

Director of Planning – Delegated Authority Report

Planning Function: Neighbourhood Planning

Purpose: To adopt 'Make' the updated Arundel Neighbourhood Development Plan (uANDP)

## **1. Background**

- 1.1 The Neighbourhood Planning Act 2017 provides that a NDP 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 eight weeks of a Referendum, if more than half of those voting have voted in favour of the plan.
- 1.2 Normally a decision to 'make' a NDP is taken by SDNPA Planning Committee. However, on this occasion there will be no Planning Committee within 8 weeks of the successful Arundel Neighbourhood Plan Referendum which was held on 19th November. The next available Planning Committee will be held on January 16 2020 (over 8 weeks after a successful referendum), therefore the decision to 'Make' the updated Arundel NDP will be carried out using Delegated Authority Functions to the Director of Planning.

## **2. SDNPA Standing Orders – Delegation of function to Director of Planning**

- 2.1 The following is an extract from the SDNPA Standing Orders setting out decisions and actions which can be carried out under Delegated Authority

*The Director of Planning is hereby authorised to make all decisions required and take all actions necessary in the discharge of the functions of the Authority falling within the terms of reference of the Planning Committee, except where and to the extent that the particular matter falls within one of the following descriptions (in which case it shall be referred to the Planning Committee for determination, however, this does not prevent the Planning Committee from delegating any of these functions to the Director of Planning):*

- i) planning applications (except for householder and other minor applications) which are contrary to the approved or draft development plan or other planning policies but which are recommended for approval*
- ii) applications (except for householder and other minor applications) which are requested for referral to the Planning Committee by any Member of the Authority, in writing or email to the Director of Planning and with specified reasons*
- iii) applications (except for householder and other minor applications) which, in the opinion of the Director of Planning, have generated significant and material third party representations which are contrary to the officer recommendation*
- iv) applications from Authority Members or employees*
- v) applications submitted by or on behalf of the Authority for its own developments, except for the approval of minor developments*
- vi) applications which, at the discretion of the Director of Planning, have potential significant impact or could set an important precedent*
- vii) enforcement action which requires prosecution, the service of a "Stop Notice" or any other Notice or action which in the opinion of the Director of Planning might potentially have significant financial risks for the Authority.*
- viii) the allocation of resources received through the community infrastructure levy.*

Note – All other enforcement action taken in terms of these delegations is to be carried out only after the appropriate legal advice has been taken and subject to reports on progress being made to the Planning Committee as required by the committee

### 3. Updated Arundel Neighbourhood Plan

- 3.1 Arundel Town Council are the first Qualifying Body in the National Park to undertake a Neighbourhood Plan Review. The first Arundel Neighbourhood Plan contained 16 policies including an allocation policy which allocated a site in the SDNP. The Former Castle Stables were allocated for approximately 12 dwellings. The development of this site has not progressed. The allocation remains in the updated ANDP.
- 3.2 The review contains 10 new policies that together with the ‘saved’ policies of the made plan will deliver the key objectives identified in the updated ANDP. There are no allocations in the National Park part of Arundel proposed through update of the ANDP.
- 3.3 The uANDP has progressed through all the appropriate stages of Neighbourhood Plan preparation and SDNPA officers have provided input at each stage. As Arun District Council are the lead authority for uANDP the SDNPA have acted as a consultee to decision making in relation to the uANDP. The following table sets out the SDNPA input to the updated ANDP.
- 3.4 On this basis the updated Arundel Neighbourhood Plan accords with the overarching strategic South Downs Local Plan policies which were adopted in July 2019 by the SDNPA. The updated Arundel Neighbourhood Plan does not propose any new allocations within the National Park, and the new policies align with the strategic policies of the South Downs Local Plan.

Neighbourhood Plan Stage	Decision taken and Committee details
Designation of Neighbourhood Area (regulation 7)	Decision taken by SDNPA on 14 March 2013
Pre Submission Consultation (reg. 14)	A <a href="#">response to the Pre Submission updated Arundel Neighbourhood Plan</a> was prepared by officers on 5 February 2019
Submission of Plan proposals (reg. 15)	Arun District Council carried out a <a href="#">legal compliance</a> check on the submitted Arundel NDP in January 2019
Submission consultation (reg. 16)	A <a href="#">response to the Submission version</a> of the Arundel NDP was prepared by officers on 6 August 2019
Independent Examination (reg. 17)	An independent Examination was undertaken by MR Andrew Ashcroft from August to October 2019. The <a href="#">Examiners Report</a> was issued in October 2019
Decision Statement (reg. 18)	Arun District Council, in consultation with SDNPA agreed the Examiners proposed modifications in their <a href="#">Decision Statement</a> published on 10 <sup>th</sup> October 2019
Referendum	The Arundel NDP was subject to Community Referendum on 14 <sup>th</sup> November 2019. The results of the referendum were: <ul style="list-style-type: none"> <li>• Turnout: 984 (35.03%)</li> <li>• Yes: 790 (80.29%)</li> <li>• No: 193 (19.61)</li> <li>• Rejected: 1</li> </ul>

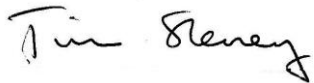
### 4. Making of the Arundel Neighbourhood Development Plan

- 4.1 The Neighbourhood Planning Act 2017 provides that a NDP 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 eight 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).

- 4.2 The Examiner concluded that the FNDP with modifications met these legislative obligations/rights. No information has subsequently arisen to suggest the making of the Arundel NDP would be in breach with or incompatible with the legislation.
- 4.3 The FNDP is now part of the Development Plan for the parish of Arundel. The FNDP sits alongside the adopted South Downs Local Plan and relevant Minerals and Waste Plans. The FNDP is consistent with the South Downs Local Plan.
- 4.4 As there is no Planning Committee scheduled in December the decision to 'make' the FNDP will be agreed by the Director of Planning using their delegated authority as set out in paragraph 2.1. This signed report will form the SDNPA Regulation 20 Statement.
- 4.5 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 be adopted 'made' by the South Downs National Park Authority.

Signed



**Name** Tim Slaney

**Role** Director of Planning

**Date** 20<sup>th</sup> December 2019