

Parish Clerk Liaison Meeting

15th June 2018

10:30am – 12.00pm

Purpose of the meeting:

- To ensure continued liaison with Parish and Town Councils regarding the emerging Arun Local Plan progress.
- To further consider the relationship between the emerging ALP and 'made' Neighbourhood Development Plans (NDPs), and to share the process of the Non- Strategic Sites Development Plan Document (NSS DPD) work alongside the Neighbourhood Plan review process.
- To discuss the draft National Planning Policy Framework, which is signalling that in relation to Neighbourhood Planning, local authorities should provide a housing requirement figure for designated Neighbourhood areas.

Below is the agenda for reference followed by a summary of the discussions and questions that arose from the meeting. The Power Point presentation will be made available online along with these notes at <https://www.arun.gov.uk/parish-briefings>

Agenda

1. Introductions/Apologies
2. Local Plan Update – Adoption
3. Plan Making Work Program – Local Development Scheme
4. Evidence Base
5. Non- strategic Sites DPD
6. NPPF Consultation signal
7. Questions and Answers
8. Actions

1. **Introductions/Apologies**

Apologies received from Littlehampton, Aldingbourne and Pagham.

2. **Local Plan Update – Adoption**

- Arun Local Plan Main Modifications Consultation spring 2018
- Anticipate Inspector’s Final Report in July
- Adopt Full Council 18th July (or special meeting)
- 6 week Legal Challenge period – 29th August
- If found ‘sound’ – will be with Inspector’s Main Modifications

3. **Plan Making Work Program – Local Development Scheme (LDS)**

- LDS = Plan Making Programme - next 3 years
- Set out what DPD’s Arun will prepare and timescales
- NSS DPD
- Gypsy & Travellers DPD (twin tracking- commissioning some evidence at the same time will have potential resource and cost savings)
- Community Infrastructure Levy
- Open Space and Design SPDs are no longer listed
- Key decision – adopt at Full Council 18th July 2018

Timetable

- Regulation 18 consultation : Spring 2019
- Pre-Submission Publication – Regulation 19 : Autumn 2019
- Submission : Spring 2019/2020
- Examination : Summer 2020
- Inspector’s Report Received : Autumn 2020
- Adoption : Winter 2020

4. **Evidence Base**

- HELAA– annual update
- Call for sites May – closes end of June
- Existing Evidence Base ALP – 2011-2031
- Supported by top ups and bespoke evidence
- Sustainability Appraisal

5. **Non- strategic Sites DPD (NSS DPD)**

- **Context:** Spatial Strategy set out in emerging policy SD SP1a “Strategic approach”
- **Potential figures:** The Housing Requirement (broken down in table 12.1- NSS DPD at least 1250) and ALP paras 12.1.8 and 12.1.6 outlines the framework for the NSS DPD to accommodate sites of less than 300 dwellings.

- **Draft methodology:** Sustainability Appraisal – reasonable alternatives and DPD – Plan making - Soundness tests, evidence based and objectively assessed needs. Para 182 National Planning Policy framework sets out the principles.
- A housing figure “at least” 1,250 – Table 12.1 in the ALP 2011-2031
- Parish Council input – consult on the methodology – 6th July 2 weeks
- How to apportion figures (brief summary what we said previously)
- Needs based review – methodology sequential and Sustainability Appraisal - commissioned
- Workshop in Sept for figures to PCs and NPs
- Overall plan making timetable (2 yrs from adoption)

6. NPPF Consultation signal

- Appropriate housing figures for PC’s NPs
- 5 yr Housing Land Supply – ALP Adoption protect for 1 yr based on target not Standard Methodology
- Deliverable sites – outline pp or allocated
- Significant weight to re-use of brownfield land within settlements - conversions
- Minimum densities – accessible to public transport
- Entry level homes – exception sites

7. Q/A

Notes have been made, where possible, of the range of questions asked (not verbatim) at the meeting and the answers given below

- Q.** Where has the definition for 300 dwellings to be classed as a strategic allocation been decided?
- A.** Para. 12.1.6 of the Local Plan list the housing supply components of which one is *Strategic Allocations – sites of more than 300 dwellings allocated for development through the Local Plan.*
- Q.** Will the previous/existing parish allocations be looked at along with the proposed potential ones?
- A.** The Sustainability Appraisal (SA) will assess all aspects of the locations including all constraints, infrastructure delivery to support the scale of growth, the strategy and placemaking for the area as part of the appraisal. The assessment looks at the social, economic and environmental impacts to ensure the area is sustainable for the future.
- Q.** Apart from the SA, what other evidence base documents are being updated?
- A.** The Landscape Assessment and the Gypsy and Traveller Accommodation Assessment are currently being updated. We will undergo further updates on other studies as and when as we progress the various Supplementary Planning Documents (SPDs) and Development Plan Documents (DPDs). These will all undergo the necessary consultation/engagement processes.

Q. Will ADC still be vulnerable to planning by appeal at adoption?

A. ADC's position will be strengthened by the Local Plan adoption but at that point in time and not forever. We will still need to maintain a 5 year land supply.

Q. Is there a simplified review process for 'made' NDPs?

A. *How are minor neighbourhood plan or Order updates made?*

Minor (non-material) updates to a neighbourhood plan or Order would not materially affect the policies in the plan or permission granted by the Order. A local planning authority may make such updates at any time, only with the consent of the qualifying body. Consultation, examination and referendum are not required.

How are more substantive neighbourhood plan updates made?

If a qualifying body wish to make updates (modifications) that do materially affect the policies in the plan, they must follow the process set out in guidance, with the following additional requirements:

- *the qualifying body must (at the pre-submission publicity and consultation stage and when the modified plan is submitted to the local planning authority) state whether they believe that the modifications are so significant or substantial as to change the nature of the plan and give reasons*
- *the local planning authority must (when sending the modified plan to the independent examiner) state whether they believe that the modifications are so significant or substantial as to change the nature of the plan and give reasons. The local planning authority must also submit a copy of the original plan to the independent examiner*
- *the qualifying body must decide whether to proceed with the examination after the examiner has decided whether the modifications proposed change the nature of the plan*

(Planning Practice Guidance Paragraph: 085 Reference ID: 41-085-20180222)

Q. The 2 week consultation on the methodology is too short. Can this be lengthened?

A. This deadline has been put in place so that we can progress the work without delay. It was suggested that PCs circulate to members and provide an interim response to ADC with the caveat TBC by subsequent Parish Council meeting.

Q. Para.1.12 of the LP subcommittee report 11th June 2018 says 'will work with them'. Does this mean 1:1?

A. It is envisage that the preference will be for 1:1 but where parishes want to cluster then ADC are happy for this also.

Q. What is the status of the NDPs post LP adoption?

A. Essentially the housing policies of the 'made' NDPs will be out of date.

The Planning Practice Guidance Paragraph: 084 makes it clear

A neighbourhood plan must set out the period for which it is to have effect ([section 38B\(1\)\(a\) of the Planning and Compulsory Purchase Act 2004](#)). Neighbourhood plan policies remain in force until the plan policy is replaced.

There is no requirement to review or update a neighbourhood plan. However, policies in a neighbourhood plan may become out of date, for example if they conflict with policies in a Local Plan that is adopted after the making of the neighbourhood plan. In such cases, the more recent plan policy takes precedence. In addition, where a policy has been in force for a period of time, other material considerations may be given greater weight in planning decisions as the evidence base for the plan policy becomes less robust. To reduce the likelihood of a neighbourhood plan becoming out of date once a new Local Plan is adopted, communities preparing a plan should take account of latest and up-to-date evidence of housing need, as set out in [guidance](#).

Communities in areas where policies in a neighbourhood plan that is in force have become out of date may decide to update their plan, or part of it. The neighbourhood area will already be designated, but the community may wish to consider whether the designated area is still the most suitable area to plan for.

Q. What is the timescale for reviewing an NDP?

A. This is addressed in para 084 of the Planning Practice Guidance. *A neighbourhood plan must set out the period for which it is to have effect ([section 38B\(1\)\(a\) of the Planning and Compulsory Purchase Act 2004](#)). Neighbourhood plan policies remain in force until the plan policy is replaced.*

Q. What is the baseline date to be used for the figure for the new parish allocation?

A. This will be addressed in the methodology for the NSS DPD. Whilst in principle we have no objection to using the date of Karl's letter asking NDPs to review their Plan as a start date, we are unable to confirm this until we are certain of the Local Plan adoption and the methodology.

Q. The methodology was previously agreed before. Is this a new methodology?

A. The methodology sent previously was a starting point for discussion and taking this forward, we need to refine it and ensure it is robust to withstand examination. The objective housing need of each area along with their constraints, spatial strategy and placemaking needs to be assessed before any allocations can be made.

Q. What are the advantages of doing an NDP?

A. This is outlined in para 001 of the Planning Practice Guidance. *Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided, and grant planning permission for the new buildings they want to see go ahead. Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.*

Para. 003 also addresses this.

Neighbourhood planning enables communities to play a much stronger role in shaping the areas in which they live and work and in supporting new development proposals. This is because

unlike the parish, village or town plans that communities may have prepared, a neighbourhood plan forms part of the development plan and sits alongside the [Local Plan](#) prepared by the local planning authority. Decisions on planning applications will be made using both the Local Plan and the neighbourhood plan, and any other material considerations.

Neighbourhood planning provides the opportunity for communities to set out a positive vision for how they want their community to develop over the next 10, 15, 20 years in ways that meet identified local need and make sense for local people. They can put in place planning policies that will help deliver that vision or grant planning permission for the development they want to see.

To help deliver their vision communities that take a proactive approach by drawing up a neighbourhood plan or Order and secure the consent of local people in a referendum, will benefit from 25% of the revenues from the Community Infrastructure Levy arising from the development that takes place in their area.

Communities without a parish or town council will still benefit from this incentive. If there is no parish or town council the charging authority will retain the Levy receipts but should engage with the communities where development has taken place and agree with them how best to spend the neighbourhood funding. Charging authorities should set out clearly and transparently their approach to engaging with neighbourhoods using their regular communication tools eg website, newsletters, etc. The use of neighbourhood funds should therefore match priorities expressed by local communities, including priorities set out formally in neighbourhood plans.

For further information on what an NDP can address please read <https://www.gov.uk/guidance/neighbourhood-planning>

Q. Why are NDPs not allowed to address strategic allocations? Is this something which ADC has decided?

A. This is not a required by ADC. It is a statutory requirement that NDPs need to be in general conformity with the strategic policies contained in the development plan. Paras 074 through to 077 of the Planning Practice Guidance addresses this topic Paragraph 16 of the [National Planning Policy Framework](#) is clear that those producing neighbourhood plans or Orders should support the strategic development needs set out in Local Plans, including policies for housing and economic development. Qualifying bodies should plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan. More specifically [paragraph 184](#) of the National Planning Policy Framework states that neighbourhood plans and Orders should not promote less development than set out in the Local Plan or undermine its strategic policies.

Q. The timescale for a 2 week consultation on the NSS methodology, does not work with parish councils committee timescale. This cannot be rushed through.

A. We recognise that this is problematic for some PCs and so it has been suggested that PCs should circulate to their members and provide an interim response to ADC which can be further confirmed later on. The Inspector for the ALP is keen for this work to progress as soon as the plan is adopted and this would help safeguard our 5 year land supply so we are keen to get it moving.

Q. When will CIL be introduced?

A. We are currently awaiting the Local Plan report but in the meantime we are working on the viability of CIL. The LDS shows an anticipated timescale for this work.

Q. When looking at the NSS will all housing figures be taken into account?

A. Yes all the housing along with constraints for that area will be taken into consideration.

8. Actions

- Arun will consult the Parish Councils on a draft Methodology for the NSS DPD from 6th July for 2 weeks.
- Concern that PC meetings run to end of July: Action - PCs to circulate to members and then provide an interim response TBC.
- What is the start date (and plan period) for any housing target for a new or reviewed NP? - Action: address this in the draft methodology (in principle the date of Karl's letter could be used).
- Concern at delay since last figures/meeting - Action: ADC will ensure we provide the draft methodology for consultation - offer to attend any PC meetings and - also plan workshops in September.
- Concern that Parishes affected by Strategic Allocations will face additional pressures if accommodating some of the 1,250 - Action Methodology to explain sequential approach to sustainable development.
- Concern that on ALP adoption NDPs are out of date - Action methodology to explain NDPs are not out of date but the housing polices may be at risk and need reviewing.
- What are the advantages of a NP - Action: explain the benefits but that plans do need reviewing from time to time as polices and circumstances change (in general every 5 years) but some polices last longer and are more robust e.g. design etc.