

Neighbourhood Planning Regulations

Protocol for Joint Working on Neighbourhood Planning:

Between Lewes District Council and the South Downs National Park Authority

Background

1. Lewes District Council and the South Downs National Park Authority are keen to work together to deliver Neighbourhood Development Plans (NDPs). The following protocol sets how both authorities will work together.
2. For the purposes of planning, land within Lewes District is split between two local planning authorities; Lewes District Council (LDC) and the South Downs National Park Authority (SDNPA).
3. Local planning authorities have a statutory duty to facilitate and support those communities that undertake neighbourhood planning. This protocol establishes how the two authorities will work together in meeting this duty.
4. Whilst this protocol is primarily directed towards NDPs in the absence of any other specific agreement the principles set out here can also helpfully guide any Neighbourhood Development Orders (NDOs) and Community Right to Build Orders (CRTBOs) that may come forward and that involve both authorities.

Core Principles

5. In order to provide certainty to both authorities and to the communities they serve, LDC and SDNPA have agreed to 'split' the responsibility for supporting Neighbourhood Planning in the district.
6. The SDNPA will be the lead authority for Neighbourhood Planning in parishes wholly within the South Downs National Park. LDC will be the lead authority for Neighbourhood Planning in towns and parishes wholly outside of the National Park.
7. For parishes or towns partly in both authorities' areas, the lead authority will be the one where the main centre of population is based.
8. The split is best expressed in the following table, where all parishes are identified. LDC will lead on providing support to Neighbourhood Planning in towns and parishes listed under 'LDC Led' and the SDNPA will lead on supporting Neighbourhood Planning for towns and parishes listed under 'SDNPA Led'.

Wholly within one LPA Area	
LDC Led	SDNPA Led
Barcombe	Iford
Chailey	Kingston
Newick	Lewes
Wivelsfield	Piddinghoe
	Rodmell
	Southeast
	St Ann (Without)
Split Between both LPA Areas	
LDC Led	SDNPA Led
Hamsey	Beddingham
Newhaven	Ditchling

Wholly within one LPA Area	
LDC Led	SDNPA Led
Peacehaven	East Chilmington
Plumpton	Falmer
Ringmer	Firle
Seaford	Glynde
South Heighton	St. John (Without)
Telscombe	Streat
	Tarring Neville
	Westmeston

Table 1: Distribution of settlements within LDC and SDNPA planning authorities

9. When leading on supporting neighbourhood planning, LDC recognises and understands the role of the SDNPA as the planning authority for those parts of Neighbourhood Areas that are within the Park. The SDNPA recognises the continuing role of LDC as planning authority for those parts of the Neighbourhood Areas that lie outside the Park, and the continuing functions of other LDC departments that concern areas of the District that lie within the Park. As such, both authorities agree to work together, where appropriate, to support neighbourhood planning.
10. Under the regulations there is a requirement for the LPA to fund part of the Neighbourhood Planning process, such as the examination and referendum. LDC will be responsible for arranging and resourcing the Neighbourhood Planning referendum costs where LDC is the lead authority. Where the SDNPA is the lead authority, costs for referendums carried out by LDC will be reimbursed by the SDNPA. The lead authority will be responsible for applying to DCLG at the appropriate time to draw down new burdens funding.
11. The two authorities will share information necessary to support Neighbourhood Plans within their areas.
12. The table below gives an overview of the tasks of each LPA, depending on whether the Neighbourhood Area is entirely within the SDNP, and therefore SDNPA led, or split between both LPA areas.



Stage	Area entirely within the SDNP	Area falls within both LPA areas
Application for Designation of a Neighbourhood Area	Parish/Town Councils will submit their application to the SDNPA. The SDNPA will notify LDC of the application.	Copies of the application documents should be sent to both the SDNPA and LDC. The map accompanying the application should also highlight the part of the Neighbourhood Area that lies within the SDNP.
Publicising a Neighbourhood Area Application	In accordance with Part 2 (6) of the Neighbourhood Planning Regulations, the SDNPA will publicise any application for a neighbourhood area designation on their website. The SDNPA will invite comments on the application in accordance with the Regulations.	The lead authority will invite comments on the application in accordance with the Regulations. The SDNPA and LDC will publicise area applications for parishes that straddle the Park boundary on both their web sites.
Publicising a Designation of a Neighbourhood Area	In accordance with Part 2 (7) of the Neighbourhood Planning Regulations, the SDNPA will decide whether to accept or refuse a	Both authorities will take a decision on the part of the neighbourhood area that falls within their area.

Stage	Area entirely within the SDNP	Area falls within both LPA areas
	Neighbourhood Area designation and publish the relevant documents on its website.	Both authorities will publish the relevant documents on their websites.
Pre-submission consultation and publicity	<p>The lead authority will be responsible for providing advice and feedback, and for informing the other authority of the emerging Neighbourhood Planning proposals</p> <p>The SDNPA and LDC will encourage NDP Groups to share an early draft of their policies with the respective lead authority before public consultation, in order to check the general conformity of the NDP with national and local purposes, policies and duties.</p> <p>Each Authority will undertake internal consultation with officers and Members in accordance with their own protocols.</p> <p>The SDNPA may seek the advice of LDC on matters outside the remit of the SDNPA.</p>	
Submission of Plan Proposals	NDPs should be submitted to the lead authority who will ensure that all the appropriate documentation has been submitted.	
Publicising a plan proposal	The SDNPA will publicise details of the Neighbourhood Plan for the statutory six weeks as set out in Part 5 (16) of the Regulations, and coordinate responses.	The SDNPA and LDC will publicise details of the Neighbourhood Plan on both websites at the same time. Consultation responses will be coordinated by the lead authority.
Submission of plan proposal to examination	<p>The lead authority in agreement with the NDP Group will undertake the arrangements to appoint the examiner and provide all the requisite documents as defined under the regulations Part 5 (17).</p> <p>The SDNPA may seek the advice of LDC on matters outside the remit of the SDNPA.</p>	
Consideration of recommendations made by Examiner	<p>The lead authority may seek the other authority's views for the fact checking stage of the Examiner's draft report if this is required.</p> <p>The Examiner's final report will be issued to both the NDP Group and the lead planning authority.</p> <p>The lead authority will notify the other authority of the examiner's report.</p>	
Consideration of recommendations made by Examiner (cont'd)		<p>The Decision statement must make reference to both LPAs and the other authority must be consulted on its contents.</p> <p>Both authorities will publish a decision statement on their website.</p>
Referendum	<p>Responsibility for organising a referendum on a Neighbourhood Plan within any part of Lewes District rests with LDC as the electoral authority. The SDNPA will refund LDC for the cost of funding these referendums where it is acting as the lead planning authority.</p> <p>The officers from the lead authority will involve the electoral services from an early stage in the plan preparation process, to ensure that their views on the timing and resourcing of referendums are understood.</p>	
	The wording of the referendum question will be as follows: 'Do you want the South Downs National Park Authority to use the Neighbourhood Plan for XXX	The wording of the referendum question will be as follows: 'Do you want Lewes District Council and the South Downs National Park Authority to use the Neighbourhood Plan for

Stage	Area entirely within the SDNP	Area falls within both LPA areas
	Parish to help it decide planning applications in the Neighbourhood Area?’	XXX Parish to help it decide planning applications in the Neighbourhood Area?’
Publicising a made NDP	The SDNPA will formally make the Plan in accordance with its own protocols. Made Neighbourhood Plans will be published on the SDNPA website.	Both authorities will formally make the Plan in accordance with their own protocols. The lead authority will advise any person who asked to be notified that the Neighbourhood Development Plan has been made. Made Neighbourhood Plans will be published on both websites.

Table 2: Overview of LPA tasks at each stage

13. **Sustainability Appraisal/Strategic Environmental Assessment (SEA):** The lead authority will provide a screening opinion on the need for an SA/SEA and will liaise as appropriate with the other Authority who will provide any assistance requested to assist in the preparation of the screening opinion. Should the LPA screening opinion indicate that a SA/SEA is required, the responsibility for meeting this requirement will fall to the relevant NDP Group/Designated Body. However, the lead authority will provide guidance and support as required. If a SA/SEA is required, the scoping consultation should be sent to both authorities.
14. **Other functions:** Where the SDNPA need to approach LDC in connection with other functions that the Council provides such as: housing, economic development, environmental health and electoral services, LDC Planning Policy will be notified of the request.
15. This protocol will be kept under review and updated if considered necessary by either Authority.

<p>South Downs National Park Authority</p> <p>Authorised Signatory</p>  <p>Title: Strategic Planning Lead</p> <p>Date: 14 September 2016</p>	<p>Lewes District Council</p> <p>Authorised Signatory</p>  <p>Title: Acting Head of Strategic Policy</p> <p>Date: 5 October 2016</p>
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