

Felpham Neighbourhood Development Plan – Pre-submission

Pre-submission consultation 15th April 2019 to 26th May 2019
Arun District Council (ADC) Reg.14 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 Group Head of Planning or his nominated representative prior to submitting to The Parish Council before the end of the consultation period.

(Approved on 20th May 2019 and emailed to Felpham PC on 21st May 2019)

The Council fully supports the community's initiative to review their Neighbourhood Development Plan (NDP). 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 (guide and assist) production of the plan.

The Council's duty at this stage is to assist the Felpham Neighbourhood Plan Group in making sure the draft that is subsequently submitted to the Council is in a form that will allow the Examiner at a forthcoming examination to recommend that it goes ahead to referendum (if required). The comments are reflective of comments from all departments of Arun District Council. These comments do not contain our comments on Strategic Environmental Assessment.

ADC pre-submission comments

The Council has tried to outline the areas where there may be some degree of divergence with national or local planning policy, in order to help you in preparing justification for any departures.

The following list is intended to be a guide on some key issues identified in the plan but please note that these comments do not necessarily include all spelling or grammatical errors:

1. The Plan period should be included on the front cover. The introduction seems to suggest that this is 2036 which is beyond the Arun District Council Local Plan which is 2011-2031. The NDP will therefore need to ensure that it covers the adopted Local Plan period to 2031 and whilst the NP can consider contingency policy and allocations beyond this period, it must ensure that it has its own robust evidence base for the period 2031-2036.
2. Change the last sentence in para 2.7, delete ' A Sustainability Appraisal (SA)' and replace with **ADC has determined that an Environmental Assessment is not required.**
3. Plan A: replace this map with the area designation map which is part of that statutory determination.

4. The paragraphs between 3.14 and 3.15 need to be numbered. Page 10- Hurstwood Estate. The description could be improved to make reference to the types of properties present, and the standard pallet of materials/features generally found on the estate (bar the new bungalow) i.e. render and clay tiled roofs/no pavements. Low front walling/grassed verge areas etc.
5. **Para 5.2** - There is a contradiction in the housing section between the content of para 5.2 and the objective – in the paragraph it mentions the allocation to find is 10 (correct) and then in the objective that the Parish has been given 20.
It is recommended that the text of the Objective is to be corrected to reflect the 10 but qualify that this is an “at least” figure and is expected to be tested to see whether more housing can be provided. If the 20 dwelling figure is the intended target which tests the indicative 10 target within the NP on the basis that 10 is an “at least” figure, then this should be clarified in the text.
6. **Para 5.7** – This paragraph is misleading and needs to be rewritten. The Plan is reviewed by the Parish Council and whilst NDPs forms part of our AMR, the Parish Council is still required to monitor the Plan.
7. **Policy H1** – The map showing the BUAB needs to be included in the Plan. The ADC policy map includes Felpham within Greater Bognor but not individually so it is important to understand this boundary delineation. It is recommended that the final criteria is amended to include the development plan so the following text : ‘*Where other policies within this Plan and the Development Plan indicate otherwise.*’
8. **Policy H2** – The NDP does not grant planning permission. It is recommended that the first line is altered to *Residential developments on infill and redevelopment sites within the parish will be supported subject to the following*
If all the criteria apply in this list then add the word ‘and’ to the penultimate criterion.
It is recommended that criteria e also include that the 30% affordable housing tenure mix is to comprise of 75% rent and 25% intermediate housing. It should also say 11 residential units or more (See ADC Policy AH SP2). ADC cannot ask for affordable housing on 10 dwelling schemes. However, the Adopted Arun Local Plan Policy H SP3 ‘Rural housing and exception sites’ provides a route for meeting local identified housing needs via an up to date Parish ‘Local Needs Assessment’ where this cannot be met on other allocations which provides that as long as the site meets specific criteria including securing affordable access in perpetuity, 1 market house for 2 affordable dwelling. Consider whether this policy is needed because it does not add any detail to ADC Policy AH SP2.
9. **Policy BT3**- What is the evidence to support this?
10. **Policy BT4** – What is the evidence to support this 20% threshold? The policy refers to 20% of the length of the retail frontage but is this to be calculated as 20% of the length in m or 20% of the number of units? It is not clear. Also Map C needs to clearly highlight the extent of retail frontage by say a line (and at a scale whereby it is easy to determine which units are within the frontage) so that it is possible to then work out whether a change of use affects the 20% threshold.
11. **Policy BT6**- The last sentence in the middle para might be stronger to **remove** ‘form’ and add ‘**massing, scale and design**’.
12. **Policy ESD1** - Design guide – what weight does this document have – Has it been adopted by the Parish/district council? Is it part of the current consultation?
13. **Policy ESD4** – The policy needs to show how it complies/takes into considerations the content of paragraph 197 of the NPPF regarding non-designated heritage assets. It is suggested that the policy is re-word because in its current form, it requires the applicant to demonstrate that they cannot be put to a beneficial use but it does not qualify this. The policy would also read better if the policy section at the end of the policy is at the start before the list.

Have all the landowners been consulted? Where they just have numbers include a description at least.

14. **Policy ESD5** - It is recommended that the policy also make reference to section 16 of the NPPF so say: "*Proposals within or affecting the setting of the Conservation Area will be considered in accordance with ADC Local Plan policy HERDM3, Section 16 of the NPPF and the Felpham Conservation Area Character Appraisal of December 2015.*"
15. **Policy ESD6** (last paragraph)- This mentions trees on neighbouring sites, but application information and more importantly conditions can only be applied to those aspects that are needed to make development of the site acceptable in planning terms. The other main issue this raises is about whether this is possible – legal access issues. The applicant is not responsible for the trees on the neighbouring site so it is recommended that this wording is revised.
16. **Policy ESD7** – Do all the criteria apply? If so then add '**and**' on the end of the penultimate criterion. Review all the criteria based policy and evaluate this same principle is it '**and**' or '**or**' need at the end of the penultimate criterion.
17. All the saved policies need to have the saved policy text and not an updated version. If it is updated then it is not a saved policy. Instead of just saying '~~SAVED~~', it is recommended to add '*Saved Policy xxx from the previous Felpham made NDP.*' It will be necessary to have a schedule of the saved policies.
18. **Policy ESD8: Burial Space** – Saved Policy ESD13 from the previous Felpham made NDP. The exact text should be:
Support will be given to the use of land in the parish, to increase burial space, subject to the location being appropriate and having regard to its location and the affect of the proposed development on the appearance and amenities of the locality.
19. **Policy GA1**- This policy is welcome but it would be helpful if the plan includes a list of any specific transportation schemes covered by Policy GA1. This would allow the council to identify where there may be crossover between S106 and CIL spending. This point applies to any other infrastructure project, intended to be funded by CIL, that the emerging Felpham NDP is identifying.
Please note what the CIL Guidance says regarding spending the neighbourhood portion of CIL receipts on items of infrastructure which may also be funded by S106:
Do the planning obligations restrictions apply to neighbourhood funds?
Regulation 123(2), as amended by the 2014 Regulations, prevents section 106 planning obligations being used in relation to those things that are intended to be funded through the levy by the charging authority. While parish, town and community councils are not required to spend their neighbourhood funding in accordance with the charging authority's priorities, we expect parish, town and community councils to work closely with the charging authority to agree priorities for spending the neighbourhood funding element.
Parish, town and community councils should consider publishing their priorities for spending the neighbourhood funding element, highlighting those that align with the charging authority. Where a neighbourhood plan has been made, it should be used to identify these priorities.
Arun District Council has recently consulted on its CIL Draft Charging Schedule. The council is intending to have an adopted CIL charging schedule by early 2020. The CIL Charging Schedule will include a Regulation 123 list which provides a list of infrastructure projects that will be funded by CIL. Currently, in relation to transport projects, the list states that CIL will be spent on 'public transport service improvements' and the Arundel Chord (a railway scheme). It is always possible to update this list.
20. **Policy CLW1: Support Independent living** – Saved Policy CLW1 from the previous Felpham made NDP. The exact text should be:
New, converted and extended independent living and care homes will be supported provided that the design and scale of development is in keeping with the character of the location and that the impact on the residential amenity of surrounding residential properties is acceptable.

21. **Policy CLW2: Leisure Facilities** - Saved Policy CLW2 from the previous Felpham made NDP. The exact text should be:
Existing recreational space, including school playing fields and land used for outdoor sport and recreation should not be built on, except for buildings which would enhance sporting or recreational activities on the land. Proposals for the development of such buildings will be supported provided that their scale and design would be in keeping with the character of the location and that the impact on the amenity of surrounding properties would be acceptable.
22. **Policy CLW3: Allotment provision** - Saved Policy CLW3 from the previous Felpham made NDP. The exact text should be:
Proposals which would result in harm to, or loss of, allotments will not be permitted unless replacement provision would be made, of at least similar quality, convenience and accessibility for the existing plot holders.
23. **Policy CLW4** – Have these additional health care facilities been identified?
24. **Policy CLW5: Assets of Community Value**- Saved Policy CLW5 from the previous Felpham made NDP. The exact text should be:
Proposals that will enhance the viability and/or community value of the properties registered as Assets of Community Value will be supported. Otherwise, proposals that result in either the loss of the asset or in significant harm to the community value of an asset will not be permitted, unless it can be clearly demonstrated that the operation of the asset, or the ongoing delivery of the community value of the asset, is no longer economically viable, typically because the site has been marketed at a reasonable price for employment or service trade uses for six months at least and that no sale or let has been achieved. (See Appendix A for list of assets)
- Appendix A - Assets of Community Value**
 Felpham Post Office and Stores
 Felpham Sailing Club
 The Boathouse Cafe
 Felpham Memorial Village Hall
 The Scout Hall
 The George Inn
 The Fox PH
 The Thatched House
 The Old Barn
 The Southdowns PH
25. **Policy CLW6** - This refers to the LPA having designated these, this is not correct; it is through the making of the NDP that these are designated. This should be supporting text and the actual saved policy wording shown as the policy.
26. **Policy CLW6: Local Green Spaces** - Saved Policy CLW6 from the previous Felpham made NDP. The exact text should be:
The Parish Council has designated the areas shown in Map D in the appendices as Local Green Space. Proposals for development of land designated as Local Green Space will not be permitted except in very special circumstances.
27. **Policy CLW7** – This refers to the LPA having designated these, this is not correct; it is through the making of the NDP that these are designated. This should be supporting text and the actual saved policy wording shown as the policy.
28. **Policy CLW7: Local Open Spaces** - Saved Policy CLW67 from the previous Felpham made NDP. The exact text should be:
The Parish Council has designated the areas shown on Map E of the appendices as Local Open Space. Proposals for development of land designated as Local Open Space will not be permitted unless such development would promote or enhance the use of the land as Local Open Space.
29. **Map D** – Local Green Spaces – this is a saved policy, the mapped areas need to be identical to the mapped spaces on Map D from the previous Felpham made NDP the areas mapped do not appear to be identical to the map in the original document. Can you please provide officers with a map with corresponding numbers of the areas to the

list identified on the green areas so that this can be clarified or just use the same map. It is a saved policy.

30. **Map E** – Local Open Spaces - This is a saved policy, the mapped areas need to be identical to the mapped spaces on Map E from the previous Felpham made NDP. The areas mapped do not appear to be identical to the map in the original document. Can you please provide officers with a map with corresponding numbers of the areas to the list identified on the green areas so that this can be clarified or just use the same map. It is a saved policy.

Arun District Council supports the plan and the fundamentals of the policies drafted but our comments highlight potential issues and potential conformity issues which we deem may require necessary action. It does not purport to decide on whether the plan meets the basic conditions, that is for the independent examiner to decide in the first instance.

Conclusion

The Council has made the suggestions in this document in the spirit of facilitating the draft plan's progress to adoption, 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 Felpham Neighbourhood Plan Group. The Council fully supports the community's initiative to review 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 implement the recently adopted 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, 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 3 paragraph 3.1.1

Exercise of delegated authority by the Group Head of Planning:

In accordance with the above, the Group Head of Planning or his nominated representative hereby authorises:

Comments on Felpham Neighbourhood Development Plan Review 2019- 2036 Pre-submission Plan

Signed:



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Group Head of Planning

Date: 21/05/2019