

Report to **South Downs National Park Authority**
Date **19 May 2022**
By **Director of Planning, and in regard to recommendation 3, the Chief Finance Officer**
Title of Report **Local Plan Review and the Local Development Scheme**
Decision

The Authority is recommended to:

- 1. Note the purpose, resourcing and risks for the Local Plan Review and associated potential reviews of Neighbourhood Development Plans**
 - 2. Approve the commencement of the Local Plan Review**
 - 3. Approve the virement (budget transfer) of £227K from other Planning Policy budgets to the Development Plan budget in line with the Authority's financial procedures**
 - 4. Approve the Local Development Scheme (seventh revision) for the South Downs National Park set out in Appendix I of this report.**
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1. Introduction

- 1.1 The purpose of this report is to explain the reasons for starting work on the Local Plan Review (LPR) and sets out a new Local Development Scheme (LDS) for the National Park Authority. These matters will have been considered by Planning Committee on 12 May 2022. Their comments and recommendations to the Authority will be reported to the Authority at the meeting. This report also follows on from a Planning Committee workshop in February, which considered the broad approach the Authority would take regarding the review.
- 1.2 This report is about addressing the requirement to work on the LPR and supporting reviews of NDPs where appropriate. It explains the reasons for doing the reviews, key milestones, financial and human resourcing and main risks.
- 1.3 Starting work on the LPR requires the Authority to update our LDS, which is set out in Appendix I. This includes the timetable for the LPR itself along with the AAP for Shoreham Cement Works and supplementary planning documents (SPD).

2. Policy Context: Local Plan Review

- 2.1 The South Downs Local Plan was adopted by the Authority in July 2019. Some of the evidence base and engagement behind the successful adoption dates back to 2015 when we started to prepare the Plan. It is a legal requirement and stated in paragraph 33 of the NPPF that local plans should be reviewed and updated as necessary every five years. This requires us to have a new local plan in place by July 2024. If we do not have an up to date adopted local plan it may open us up to planning by appeal and the tilted balance in decision making under paragraph 11(d) of the NPPF.

- 2.2 This will be a review and not a brand new plan. We propose to keep the landscape led approach, ecosystem services and the development strategy of a medium level of development dispersed across the towns and villages of the National Park. We do, however, need to review development needs and provision numbers both at a park-wide level and for individual settlements. We need to ensure the Plan delivers on corporate priorities relating to Climate Action, ReNature and a National Park for All. It will also enable us to address changes in national policies such as First Homes.
- 2.3 The Local Plan established the strategic planning policy framework for the preparation of NDPs in the National Park. As of May 2022 there were a total of 59 areas designated for the purposes of neighbourhood planning and 40 NDPs made part of the development plan. There is reduced Government funding available for qualifying bodies wishing to prepare an NDP and there are also constraints on resources at the Authority to support neighbourhood planning to the level previously provided. However, there is a far greater body of experience generally and guidelines being produced by officers to ensure support. The duty to support qualifying bodies is set out in the Town and Country Planning Act 1990 and we are resourced to meet this albeit the resource may differ to when the NDPs were first prepared.
- 2.4 The LPR may trigger some reviews of NDPs. We will encourage town and parish councils with an identified housing provision to work closely with SDNPA to identify appropriate sites for development in their settlements. This approach will be more efficient for the SDNPA and the town and parish councils, avoiding the complex process for reviewing NDPs and some of the issues arising from allocations in NDP's and expectations arising. Where there is a real appetite to review an NDP and allocate land to meet any housing provision we will have to offer a limited package of support given the human and financial resources available in the Planning Policy team. Parish councils with made NDPs will continue to benefit from the retention of the higher level of receipts from the Community Infrastructure Levy (CIL). Some qualifying bodies may want to review their policies and not just allocations. Although this is a less involved process and may not involve a referendum, we will still need to comment on formal consultations and arrange the examination
- 2.5 New allocations will, it is considered, be needed to help meet need both in the LPR and any appropriate NDP reviews. The Inspector's main focus for our Local Plan examination was how effectively we had met housing need and whether we had truly left no stone unturned in meeting it. We will undoubtedly come under pressure from neighbouring authorities in regards to unmet housing need from settlements just outwith our boundary, notwithstanding Levelling Up and greater scrutiny over the use of housing algorithms to calculate need.
- 2.6 Starting work on the LPR offers us opportunities to address the corporate priorities. We could, for example, develop a more challenging sustainable construction policy and allocate some land, if it requires planning permission, for nature recovery. It will also offer us the opportunity to review and update certain policies that have been problematic to implement, such as replacement dwellings and barn conversions.
- 2.7 We have worked on a detailed project plan for the LPR, which has been approved at Senior Management Team level. The main tasks and milestones for both the LPR and the NDP reviews are set out below and in the LDS forming Appendix I of this report.
- 2.8 This summer, the Authority would have a general call for sites, commission evidence based studies on need and other matters and review existing policies. We would carry out a park-wide Land Availability Assessment in autumn/winter. This will involve looking at the suitability of sites for a number of uses including housing, employment and renewable energy. We will finalise housing provision figures for individual settlements by the end of the year.
- 2.9 The intention is to consult on a draft Plan in autumn 2023. We would review the representations and gather any further evidence as necessary following the consultation. We are aiming to present the Pre-Submission version of the Plan to Planning Committee and a full Authority meeting in July 2024. This would be followed by a public consultation and

examination. The intention is that the LPR would be adopted by the end of 2025. Any NDPs would also need to hit key milestones to ensure that there are no gaps in the development plan. Whilst this does not coincide exactly with the June 24 requirement that a Local Plan will be reviewed and updated every five years, the fact that a Pre-Submission Plan that is evidence led, up to date and carries some weight mitigating any risk of an out of date Local Plan leading to 'planning by appeal' to a very great extent.

3. Policy context: Local Development Scheme

- 3.1 The seventh review of the LDS for the South Downs National Park is triggered by the commencement of work on the LPR and, in view of timescales, the review of this document has been carried out in anticipation of the NPA's decision regarding the LPR; a revised LDS is set out in Appendix I. It provides a revised programme for the production of the LPR, Shoreham Cement Works Area Action Plan (AAP) and Supplementary Planning Documents (SPDs). It references the potential reviews of NDPs and signposts the LDSs for our Joint Minerals and Waste Plans.
- 3.2 The Issues & Options version of the Shoreham Cement Works AAP is being considered elsewhere on this agenda. The intention is to start the consultation on this document once it has been approved by the Authority and then consult on the Preferred Option once we have considered all the responses. The aim is to submit it for examination and adopt a sound AAP during 2023.
- 3.3 It is likely that there will be a general election in the next two years and there are of course local elections in various parts of the National Park during the time frame of the LDS. It is important that the timetables for preparing the plans are sufficiently flexible to accommodate this. The LDS states that we need to be mindful of pre-election periods commonly known as 'purdah.' The SDNPA should normally not launch public consultations on any of its plans during these periods and this may obviously impact on the LDS set out in this document.

4. Resources

- 4.1 Local plans are expensive documents to prepare. The investment should be seen in the light of the money that development unlocks with an up to date Local Plan, CIL and developer contributions. There are several sources of money within budget, totalling approximately £227K that we can draw on for both the LPR and NDP reviews. A request is made to the full Authority to agree the Virement of these funds in order to start work on the LPR.
- 4.2 In accordance with the Authority's approved Financial Procedures (A.2.1.3) the proposed Virement has been discussed with and is supported by the Chief Finance Officer, who has confirmed that the Virement is from appropriate and approved budgets and the impact on the budget lines from which funding is being transferred can be sufficiently managed to not impact on the overall delivery of the planning function. Financial Procedure A.2.1.3 requires that Virements of £100,000 or more must be jointly reported to the Authority by the relevant Director and the Chief Finance Officer and therefore this section of the report has been co-authored with the Chief Finance Officer.
- 4.3 The main costs for the LPR will be from evidence gathering that will be mainly at the beginning of the process and the examination that will be at the end.
- 4.4 People are needed to prepare local plans. We have a reduced number of people in the Planning Policy team to work on the LPR and NDPs, but as previously stated, this is a review rather than a brand new plan requiring less resource. Much of the work we do in planning policy seeks to avoid silo thinking and ensure Corporate Plan priorities are achieved as far as we can within the planning system. Therefore we will look to colleagues across the Authority to assist. This would be in a variety of ways, for example, the Performance and Projects team assisting with project management and Support Services assisting with logging representations.

5. Risks

- 5.1 There are a number of significant risks for such a large project. Firstly, radical changes were proposed to the planning system in the 2020 Planning White Paper. It would appear that the

Government has pulled back from such sweeping changes, so this risk is lower. The mitigation is to keep up to date with Government changes and keep a flexible approach to policy formulation.

- 5.2 Secondly, there are a number of issues arising from the Habitat Regulations particularly nutrient neutrality (Solent and Itchen) and water neutrality (Arun Valley) that pose a risk to plan making in the National Park. We are working closely with the statutory bodies and our neighbouring local authorities on a strategic approach to resolving these issues.
- 5.3 Thirdly, the reduced number of people working directly on the LPR, NDP reviews and Minerals & Waste Plans poses a risk to the project. Less resource is required for a review than for a brand new plan. The risk will be mitigated in a number of ways including a reduced input to other work streams particularly no more SPDs, reduced policy comments on planning applications and prioritising shared working across the organisation.
- 5.4 Finally, the resourcing of new NDPs and NDP reviews is a risk. Again, it should be remembered that these will in the most part be NDP reviews rather than brand new plans and so less resource is required from both the qualifying bodies and from us. The town and parish councils with made NDPs have a better understanding of planning in protected landscapes, which was developed with our support and could be used for either NDP reviews or to work collaboratively on the LPR. There are of course more unknowns with NDPs, for example, whether Midhurst will decide to do an NDP for the first time. A number of our qualifying bodies have already expressed an interest informally in starting NDP reviews, for example Petersfield and Lewes. Some other parish councils have said that they want to start new plans, for example, Alfriston (designated) and Kingston near Lewes (not yet designated). We have a legal duty to support qualifying bodies. This risk will be mitigated by encouraging parish councils to work closely with us on allocating sites in the LPR rather than NDPs. This will still require input from us. Those qualifying bodies that still wish to proceed with NDPs would do so with more limited support from us. This will require a new Memorandum of Understanding between the Authority and qualifying bodies and would focus on statutory stages such as SEA / HRA screening, commenting at pre and submission stages, facilitating examinations and preparing decision statements.

6. Next steps

- 6.1 If the Authority approves the commencement of work on the LPR, the transfer of funds from various Planning Policy budgets to the Development Plan budget and an update to the LDS, then work will start immediately on the project.
- 6.2 We need to consider Member engagement in the LPR. We will run a number of Member workshops for all Members to provide strategic steer on the Plan. Based on feedback from Local Plan training, we also intend to hold a workshop for host authority officers and Members on our policies. This has worked well in the past and all input is necessary albeit within timeframes set to get best possible outcomes

7. Other implications

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	No
Does the proposal raise any Resource implications?	Yes, these are summarised in section 4 of this report. The LPR is identified as a corporate priority for the next three years of the Corporate Plan. Officers within the Planning Policy team are leading the work on developing the LPR and utilising expertise elsewhere within the Authority. Costs associated with the delivery of the Local Plan will be monitored and any variation to approved budgets will be reported as part of the budget monitoring process.

Implication	Yes*/No
	There are resource implications for the preparation of all the planning policy documents named in the LDS but these are within scope of the resources.
How does the proposal represent Value for Money?	We will seek to achieve best value in all the work we do on the LPR and all the documents named in the LDS.
Which PMP Outcomes/ Corporate plan objectives does this deliver against	<p>The AAP will deliver on most of its objectives. The key ones to highlight are:</p> <ul style="list-style-type: none"> • Protect landscape character • 3.1 Join up habitats • 4.1 Conserve heritage • 5.2 Improve accessibility • 9.1 Increase affordable housing • 10.1: Strengthen enterprise • 10.3: Promote sustainable tourism
Links to other projects or partner organisations	The LPR and all the other documents named in the LDS link to other plans and programmes and the duty to co-operate will involve partner organisations and those with interests e.g. NFU.
How does this decision contribute to the Authority's climate change objectives	Reviewing the Local Plan provides us with the opportunity to prepare more ambitious policies on climate change both in terms of mitigation and adaptation.
Are there any Social Value implications arising from the proposal?	The requirements of the Public Services (Social Value) Act 2012, will be considered for appropriate expenditure and programmes undertaken by the Authority
Have you taken regard of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	A full Equality Impact Assessment will be carried out for the LPR and the policies within. We are keen to engage new audiences in our plan making particularly younger people. We have started to do this through digital engagement with the Shoreham Cement Works Area Action Plan and we will use the lessons learnt from that for the LPR.
Are there any Human Rights implications arising from the proposal?	The emerging policies will be considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.
Are there any Crime & Disorder implications arising from the proposal?	None
Are there any Health & Safety implications arising from the proposal?	None
Are there any Data Protection implications?	Yes, there are data protections implications from the statutory consultations that we will hold on the LPR and the other

Implication	Yes*/No
	documents in the LDS. We have recently carried out a review of the personal details we hold for the purposes of updating people on Local Plan matters and consider that we are compliant with GDPR.
Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy?	Yes, there are sustainability implications for the LPR and all the documents named in the LDS. Therefore, a Sustainability Appraisal will be prepared iteratively for the LPR to inform decision making.

8. Risks Associated with the Proposed Decision

8.1 Further detail on risks are set out in section 5 of this report.

Risk	Likelihood	Impact	Mitigation
Radical changes to legislation and national policy on planning	2	3	Keep up to date with Government changes and keep a flexible approach to policy formulation
Issues arising from the Habitat Regulations particularly nutrient neutrality (Solent and Itchen) and water neutrality (Arun Valley) that pose a risk to plan making in the National Park.	3	4	We are working closely with the statutory bodies and our neighbouring local authorities on a strategic approach to resolving the issues
Reduced number of people in the Planning Policy Team working on the LPR, NDP reviews and Minerals & Waste Plans poses a risk to the project. Less resource is required for a review than for a brand new plan.	3	3	Reduced input to other work streams particularly no more SPDs and TANs and prioritisation of resources working on other projects that are not corporate priorities.
Resourcing of new NDPs and NDP reviews. Again, these are mainly reviews rather than new plans.	3	3	Encourage parish councils to work closely with us on allocating sites in the LPR rather than NDPs whilst still allowing them to retain the higher level of CIL receipts. Those qualifying bodies that still wish to proceed with NDPs would do so with a different type of support from us as outlined in the Report.

TIM SLANEY

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Appendices I. Draft SDNPA Local Development Scheme

SDNPA Consultees Chief Executive; Director of Countryside Policy and Management; Director of Planning; Chief Finance Officer; Monitoring Officer; Legal Services, Business Service Manager

External Consultees None

Background Documents [South Downs Local Plan](#)
[National Planning Policy Framework](#)
[Planning Practice Guidance](#)



South Downs National Park
Local Development Scheme
(Seventh Revision)
May 2022

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South Downs National Park Authority: Local Development Scheme
Sixth Revision, October 2018 (2018)

If you need this document in a different format please contact the Planning Policy Team at:

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The Local Development Scheme is also available on the SDNPA website:
www.southdowns.gov.uk

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I. INTRODUCTION

- I.1** The Local Development Scheme (LDS) sets out the timetable that the South Downs National Park Authority (SDNPA) will follow in the preparation and adoption of planning policy documents.
- I.2** This is the seventh review of the LDS for the South Downs National Park and has been triggered by the commencement of work on the Local Plan Review (LPR). It provides a revised programme for the production of the following Local Plan Documents:
- South Downs Local Plan Review (LPR)
 - Shoreham Cement Works Area Action Plan (AAP)
 - Neighbourhood Development Plans (NDP)
 - Supplementary Planning Documents (SPDs)
- I.3** An LDS is required under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). Paragraph 003 of the Planning Practice Guidance Paragraph (Reference ID: 61-003-20190315)¹ states that it must specify, among other matters, the documents which, when prepared, will comprise the Local Plan for the area. It must be made available publically and kept up-to-date. It is important that local communities and interested parties can keep track of progress. Local planning authorities should publish their Local Development Scheme on their website.
- I.4** There are obviously a number of risks in preparing planning policy documents and a risk register is prepared and updated for each of the named plans. A significant risk is major changes to national legislation on planning. It now appears unlikely that the sweeping changes proposed in the White Paper *Planning for the Future* in 2020 will come into force. There are also a number of rapidly evolving issues that could have a significant impact on plan making particularly nutrient neutrality in the Solent area and water neutrality in the central area of the National Park.
- I.5** We also need to be mindful of pre-election periods commonly known as ‘purdah.’ The SDNPA will not launch public consultations on any of its plans during these periods and this may obviously impact on the LDS set out in this document.
- I.6** Progress on the LDS is reported annually in the Authority Monitoring Report (AMR)².

¹ [Plan-making - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

² [Authority Monitoring Reports - South Downs National Park Authority](#)

2. THE DEVELOPMENT PLAN FOR THE SOUTH DOWNS NATIONAL PARK

- 2.1** The development plan for the South Downs is made up of the adopted South Downs Local Plan which covers the National Park in its entirety, a number of made Neighbourhood Development Plans (NDP) which cover individual parishes and several adopted minerals and waste plans prepared at a county level. An Area Action Plan is also being prepared for Shoreham Cement Works. The detailed Local Development Scheme (LDS) for these Plans is set out in Appendix I of this document and the highlights are set out below.

Local Plan Review

- 2.1** The South Downs Local Plan was adopted in July 2019. The Authority agreed to start work on the Local Plan Review (LPR) in May 2022. It will take full account of other relevant strategies and plans including the Partnership Management Plan (2020-25) and the Statement of Community Involvement (SCI) (updated 2022).
- 2.2** Evidence gathering for the LPR and a park-wide Land Availability Assessment will take place during 2022-23. The Regulation 18 consultation is scheduled for autumn 2023. The aim to present the Pre-Submission version of the LPR to Planning Committee and a full Authority meeting in July 2024. This would be followed by a public consultation in autumn 2024 and then submission for examination. The intention is that the LPR will be adopted by the end of 2025.

Shoreham Cement Works Area Action Plan

- 2.3** Policy SD56: Shoreham Cement Works of the Local Plan identifies this strategic site as an area of significant opportunity for an exemplar sustainable mixed use development. The policy states that the SDNPA will prepare an Area Action Plan (AAP) for the site. The geographical area covered by the AAP is defined on the Policies Map.
- 2.4** A Regulation 18 Issues & Options consultation on the AAP is scheduled to run for eight weeks starting in quarter 1 of 2022-23. In order to encourage more people to take part in the consultation we have commissioned drone footage of the site and are using digital engagement techniques. Once we have analysed the feedback and commissioned further evidence as necessary we will be running a Regulation 19 Preferred Option consultation in early 2023. The intention is then to submit it for examination, carry out a consultation on the Modifications proposed by the Inspector and adopt by the end of 2023

Neighbourhood Development Plans

- 2.5** The South Downs Local Plan established the strategic planning policy framework for the preparation of Neighbourhood Development Plans (NDP) in the National Park. As of May 2022 there were a total of 59 areas designated for the purposes of neighbourhood planning and 40 NDPs made part of the development plan.

- 2.6** This LDS does not set out the timetables for individual NDPs and their reviews. Those qualifying bodies that chose to review their NDPs in light of the LPR will need to make good progress in their plan making so that there are no gaps in the development plan for the National Park.

Minerals & Waste Plans

- 2.7** The SDNPA is responsible for planning for the future management of waste and production of minerals within the South Downs National Park. We are working in partnership with the mineral and waste planning authorities in Hampshire, West Sussex, Brighton & Hove and East Sussex Councils on a number of local plans. To avoid duplication we do not report separately on minerals & waste plans in this LDS. The highlights are set out below.
- 2.8** The SDNPA is working in partnership with East Sussex County Council and Brighton & Hove City Council on the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Review. Full details on the LDS can be found on the East Sussex website³.
- 2.9** The SDNPA is also working in partnership with Hampshire County Council, Portsmouth City Council, Southampton City Council and the New Forest NPA. A Partial Review of the Hampshire Minerals and Waste Plan is underway. Full details on the LDS can be found on the Hampshire website⁴.
- 2.10** Finally, the SDNPA is working in partnership with West Sussex County Council. No plans are currently being prepared in West Sussex and full details on the LDS can be found on the West Sussex website⁵.

Supplementary Planning Documents

- 2.11** Supplementary Planning Documents (SPDs) provide more detailed guidance to explain policies and proposals set out in the Local Plan. A number of SPDs have been prepared and adopted since the adoption of the Local Plan. The Design Guide SPD is nearing completion and is named in the LDS. The SDNPA also adopts Village Design Statements as SPDs for those parts of the National Park that they individually cover. Those for Easebourne, West Meon, Clapham and Selborne are nearing completion and feature in the LDS.

³ [East Sussex waste and minerals monitoring reports | East Sussex County Council](#)

⁴ [Hampshire Minerals and Waste Plan | Hampshire County Council \(hants.gov.uk\)](#)

⁵ [Monitoring reports - West Sussex County Council](#)

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South Downs National Park Authority: Local Development Scheme
Seventh Revision, May 2022

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