

Walberton Neighbourhood Development Plan Pre-submission

Pre-submission consultation 18th August 2015 - 29th September 2015

Arun District Council (ADC) comments

The comments are reflective of comments from all departments of ADC as the Local Planning Authority.

The comments are to be approved by the Director of Planning and Economic Regeneration or his nominated representative prior to submitting to The Parish Council before the end of the consultation period.

(approved on 25th September and emailed to Walberton on 29th September)

The Council fully supports the community's initiative to produce a Neighbourhood Development Plan. Neighbourhood planning aims to give people greater ownership of plans and policies that affect their area. The government is clear that the intention of Neighbourhood Development Plans should be to set out policies on the development and use of land in a neighbourhood area and that the local planning authority has a duty to support production of the plan.

Our duty at this stage is therefore to assist the Walberton Neighbourhood Plan Group in making sure the draft you subsequently submit to us is in a form that will allow the Examiner at a forthcoming examination, recommend that it goes ahead to referendum. The comments are reflective of comments from all departments of Arun District Council as the Planning Authority. However, these comments do not contain our comments on Strategic Environmental Assessment (SEA).

ADC pre-submission comments

We have tried to outline the areas where there may be some degree of divergence with national or local planning policy, to help you in preparing justification for these departures.

The following list is intended to be a guide on some key issues identified in the plan:

1. **P6 1.1:** Delete bullet point 2 as the Structure Plan no longer exists. The last 2 paragraphs in italics and brackets should reflect the correct set of events.
2. **P7 1.3:** Last paragraph, the text should not be in here if the documents are not produced yet.
3. **P7 1.4:** It would be advisable to mention which Directives it has been assessed against in terms of compliance (SEA and Habitats), as there are also others that may be of relevance and have no impact but the letter clearly states that it is only for the requirements of these two specifically. The basic condition statement has not been submitted yet so why is it mentioned yet again?

4. **Page 8:** the map is not legible, replace with a clearer version.
5. **Page 9 2.3:** The text is inaccurate and requires revision. The parish straddles the two authorities; however ADC is the local planning authority for Walberton.
6. **Section 2.4** needs to refer to the potential for strategic allocations within the Parish as one of the sites being considered.
7. **Section 3.4.3** needs to be updated to reflect the fact that SBP have not classified the land within the application site as 'lowland meadow'. Noteworthy that you have failed to include the comments of SBP in your evidence base. You have included some from consultees that support you so it is misleading to disregard those that are contrary. An examiner would want to be made aware of all of this to get a true reflection of the situation.
8. **Page 28 point 2** should specifically say that this objective relates to development of a scale covered by policies within the NP.
9. **Page 28 point 3** - not all the designations accords with the NPPF tests and we will not support some of these designations. See comments for Policy VE1, this may change how this point is therefore written.
10. **Page 28 point 8** – this is irrelevant if you look at your proposed allocations – only two of the sites appear to be previously developed land so this objective does not follow through in your policy.
11. For clarity and readability it is recommended to put the policy text in a box.
12. **P29 5.2** Is this a policy? No number? This policy does not include any reference to the overall strategic aims of the LP or the NPPF itself, purely the NP. It is misleading as well because the policy cannot pre determine a planning application. Approval will be determined by the planning authority. Additionally the first justification sentence is slightly incorrect, as they need to be in conformity with the above and the NP as part of the overall development plan when 'made'. Recommend that this policy/text is re-worded.
13. **Policy VE 1** (Schedule 4- p57): ADC does not recommend sites 3,4,5 and 10 to be designated as Local green spaces. Recommend these 4 sites should be removed as they do not meet the criteria of the relevant paragraphs of the NPPF for designation as Local Green Spaces.
 - 3: Avisford Park**– this would fail the criteria set out in para 77 of the NPPF as it is an extensive tract of land. This is firmly based, as a smaller area of land has previously failed on this basis. It would also be interesting to know or see any comments that Hilton may provide about this designation.
 - 4: Fontwell Meadows** - the majority of what is put here does not discuss how this meets the criteria for designation, especially the first sentence. However this fails in terms of the criteria set in paras 76 and 77 of the NPPF, as this would be considered an extensive tract of land plus its designation could impact on delivery of local planning for sustainable development.
 - 5: Tupper's Field** - this fails the criteria of para 77 as this would be considered an extensive tract of land. Again a smaller area of land has previously failed for this reason. It is also incorrectly plotted based on the text.
 - 10: National trust field** - what has been included against this site does not seem to show how the land has a local significance or is demonstrably special and so currently fails on this ground.

Has National Trust been consulted on this?

Further comments on 4 – SxBRC have removed this as being classified as a Priority Habitat, so this is absolutely not the case and this is not therefore something that makes it demonstrably special.

- effective use of land currently is not a criteria for designation.

- support is not a criteria for designation and critically all criteria must be met for designation to be appropriate

- as an application has been submitted to the authority this shows that this area would not last beyond the plan period, as required under para 76 of the NPPF for designation

- all of the points listed above and under 4 explain how the NPPF criteria have not been met and as such we are unable to agree with last statement of 9 (p59)

- points 10-12 (especially 12) – the reasons for refusal of the designation is as set out in the LPSC paper and minutes, which boiled down to meeting all the requirements, as explained above.

- 14. P30 Justification for policy VE1 Designation of local green spaces:** The last sentence of the first paragraph is not a justification for this designation. The intention and policy reasoning behind the creation of the new designation is not related to agricultural land. This is provided through other routes. The last sentence of the first paragraph of the justification of this policy should be removed.
- 15. P30 Policy VE2 Redundant horticultural uses:** This policy is not in line with positive planning and as currently written does not do as intended by the justification. This should be more in line with HOR DM1 and perhaps a criteria based approach should be taken. **Recommend that this policy/text is re-worded.**
- 16. P30 Policy VE3 protection of trees and hedgerows:** This mentions loss of habitat within the first part of the policy, although this is not continued and there is no indication as to how this is intended to be determined or assessed. **Recommend that this policy/text is slightly re-worded.**
- 17. P30 Justification for policy VE3:** The point in the first sentence is understood however it is recommended that reference to SC8 is updated so that it states this is Fontwell Upper Coastal Plain that is being referred to.
- 18. P30 Policy VE 4 Conservation areas and areas of special character:** This policy needs to be more positively written. The 2nd line onwards is not policy and needs to be deleted or moved to aspiration. The NDP does not deal with Article 4 directions, that is the remit of the LPA.
- 19. P31 Policy VE 5 Buildings and structures of character:** Schedule 5 should only consist of those designated by ADC. Delete from line 6 'The plan proposes ... to the end of the policy. The aspiration of wanting the additional buildings to be included in a revised SPD is just that at the moment so move to aspiration. Article 4 directions are the remit of the LPA.
- 20. P31-32 Policy VE 7 Surface water management:** The beginning of this policy does not currently set out a requirement or criteria. Recommend that the beginning of the policy is amended as follows:
"New development should aim to reduce the overall level of flood risk in the area by:"
bullet 2

It is not entirely known where the measurement of less than 0.7m below ground level has come from and what this is based on. The requirement for SUDS to be adopted is being removed from the Flood and Water Management Act. Additionally, the exact situation with regards the Risk Register is unknown.

It is advised that to reflect that SUDS no longer need to be adopted the following amendment is made:

~~"...Sustainable drainage systems on private property must be approved by the relevant SUDS Lead Local Flood Authority (WSCC) prior to the commencement of development and conform to the recommendations of the SUDS Manual produced by CIRIA.~~

It is also advised that clarification over the exact situation regard the Risk Register is established with WSCC, but for ease that the last sentence is removed.

3rd bullet

This suggests that FRAs will be required for all application but this will not be the case.

It is suggested this be revised as follows:

~~"The site-specific~~ **Where necessary, a site** Flood Risk Assessment must demonstrate..."

21. **Policy VE8 Drainage for new housing: Recommend this policy is deleted.** NDPs should not be used to apply the new national technical standards. These measures are controlled by the Building Regulations. In terms of consumption, this is not within an area of water stress, as informed by Portsmouth Water.
22. **Policy VE9 Street lighting: Recommend this policy is deleted.** It is not a land use policy and justification/evidence would be required if framed differently ie. More akin to planning policy writing.
23. **Page 34:** Delete the second paragraph beginning ' the current ADC sustainability appraisal ...' Not only is it negative and inaccurate but it has no bearing on your justification. It is for each plan maker to ensure that it addresses evidence/justification and if there is existing documents which do not have sufficient information then they are required to provide a qualified alternative. It is presumed that this is really focused on parish specific biodiversity information. Suggest that the existing paragraph and bullet points are removed and replaced with the following: **"There is currently insufficient information collated into one document presently to assist this policy."**
24. **Policy VE13 Renewable energy on agricultural land:** Energy production can help agricultural and horticultural businesses, both in terms of reducing their costs and diversifying their land uses. As such, this policy is overly restrictive and should be more criteria based. There is no map within Schedule 6 and no mapping has been received for any opinion to be provided as the note in Schedule 6 (p64).
25. **Policy VE14 Protection of Assets of Community Value:** Have the owners been consulted? Please note that having the policy in the plan does not mean that those assets are listed, the application process for ACVs still needs to be done separately. The text needs to reflect this so that it is not misleading.
26. **Policy HP1 Spatial Plan of the parish:** This policy needs to be written more clearly and positively. It is aiming to frame all the housing policies but does not quite achieve this.

27. **Policy HP2 Land to east of The Old Police house fontwell:** This site is on part of the Dandara site which has landscaping suggested as part of a current planning application WA/22/15/OUT.
28. **Policy HP 3 S & G motors Arundel Road Fontwell:** This policy needs to be re-worded more positively. Allocation needs to be framed more positively and evidence is needed to support this very specific requirement for the mix. It is suggested that it is seeking to restrict new development to 'not more than 28' does not comply with the NPPF's presumption in favour of sustainable development. The wording needs to change to '*a minimum of 28*'.
29. **Policy HP 4 Land at the rear of Woodacre Arundel Road Fontwell:** Why has this site outside the BUAB been allocated? Is the BUAB being altered?
30. **Policy HP 5 Land at the rear of Woodcroft west walberton lane walberton:** Why has this site outside the BUAB been allocated? Is the BUAB being altered?
31. What is the evidence for this?
32. **Policy HP 6 Land at Sunny Corner copse lane Walberton:** What is the evidence to justify this need or qualify this site to be a rural exception site? It says the site was opposed in 156 responses but this does not justify why this site is a rural exception site.
33. **Policy HP 7 Land adjacent to the red cottage the street Walberton:** Why has this single dwelling been allocated in the plan?
34. **Policy HP 8 Progress garage Yapton lane Walberton:** Why has this site outside the BUAB been allocated? Is the BUAB being altered?
35. **Policy HP 9 Housing mix:** The policy is unwieldy and confusing. It is trying to achieve too much and needs rewriting. Some of it is also text which should be in supporting text.
36. **Policy HP 10 Affordable housing and housing site allocation:** this policy needs re-wording because some of this is supporting text. Complete re-wording needed. The Council has viability evidence to seek 30% affordable housing on sites on 15 units or more, below this level a lower level of on-site affordable housing would be acceptable to about 15%. Unless you have the viability evidence to support anything different then this policy needs to be deleted or amended accordingly.
37. **Policy HP 11 Housing Density:** What is the evidence for this? Remove the references of supporting policies in the policy text and move to supporting text. The policy then needs re-writing.
38. **Policy HP12 Local connection:** This is very restrictive and onerous so robust evidence is needed if this is to be a policy. At present this is not evident. The policy is also confusing because it is trying to also get the affordable housing to have local connection. This policy conflicts with ADC policy. ADC only has a local connection criterion for rural exception sites so this would not be supported by ADC.
39. **Policy HP 13 Design Guidance:** Delete the last sentence 'Development will be expected to conform ... within the emerging local plan (policy DSP1 & D DM 1-4). The design guide does not exist at present so cannot be included in a policy. Recommend that this is a village design statement and included as part of your community actions for later on.
40. **Policy GA 1 Open Access and permissive paths:** This is not a land use policy so delete or move to aspiration.

41. **Policy GA 6 A27/A29 junction west and other strategic junctions:** This policy needs rewording to be more positive.
42. **Policy GA 7 A27 Arundel Bypass:** What is the shortest route? Again, this policy needs to be re-worded to be more positive.
43. **Schedule 3:** If this is to be included in the plan, it needs to be accurate and not a commentary on how the parish council feels about the district or other issues. It reads like submissions to an EiP rather than text within a NDP. It has not been written in the positive frame within which an NDP should be written. This whole schedule is not in-keeping with the spirit of the NPPF or Neighbourhood Planning and is not appropriate for citation in the plan. There are other processes to air grievance about the emerging Local Plan. This section in its current form needs to be deleted.
44. **Schedule 4 Page 58:** ADC has not 'challenged' any designation. This is unnecessarily confrontational and factually incorrect. We considered a request and, for good reasons, rejected it. Again, points 9 - 12 on page 59 are not text for inclusion in a NDP – they are EiP submissions. An NDP should remain a Plan and not contain such submissions that are seeking to influence a future planning process outside of the scope of a NDP. It is recommended that those are deleted.
45. **Schedule 7:** This talks of the Parish Council designating things as ACV but this can only be done by the District Council and there is a process that is set out for this, which can be found here <http://www.arun.gov.uk/assets-of-community-value>
46. **Evidence base:** Walberton Phase 1 Habitat Map - We have received and had correspondence previously about this map. This has been accepted as being inaccurate and significant concerns have been expressed over its validity, to the point where SxBRC consider it is not a credible piece of evidence. It is also worth noting that ADC has never used this as part of our evidence base. It is recommended that for the reasons explained these parts of the evidence base need to be deleted or greater explanation accompanying them is needed.
47. **Evidence base:** Nature Designations – this map looks similar to ADC Green Infrastructure map and has an ADC officer name on it but there seem to be significant differences.(e.g. a difference in the name from green infrastructure network to nature designations and the overall content of the map and key, there has clearly been a removal of the Ancient Woodland areas identified). There are copyright implications as well as ensuring that the content of this map is correct. This needs to be rectified.
48. All the policies would be more robust if the layout was improved. A simplified version for an NDP could be a Policy box containing policy title and text, below policy box reference of the specific evidence base document (not just see evidence base), a conformity list of reference to NPPF, ADC policy (for longevity of the plan both 2003 and emerging) and any other eg. the objective it links to. **This approach is strongly recommended.**
49. A neighbourhood plan must be in general conformity with the strategic policies of the development plan that is in force at the time of its examination, so for examination prior to the 2014-2029 Local Plan being adopted, the documents will be the expired 2003 local plan and the NPPF. It will not be tested against emerging local plan policies at examination, as this is not one of the legal conditions set out in the Localism Act. The Localism Act prescribes the limits of what the independent examiner must consider.

However, at a practical level, communities will want to make sure that neighbourhood plan policies are not in conflict with emerging Local Plan policies once adopted. This is because whether the neighbourhood plan reflects and accords with emerging local plan policies could affect the neighbourhood plan's power to shape development in the future. Once a neighbourhood plan comes into legal force after a successful referendum it will form part of the statutory development plan. The law requires decision makers to favour more recently adopted policies of the development plan where there is a conflict between two policies which means the shelf life of an NDP could be quite short if it does not consider the emerging local plan.

In order to prepare for the scenario of plans being ready to be examined ahead of the emerging local plan being adopted, it is imperative that you therefore take both the 2003 local plan and the most recent issue of the emerging local plan as well as the NPPF into consideration when developing your plan. This is what we have advised from the start and we continue to advocate this.

Your plan certainly looks to the emerging plan but this is done very inconsistently and could affect the longevity of plan particularly since the emerging local plan is now at examination stage.

Conclusion

The plan requires quite a bit of work in order to ensure it is in the spirit of the NPPF and indeed contain robust policies suitable for purpose.

Generally, you should be producing a NDP for the Parish as per the Regulations and the guidance set out by the government and the NPPF. At present you include large parts of the Plan as submissions against the emerging Local Plan and these should be removed as they are to be dealt with through a separate process that considers strategic development needs of the district rather than Parish scale development and issues.

It is strongly recommended that an independent pre-examination check be done as we are very concerned at the substantial amount of comments we have had to make at this stage. We feel that the plan could be enriched through a complete review. It may be prudent to get additional support via the Locality support. We are also able to offer assistance should you require us to.

We have made the suggestions in this document in the spirit of easing the draft plan's progress to the next stage, and they should not be taken as the District Council requiring or requesting changes to the document, as ultimately any decisions over the eventual contents and whether to take comments on board rest with the Walberton Neighbourhood Plan Group.

The Council fully supports the community's initiative to produce the neighbourhood Development Plan and welcome any further discussions on the comments made.

DELEGATED AUTHORITY: NEIGHBOURHOOD DEVELOPMENT PLANS

The Neighbourhood Planning (General) Regulations 2012 - Parts 5 and 6

Background:

Arun's constitution sets out how the Council operates, how decisions are made and the procedures that are followed; to ensure that decisions are efficient, transparent and accountable to local people.

A key priority of the Council is to draft and adopt the Local Plan in order to appropriately guide and manage growth across the District. Recent changes to the plan making system include the introduction of the Localism Act, which also makes provision for Neighbourhood Development Planning. To reflect the changes to the plan making system, and to clarify the roles of committees and alterations were made to the constitution in relation to Neighbourhood Development Planning functions for reasons of expediency.

Current delegated Authority as set out in the Constitution:

Under Part 4- Officer Scheme of Delegation, Section 2 paragraph 5.24

Neighbourhood Development Plans (Date of revision: January 2014)

The Director of Planning and Economic Regeneration or other Designated Officer shall be responsible for all planning matters relating to Neighbourhood Development Planning under The Neighbourhood Plans (General) Regulations 2012 - Parts 5 and 6.

Exercise of delegated authority by the Director of Planning and Economic Regeneration:

In accordance with the above, the Director of Planning and Economic Regeneration or his nominated representative hereby authorises:

Comments on Walberton Reg.14 Pre-submission

Signed:

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Director of Planning and Economic Regeneration

Date:

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