

Report to	Planning Committee
Date	9 June 2016
By	Director of Planning
Title of Report	Making of the Milland Neighbourhood Development Plan
Purpose of Report	To make the Milland Neighbourhood Development Plan part of the SDNPA statutory Development Plan

Recommendation: The Committee is recommended to:

- 1) Note the outcomes of the Milland referendum**
- 2) Agree to make the Milland Neighbourhood Development Plan part of the SDNPA's Development Plan**

I. Summary

- 1.1 This report presents the Milland Neighbourhood Development Plan (NDP) which recently passed referendum and is ready to be made part of the South Downs National Park's Development Plan. The Milland NDP has been through the neighbourhood planning process as set out by the Neighbourhood Planning (General) Regulations 2012. Following independent examination the Milland NDP has been subject to community referendum and over 50% of those voting, voted yes. The Milland NDP can now be made by the SDNPA and once made, will become part of the Development Plan for the National Park and will be used in the determination of planning applications within Milland Parish.

2. Milland Neighbourhood Development Plan 2016 - 2030

- 2.1 The Milland Neighbourhood Area was designated by the SDNPA on 13 June 2013 (**Appendix 1**). Since then, Milland Parish Council through a steering group and local volunteers have put a huge amount of work into preparing a NDP for Milland.
- 2.2 The SDNPA provided formal comments on the draft Milland NDP at the Regulation 14 pre-submission stage and Regulation 16 publication stage. An independent examination, followed.
- 2.3 An examiner was appointed by the South Downs National Park Authority (SDNPA), to undertake the examination with the consent of the Parish Council. The examiner's report concluded that despite the extensive alterations that had to be made, the plan still provided a framework for retaining and enhancing much of what that community clearly valued and as a result (subject to making those modifications recommended) the Milland Neighbourhood Plan met the basic conditions set out in the legislation and should proceed to referendum. The key modifications included:
- 2.4 **Conformity with national policy:** Amendments were made to the wording of policies relating to the natural environment, heritage sites, built form and materials, enlarged homes and commercial development to ensure they conformed with national policy.
- 2.5 **Ensuring policies related to matters controlled by planning:** Changes were made to the wording of policies relating to dark night skies, housing, visitor accommodation, community buildings and green spaces to ensure they only covered planning matters.

- 2.6 **Removing policies that did not relate to planning matters, were unenforceable or were unnecessary:** Community Land Trusts, unenforceable restrictions on HGVs, rural industry, equine enterprises, local retail and service outlets were either removed or amended to ensure they covered planning matters.
- 2.7 **Removing excluded development:** Minerals policies are not able to be covered by neighbourhood plans, they are excluded and therefore removed from the NDP.
- 2.8 The policy on Market Housing was removed as it was incompatible with other policies within the Milland NDP. A range of other more minor amendments were made to provide policy clarity for the decision maker.
- 2.9 Following the publication of the Examiner’s report the SDNPA agreed a Decision Statement in consultation with Milland Parish Council. The Decision Statement was agreed under officer’s delegated powers.
- 2.10 The referendum was held on 5 May 2016, with the following results:

Do you want the South Downs National Park to use the neighbourhood plan for Milland to help it decide planning applications in the neighbourhood area?		
	Votes Recorded	%
Number cast in favour of a ‘Yes’	198	89.2%
Number cast in favour of a ‘No’	24	10.8%
Total Turnout	222	33.8%

3. Making of the neighbourhood development plan

- 3.1 The Local Planning Authority (LPA) has a statutory duty to ‘make’ a neighbourhood plan part of the Development Plan, as soon as reasonably practical, if more than half of those voting have voted in favour of the plan. The LPA is not subject to this duty if (and only if) the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998).
- 3.2 The Examiner concluded that the Milland NDP with modifications meets these legislative obligations/rights. No information has subsequently arisen to suggest the making of the NDP would be in breach with or incompatible with the legislation. The SDNPA is also responsible for the publication of the ‘Environment Report’ where NDPs have been subject to the SEA Directive – this is not the case for the Milland NDP.
- 3.3 The making of the NDP will result in the plan forming part of the Development Plan for the neighbourhood area. In Milland, the NDP will sit alongside the saved policies of the Chichester Local Plan 1999 which will in time be replaced by the SDNP Local Plan policies.
- 3.4 The Neighbourhood Planning Regulations 2012 require Local Planning Authorities to publish a statement setting out their decision to make a NDP and reasons for making that decision. This statement should be published as soon as practical after the decision is taken to make the NDP. This report will form the SDNPA Regulation 19 ‘Decision Statement’.

4. Planning Committee

- 4.1 The SDNPA response to the Milland pre-submission consultation plan was considered and agreed by Planning Committee on 11 June 2015. The SDNPA response to the Submission consultation (Regulation 16) was agreed under officer’s delegated decision.

5. Other Implications

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	No
Does the proposal raise any Resource implications?	No – The total spend to date on the Milland Plan is £252. The cost of the examination and referendum will be borne out of the Governments New Burdens grant. Once a NDP is made, a Parish Council is entitled to 25% of Community Infrastructure Levy (CIL) collected from development within the neighbourhood area, as opposed to the capped 15% share where there is no NDP. The Parish Council can choose how it wishes to spend these funds on a wide range of things which support the development of the area.
Has due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	Yes
Are there any Human Rights implications arising from the proposal?	None
Are there any Crime & Disorder implications arising from the proposal?	None
Are there any Health & Safety implications arising from the proposal?	None
Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy: 1. Living within environmental limits 2. Ensuring a strong healthy and just society 3. Achieving a sustainable economy 4. Promoting good governance 5. Using sound science responsibly	The qualifying body with responsibility for preparing the neighbourhood plan must demonstrate how its plan will contribute to the achievement of sustainable development. This is set out in the Basic Conditions Statement. The examiner who assessed the plan considered that it met the requirements. Please note that the sustainability objectives used by qualifying bodies may not be the same as used by the SDNPA, but they will follow similar themes. Strategic Environmental Assessment The SDNPA determined that an environmental assessment of the Milland Neighbourhood Plan was not required.

6. Risks Associated with the Proposed Decision

Risk	Likelihood	Impact	Mitigation
A legal challenge to a NDP can be launched by way of judicial review within six weeks of the LPA publishing a decision to make the NDP.	Low	Medium	Officers at the SDNPA are satisfied the plan meets the legal requirements and given that it has been through the correct statutory process, including examination and referendum, the Authority is obliged to "make" the plan part of the Development Plan.

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Appendices I. Milland Neighbourhood Area
SDNPA Consultees Legal Services, Chief Finance Officer & Monitoring Officer.
External Consultees None
Background Documents [Milland NDP Referendum Version](#)
[Milland NDP Decision Statement](#)
[Milland Regulation 16 Consultation response](#)
[Milland Regulation 14 Consultation response](#)

Agenda Item 10 Report PC32/16 Appendix I Milland Designated Neighbourhood Area.

