

Report to	Planning Committee
Date	14 December 2017
By	Director of Planning
Title of Report	The Making of the Liss Neighbourhood Development Plan
Purpose of Report	To make the Liss Neighbourhood Development Plan part of the South Downs National Park Authority's (SDNPA) statutory Development Plan

Recommendation: The Committee is recommended to:

- 1) Note the outcome of the Liss Referendum;**
- 2) Agree to make the Liss Neighbourhood Development Plan part of the SDNPA's Development Plan for the parish of Liss.**

1. Summary

- 1.1 This report presents the Liss Neighbourhood Development Plan (LNDP) which recently passed referendum and is now part of the South Downs National Park Authority's (SDNPA) Development Plan. The plan has been through the neighbourhood planning process. Following Independent Examination it has been subject to community referendum with 87.7% of those that voted, voting yes. The recent enactment of the Neighbourhood Planning Act 2017 now means that a Neighbourhood Plan automatically becomes part of the Development Plan following a successful referendum. However, the Local Planning Authority is still required to take a decision to 'make' the Neighbourhood Plan unless making 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). The Neighbourhood Planning (General) Regulations (as amended) require the LPA to 'make' a neighbourhood plan within 8 weeks of a successful referendum.

2. Liss Neighbourhood Development Plan 2011 – 2028

- 2.1 The Liss Neighbourhood Area was designated by the SDNPA on 14 August 2014 (**Appendix I**) and follows the parish boundary. The parish of Liss lies in the valley of the Upper Rother River, mostly separated and hidden from other settlements and with major roads bypassing the village. The Parish is located approximately 3 miles north east of Petersfield in East Hampshire. The Parish spans the shallow vale that forms the Upper Rother Valley and includes parts of the ridges that form the valley sides at Wheatham Hill to the west and Hill Brow to the east. It lies wholly within the South Downs National Park.
- 2.2 A key objectives of the LNDP was to retain the character of Liss as a village, hidden within the wider landscape of the valley of the River Rother. This objective was a primary consideration in the sites allocated by the LNDP. The plan allocates 6 sites for a minimum of 152 dwellings to meet the housing requirement set by the East Hampshire Joint Core Strategy. The LNDP also includes a number of policies which contribute to maintaining the 'hidden' nature of the village, including the protection of local gaps, allocating Local Green

Spaces, and a policy to conserve and enhance important views and local landscape characteristics.

- 2.3 The LNDP was submitted for examination on 28 November 2016. Mr Robert Bryan MRTPI was appointed as Independent Examiner on behalf of the SDNPA, to undertake the Examination. The Examiner considered 19 individual written representations. Following the initial assessment of written representations the Examiner considered it appropriate to hold a Public Hearing to examine certain issues further; the Public Hearing was held on 30 June 2017. The Examiner's report concluded that, subject to a number of modifications, the LNDP could proceed to referendum.
- 2.4 The Examiner's report was very complimentary of the LNDP approach to public consultation, and congratulated the LNDP group on preparing a Neighbourhood Plan which reflected the views of local people whilst working within the constraints of planning in a protected landscape. The Examiner's modifications included a small increase in the housing allocations to ensure the plan met its housing requirement of 150, an additional 6 dwellings were included in the allocation at Andlers Ash. This was in response to a number of representors requesting a small buffer to ensure the plan met the minimum 150 housing requirement. The Examiner also considered it appropriate to allocate all identified open spaces as Local Green Spaces.
- 2.5 The Decision Statement was agreed by the SDNPA Planning Committee on 14 September 2017 and a referendum took place on Thursday 9 November 2017 with the following results:

Turn out = 30%

Votes & % in favour = 1251 (87.7%)

Votes & % against = 177 (12.3%)

3. Making of the Liss Neighbourhood Development Plan

- 3.1 The recent enactment of the Neighbourhood Planning Act 2017 now means that a Neighbourhood Plan automatically becomes part of the Development Plan following a successful referendum. However, the Local Planning Authority (LPA) has a statutory duty to 'make' a neighbourhood plan, within 8 weeks of a referendum, if more than half of those voting have voted in favour of the plan. The LPA is not subject to this duty if (and only if) the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998).
- 3.2 The Examiner concluded that the LNDP with modifications met these legislative obligations/rights. No information has subsequently arisen to suggest the making of the LNDP would be in breach with or incompatible with the legislation.
- 3.3 The Liss Neighbourhood Plan is now part of the Development Plan for the parish of Liss. The LNDP sits alongside the East Hampshire Joint Core Strategy 2014, and the Saved Policies of the East Hampshire Local Plan, second review 2006, until the time that the South Downs Local Plan is adopted. The LNDP is consistent with the Pre-Submission version of the South Downs Local Plan.

4. Planning Committee

- 4.1 The LNDP was presented to Planning Committee in May 2016 (SDNPA Pre Submission comments), February 2017 (SDNPA Submission comments) and September 2017 (Decision Statement) as the plan allocates land for a significant housing requirement set by the SDNPA.

5. Next Steps

- 5.1 The Neighbourhood Planning Regulations 2012 (as amended) require LPAs 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 forms that SDNPA Regulation 19 'Decision Statements' for this NDP.
- 5.2 Following the 'making' of the LNDP copies of the LNDP will be made available to Development Management teams at East Hampshire District Council and the South Downs

National Park Authority. The policies maps will be entered onto the relevant electronic mapping systems for both Authorities

6. Other Implications

Implication	Yes/No
Will further decisions be required by another committee/full authority?	No
Does the proposal raise any Resource implications?	<p>Yes - The SDNPA has claimed £5,000 in new burdens funding from CLG to date. SDNPA has granted Liss Parish Council £5,740 to support the cost of preparing the NDP and SDNPA have paid £13,212.25 for the cost of the NDP Examination. The cost of the referendum was £7117.59. To date the plan has cost £26,069.84 which is £21,069.84 more than the grants received. However, the SDNPA will be able to claim £20,000 shortly to cover the cost of the Examination and Referendum.</p> <p>The cost of Neighbourhood Planning to the SDNPA is normally covered by the grants received from CLG. However there are signs that these are going to start to reduce as Neighbourhood Planning increasingly becomes part of the mainstream. Currently within the National Park the cost of producing a plan ranges from around £8,100 (including the Examination and referendum) to £50,000</p> <p>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.</p>
Has due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	Yes, Liss Parish Council prepared a Consultation Statement to support the submission version of the LNDP, setting out how all sections of the local community (people who live, work or carry out business in the neighbourhood area), including hard to reach groups, have been engaged in the plan's production.
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

Implication	Yes/No
<p>Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy:</p> <ol style="list-style-type: none"> 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 	<p>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 if a number of modifications were made. 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.</p> <p>Strategic Environmental Assessment</p> <p>It was concluded that an environmental assessment of the Liss Neighbourhood Plan was required due to close proximity of the Wealden Heaths Special Protection Area (SPA) and the relatively high level of development set by the East Hampshire Joint Core Strategy. Liss Parish Council undertook a SEA / SA to accompany the LNDP. The LNDP was also subject to a Habitats Regulation Assessment to ensure there was no undue harm (either alone or in combination) caused to the Wealden Heaths SPA by the proposals set out in the LNDP</p>

7. 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 SDNPA are satisfied the NDP meets the legal requirements. Given that it has been through the correct statutory process, including Examination and Referendum, the Authority is obliged to “make” the plan unless making 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)

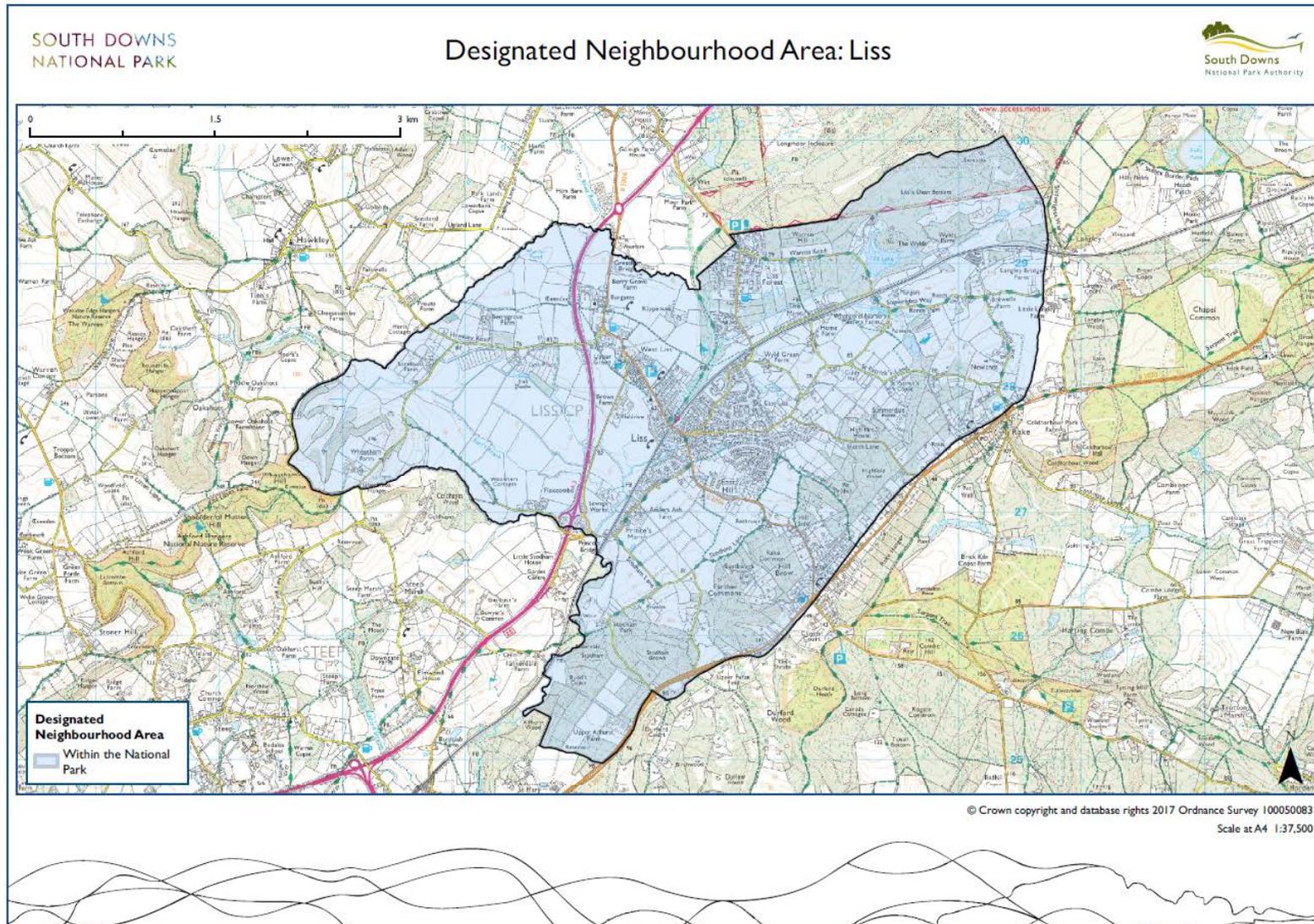
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Appendices	I. Liss Neighbourhood Area
SDNPA Consultees	Legal Services; Chief Finance Officer; Monitoring Officer
External Consultees	None
Background Documents	Liss NDP Referendum Version Liss NPD Decision Statement Liss NDP Examiners report

Liss Neighbourhood Area



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