

Arun District Council Local Planning Authority

Arundel Neighbourhood Development Plan 2014-2029 DECISION STATEMENT

Prepared by: Donna Moles (ADC Neighbourhood Development Plan Officer)
February 2014

1.0 INTRODUCTION

- 1.1 Under the Town and Country Planning Act 1990 (as amended), the Council has a statutory duty to assist communities in the preparation of neighbourhood development plans and orders and to take plans through a process of examination and referendum. The Localism Act 2011 (Part 6 chapter 3) sets out the Local Planning Authority's responsibilities under Neighbourhood Planning.
- 1.2 This report confirms that the modifications proposed by the examiner's report have been accepted, the draft Arundel Neighbourhood Development Plan has been altered as a result of it; and that this plan may now proceed to referendum.

2.0 BACKGROUND

- 2.1 The power to designate an area as a neighbourhood area is exercisable by two or more local planning authorities if the area falls within the areas of those authorities. The Arundel Neighbourhood Development Plan relates to the area that was designated by Arun District Council and South Downs National Park Authority as a neighbourhood area on 29th November 2012 and 14th March 2013 respectively. This area is coterminous with the Arundel Town Council boundary that lies partially within both the Arun District Council and South Downs National Park local planning authority areas.
- 2.2 Following the submission of the Arundel Neighbourhood Development Plan to the Council, the plan was publicised and representations were invited. The publicity period ended on 16th January 2014.
- 2.3 On 21st January 2014, Mr Christopher Collison was appointed by Arun District Council, also on behalf of the National Park Authority, and with the consent of the Town Council, to undertake the examination of the Arundel Neighbourhood Development Plan and to prepare a report of the independent examination.

- 2.4 The examiner’s report concludes that subject to making the minor modifications recommended by the examiner, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.
- 2.5 Having considered each of the recommendations made by the examiner’s report, and the reasons for them, the Town Council has decided to make the modifications to the draft plan referred to in section 3 below, to secure that the draft plan meets the basic conditions set out in legislation.

3.0 DECISION

- 3.1 The Neighbourhood Planning (General) Regulations 2012 requires the local planning authority to outline what action to take in response to the recommendations of an examiner made in a report under paragraph 10 of Schedule 4A to the 1990 Act (as applied by Section 38A of the 2004 Act) in relation to a neighbourhood development plan.
- 3.2 Having considered each of the recommendations made by the examiner’s report, and the reasons for them, Arun District Council and South Downs National Park Authority in consent with Arundel Town Council have decided to accept the modifications to the draft plan. Table 1 and Appendix 1 below outlines the alterations made to the draft plan under paragraph 12(6) of Schedule 4B to the 1990 Act (as applied by Section 38A of 2004 Act) in response to each of the Examiner’s recommendations and the justification for this as well as Appendix 2 below which outlines the further modifications agreed by Arun District Council and South Downs National Park Authority in consent with Arundel Town Council.

Table 1: Recommendations by the Examiner

POLICY	MODIFICATION RECOMMENDED	JUSTIFICATION
<p>Recommended modification 1</p> <p>(objectives and measures)</p>	<p>Objective 1 should be amended to read “To maintain and enhance the nationally and locally important heritage assets and special character of the town and its setting.”</p> <p>The first measure of objective 1 should be amended to read “Conflict between the conservation of a heritage asset and any aspect of a development proposal avoided or minimised.”</p> <p>The second measure of objective 3 should be amended to read “assets of community value identified.”</p>	<p>These modifications have been made mainly for clarity and accuracy purposes.</p> <p>FM 3 below shows a further modification to objective 1.</p>

	<p>The word “independent” should be deleted from objective 4, and the first measure of objective 4 should be amended to refer to continued dominance of “local retail and service provision in the town centre.”</p> <p>The first measure of objective 5 should be amended to read “Improvements to the A27 encouraged.”</p>	
<p>Recommended modification 2</p> <p>Policy 2: A spatial plan for the town</p>	<p>Policy 2 should be extended adding “Great weight will be given to conserving landscape and scenic beauty, and the conservation of wildlife and cultural heritage within the South Downs National Park.”</p> <p>The supporting text to policy 2 should include reference to the purposes and duty of National Parks; paragraphs 115 and 116 of the Framework; and signposting to the English National Parks and the Broads: UK Government Vision and Circular 2010.</p> <p>In paragraph 4.6 delete “also requires” and insert “is designed to encourage”.</p> <p>A spatial definition of the town of Arundel should be added to the Proposals Map. (This alteration to the map was disregarded)</p>	<p>In order to meet the basic conditions it is recommended modification of the Neighbourhood Plan so that it more clearly demonstrates it has regard to national policy and guidance issued by the Secretary of State in respect of the National Park context.</p> <p>With regards to the supporting text. Whilst there is a likelihood future housing, economic and community-related development will re-use vacant, under-utilised and previously developed land the policy does not include those requirements.</p> <p>It was agreed by ADC, SDNP and Arundel Town Council that the Proposals map in its current form adequately defines the Town of Arundel so no modification of this map was made.</p>
<p>Recommended modification 3</p> <p>Policy 3: Housing supply</p>	<p>The first paragraph of policy 3 should be modified to read “The Neighbourhood Plan provides for the development of a minimum of 60 homes for completion in the period from 1 April 2014 to 31 December 2029 on sites allocated and identified for future allocation in policy 4; and supported in policy 5; and on windfall sites. Projected actual dwelling completions, which may result in delivery of a higher number of dwellings, will be refined on a site by site basis as detailed design schemes are prepared.”</p> <p>In the second paragraph of policy 3 after “allocated” add “, identified for future allocation,”</p>	<p>The wording of policy 3 is in conflict with the presumption in favour of sustainable development established in the Framework. In order to meet the basic conditions it is recommend policy 3 should be modified. The basis of allocation or support is retained and proposals will remain subject to the limitations applied by national and local policy in addition to the Neighbourhood Plan policies.</p>
<p>Recommended modification 4</p> <p>Policy 4: Housing site allocations and Policy 5: Land at Fitzalan Road</p>	<p>Policy 4 should be modified to read “The Neighbourhood Plan allocates the following sites for housing development, as shown on the Proposals Map:</p> <ol style="list-style-type: none"> I. Land at River Road to be delivered in the period 2014-2019 II. The Former Castle Stables, Arundel Castle to be delivered in the period 2014-2019 <p>Land at Ford Road is identified for future allocation through plan review, following the flood risk Exception Test being passed, and subsequently to be delivered in the period 2020-2029</p> <p>These sites will together deliver a minimum of 29 dwellings comprising a mix of dwelling types. Projected actual dwelling completions, which may result in delivery of a higher number of dwellings on these sites, will be refined on a site by site basis as detailed design schemes are prepared.</p>	<p>In order to have regard to national policy as set out in the Framework, indicative capacities, instead of a cap, should be stated in respect of the River Road, Ford Road and Fitzalan Road sites.</p>

	<p>The Neighbourhood Plan will expect proposals for each site to conform to the respective affordable housing policies of the two local planning authorities, and development schemes will need to provide a connection to the sewerage system at the nearest point of adequate capacity as advised by Southern Water.</p> <p>Given the National Park and heritage asset sensitivities of the Former Castle Stables, proposals must include a historic buildings analysis to support the proposed number of dwellings; demonstration that commercial uses for the stables are no longer viable; and a sequential assessment demonstrating new build elements cannot be achieved in a more appropriate location.”</p> <p>In policy 5 delete “up to” and insert “approximately”</p>	
<p>Recommended modification 5</p> <p>Policy 6: Transport, access and car parking</p>	<p>Part iii of policy 6 relating to improvement of traffic management and part vi of policy 6 relating to development of a parking strategy should be deleted and transferred to a non-statutory appendix to the Neighbourhood Plan and clearly so titled.</p>	<p>The improvement of traffic management at these schools is however a community aspiration of significance and should be registered through inclusion in a non-statutory appendix to the Neighbourhood Plan.</p> <p>Similarly the development of a parking strategy to manage car parking spaces for residents and visitors is not a land use policy and cannot be included in the Neighbourhood Plan. Production of such a strategy is however also a community aspiration of significance and should be registered through inclusion in a non-statutory appendix to the Neighbourhood Plan.</p> <p>Provision for improvement of the A27 is excluded development for the purposes of preparation of the Neighbourhood Plan. The Neighbourhood Plan can however encourage improvements to the A27 and indeed does support proposals in this respect. It is not the delivery vehicle for the improvements.</p>
Policy 7: Victoria Institute	No modification	This policy meets the basic conditions.
Policy 8: Arundel Lido	No modification	This policy meets the basic conditions.
<p>Recommended modification 6</p> <p>Policy 9: Mill House Farm</p>	<p>Provision iv of policy 9 should refer to policy 12 (not policy 16) and the first two provisions should be amended to read:</p> <ol style="list-style-type: none"> I. The proposals retain the significance of the farm building as a non-designated heritage asset II. Satisfactory off-street parking facilities are achieved that have acceptable landscape impact within the South Downs National Park. 	<p>The first criterion is in conflict with the Framework. In order to reflect the Framework this policy should refer to any development being tested against the significance of a non-designated heritage asset.</p>
Recommended modification 7	<p>The first paragraph of policy 10 and the list of buildings (and facilities) should be deleted and transferred to a non-statutory appendix to the Neighbourhood Plan and clearly so titled.</p>	<p>The designation process which leads, in effect, to a community right to bid is concerned with control through</p>

Policy 10: Assets of community value	The final paragraph of the policy should be retained and the first reference to “the assets” should be replaced with the words “any assets designated by Arun District Council as assets of community value under the Localism Act 2011.”	ownership of assets and is not a land use policy. Only land use policies can be included in the Neighbourhood Plan. This will require modification of the policy.
Recommended modification 8 Policy 11: Local green spaces	Policy 11 should be extended to add “other than in very special circumstances, for example, it is essential to meet specific necessary utility infrastructure needs and no alternative feasible site is available.”	The Framework states that local policy for managing development within a Local Green Space should be consistent with policy for Green Belts. For the policy to ‘have regard’ to national policy it will be necessary to effect a modification.
Policy 12: Flood defences	No modification	This policy meets the basic conditions.
Recommended modification 9 Policy 13: Buildings and structures of character	Policy 13 should be modified to read: “The Neighbourhood Plan identifies the following buildings and structures as locally important heritage assets: [List of properties]. The effect of a proposal on the significance of these non-designated heritage assets will be taken into account in determining an application in order to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.”	This policy seeks to designate buildings and structures as “Buildings or Structures of Character” and resist development that will either result in loss or alteration, extension or other development in a manner that would adversely affect its appearance or setting. This policy does not reflect the approach required in the Framework. The use of the term ‘designates’ in policy 13 is misleading in the context of the Framework. It is recommended that the wording of this policy should be modified in order to have regard to national policy and meet the basic conditions.
Proposed modification 10 Policy 14: Arundel Town Centre	The paragraph “The Neighbourhood Plan will support proposals in the designated Primary and Secondary Shopping Frontage area for the temporary use of empty shop premises for start-up retail businesses or other forms of ‘pop-up’ shops” should be deleted from policy 14 and transferred to a non-statutory appendix to the Neighbourhood Plan and clearly so titled.	The final part of policy 14 supports temporary use of empty shop premises for start-up retail businesses or other forms of ‘pop-up’ shops. This aspect of the policy would not provide a clear framework for development management decision making. Temporary use is not defined and start-up and pop-up are not categories of retail operation that can be distinguished in land use terms. The policies of the Neighbourhood Plan must relate to the development and use of land. The policy does not enable the shaping and directing of development role that the Framework prescribes for neighbourhoods. The proposals are however a community aspiration of significance and should be registered through inclusion in a non-statutory appendix to the Neighbourhood Plan.
Policy 15: Business uses	No modification	This policy meets the basic conditions.

<p>Recommended modification 11</p> <p>Policy 16: Infrastructure projects</p>	<p>Add “to Arundel Town Council” after “allocated” in policy 16.</p> <p>Policy 16 and supporting text should be deleted and transferred to a non-statutory appendix to the Neighbourhood Plan and clearly so titled.</p>	<p>Public realm works in the town centre would be consistent with the Framework in respect of ensuring the vitality of town centres, and conserving and enhancing the historic environment and will contribute to the achievement of sustainable development. However the allocation of finance is not a land use policy and should not be included in the statutory development plan but the issue is one of local significance and should be included in a non-statutory appendix to the Neighbourhood Plan.</p>
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Appendix 1: Minor Corrections to the Neighbourhood Plan

The contents page of the submission plan lists item 6 Proposals Map. The Proposals map and inserts should be included in the plan document as without them the Neighbourhood Plan will not provide ‘a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.’¹

It is recommended modification of the Neighbourhood Plan in order to correct errors.² The Neighbourhood Plan includes a small number of errors that are typographical in nature or arise from updates. I recommend modification as follows:

- Paragraph 2.3 line 2 delete ‘is’ insert ‘of’
- Paragraph 2.25 line 1 after ‘are’ insert ‘of’
- Paragraph 4.15 line 3 delete ‘there’ insert ‘these’
- Paragraph 4.22 line 6 should also refer to flood zone 3
- Paragraph 4.31 line 13 after ‘with’ insert ‘the’
- Policy 6 ii line 1 after ‘maintain’ insert ‘the’
- Paragraph 4.33 line 2 delete ‘with’ insert ‘will’
- Paragraph 4.34 line 6 after ‘under’ insert ‘the’
- Paragraph 4.35 line 6 after ‘walking’ insert ‘surfaces’
- Paragraph 4.43 line 6 after ‘account’ insert ‘of’
- Paragraph 4.53 line 9 delete ‘of’ insert ‘on’
- Paragraph 4.54 line 1 delete ‘two’ insert ‘three’
- Paragraph 4.59 line 1 delete ‘deliver’ insert ‘delivery’
- Paragraph 4.60 after ‘architectural’ insert ‘interest’
- Policy 13 raise ‘Hospital, Chichester Road’ to previous line
- Policy 13 check 21 and 51-63 Ford Road (do not appear in August 2008 version)
- After paragraph 4.63 adjust heading to ‘Retail and Business policies’
- Paragraph 4.68 line 3 delete ‘6’ insert ‘16’
- Policy 15 before ‘Live- Work delete ‘of’

¹ Paragraph 17 National Planning Policy Framework 2012

² Paragraph 10 (3)(e) of Schedule 4B to the Town and Country Planning Act 1990

- Policy16 delete 'priorities' insert 'prioritises'
- Paragraph 5.5 line 5 delete 'the policy of'
- Proposals Map inset B remove the blue cross hatch shaded area on the property on Mill Road

The National Park Authority advises the SDNP Local Plan section requires the following factual updates:

- Page 15 – the Issues and Options report is now called the “Options Consultation Document”.
- Page 18 – the first draft of the Local Plan is scheduled to be published in 2015. It is likely the plan will address a fifteen year period but the end date has not yet been determined.
- Paragraph 3.4: - rather than “strategic objectives” of the National Park refer to the Partnership Management Plan 2014-2029, also to be included in Appendix A.

Recommended modification 12 (corrections):

The proposals map and inserts should be included in the Neighbourhood Plan document and identified errors that are typographical in nature or arising from updates should be corrected.

Appendix 2:

Further Modification (FM) agreed by ADC, SDNP and Arundel Town Council

Only 3 further modifications than the examiner’s recommendations were made

FM 1

“The National Park Authority has suggested the word “**gateway**” is inserted into the Vision sentence as the vast majority of the historic town is not within the National Park boundary.

Justification: The examiner mentioned this on page 12 of his report and encouraged its change but concluded he was unable to include this in his recommended modifications as it would not relate to the meeting of the basic conditions. This would more accurately reflect Arundel town’s location in contributing to the setting of the National Park and all parties involved have agreed this change.

FM 2

Part of Recommended modification 2 by the examiner - Policy 2: A spatial plan for the town to be disregarded.

A spatial definition of the town of Arundel should be added to the Proposals Map.

Justification: It was agreed by ADC, SDNP and Arundel Town Council that the Proposals map in its current form adequately defines the Town of Arundel so no modification of this map was made.

FM 3

Part of Recommended modification 1 by the examiner - objectives and measures

The first measure of objective 1 should be amended to read “Conflict between the conservation of a heritage asset and any aspect of a development proposal avoided or minimised.”

The words ‘**should be**’ to be added to the examiner’s modification as below:

The first measure of objective 1 should be amended to read “Conflict between the conservation of a heritage asset and any aspect of a development proposal ‘**should be**’ avoided or minimised.”

Justification: Grammatical error corrected to aid readability of the sentence, suggested by Arundel Town Council and agreed by ADC.

4.0 POST ADOPTION SEA

- 4.1 Arundel Neighbourhood Plan Group from an early stage decided to carry out an environmental assessment to accompany the production of their Neighbourhood Development Plan. On this basis they provided the State of the Town Report to the Arun District Local Planning Authority and the South Downs National Park Authority for consideration as to the baseline situation. Comments were provided by the authorities in respect to this, the Pre-Submission Plan and the Revised Pre-Submission Plan. Various changes resulted from these and a Strategic environmental Assessment was submitted alongside the Submission Neighbourhood Plan
- 4.2 The modifications made as a result the Examiner’s report, as outlined above in Section 3 of this document; have been considered in terms of any resultant changes to the Strategic environmental Assessment, but none of these are considered to have changed the overall appraisal. A brief summary of the process followed, main outcomes and resultant monitoring framework is available in the Post Adoption SEA document which accompanies this document.

5.0 **CONCLUSION**

- 5.1 I confirm, that the **Arundel Neighbourhood Development Plan 2014-2029**, as revised, complies with the legal requirements and basic conditions set out in the Localism Act 2011, and can therefore proceed to referendum.
- 5.2 I recommend that the Arundel Neighbourhood Development Plan 2014-2029 should proceed to a referendum based on the neighbourhood area defined by Arun District Council and South Downs National Park Authority on 29th November 2012 and 14th March 2013 respectively.
- 5.3 I am taking the above mentioned decision as I concur with the advice contained in the above report in response to the recommendations of the examiner made in a report under paragraph 10 of Schedule 4B to the 1990 Act (as applied by section 38a of the 2004 Act) in relation to the Neighbourhood Development Plan.
- 5.4 I declare that I have no personal or prejudicial interest in respect of this decision.

Signed:

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Assistant Director Planning and Economic Regeneration

Date:

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Decision published on : 25th February 2014