

Report to	Planning Committee
Date	8 December 2022
By	Director of Planning
Title of Report	Local Plan Review and the Local Development Scheme
Purpose of Report	Brief Planning Committee on Shoreham Cement Works Area Action Plan and the Local Plan Review and recommend a way forward for the Plans in the Local Development Scheme

Decision

The Committee is recommended to:

- 1. Note the current uncertainty in planning and the Authority's resourcing for the Area Action Plan and Local Plan Review**
 - 2. Recommend to the Full Authority the integration of the Area Action Plan into the Local Plan Review**
 - 3. Recommend to the Full Authority the approval of the Local Development Scheme (eighth revision) for the South Downs National Park set out in Appendix I of this report.**
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Executive Summary

- This report is about the incorporation of the Shoreham Cement Works Area Action Plan (AAP) into the Local Plan Review (LPR) and to seek a recommendation that the NPA approve a revised timetable for the LPR as set out in the Local Development Scheme (LDS).
- Two options were originally proposed by officers namely to progress the AAP separately to the LPR or to integrate them into one document.
- Taking into account the constantly changing national context for planning and the economy, the need for efficiency and current resourcing at the National Park Authority it is recommended that the AAP and the Local Plan Review are integrated into one document.
- Following on from a steer from Members and SMT, officers have been working on a project plan for this consolidated document. There will be a delay of about a year to 18 months on the timetable for the preparation of the Local Plan Review from what was agreed by the Authority in May this year.
- There is a small risk to delaying the timetable of the LPR, but this is reduced by the fact that the National Park is a protected landscape and so is not expected to meet its development need, nor does it have set targets to meet against which it is assessed. Furthermore there is a risk in progressing as currently set out in the LDS given the uncertain future of AAP's

- The eighth review of the LDS has been triggered by the integration of the AAP for Shoreham Cement Works into the Local Plan Review. The LDS sets out the timetable that the South Downs National Park Authority (SDNPA) will follow in the preparation and adoption of planning policy documents.

1. Background

- 1.1 This report is about the incorporation of the Shoreham Cement Works Area Action Plan (AAP) into the Local Plan Review (LPR). It follows on from informal discussions with Members including a Local Plan Review Workshop held on 17 November 2022 and a meeting of the Senior Management Team on 26 September
- 1.2 This report provides background information on the preparation of the AAP and the LPR. It includes updates on progress with the two Plans, current uncertainty in plan making, resourcing and risks. Two options were originally proposed by officers namely to progress the AAP separately to the LPR or to integrate them into one document. The advantages and disadvantages of each option are set out in this report. The strong steer from both the Member Workshop and SMT is to integrate the two Plans. That is the recommendation of this report.
- 1.3 The integration of the two plans requires the Authority to update our Local Development Scheme (LDS), which is set out in Appendix 1. This includes the timetable for the LPR itself and supplementary planning documents (SPD)

2. Progress on the AAP and LPR

- 2.1 Work re-started on the AAP in April 2021 culminating in the publication of the Issues & Options version of the Plan for public consultation in June 2022. A Member Task & Finish Group was set up to guide the preparation of the Plan. A considerable amount of work went into filming drone footage and commissioning consultation videos of the site; they were both very well received. A total of 2,858 representations were received on the AAP from 226 organisations and individuals; these are currently being processed.
- 2.2 The decision to start work on the Local Plan Review was made at a full Authority meeting in May 2022. Since then we have launched a Call for Sites, started work on the Land Availability Assessment and commissioned a Housing and Development Needs Assessment (HEDNA). We wrote to all our town and parish councils in June asking them to work collaboratively with us on the LPR rather than prepare reviews of their neighbourhood plans. We also asked them to submit sites for the Land Availability Assessment. Work on the LPR is shadowed by work on neighbourhood plans and neighbourhood priority statements.

3. Current uncertainty in plan making

- 3.1 There is a considerable amount of uncertainty in plan making at the moment. The radical changes proposed in the Planning for the Future White Paper in 2020 were not forthcoming, but the Levelling Up and Regeneration Bill (LURB) published in May this year and currently going through Parliament would make significant changes to plan making once enacted. The proposed summer consultation on the NPPF has not been forthcoming and a recent vote on an amendment to the LURB that sought to make housing targets advisory rather than mandatory was pulled in November.
- 3.2 The change that is most relevant to this report is that, if the LURB goes forward, there will be a single local plan for a local planning authority and any additional plans such as area action plans will be demoted to a supplementary plan. Minerals & Waste Plans will remain unchanged. A supplementary plan must be in general conformity with the spatial development strategy. Its examination will be by written representations rather than carried out in person.
- 3.3 The other significant and relevant change, if the LURB goes forward, is that there will be National Development Management Policies. Further details on this are awaited, but it is likely that most of the park wide policies in our Local Plan would be superseded by national policies and there would be little scope for developing new innovative policies in our LPR.

- 3.4 There is also uncertainty for plan making on a sub-regional level. Part of the National Park that includes Shoreham Cement Works is located in the Sussex North Water Resource (Supply) Zone where there is currently a moratorium on all new development that would result in a net increase in water consumption. This has stalled all local plans in the area. Work is underway on a joint strategy to address the issue of water abstraction on international nature designations.
- 3.5 Following on from the prioritisation exercise across the Authority there is a modest reduction in resource to progress the AAP and LPR. The priority for the Planning Policy team is to work on the LPR. Progress on the AAP is at our own discretion. As we work in partnership with the counties on minerals and waste plans we are locked into pre-agreed timetables for their progression.
- 4. Options going forward**
- 4.1 Two options were originally proposed by officers namely to progress the AAP separately to the LPR or to integrate them into one document. The advantages and disadvantages of each option are set out in this report. The strong steer from both the Member Workshop and SMT is to integrate the two Plans. That is the recommendation of this report
- 4.2 The first option is to carry on with preparing a separate AAP and LPR with a delayed timetable due to resourcing. The main advantage of this is that it is in line with the commitment set out in Policy SD56 of the Local Plan, which was noted in our Inspector's report. The Issues & Options version of the AAP stated that there would be a Preferred Option version of the Plan, which would be consulted on. Twin tracking should mean that the AAP would be adopted ahead of the LPR. This would provide earlier certainty for the strategic site ahead of any planning application albeit no application is imminent and no PPA has been signed. The main disadvantage of twin tracking is the cost both in terms of people and money. It obviously costs more to prepare, consult on and undergo two examinations in public on two separate plans. A significant unknown for this decision is water neutrality.
- 4.3 The second option is to integrate the AAP into the LPR, so that Shoreham Cement Works becomes a single chapter of the LPR rather than a standalone document. The main advantage of this is that it would be less resource hungry both in terms of officer time and money. Although this option does not comply with the original Local Plan commitment to preparing an AAP, this can be simply addressed with a clear audit trail of decision making and some explanatory text in the LPR. The change can be justified by the demotion in the LURB of AAPs to supplementary plans and the need to further explore the challenges of water neutrality on the site. The main disadvantage is that it would take about a year longer to progress plan making for the site and would result in some evidence studies particularly viability, transport and ecology becoming out of date. This would have cost implications. Another disadvantage is that members of the public and key stakeholders may become confused by the change in plan making for the site. We would need to explain our decision making clearly, particularly to the local community groups.
- 4.4 Whichever option is progressed there is a risk from the delay in plan making. As our Local Plan was adopted in July 2019, it will be five years old in July 2024. It is a legal requirement and stated in paragraph 33 of the NPPF that local plans should be reviewed as to whether they need updating at least once every five years, and then updated as necessary. 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. The emerging Local Plan Review will only start to have meaningful weight in decision making when it reaches Pre-Submission. Under the proposed timetable for the integrated LPR this will be in quarter 4 of 2025-26. However, the risk is reduced by the fact that the National Park is a protected landscape and so is not expected to meet its development need, nor does it have set targets to meet against which we are assessed. It should be noted that none of the local authorities covered by the National Park currently have an up to date plan as defined by the NPPF; a new Local Plan for Worthing is expected to be adopted on 13 December 2022.
- 4.5 A plan is also considered out of date by the NPPF when the local planning authority cannot demonstrate a five-year housing land supply. The 2022 Authority Monitoring Report, due to

be published this month, will state that we have a deliverable housing land supply of 5.9 years. Going forward it will be important that this supply is maintained. It should be noted that the National Park Authority is not subject to the Housing Delivery Test unlike our neighbouring local planning authorities.

5. Recommended way forward

- 5.1 Taking into account the constantly changing national context for planning and the economy, the need for efficiency and current resourcing at the National Park Authority it is recommended that the AAP and the Local Plan Review are integrated into one document. Following on from a steer from Members and SMT, officers have been working on a project plan for this consolidated document. Table I sets out the milestones in the current Local Development Scheme for both the AAP and the LPR along with the proposed milestones for the new consolidated document.

Table I: Existing and proposed milestones for the AAP and Local Plan Review

Stage	Existing AAP	Existing LPR	Proposed LPR
Regulation 18 consultation	Completed Q2 2022-23	Q3 2023-24	Q4 2024-25
Regulation 19 Pre-Submission consultation	Q4 2022-23	Q3 2024-25	Q4 2025-26
Submission for examination	Q1 2023-24	Q4 2024-25	Q2 2026-27
Examination & consultation on Main Mods	Q1 2023-24 to Q3 2023-24	Q4 2024-25 to Q3 2025-26	Q2 2026-7 to Q1 2027-28
Adoption	Q3 2023-24	Q3 2025-26	Q1 2027-28

- 5.2 The integration of the two plans requires the Authority to update our Local Development Scheme (LDS), which is set out in Appendix I. This includes the timetable for the LPR itself and supplementary planning documents (SPD).
- 5.3 This recommended way forward is not intended to detract from the work on the AAP that has been done to date. We have prepared a number of robust evidence based studies that will support the LPR. The drone footage and the consultation videos gave us the opportunity to learn about digital engagement and were very well received. We carried out the first comprehensive public consultation on the site. These are lessons that we will carry forward to the LPR.

6. Resources

- 6.1 Local plans are expensive documents to prepare. 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. An estimated budget of £484K has been identified and set aside for the progressing the LPR up to adoption.
- 6.2 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.

7. Next steps

- 7.1 If Planning Committee decide to recommend to the Authority to integrate the LPR and AAP and approve the new LDS then a report will go to the Full Authority meeting on 08 December 2022.

8. Other implications

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	Yes, if Planning Committee decide to recommend to the Authority to integrate the LPR and AAP or if they recommend them to remain as separate documents, the National Park Authority will consider a revised LDS at its meeting on 08 December 2022.
Does the proposal raise any Resource implications?	<p>Yes, these are summarised in section 6 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.</p> <p>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.</p>
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 LPR will follow on from and be consistent with the PMP 2020-25 and will therefore deliver on most of its objectives. The key ones to highlight are:</p> <ul style="list-style-type: none"> • 1.1 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. Natural England and the Environment Agency.
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

Implication	Yes*/No
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?	It is considered that the proposal does not raise any crime and disorder implications.
Are there any Health & Safety implications arising from the proposal?	None
Are there any Data Protection implications?	Yes, there are data protection implications from the statutory consultations that we will hold on the LPR and the other documents in the LDS. We have recently carried out a task to review the personal details we hold for the purposes of updating people on Local Plan matters and 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.

9. Risks Associated with the Proposed Decision

9.1 Further detail on risks are set out in section 4 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

Risk	Likelihood	Impact	Mitigation
The Authority is adversely impacted by speculative planning applications, which are then lost at appeal as there is not an up to date local plan.	2	4	A plan may be considered out of date by the NPPF when the local planning authority cannot demonstrate a five-year housing land supply. The 2022 Authority Monitoring Report, due to be published this month, will state that we have a deliverable housing land supply of 5.9 years. Going forward it will be important that this supply is maintained. It should be noted that the National Park Authority is not subject to the Housing Delivery Test unlike our neighbouring local planning authorities.
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.

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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](#)
[Shoreham Cement Works AAP: Issues & Options](#)
[Full Authority report on the Local Plan Review and the Local Development Scheme \(May 2022\)](#)
[National Planning Policy Framework](#)
[Planning Practice Guidance](#)

Local Development Scheme for the South Downs National Park Authority (December 2022)

		2023-24				2024-25				2025-26				2026-27				27-28				
	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	
Local Plan Review									18				19		S	E	M	A				
ES LPR, Hampshire LPR & WS Mineral Plan Review	<i>Please see ESCC, HCC & WSCC websites for details</i>																					
West Meon VDS SPD		A																				
Selborne VDS SPD		A																				
Easebourne VDS SPD	A																					

Symbol	Stage in document preparation
S	Submission of documents and information to the Secretary of State
E	Independent examination
M	Consultation on proposed modifications
A	Adoption
13	Representations on a supplementary planning document
18	Representations on the preparation of a local plan
19	Representations on a local plan