Act 2017**

- I.11 The *Neighbourhood Planning Act (2017)* became law on 27 April 2017 and aims to strengthen neighbourhood planning.
- I.12 Measures in the Act make the following changes:
  - Section 6 made it necessary for Local Planning Authorities (LPAs) to set out in their SCI the policies for giving advice or assistance on proposals for the making, or modification, of NDPs
  - LPAs must take account of well-advanced NDPs and give these plans full legal effect at an earlier stage, and an adopted NDP forms part of the Development Plan
  - LPAs must notify the Parish Council (or neighbourhood forum) of planning applications if there is a NDP in place in that area
  - Section 13 amends the *Planning and Compulsory Purchase Act (2004)* to require LPAs to set out in their SCIs their policies for involving interested parties in the preliminary stages of plan-making
  - Local authorities in England must identify the strategic priorities for development in their areas in an up-to-date plan
  - The Act also restricts the use of pre-commencement conditions on planning permissions
  - The Act gives power to the Secretary of State to require the LPA to prepare joint local plans and to intervene where local plan preparation is failing

## I c) CHANGES TO THE PLANNING SYSTEM

- I.13 A range of temporary measures were introduced into the planning system by the Government in response to the Covid-19 pandemic. These were to make it easier to operate the planning system, especially the development management process, within the public health guidelines that had been set.
- I.14 The temporary measures included greater flexibility in the methods used for publicising planning applications, extensions to the expiry date of planning permissions, the extension of the period for temporary uses of land without the need for planning permission, and the postponement of neighbourhood planning referendums until May 2021. Regulations were changed to enable planning committees to be conducted in a virtual format online on a temporary basis until May 2021.
- I.15 The temporary measures as a result of the Covid-19 pandemic provided an opportunity for SDNPA to be flexible in the methods used for engaging with the public on planning applications and policy issues. The possibility of using virtual engagement was explored and SDNPA was able to be agile in responding to the different needs of the public in the changing circumstances. For example, with the offices closed, a telephone number was publicised for people without internet access to arrange for printed copies of documents to be sent by post. Consultation methods will be kept under review, including virtual engagement, to learn from and make use of the methods used during the pandemic.
- I.16 This SCI is in accordance with current policy and regulation (as of 12 August 2021) governing the development management process and development of planning policy documents.
- I.17 The Government consulted on a Planning White Paper in summer 2020, which proposed fundamental changes to the planning system. The SCI will be updated as necessary in accordance with any future changes that are implemented.

## I d) THE SOUTH DOWNS NATIONAL PARK AUTHORITY AND PLANNING

- I.18 The SDNPA assumed its full planning responsibilities as local planning authority (including minerals and waste planning) for the National Park on 01 April 2011.
- I.19 The SDNPA's role is to ensure that the two purposes of National Park designation are achieved. These purposes, set out in the National Parks and Access to Countryside Act (1949), as amended by the *Environment Act (1995)*, are:
- Conserve and enhance the natural beauty, wildlife and cultural heritage of the area; and
  - Promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.
- I.20 In pursuing these purposes, the SDNPA also has the duty to seek to foster the economic and social well-being of local communities within the National Park.

- I.21 The South Downs National Park (SDNP) covers parts of: Adur, Arun, Chichester, East Hampshire, Eastbourne, Horsham, Lewes, Mid-Sussex, Wealden, Winchester and Worthing districts, Brighton and Hove unitary authority area, and includes land within the counties of Hampshire, East Sussex and West Sussex (Map, see Appendix 1).
- I.22 As the local planning authority for the National Park the SDNPA is responsible for:
1. Spatial planning;
  2. Minerals and waste planning;
  3. Development management;
  4. Planning enforcement and;
  5. Other related regulatory functions within the National Park.
- I.23 In July 2019, the SDNPA adopted the South Downs Local Plan (SDLP) providing policies for determining planning applications within the National Park. The SDLP replaced over a thousand policies across the National Park.
- I.24 The SDNPA receives on average 4,000-5,000 planning applications each year. To maximise use of resources and maintain local engagement and involvement, the SDNPA works in partnership with the local authorities covering the National Park to deliver the planning service. Legal agreements have been in place since 2011 with five of the authorities ('host authorities'): Chichester, East Hampshire, Horsham, Lewes and Winchester. The agreements delegate the decision making power to the host authority, who are then able to determine planning applications on behalf of the SDNPA. The development management service and enforcement are delivered directly by the SDNPA in Arun, Adur and Worthing, Eastbourne, Brighton and Hove, Wealden and Mid-Sussex.
- I.25 In these local authority areas where the planning service has been 'recovered' by the SDNPA all development management work, including processing of all applications and related activities, will be undertaken directly by the SDNPA.
- I.26 As the SDNPA is the minerals and waste planning authority it is responsible for areas within the SDNP previously covered by Hampshire, West Sussex and East Sussex County Councils and Brighton and Hove City Council.
- I.27 Through working in partnership we now have adopted the following joint minerals and waste local plans:
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (2013)
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (2017)
  - Hampshire Minerals and Waste Plan (2013)
  - West Sussex Waste Plan (2014)
  - West Sussex and South Downs Joint Local Minerals Plan (2018) (Partial Review March 2021)

## I e) PARISH WORKSHOPS

- I.28 The SDNPA recognise the important role Town and Parish Councils play in engaging with communities across the South Downs and can support the Authority in disseminating important information about the work of the Authority. The SDNPA established a Memorandum of Understanding (MoU) with The Associations of Local Councils within the South Downs to establish a process for engaging with all Town and Parish Councils across the National Park.
- I.29 The Authority, in response to the Covid-19 pandemic, carried out a review in 2021 of the Town and Parish Council workshops, liaising with SDNPA parish nominated members to understand how the Authority can more effectively engage with Local Councils. Following the review the Authority will now hold three engagement activities with Town and Parish Councils every year. The Authority will hold one Parish webinar for Town and Parish Councils and the wider community (summer). The webinar will present details of local community action, which has contributed to the delivering the Outcomes identified in the Partnership Management Plan; the webinar will provide an opportunity for local communities to share best practice on local projects which have addressed local community issues.
- I.30 In addition to the SDNPA webinar the Authority will hold three in-person Parish meetings per year in the spring, one for each of the constituent counties of the National Park (Hampshire, West Sussex and East Sussex). The Authority will also hold three virtual Parish meetings in the autumn, one for each of the constituent counties of the National Park. These meetings are an opportunity for Town and Parish Councils to hear about the work of the SDNPA in their local area; they also give Town and Parish Councils an opportunity to raise concerns they may have and ask questions of SDNPA officers and Members.
- I.31 The Parish meetings will cover topics including The Partnership Management Plan, South Downs Local Plan, and provide updates on key projects in the SDNPA. The workshops will also be used to facilitate engagement and consultation on key SDNPA policy.

## I f) DEVELOPING THE STATEMENT OF COMMUNITY INVOLVEMENT

- I.32 During July and August 2011, the SDNPA notified individuals, groups and organisations of its intention to prepare a SCI and invited people to provide their comments and views on how and when they would like to get involved in the planning policy and the planning application process. The comments received informed the original SCI.
- I.33 A second consultation was carried out for eight weeks between 17 October 2011 and 9 December 2011. This asked for comments on the content, format and ease of use of the document. These comments informed the SCI, adopted on 13 March 2012.

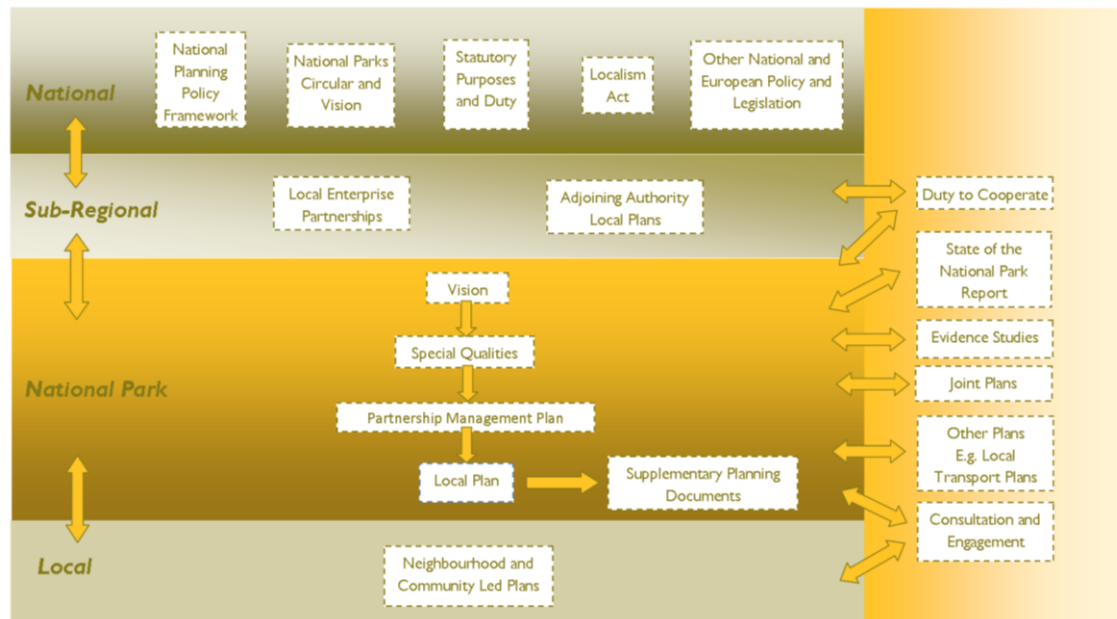


- I.34 In January 2014 and August 2017, the SDNPA updated the adopted SCI. These changes were focused primarily on factual updates as a result of changing national planning policy and legislation.
- I.35 As explained in the Introduction the SDNPA updated this adopted SCI in August 2021.
- I.36 The SDNPA will continue to regularly review the SCI to ensure it reflects any changes in legislation.

## 2. DEVELOPING PLANNING POLICY

### 2a) THE PLANNING POLICY FRAMEWORK

2.1. The diagram below (Figure 2.1) shows the different documents that together make up the planning policy framework.



2.2. The Development Plan Documents (DPD) set out planning policies to deliver the spatial strategy for the SDNPA (see Appendix 2 for list of the documents making up the Development Plan for the South Downs National Park). The different types of DPDs in the National Park are:

- Local Plan
- Area Action Plans
- Joint Minerals and Waste Local Plans
- Neighbourhood Development Plans (NDPs)

#### Neighbourhood Development Plans

2.3. Neighbourhood Development Plans (NDP) are DPDs prepared by local communities. Adoption or making will be subject to majority support at a local referendum.

2.4. Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. It allows local communities to:

- Set planning policies through a NDP that is used in determining planning applications

- Grant planning permission through NDOs and Community Right to Build Orders for specific development which complies with the order
- 2.5. There are a number of other supporting documents which inform and/or monitor the plan making process:
- Statement of Community Involvement (SCI)
  - Local Development Scheme (LDS)
  - Authority Monitoring Report (AMR)

### Supplementary Planning Documents

- 2.6. Supplementary Planning Documents expand upon existing policy or provide further detail to policies in the Local Plan, for example a Design Guide. They should only be used where clearly justified to help applicants make successful applications or aid infrastructure delivery and should not be used to add unnecessarily to the financial burdens on development.

### Technical Advice Notes

- 2.7. Technical Advice Notes (TANs) are non-statutory documents that provide explanatory information and advice to applicants on specific policies. Consultation is discretionary and will be conducted using a method most appropriate to each individual TAN.

### Sustainability Appraisal

- 2.8. A *Sustainability Appraisal (SA)* of the Local Plan (and in some circumstances of the NDP) is required by law; this must also incorporate the requirements of the *European Strategic Environmental Assessment Directive (SEA)*. The main purpose of the SA process is to assess the potential positive and negative impacts of policies, whether social, environmental or economic, at an early stage, allowing any negative effects to be mitigated. The appraisal is subject to consultation, and takes place alongside the preparation of the Local Plan. The SA for the Local Plan can be viewed on the SDNPA website<sup>1</sup>. Consultation with the statutory consultees (Historic England, Natural England and the Environment Agency) is also carried out on the scoping report for the SA for a period of five weeks in accordance with the Regulations.

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<sup>1</sup> <https://www.southdowns.gov.uk/planning-policy/south-downs-local-plan/local-plan-evidence-base/core-document-library/submission-documents/>

## 3. APPROACH TO CONSULTATION (PLANNING POLICY)

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### 3a) WHO WILL WE CONSULT?

- 3.1 Section 13 of *The Neighbourhood Planning Act 2017* amends the *Planning and Compulsory Purchase Act (2004)* to require local planning authorities to set out in their Statements of Community Involvement their policies for involving interested parties in the preliminary stages of plan-making.
- 3.2 The South Downs National Park Authority (SDNPA) is committed to opening the planning process to all sections of the community and hearing from as many groups and individuals as possible throughout the development of planning policy. There are existing legal requirements for consultation set out in the *Town and Country Planning (Local Planning) (England) Regulations (2012)*. The regulations categorise consultees into two groups (see also Appendix 3). These are:
- **Specific Consultation Bodies** - The regulations list specific organisations and types of organisations that should be defined as specific bodies. A local planning authority must consult with those organisations in this list that they consider may have an interest in the subject of the proposed planning document.
  - **General Consultation Bodies** - The regulations list categories of organisations that should be defined as general consultation bodies. A local planning authority must consult with those organisations in their list of general consultation bodies, as they consider appropriate.
- 3.3 In consulting with the local community the SDNPA will take all reasonable efforts to make documents accessible to everyone.<sup>2</sup> We are committed to doing additional outreach to engage with underrepresented groups. These groups can include:
- Young people (specifically aged 16-24)
  - People with disabilities (including people with learning disabilities)
  - People from socially deprived areas (including areas of rural deprivation)
  - Black and Minority Ethnic groups (including Gypsies and Travellers)
  - People with no or limited internet access
  - People with children/and other caring commitments who may not be able to attend evening meetings

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<sup>2</sup> During the COVID-19 pandemic, the Authority had to review the way in which we consulted and engaged with our consultees and communities. We needed to keep in mind the health and safety of our visitors and members of staff. This meant for a period of time, for example during any 'Lockdown', that hard copies of documents would not be available.

3.4 We use a variety of mechanisms for engaging with these underrepresented groups. The SDNPA is actively using digital methods for consultation with the public and other stakeholders having understood the drive towards these forms of engagement. During the COVID-19 pandemic, the Authority implemented and tried additional methods. Examples of some of the methods we use include:

- Making documents available in different formats (for example in larger print or braille) and languages (on request)
- Engaging through any existing networks and establishing links with existing groups
- Providing hard copy documents, or parts of documents (on request) and enabling consultee response by letter
- Ensuring consultations are publicised effectively and it is clear how people can get involved in the process
- Providing electronic copies of documents on 'memory sticks'
- Providing a phone service for members of the public to ring to discuss any consultation documents. This was particularly used during the 'lockdown's of the COVID-19 pandemic (see footnote 2).
- Using Social media channels such as Instagram and twitter to promote consultations
- Creating and filming You Tube videos to further explain consultations

## 3b) ONGOING ENGAGEMENT ON PLANNING POLICIES

3.5 We are committed to providing as much information as possible and keeping our local communities up to date with the progress of planning policy development, as well as providing information on the wider / national changes to the planning system.

3.6 Three channels that we will utilise are:

- **Website** - we will maintain the SDNPA website, publishing regular updates and information, documents, and contact details. This should be a first port of call to members of the community and stakeholders
- **Planning Newsletter** - the SDNPA produce a newsletter, covering a range of topics relating to planning. The newsletter is sent via email to all contacts on the consultee database and published on the SDNPA website (<https://www.southdowns.gov.uk/planning-newsletter/>). Paper copies will be made available to those without access to email or the internet
- **Media Releases and Social Media** - the SDNPA will publicise consultations through media releases and through social media channels

## 3c) CONSULTATION PRINCIPLES

3.7 Responses to the first version of the SCI produced a set of principles that are still relevant and important. These principles include the following:

- Consultations on all SDNPA Development Plan Documents will be for a **minimum of 8 weeks**
- We will alert members of the public and stakeholders to upcoming consultations, to provide **early notification**, through updates on the SDNPA website and the Local Plan Newsletter
- We will maintain a **consultee database** for all those who wish to be kept informed and alerted to consultations (if you would like to be added to or removed from this list, or would like to update your contact details please contact the Planning Policy Team at [planningpolicy@southdowns.gov.uk](mailto:planningpolicy@southdowns.gov.uk))
- We will endeavour to **avoid running consultations in the month of August or over the Christmas and New Year period**, when many people are on holiday and many local councils do not meet. If it is necessary for a consultation to run over August or the Christmas and New Year period, then the length of the consultation period will be extended.
- We will use a **range of methods of consultation** as is most appropriate for the type of document, the stage in its production and the geographical area covered by the document

## 3d) MINIMUM CONSULTATION REQUIREMENTS

### Development Plan Documents (DPDs)

3.8 DPDs include Local Plans, Minerals & Waste Plans and Area Action Plans. The tables below show the minimum consultation required by the Regulations during the production of a DPD.

3.9 It is standard practice to consult on main modifications to a DPD after its examination. The Authority will consult on such modifications for eight weeks.

### FIGURE 3.1: CONSULTATION REQUIREMENTS

Minimum consultation required by Regulations	
Reg. 18	Reg. 19
Notify each of the Specific Consultation Bodies that the SDNPA considers may have an interest in the DPD and invite representations.	Send, to those Specific Consultation Bodies invited to make representations at Reg. 18, a statement of where proposed Submission documents are available and the procedure for making representations.
Notify those of the General Consultation Bodies that the SDNPA considers appropriate and invite representations.	Send, to those General Consultation Bodies invited to make representations at Reg. 18, a statement of where proposed Submission documents are available and the procedure

	for making representations.
Invite representations from persons who are resident or carrying on business in the National Park as the SDNPA decides is appropriate.	Any person may make representations on a proposed Submission document (that would include residents or those carrying on business) [N.B. This provision is in Reg. 20]
Methods used to notify these bodies and invite representations: either email or where email is not available by letter in post.	Methods used to send statement of where proposed Submission documents available and how to make representations: either email or where email is not available by letter in post.
The SDNPA must carry out the consultation on the DPD for a period of not less than eight weeks.	The SDNPA must carry out the consultation on the DPD for a period of not less than eight weeks.
Copies of the proposed document(s) to be made available in The South Downs Centre.	Copies of the proposed Submission document(s) to be made available in The South Downs Centre.
Publish proposed document(s) on SDNPA website.	Publish proposed Submission document(s) on SDNPA website.

**Supplementary Planning Documents (SPDs)**

- 3.10 The table below shows the minimum consultation required during the production of a SPD and the additional range of methods to be used by the SDNPA as it sees appropriate for the type and coverage of document and the resource implications for the SDNPA.
- 3.11 Consultation on a draft SPD will involve two stages. For the first stage there is no prescription in the Regulations as to how this consultation is conducted. SDNPA will carry out this consultation for a minimum of eight weeks. For the second stage the minimum requirements for consultation are explained in Figure 5.2 below. SDNPA will extend the consultation to six weeks for the second consultation from the minimum statutory period of four weeks. After both stages any issues raised and how these were addressed by, along with any necessary changes to, the SPD, will be summarised in the consultation statement referred to in Figure 5.2.

**FIGURE 5.2: CONSULTATION REQUIREMENTS (SPD)**

**Minimum consultation required by Regulations (SPD)**

Before adopting an SPD, the authority must prepare a consultation statement setting out who has been consulted, a summary of the main issues raised and how these issues have been addressed in the SPD (that is who was consulted and the issues raised from the first consultation).

Before adopting an SPD the proposed document must be made available for comment along with the consultation statement. There is a minimum statutory period of four weeks allowed for any representations to be made (Reg. 12).

### 3e) OPTIONAL CONSULTATION METHODS

3.12 The following are a list of additional consultation methods for DPD and SPD production processes, which may also be used by the SDNPA:

- Early notification through Planning Newsletter
- Production of summary leaflet to accompany DPD/SPD documents
- Consultation of general consultees as appropriate (e.g. may depend on location for SPDs)
- Notification to all contacts in consultee database
- Public meetings and / or manned and unmanned exhibitions
- Public notices / posters
- Media release
- Stakeholder workshop
- Virtual events
- You Tube videos
- Social media press releases and posts
- Consultation phone service

### 3f) STANDARDS FOR ACKNOWLEDGING AND REPORTING BACK ON REPRESENTATIONS

3.13 The SDNPA will acknowledge any comments on DPD consultations received electronically. Anyone who comments early on in the production process of a document will be included on the SDNPA's electronic database and will automatically be informed of any consultation exercise that takes place at later stages in the process of producing a planning policy document. At the end of each period of consultation we will analyse the responses received and prepare a summary report. This report will be considered by the Planning Committee and made available for inspection at the South Downs Centre and on the SDNPA's website.



## 4. APPROACH TO CONSULTATION (DEVELOPMENT MANAGEMENT)

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### 4a) INTRODUCTION

- 4.1 Development Management is responsible for processing and determining planning applications, along with other applications including works to trees, advertisements and listed buildings. These planning services are provided by either the SDNPA or local authorities through hosted arrangements. The Development Management teams provide pre-application planning advice and investigate and take appropriate action in respect of breaches of planning control.
- 4.2 Involvement of the community and stakeholders at an early stage of the decision-making process is more likely to deliver development which meets their needs and aspirations, whilst ensuring the statutory purposes of the South Downs National Park Authority (SDNPA) are adhered to. The *Statement of Community Involvement (SCI)* is an important tool for involving the wider community in the planning process, particularly in the decision making process for key planning applications.
- 4.3 Determination of planning applications is dealt with either by councils (host authorities) within the SDNPA, or directly by the SDNPA where the planning services have been 'recovered', as explained in section 1d) above.

### 4b) CALL-IN PROCEDURE

- 4.4 Within the authority areas where the role of dealing with the applications is delegated i.e. the host authorities, the SDNPA will also identify key applications which could potentially generate particular, special or major issues for the National Park and which will then be 'called in' to be dealt with by the SDNPA.
- 4.5 The 'call in' process is a 'Direction' served on the relevant local authority by the SDNPA stating the reason for the 'call in'. In some cases an application may be major development (in terms of its size as defined by the General Permitted Development Order)<sup>3</sup>, but it is not considered likely to have a significant adverse impact on the beauty, wildlife, cultural heritage or recreational opportunities provided by the South Downs National Park (SDNP). In those cases a 'Reverse Direction' is served which allows the local council to continue dealing with the application. Directions can be served at any time after the application has been accepted as valid, up to the point before a decision is made. In some cases the SDNPA may accept a host authority recommendation to its planning committee, but would issue a 'Potential Recovery

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<sup>3</sup> The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Direction' (informally "red card") which gives the SDNPA an opportunity to call the application in if local councillors resolve to make a decision against officer recommendation. All such Directions are published on the SDNPA website on the planning register<sup>4</sup> and can be found in the list of documents for the relevant application.

## 4c) PRE-APPLICATION CONSULTATION

- 4.6 The SDNPA directly provides the pre-application service for the parts of Arun District Council, Adur and Worthing Council, Eastbourne Brough Council, Brighton and Hove City Council, Mid Sussex District Council and Wealden District Council within the National Park. Outside these areas, but within the National Park, the host authorities will continue to provide the pre-application service on our behalf.
- 4.7 Advice provided by SDNPA is free for householder proposals although there may be a charge if a meeting is required. Advice for other forms of development will be subject to a fee depending on the proposals.
- 4.8 For applications which are likely to be 'called in' and considered by the SDNPA, any pre-application advice registration and fee charges are still administered by the relevant host authority but a planning officer from the SDNPA may provide the advice.
- 4.9 The SDNPA operate a transparent service, whereby pre-application details and responses, although not actively publicised, will be placed on the online planning register. This is unless the applicant gives reasons why the enquiry is commercially sensitive.
- 4.10 Applicants will be encouraged to consult the community when developing their proposal in a way that is proportionate to the scale and impact of the proposal. The SDNPA's *Local Validation List* is a list of documents and information that, together with the national government list, will be required before an application is accepted as valid. This list can be found on our website<sup>5</sup>. Consultation will be carried out on the IAPP local validation list every two years with all relevant parties to ensure the information required to submit a planning application is up to date and fit for purpose. The consultation will be published on the SDNPA website and will be carried out for eight weeks.
- 4.11 The Authority greatly values the role of neighbourhood plans and the qualifying bodies who prepare them. Therefore, we have established a protocol on pre-application advice for parishes with a made Neighbourhood Development Plan; this is set out in Appendix 4 of this document. The purpose of the protocol is to invite qualifying bodies to provide a formal response to the SDNPA or the host authorities working on its behalf in regard to locally significant pre-application advice requests. This is to ensure concerns / issues are identified as early as possible and dialogue established to explain and where possible resolve any conflict between parties in relation to the proposals.

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<sup>4</sup> <https://www.southdowns.gov.uk/planning-applications/find-an-application/>

<sup>5</sup> <https://www.southdowns.gov.uk/planning-applications/apply/local-validation-list/>

## 4d) PUBLICITY FOR PLANNING APPLICATIONS

- 4.12 Our initial consultation with stakeholders and members of the public showed the importance of site notices, the publicising of planning applications in the local press and informing adjoining neighbours.
- 4.13 All applications will be publicised via a site notice and the issuing of letters to adjoining neighbours<sup>6</sup>. In addition we will place an advertisement in the local press where specifically directed by Article 15 of the *Town and Country Planning Development Management Procedure Order (2015)*. See Appendix 5 for further information on what type of publicity is required (site notice, advert in local newspaper, neighbour notification) depending on the nature of the development being proposed.
- 4.14 There will be a minimum of 28 days to respond to the site notice, the newspaper advertisement and / or the letter and the date of the 28 day period expiry will be clearly stated on each form of publicity. However, if the dates of the site notice being put up, the newspaper being published, and the letter being sent out to neighbours are different then the overall expiry date will be the latest of the 28 day expiry periods. As soon as the overall publicity date has expired the application can be determined. It is therefore advisable to ensure that a letter of representation is sent before the expiry date on the form of publicity to which they are responding. It will also not be possible to respond via the public access web site after this date.
- 4.15 In our consultation with the public in preparing the 2012 SCI it was clear that email communication was preferred for both receiving information and providing comments to the SDNPA. For initial contact, such as to neighbouring owners, when email addresses will be unknown, information will have to be provided in hard copy but, where an email address is then provided, subsequent contact will be made via email.
- 4.16 A public access system allows users to do the following:
- Search and view a weekly or monthly list of applications, appeals and enforcements;
  - Search and view applications, appeals and enforcements, using address, keyword or using a map based search;
  - Make comments online linked to an application;
  - Track the progress of applications (once registered) and;
  - Register to be notified of applications.
- 4.17 The easiest way to comment on a planning application is to search for it on our website<sup>7</sup>. You can search for an application by address or by its planning reference number and submit your comments online. Alternatively you can send comments to

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<sup>6</sup> Neighbours will be considered to be adjoining where the boundaries of the application site are at any point contiguous, or would be contiguous if there was not a footpath or highway in between

<sup>7</sup> <https://www.southdowns.gov.uk/planning-applications/find-an-application/>

us by post addressed to SDNPA, South Downs Centre, North Street, Midhurst, West Sussex, GU29 9DH, to [planning@southdowns.gov.uk](mailto:planning@southdowns.gov.uk) or to the relevant host authority (link to contact details in footnote<sup>8</sup>).

- 4.18 Comments on applications submitted by email or letter will be published on the SDNPA website. Comments submitted online via the Public Access system will be automatically processed and published immediately on that platform. A summary copy of the comments submitted online will be automatically sent to the contributor by return email. Comments submitted by email or letter will be published on the SDNPA website<sup>9</sup>. No acknowledgement will be sent for comments received by email or letter.
- 4.19 All consultation responses and representations received by the publicity expiry date which are material to planning and relevant to the proposal, will be summarised in the case officer report and taken into account, whether the application is determined by officers or by the Planning Committee. SDNPA will exercise discretion in considering comments received after the publicity expiry date.
- 4.20 Only 'material planning considerations' will be taken into account when reviewing the comments submitted. There are many material considerations but the most common include:
- Loss of light / overshadowing
  - Overlooking / loss of privacy
  - Visual amenity (but not loss of view)
  - Adequacy of parking / loading / turning
  - Highway safety / traffic generation / Road access
  - Smells, Noise and disturbance resulting from use
  - Hazardous materials
  - Loss of trees
  - Effect on listed building and conservation area
  - Layout and density of building
  - Design, appearance and materials
  - Landscaping
  - Local, strategic, regional and national planning policies,
  - Proposals in the Development Plan
  - Government circulars, orders and statutory instruments
  - Disabled persons' accessibility

<sup>8</sup> <https://www.southdowns.gov.uk/planning-applications/do-i-need-planning-permission/who-deals-with-my-planning-application/where-to-go-for-help-with-planning/>

<sup>9</sup> Pre-application enquiries, notifications and EIA screening / scoping are available to view on the Public Access system, however comments cannot be taken in to account as the merits of the proposal are not a consideration at this stage

- Compensation and awards of costs against the Council at public enquiries
- Previous planning / appeal decisions
- Nature conservation
- Archaeology

4.21 The following are NOT considered to be valid planning concerns:

- Effect on property value
- The loss of view
- The impact of construction work or competition between firms
- Restrictive covenants
- Boundary, access matters or ownerships disputes
- Personal moral issues or opinion of the applicant

## 4e) PLANNING APPLICATIONS DECIDED BY THE PLANNING COMMITTEE

4.22 If the application is for a development which is considered, by the Director of Planning, to have potential significant impact or could set an important precedent it will be referred to the Authority's Planning Committee for consideration. In addition, some major applications will be referred to the Planning Committee for consideration or applications submitted by Authority members, the Authority itself, or by an Authority employee.

4.23 All those who make a representation on planning applications will be informed (by email, or by letter if they have not provided their email address) of the date when the application is going to committee. Reports and agendas for Planning Committee meetings can be found on the website five clear working days before the meeting date.

4.24 Anyone can speak at a SDNPA Planning Committee providing they have made written representations on the planning matter in question beforehand and have notified the Member Services Officer at the SDNPA at least 3 working days before the meeting.

4.25 A maximum of six people are invited to speak on each planning application or related matter, for example, three in support and three against. If more than three individuals or representatives wish to raise similar points, then they will be asked to agree amongst themselves who should speak on their behalf. If necessary, the Chair of the Planning Committee will make any final decision on which members of the public may speak on an issue. The Chair may also use his/her discretion to increase the number of people who may speak.

4.26 Further information on public speaking at Planning Committee meetings can be found on our website<sup>10</sup>.

## 4f) PLANNING APPLICATION DECISIONS

4.27 All decision notices are available to view on the SDNPA website<sup>11</sup>.

## 4g) APPEALS

4.28 If a planning application is refused, or a decision is not made within specified time limits, the applicant may choose to appeal. In this circumstance an independent planning inspector or the Secretary of State will make a final decision on the application, and there may be a further opportunity for public involvement in the process.

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<sup>10</sup> <https://www.southdowns.gov.uk/national-park-authority/committees-meetings/public-participation-meetings/>

<sup>11</sup> <https://www.southdowns.gov.uk/planning-applications/find-an-application/>

## 5. APPROACH TO ADVICE AND ASSISTANCE FOR NEIGHBOURHOOD PLANNING

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### 5a) INTRODUCTION

- 5.1 Neighbourhood Development Plans (NDPs), Neighbourhood Development Orders (NDOs), including the Community Right to Build, provide the tools for successful neighbourhood planning; allowing communities to decide the future of the places where they live and work.
- 5.2 The introduction of the *Neighbourhood Planning Act (2017)*, in particular section 6, made it necessary for Local Planning Authorities to set out in their Statement of Community Involvement (SCI) the policies for giving advice or assistance on proposals for the making, or modification, of NDPs.
- 5.3 This section of the SCI sets out our procedure for providing this advice and assistance to Parish Councils and to local community groups interested in following the Neighbourhood Planning process.

### 5b) NEIGHBOURHOOD DEVELOPMENT PLANS

- 5.4 Communities are able to establish general planning policies for the development and use of land in a neighbourhood through a NDP. They could influence where new homes and offices should be built and what they should look like and what infrastructure should be provided. Producing NDPs is optional and while the South Downs National Park (SDNPA) will provide technical advice and support, the NDPs will need to be produced and led by a Parish/Town Council or a Neighbourhood Forum (known as the qualifying body).
- 5.5 A NDP should support the strategic development needs set out in the Local Plan and plan positively to support local development (as outlined in paragraph 29 of the *National Planning Policy Framework*).
- 5.6 The NDPs made by the SDNPA are shown on a map in Appendix 6.

### 5c) NEIGHBOURHOOD DEVELOPMENT ORDERS

- 5.7 A NDO is an order which grants planning permission for specific types of development in a particular Neighbourhood Area specified in the order.
- 5.8 The community can therefore extend permitted development rights in their area for development they want to see go ahead. For example a NDO could allow things like improvements to shop fronts or extensions to houses or other buildings.
- 5.9 All other consent regimes will still apply e.g. Building Regulations or Listed Building consent.

## 5d) COMMUNITY RIGHT TO BUILD

5.10 This is a type of Neighbourhood Development Order for a particular scheme that benefits the community. A community organisation, formed by members of the local community, are able to bring forward development proposals which will be able to go ahead without requiring a separate traditional planning application, providing they meet minimum criteria and can demonstrate local support through a referendum.

## 5e) NEIGHBOURHOOD PLANNING CONSULTATION

5.11 A qualifying body (Parish/Town Council or Neighbourhood Forum) should be inclusive and open in the preparation of its NDP or Order. They should ensure that the wider community: is kept informed of what is being progressed; is able to make views known throughout the process; has opportunities to be actively involved in shaping the draft plan or Order and is made aware of how their views have informed the draft plan or Order. Furthermore, a qualifying body must publicise the draft NDP or Order for at least 6 weeks and consult any of the consultation bodies whose interests if considers may be affected by the draft plan or order (as per the Neighbourhood Planning Regulations 2012 as amended). A qualifying body must prepare a consultation statement setting out the engagement and consultation undertaken in the preparation of the plan or Order.

5.12 Where a draft NDP or Order submitted to the SDNPA meets legal requirements, the SDNPA must publicise the NDP or Order for a minimum of six weeks, invite representations, notify any consultation body referred to in the consultation statement and send the draft plan or Order for independent examination.

## 5f) HOW ARE WE GOING TO WORK TOGETHER?

5.13 The SDNPA's *Memorandum of Understanding (MoU)* (see Appendix 7) outlines the key roles and responsibilities of the main parties involved in the development of a NDP for the Parish (or Neighbourhood Forum in non-Parished areas). In doing so it confirms the willingness of all parties to work positively together and sets out the protocols and parameters by which the NDP will be prepared in order to produce a planning document for the local community that is suitable for adoption as a NDP.

5.14 The Parish Council (or Neighbourhood Forum) will be responsible for the overall content of the NDP prepared and for its submission to SDNPA. Regard must be had for the National Park Purposes<sup>12</sup> when preparing and agreeing a NDP proposal for

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<sup>12</sup> The SDNPA has statutory purposes and socio-economic responsibilities as specified in the Environment Act (1995): Purpose 1: To conserve and enhance the natural beauty, wildlife and



submission to SDNPA. This is in line with with the duty set out in Section 62 of the Environment Act (1995)

- 5.15 SDNPA have agreed a Protocol (see Appendix 4) for consulting qualifying bodies (Parish/Town Council or Neighbourhood Forum) with a made NDP on significant pre-applications within their neighbourhood area.

## 5g) WHAT SUPPORT WILL WE PROVIDE?

- Professional and timely advice on NDP preparation and other relevant planning matters, particularly the Local Plan;
- SDNPA will check the compatibility of the draft NDP with the National Park Purposes and Duty, and adopted Local Plan;
- Provide a view on the requirement or otherwise for a Strategic Environmental Assessment (SEA) of the NDP (known as a 'screening opinion');
- Support and advise as necessary, on the scoping and development of a proportionate SEA including the appropriateness of this forming part of a wider Sustainability Appraisal and Habitats Regulations Assessment of the Plan, if required;
- Endeavour to attend meetings and events where possible and useful to developing the NDP;
- Nominate a lead officer at the SDNPA who will be responsible for co-ordinating the input of other technical specialists from within the SDNPA as may be required to support the process. The lead officer will also liaise with the relevant District and County Council on technical matters such as highways and schools where necessary;
- Liaise with the Parish Council to ensure that the NDP is in conformity with the strategic policies of the adopted / emerging Local Plan;
- Consult development management officers to assess the effectiveness and robustness of any potential policies;
- Digitise any proposals or allocations maps included the NDP to be incorporated into the SDNP development plan; and
- Consider other reasonable requests for support based on the circumstances.

## 5h) OUR LEGAL DUTIES

- 5.16 We have a legal duty to carry out the following:

- To designate a neighbourhood area for the purposes of neighbourhood planning within nationally set timescales.

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cultural heritage of the area. Purpose 2: To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public

- To provide advice and assistance to the Parish Council on the preparation of a NDP;
- To validate, check and publicise a NDP prior to submission for independent examination;
- Appoint an independent examiner in consultation with the Parish Council(s) and meet the costs of performing independent examination and;
- Bring the NDP into force subject to the results of the referendum.

## 5i) FUNDING

- 5.17 SDNPA will apply to the Government for funding which has been made available for local authorities to provide support to the development of NDPs to help fulfil the support outlined above.
- 5.18 The allocation of discretionary resources, including the giving of grants will be decided by the Director of Planning and may be subject to revision according to circumstances.

## 5j) REVIEWING NDPS

- 5.19 If a review of a NDP is required the same process as above will be followed with the exception of streamlining the process only where minor changes are required.

## 6. FURTHER INFORMATION

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### 6a) PLANNING AID

- 6.1 Planning Aid is a voluntary service linked to the Royal Town Planning Institute (RTPI), which offers free independent and professional advice on planning issues. Planning Aid is aimed at community groups and individuals who have limited resources to participate effectively in planning matters.
- 6.2 The current remit of Planning Aid involves advising community groups in negotiations with the local planning authority, and, if necessary, representing the groups at public examination or inquiry.
- 6.3 Every part of the UK is covered by Planning Aid. Further information on Planning Aid is available on the RTPI website<sup>13</sup>.

### 6b) MONITORING AND REVIEW OF THE STATEMENT OF COMMUNITY INVOLVEMENT

- 6.4 Community involvement and engagement should evolve and develop as circumstances change. This document will be subject to regular review. As the success of community involvement techniques are monitored and reviewed, the results will be fed into the preparation of future planning policy documents and the consideration of significant planning applications.
- 6.5 We have endeavoured to make the SCI flexible enough to deal with changing circumstances; it should only be necessary to revise the document if significant changes have occurred in government legislation or to local policies. The Covid-19 pandemic as an exceptional circumstance required changes to the SCI to reflect the use of different methods of engagement and the alterations to government legislation.

### 6c) LEGISLATION

- 6.6 In the preparation of the Local Plan and in the determination of planning applications, the SDNPA will have regard for current legislation particularly: the *Human Rights Act (1998)*, *Equality Act (2010)*, the *Freedom of Information Act (2000)* and the *Data Protection Act (2018)*.

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<sup>13</sup> <https://www.rtpi.org.uk/planning-advice/>

## 7. ABBREVIATIONS

<b>AMR</b>	Authority Monitoring Report
<b>DM</b>	Development Management
<b>DPD</b>	Development Plan Document
<b>LDD</b>	Local Development Document
<b>LDS</b>	Local Development Scheme
<b>LP</b>	Local Plan
<b>LPA</b>	Local Planning Authority
<b>NPA</b>	National Park Authority
<b>NPPF</b>	National Planning Policy Framework
<b>RTPI</b>	Royal Town Planning Institute
<b>SA</b>	Sustainability Appraisal
<b>SEA</b>	Strategic Environmental Assessment
<b>SCI</b>	Statement of Community Involvement
<b>SOS</b>	Secretary of State
<b>SDNP</b>	South Downs National Park
<b>SDNPA</b>	South Downs National Park Authority
<b>SPD</b>	Supplementary Planning Document

## 8. GLOSSARY

### **Authority Monitoring Report**

This report looks at the implementation of the *Local Development Scheme* and how well the policies in the Local Development Documents are being achieved.

### **Development Plan**

As set out in section 38 of the *Planning and Compulsory Purchase Act (2004)*, an area's development plan consists of adopted Local Plans and Neighbourhood Development Plans.

### **Development Plan Documents**

All Planning Authorities must produce Development Plan Documents, such as the Local Plan. These are spatial documents and are subject to independent examination. There will be a right for those making representations seeking change to be heard at an independent examination.

### **Digital / Virtual Engagement**

A collective term for using digital technology, in forms of software, hardware and infrastructure to share information, discuss ideas, gather views and provide services.

### **Host Authority**

Local authorities partly within the National Park where planning services are provided by local authorities through hosted arrangements (Winchester City Council, East Hampshire District Council, Chichester District Council, Horsham District Council and Lewes District Council)

### **Local Community**

A generic term which includes all individuals (including the general public) and organisations external to the SDNPA that have an interest in a local area. It includes the statutory and other consultees.

### **Local Development Scheme**

This document sets out the timetable for the preparation of the Local Development Documents. It identifies which Development Plan Documents and Supplementary Planning Documents are to be produced and when.

### **Local Plan**

The plan for the future development of the local area. The Local Plan will set out the vision, objectives and provide the framework for the preparation of Supplementary Planning Documents (SPDs) and Neighbourhood Development Plans. It will also include a number of criteria-based development management policies needed to achieve the strategy.

### **National Planning Policy Framework**

The Government published the revised *National Planning Policy Framework (NPPF)* on 20 July 2021, and the *National Planning Policy for Waste* on 16 October 2014.

### **Neighbourhood Development Plan**

A community led and developed document, which forms part of the planning policy framework. It is subject to independent examination and a community referendum.

### **Neighbourhood Forum**

Body responsible for the production of a Neighbourhood Plan if there is no Parish or Town Council.

### **Partnership Management Plan**

The National Park *Partnership Management Plan* provides statements on the National Park Authority's policies for managing and carrying out its functions in relation to the National Park and reflects the Purposes and Duty of the National Park Authority. This document sets the context for the planning policy framework of the National Park.

### **Prior Approval**

Some permitted development requires an application to the local planning authority for prior approval. In other specified cases, an application is made to the local planning authority to determine if their prior approval will be required. This allows the local planning authority to consider the proposals, their likely impacts in certain specified matters (e.g. transport and highways) and how these may be mitigated.

Planning law sets out certain classes of permitted development where specific proposals are granted without the need to submit a planning application.

### **Policies Map**

The adopted *Policies Map* illustrates all of the policies and proposals in the Development Plan Documents.

### **Regulations**

Regulations are statutory instruments that provide detail on specified matters in Acts of Parliament. For example, the *Town and Country Planning (Local Planning) (England) Regulations (2012)* set out procedures for preparing development plan documents.

### **Stakeholders**

Stakeholders include any person or organisation, local or national, who has a legitimate interest in what happens in our area.

### **Statement of Community Involvement**

This *Statement of Community Involvement* is the South Downs National Park Authority's formal policy to identify how and when local communities and stakeholders will be involved in the preparation of the documents to be included in the South Downs National Park Local Plan. The Statement also governs the development management process for all planning applications within the South Downs National Park.

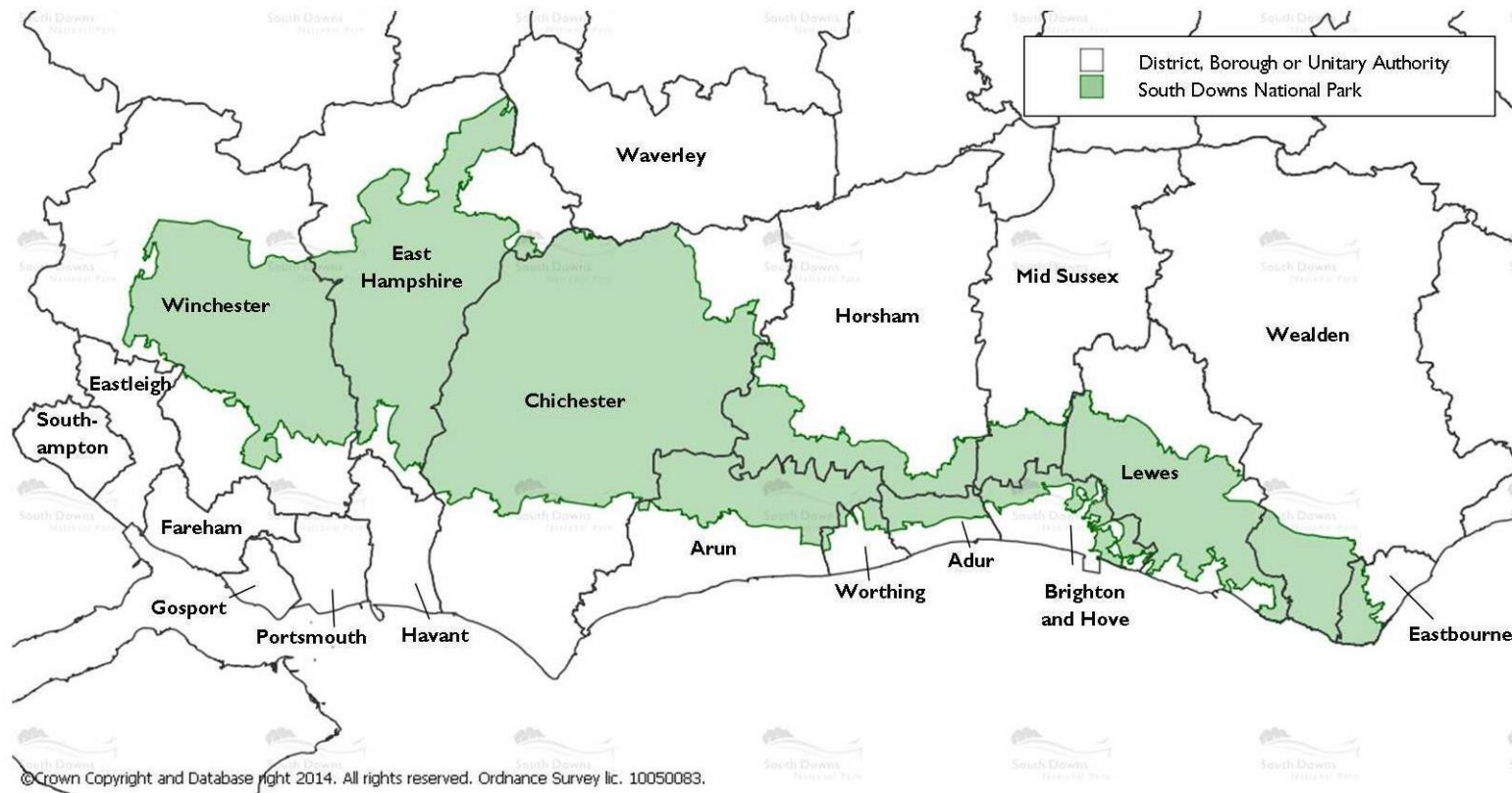
### **Supplementary Planning Documents**

These documents provide supplementary information to the policies in the Development Plan Documents. They do not form part of the Development Plan and are not subject to independent examination.

### **Sustainability Appraisal**

Sustainability Appraisal is a tool for appraising policies to ensure that they reflect sustainable development objectives (i.e. social, economic and environmental factors). It is required under the *Planning and Compulsory Purchase Act (2004)* to be carried out on all Development Plan Documents and where necessary on Supplementary Planning Documents.

# APPENDIX I: INDICATIVE MAP OF THE SOUTH DOWNS NATIONAL PARK SHOWING LOCAL AUTHORITY BOUNDARIES





## APPENDIX 2 : PLANNING POLICY WITHIN THE NATIONAL PARK

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### **‘Development Plan’ for the SDNP consists of:**

- South Downs Local Plan
- Adopted Joint Minerals and Waste Plans:
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (2013)
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (2017)
  - Hampshire Minerals and Waste Local Plan (2013)
  - West Sussex Waste Plan (2014)
  - West Sussex Joint Minerals Local Plan (2018) (Partial Review March 2021)
- Made Neighbourhood Plans<sup>14</sup>

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<sup>14</sup> For details of made Neighbourhood Plans please see the SDNPA website:  
<https://www.southdowns.gov.uk/planning-policy/neighbourhood-planning/neighbourhood-development-plans/>

# APPENDIX 3: LIST OF STATUTORY CONSULTATION BODIES

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**3.1** These consultation bodies are those referred to in Regulation 25 of the *Town and Country Planning (Local Development) (England) Regulations (2004, as amended)*. Please note, this list is not exhaustive and relates to successor bodies where reorganisations occur.

## Specific Consultees

- County Councils (Hampshire, West Sussex, East Sussex) and Brighton and Hove Unitary Authority
- Adjoining Local Planning Authorities (LPAs)
- Town and Parish Councils both within and adjoining the South Downs National Park
- The Environment Agency (EA)
- Natural England
- Historic Buildings and Monuments Commission for England (English Heritage) (EH)
- The Marine Management Organisation
- Relevant telecommunications companies:
- Primary Care Trusts,
- Relevant electricity and gas companies
- Relevant sewerage and water undertakers
- Government Departments
- Network Rail Infrastructure Limited
- The Highways Agency
- Secretary of State for Transport
- The Coal Authority
- The Homes and Communities Agency

## General Consultees

- Voluntary bodies some or all of whose activities benefit any part of the authority's area;
- Bodies which represent the interests of different racial, ethnic or national groups in the authority's area;

- Bodies which represent the interests of different religious groups in the authority's area;
- Bodies which represent the interests of disabled persons in the authority's area and;
- Bodies which represent the interests of persons carrying on business in the authority's area.

# APPENDIX 4: PROTOCOL FOR NEIGHBOURHOOD PLANNING AND PRE-APPLICATION ADVICE

## Protocol between the South Downs National Park Authority and Qualifying Bodies on Pre-Application Advice

### Purpose

- To invite Qualifying Bodies (QB) to provide a formal response to the South Downs National Park Authority (SDNPA) or the host authorities working on its behalf<sup>15</sup> in regard to pre-application advice requests
- To enable discussion between the SDNPA and the QBs to ensure concerns / issues are identified as early as possible and dialogue established to explain and where possible resolve any conflict between parties in relation to the proposals

### Background

- The SDNPA is the local planning authority for the South Downs National Park
- A qualifying body leads neighbour planning in their designated areas. They are our 'local experts' when there is a neighbourhood development plan (NDP) in place. In the South Downs all QBs are either parish or town councils to date.

### Which QBs will be invited to respond to Pre-application advice requests?

- QBs will be invited by email to input into the pre-application process by the SDNPA development management case officer dealing with the application.
- QBs with an NDP at an advanced stage of development will be invited to provide input i.e. the Plan has passed examination and reached the Decision Statement stage of the NDP process (Regulation 19).

### When will the SDNPA invite the QB to provide Pre-application input?

- When a pre-application enquiry relates to any site allocated or designated by the NDP in their designated area. This would include housing allocations, local green spaces, named community facilities and safeguarded employment sites.
- When an application proposes a locally significant development in the relevant designated area. What constitutes a locally significant development varies between communities and is a matter of judgement for the case officer in consultation with other officers as necessary.
- The SDNPA will not request input from QBs on householder pre-application enquiries.

### How will the input from the QB be used by the SDNPA?

- The response from the QB will be included in the SDNPA's response to the applicant/agent

Further information on pre-application advice can be accessed on the SDNPA website here: <https://www.southdowns.gov.uk/planning-applications/advice/>

This protocol will be subject to periodic review by the SDNPA in partnership with the QBs.

<sup>15</sup> Winchester District Council, East Hampshire District Council, Chichester District Council, Horsham District Council and Lewes District Council

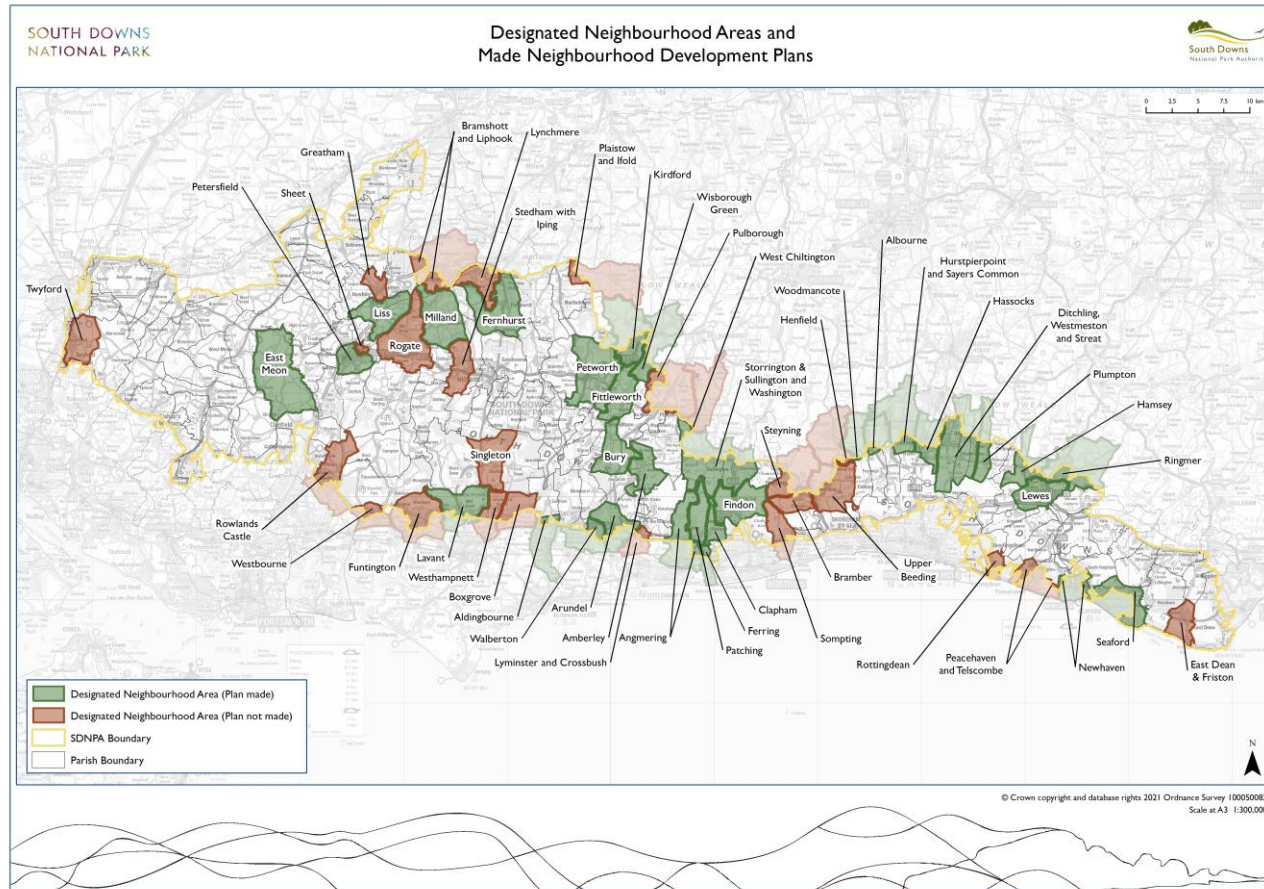
# APPENDIX 5: MINIMUM STATUTORY PUBLICITY REQUIREMENTS

4.1 As a local planning authority we are required by law to publicise all planning applications. This can include advertisements in a local newspaper, site notices and neighbour notifications. Applications are also advertised weekly on the SDNPA’s website.

Nature of Development	Publicity Required
<p>Applications that:</p> <ul style="list-style-type: none"> <li>• Are accompanied by an environmental statement;</li> <li>• Are departures from development plan;</li> <li>• Affect a public right of way; or</li> <li>• Are made by the authority.</li> </ul>	Site notice and advert in local newspaper
Major development <sup>16</sup> (which includes Minerals and Waste applications)	Site notice and advert in local newspaper
Minor development	Site notice and advert in local newspaper
Development affecting the setting of a listed building	Advert in local newspaper <b>and either</b> a site notice <b>or</b> neighbour notification
Development affecting the character or appearance of a conservation area	Advertisement in newspaper, site notice and neighbour notification
Permitted development requiring prior notification to local planning authority	Site notice posted by developer

<sup>16</sup> Major development as defined by Article 2, The Town and Country Planning (Development Management Procedure) (England) Order 2015 as amended.

# APPENDIX 6: MAP OF DESIGNATED NEIGHBOURHOOD AREAS



(Map as at May 2021)

# APPENDIX 7: MEMORANDUM OF UNDERSTANDING IN RELATION TO NEIGHBOURHOOD PLANNING

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## Memorandum of Understanding

between

**Example Parish Council and South Downs National Park Authority  
in relation to Neighbourhood Planning**

### I. Background

- I.1 This Memorandum of Understanding outlines the key roles and responsibilities of the main parties involved in the development of a Neighbourhood Plan for the parish of Example. In doing so it confirms the willingness of all parties to work positively together and sets out the protocols and parameters by which the neighbourhood plan will be prepared.
- I.2 The parties are: Example Parish Council (EPC), Example Neighbourhood Steering Group<sup>17</sup> (ENSG) and the South Downs National Park Authority (SDNPA).
- I.3 The neighbourhood plan will be produced for the designated neighbourhood area of Example as defined by the map in Annex I. The neighbourhood area is wholly / partly within the SDNP and the main centre of population is within the National Park. Therefore, SDNPA is the lead authority for neighbourhood planning for Example Parish Council.
- I.4 The parties will work in cooperation to prepare a planning document for the local community that is suitable for adoption as a Neighbourhood (Development) Plan. Work on the plan and evidence produced for it could also contribute to future development plan documents and / or the Local Plan produced by SDNPA.

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<sup>17</sup> Example Parish Council have delegated the production of the neighbourhood plan to Example Neighbourhood Plan Steering Group (ENSG). See Appendix 2 for ENSG Terms of Reference.

## 2. Roles and Responsibilities

- 2.1 EPC, ENSG and SDNPA are committed to maintaining an open and transparent relationship to enable the effective development of the Example Neighbourhood Plan. The key roles of each party in the neighbourhood planning process are as follows:

### **Example Parish Council**

- 2.2 EPC is the “relevant body”<sup>18</sup>, with legal authority to produce a neighbourhood plan under neighbourhood planning regulations. It is the properly elected democratic body representing the entire local community within the parish and is committed to ensuring that the community's views are fully reflected in all local planning decisions within the parish.
- 2.3 The Parish Council will be responsible for the overall content of the neighbourhood plan prepared and for its submission to SDNPA.
- 2.4 The Parish Council will formally agree the final draft neighbourhood plan at a Parish Council meeting prior to submission to SDNPA to ensure the neighbourhood plan is supported by the Parish Council.
- 2.5 The Parish Council will fulfil its duty to have regard for the National Park Purposes when preparing and agreeing a neighbourhood plan proposal for submission to SDNPA.

### **Example Neighbourhood Plan Steering Group**

- 2.5 ENSG is a group formed of councillors and residents of Example Parish acting under terms of reference and recognised by Example Parish Council for the purpose of preparing a plan for the future development of the parish.
- 2.6 ENSG, on behalf of the Parish Council and the community of Example Parish, will be responsible for carrying out the work necessary to deliver the neighbourhood plan.
- 2.7 ENSG will:
- i. Seek to involve the whole community and gather the views and opinions of as many groups and organisations in the community as possible in the preparation of the neighbourhood plan. An extensive and inclusive programme of community participation and consultation will be carried out to help develop the plan;
  - ii. Project manage the preparation of the plan, prepare a project plan and budget and regularly report back to the Parish Council on details of progress against timetable and budget on (at least) a monthly basis, and share the project plan with the SDNPA;
  - iii. Act as the main conduit between the Parish Council, the local community, the SDNPA and the relevant district and county councils for neighbourhood planning matters;
  - iv. Submit a description of the scope of the proposed neighbourhood plan to Example Parish Council for its consideration and approval as soon as is practicable;

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<sup>18</sup> For the purposes of section 61G of the 1990 Town and Country Planning Act being the parish council for the entire neighbourhood planning area, i.e. the whole Parish.



- v. Liaise with relevant authorities and organisations to ensure that the Plan is as effective as possible, is fit for purpose and complies with the National Park Purposes and Duty<sup>19</sup> and the strategic elements of the emerging *SDNP Local Plan*;
- vi. Ensure that the scope and content of the Neighbourhood Plan is appropriate to the issues raised by the local community, is prepared utilising robust and proportionate evidence and takes full account of Government policy set out in the *National Planning Policy Framework (NPPF) and Regulations* governing the production of a neighbourhood plan;
- vii. Seek a view from the SDNPA on the requirement or otherwise for Strategic Environmental Assessment (SEA) - known as a 'screening opinion', and provide sufficient key information in order for SDNPA to formulate a screening opinion. Should the screening opinion indicate that an SEA be required, the responsibility for meeting this requirement will be met by EPC;
- viii. Share an early draft (pre-submission neighbourhood plan proposal) with SDNPA to check the compatibility of the draft neighbourhood plan with the National Park Purposes and Duty, adopted Local Plan and emerging local policies;
- ix. Submit a final version of the neighbourhood plan proposal to Example Parish Council for its approval prior to the Plan being submitted to SDNPA for Independent Examination; and,
- x. Be responsible for the design, publication and maintenance of a neighbourhood plan webpage to ensure wider awareness of the neighbourhood plan production. The webpage should include an opportunity for people to volunteer to be part of the group.

### **South Downs National Park Authority**

- 2.8 SDNPA has a number of legal duties in relation to the production of a neighbourhood plan. These are:
- i. To publicise and designate a neighbourhood area for the purposes of neighbourhood planning within nationally set timescales.
  - ii. To provide advice and assistance to EPC and the ENSG on the preparation of a neighbourhood plan;
  - iii. To validate, check and publicise a neighbourhood plan prior to submission for independent examination;

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<sup>19</sup> The SDNPA has statutory purposes and socio-economic responsibilities as specified in the Environment Act (1995):

Purpose 1: To conserve and enhance the natural beauty, wildlife and cultural heritage of the area.

Purpose 2: To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

Duty: To seek to foster the social and economic wellbeing of the local communities within the National Park in pursuit of our purposes.

- iv. Appoint an independent examiner in consultation with the Parish Council and meet the costs of performing independent examination;
  - v. Bring the neighbourhood plan into force subject to the results of the referendum.
- 2.9 At the end of the neighbourhood plan process, the plan is made (adopted) by the National Park Authority and to that end it is in the interests of SDNPA to work with EPC and ENSG to deliver a robust, fit for purpose and high quality document for the local community. For these reasons and in the spirit of working together for the benefit of the local community and in accordance with *Schedule 4B of the Town and Country Planning Act (1990)*<sup>20</sup>, SDNPA will provide the further following support to EPC / ENSG for neighbourhood planning activities:
- i. Provide professional and timely advice on neighbourhood plan preparation and other relevant planning matters particularly the Local Plan. The SDNPA will endeavour to acknowledge any request for advice within 5 days and provide a full response within 2 weeks. Where this is not achievable, SDNPA will indicate when a full response can be provided;
  - ii. Provide a view on the requirement or otherwise for a Strategic Environmental Assessment (SEA) of the Neighbourhood Plan (known as a 'screening opinion'). Support and advise as necessary, on the scoping and development of a proportionate SEA including the appropriateness of this forming part of a wider Sustainability Appraisal and Habitats Regulations Assessment of the Plan, if required;
  - iii. Endeavour to attend meetings and events where possible and useful to developing the neighbourhood plan;
  - iv. Nominate a lead officer at the SDNPA who will be responsible for co-ordinating the input of other technical specialists from within the SDNPA as may be required to support the process. The lead officer will also liaise with the relevant District and County Council on technical matters such as highways and schools where necessary;
  - v. Liaise with the Parish Council and ENSG to ensure that the neighbourhood plan is in conformity with the strategic policies of the adopted / emerging Local Plan;
  - vi. Consult development management officers to assess the effectiveness and robustness of any potential policies;
  - vii. Digitise any proposals or allocations maps included the neighbourhood plan to be incorporated into the SDNP development plan; and
  - viii. Consider other reasonable requests for support based on the circumstances.

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<sup>20</sup> "Give such advice or assistance to parish councils and designated Neighbourhood Forums as in all the circumstances, they consider appropriate for the purpose of or in connection with facilitating the preparation of Neighbourhood Development Plans." [Schedule B of the 1990 Act] ('duty to support').

NB: There is no legal requirement to give financial assistance.

2.10 SDNPA will apply to the Government for funding which has been made available for local authorities to provide support to the development of Neighbourhood Plans to help fulfil the support outlined above. The allocation of discretionary resources to the Qualifying Body, including the giving of grants will be decided by the Director of Planning and may be subject to revision according to circumstances.

### **3. Reviewing the Memorandum of Understanding**

3.1 This Memorandum of Understanding will be kept open to review during the development of the Neighbourhood Plan. Amendments may be made following agreement between EPC, ENSG and SDNPA.

**Signed:**

**Signed:**

**Date:**

TEMPLATE

**Annex I**

**Designated Example Neighbourhood Planning Area**

TEMPLATE