



## **Arun District Council Local Planning Authority**

### **Arundel Neighbourhood Development Plan Review 2018-2031 DECISION STATEMENT**

October 2019

#### **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 Review 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 29<sup>th</sup> November 2012 and 14<sup>th</sup> 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 Review to the Council, the plan was publicised and representations were invited. The publicity period ended on 28<sup>th</sup> August 2019.

- 2.3 Mr Andrew Ashcroft 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 Review 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, Arun District Council and South Downs National Park have agreed to 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 except the change in format of the Plan which the Examiner confirms is not a basic condition matter. The Town Council has expressed its preference for the Plan to retain its current format and Arun District Council whilst noting that having two 'made' plans for the same parish is not desirable, it has been agreed to keep the current format because Appendix B of the Plan lists the retained policies of the first 'made' Plan so should help assist users of the Plans in the future.  
Table 1 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 1 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><b>Policy AR2</b> Land off Ford Road</p>	<p>In criterion b replace ‘open market and affordable homes’ with ‘open market, affordable and Community Land Trust homes’</p> <p>Delete criterion c.</p> <p>In criterion d replace ‘The planning application includes’ with ‘Development proposals incorporate and safeguard’</p> <p>In criterion n. replace ‘local area’ with ‘neighbourhood area’</p>	<p>Recommend a series of modifications to the criteria included in the policy as follows:</p> <ul style="list-style-type: none"> <li>• the incorporation of the Community Land Trust issue (in criterion c) into criterion b which more widely addresses the types of development being sought;</li> <li>• the reference to a community facility being delivered on site rather than specifically being addressed in a planning application (in criterion d); and</li> <li>• changing reference in criterion n. to the ‘local area’ to the ‘neighbourhood area’.</li> </ul>
<p><b>Policy AR3</b> Land at Fitzalan Road</p>	<p>In criterion a. insert ‘an appropriate level of affordable housing which includes’ between ‘including’ and ‘those’</p> <p>Delete criterion e.</p> <p><b>Supporting text modifications</b> In paragraph 5.19 delete the sentence beginning ‘<i>Specific attention...</i>’</p> <p>At the end of paragraph 5.20 (<i>now para 5.19 in the post examination page</i>) add: ‘<i>The viability or otherwise of individual proposals which come forward within the Plan period will be a detailed matter to be determined by the District Council based on its specific design and costs.</i>’</p>	<p>The criteria will ensure that the redevelopment of the site will respect its location within the town.</p> <p>Paragraph 5.20 of the Plan refers to earlier work on the viability of the development of the site. Recommend a modification to the supporting text which draws attention to the need for the viability of any particular scheme to be considered at the planning application stage.</p>
<p><b>Policy AR4</b> The Police Station, The Causeway</p>	<p>In criterion a. insert ‘an appropriate level of affordable housing which includes’ between ‘including’ and ‘those’</p> <p>At the end of criterion c. add ‘by way of a future site-specific flood risk assessment’</p>	<p>The detailed layout of the site and its overall viability will be a matter of further discussion. In addition, the specific house types expected in the policy may well be delivered as an element of affordable housing in any event. The recommended modification addresses this matter. The matter of a future site-specific flood risk assessment is included in paragraph 5.21 of the Plan. However, for clarity recommend that this matter is directly</p>

		incorporated within criterion c.
<p><b>Policy AR5</b> Swallow Brewery – Local Heritage Asset</p>	<p>In the opening element of the second part of the policy replace ‘must have..... significance of the asset’ with ‘should take account of the former Swallow Brewery building and the opportunities for its incorporation into the wider redevelopment scheme. Proposals that would result in the loss of the building will be considered on the basis of Policy HER DM2 Locally Listed Buildings or Structures of Character in the Arun Local Plan 2011 to 2031’</p> <p>Thereafter replace ‘Specifically, proposals must seek to’ with ‘Subject to the viability of the proposal concerned development proposals for the wider site will be supported which would’</p> <p>In b. replace ‘Comprise’ with ‘Incorporate’</p> <p>In b. delete ‘most notably.....louvered openings’</p> <p><b>Supporting text modifications</b></p> <p><i>At the end of paragraph 5.23 add: ‘The policy acknowledges that viability issues may have a bearing on the ability or otherwise for the former brewery building to be incorporated within emerging redevelopment proposals. As such the policy makes a cross reference to the relevant policy in the adopted Local Plan which addresses potential circumstances of this type’.</i></p> <p><i>At the end of paragraph 5.24 add: ‘The second part of Policy AR5 identifies a series of design matters which should be considered in the event that the retention of the former brewery building is viable. Different proposals will be able to respond to the second identified matter in their own individual ways. However, they should consider the use of red/orange brick, weathered timber cladding, vertical boarded doors, timber-framed windows,</i></p>	<p>Recommend modifications to the second part of the policy. They have two key purposes. The first aligns the policy approach more closely to that in Policy HER DM2 Locally Listed Buildings or Structures of Character of the adopted Local Plan. The second refines the approach to the two detailed design considerations. I also recommend consequential modifications to the supporting text.</p> <p>Recommend detailed changes to the second design matter. In the event that the former brewery building is retained in any emerging proposals not all of the design features will necessarily be appropriate for the new elements of such developments. Nevertheless, I recommend that the deleted details are incorporated more generally within the supporting text.</p>

	<i>slate windows and louvred openings'</i>	
<b>Policy AR7</b> Arundel Town Centre	<p>In the first paragraph delete 'encouraged' (first sentence)</p> <p>In the first paragraph of the policy replace 'excess' with 'over-concentration'</p> <p>In the second paragraph insert at the beginning: 'Insofar as planning permission is required'</p>	<p>Recommend three modifications to the policy. The first deletes the unnecessary 'encouraged' in the first component of the policy. The second replaces 'excess' with 'over-concentration' in the first paragraph of the policy. This reflects that the issue is not about the number of any one type of use but their location and dominance within the defined town centre. The third clarifies that temporary or pop-up shops may not require planning permission</p>
<b>Policy AR8</b> Business Hubs	<p>In criterion iii. Insert 'result in unacceptable' between 'not' and 'harm'.</p>	<p>Recommend a modification to the criterion on residential amenity. As submitted, it simply refers to any such proposals not harming local residential amenity. However, it fails to identify the scale of any harm that might be acceptable. As drafted it would not allow proposals to be supported which caused any harm, irrespective of the wider acceptability of the proposal concerned.</p>
<b>Policy AR9</b> Green Infrastructure Network	<p>Replace the first sentence of the second paragraph of the policy with: 'Development proposals on land that lies within or adjacent to the Network should sustain and, where practicable, enhance the functionality of the Network by virtue of their layout, means of access and landscape treatment'</p> <p>In the second sentence of the second paragraph of the policy replace 'be resisted' with 'not be supported'</p> <p><b>On the Inset Maps</b> remove the Primary School Playing Field from the proposed Network and include Footpath 206.</p> <p><b>Not only footpath 206 but 207 and 3080 for completeness.</b></p>	<p>In its response to the clarification note the Town Council agreed to potential modifications that may arise as part of my consideration of two detailed representations. The first was from West Sussex County Council to remove the playing fields of the primary school from the identified Network. The second was from South Downs National Park Authority to include an additional footpath. Recommend accordingly. The second part of the policy offers little advice on the type of development proposals that would be supported other than that they should enhance the GIN through their layout, access and landscaping Recommend that the focus of the policy is shifted so that it requires that development proposals within or adjacent to the GIN should sustain and enhance the network. modification to the wording of the</p>

		second sentence of the second para
<b>Policy AR10</b> Canada Gardens Local Green Space	Replace 'will be resisted' with 'will not be supported'.	For clarity and consistency
<b>OTHER MATTERS</b>		
The format of the Plan	<p>Recommend consequential modifications to Paragraph 6.2 of the Plan itself.</p> <p>Incorporate the policies of the reviewed Plan and the retained policies of the made Plan into a consolidate Plan.</p> <p>In paragraph 6.2 replace 'and the retained and new policies of the made Plan and the Review' with 'the Neighbourhood Plan Review 2018-2031'</p> <p><b>The Town Council and District Council have not produced a consolidated Plan.</b></p>	<p>Recommend that a consolidated version of the neighbourhood plan is created that would incorporate the new and reviewed policies with the retained policies of the made Plan.</p> <p>In this context the Town Council could come to its own conclusion about the way in which it consolidated the different policy numbering sequences and the order in which the policies appeared in the Plan.</p> <p><b>The Town Council has expressed its preference for the Plan to retain its current format and Arun District Council whilst noting that having two 'made' plans for the same parish is not desirable, it has been agreed to keep the current format because Appendix B of the Plan lists the retained policies of the first 'made' Plan so should help assist users of the Plans in the future.</b></p>
	<p>Pages 23 and 24 – include page numbers (missing from the Plan)</p> <p>Paragraph 5.20 – revise and update paragraph numbers (there are two 5.20)</p> <p>Key Objectives Bullet point 2 – update to include reference to the levels of affordable housing required on sites of 11 or more residential units to take account of Policy AH SP2 of the adopted Arun Local Plan.</p> <p><b>These have been accepted</b></p>	<p>Within the context of my role as identified in Section 1 of this report I can only recommend modifications which are necessary to ensure that the Plan meets the basic conditions.</p>

## Appendix 1: Further Modifications

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

Only 1 further modification in addition to examiner's recommendations was made

#### FM 1

Para 5.13 amended:

Using ADC's 'Updated Housing Needs Evidence Report' of September 2016 and data held on homes confined to occupation by older households in Arun and Arundel, it is shown that the town has a **considerably higher** [instead of **double the**] proportion of this type (4.3% [instead of **5.1%**]) than the District (2.6%)'.

**Justification:** Data correction and text altered to be more accurate.

#### 4.0 CONCLUSION

- 4.1 I confirm, that the **Arundel Neighbourhood Development Plan Review 2018-2031**, as revised, complies with the legal requirements and basic conditions set out in the Localism Act 2011, and can therefore proceed to referendum.
- 4.2 I recommend that the Arundel Neighbourhood Development Plan Review 2018-2031 should proceed to a referendum based on the neighbourhood area defined by Arun District Council and South Downs National Park Authority on 29<sup>th</sup> November 2012 and 14<sup>th</sup> March 2013 respectively.
- 4.3 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.
- 4.4 I declare that I have no personal or prejudicial interest in respect of this decision.

**Signed:**

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**Group Head of Planning**

**Decision published on :** 10<sup>th</sup> October 2019