

Arun District Council Local Planning Authority

Ferring Neighbourhood Development Plan 2014-2029 DECISION STATEMENT

Prepared by: Donna Moles (ADC Neighbourhood Development Plan Officer)
October 2014

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 Ferring Neighbourhood Development Plan has been altered as a result of it; and that this plan may now proceed to referendum.

2.0 BACKGROUND

- 2.1 The Ferring Neighbourhood Development Plan relates to the area that was designated by Arun District Council as a neighbourhood area on 29th November 2012 and South Downs National Park Authority. This area is coterminous with the Ferring Parish Council boundary that lies within the Arun District Council Local Planning Authority Area.
- 2.2 Following the submission of the Ferring Neighbourhood Development Plan to the Council, the plan was publicised and representations were invited. The publicity period ended on 25th June 2014.
- 2.3 Ms Clare Wright was appointed by Arun District Council with the consent of the Parish Council, to undertake the examination of the Ferring Neighbourhood Development Plan 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 Parish Council has decided to make 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 in consent with Ferring Parish Council has decided to accept the modifications to the draft plan. Table 1 below 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 outlining any further modifications agreed by Arun District Council in consent with Ferring Parish Council and accepted by South Downs National Park Authority.

3.3 A separate full report is made with regards to the CRTBOs.

Table 1: Recommendations by the Examiner and further modifications agreed by Arun District Council in consent with Ferring Parish Council

POLICY	MODIFICATION RECOMMENDED	JUSTIFICATION
Page 4, Foreword	<p>Reword penultimate paragraph to remove reference to conservation area which wrongly implies extending a conservation area is within the remit of a NDP.</p> <p>Rewording might be along the lines of “Although the plan is of necessity defensive there are also many very positive aspects to it. We propose to extend further protection to the village through a modest extension to the conservation area, creating areas and buildings of special character and ensuring our treasured green spaces are protected.”</p>	<p>I would also recommend raising the tone of this paragraph if at all possible. NDPs and CRTBOs raise an exciting opportunity for communities. The whole tone could be more positive and state controls over design on the CRTBO sites and the other positive policies within the NDP.</p>
Page 5. List of Policies and Proposals	<p>Recommendation</p> <p>The FPNP would be more legible if the order of policies would be altered as follows. However this may require editing across other documents which may not be desirable in the timescales.</p> <ol style="list-style-type: none"> 1A. A spatial Plan for the Parish 1B. Delivery of Community Benefits 2. Ferring Community Centre, Greystoke Road 3. Allotments 4. Redevelopment of land rear of Henty Arms, Ferring Lane for housing 5. Redevelopment of Ferring Village Hall with housing and transfer of community uses to the proposed new Community Centre (Policy 3). 6. Land at Ferringham Lane 7. Land North of Littlehampton Road, encouragement of existing rural businesses 8. Village Centres 9. Local green spaces 10. Sustainable water management 	<p>The FPNP would be more legible if the order of policies would be altered as follows. However this may require editing across other documents which may not be desirable in the timescales.</p>
Page 13	<p>Relocate text and Map 2003 Arun Local Plan to Appendix A.</p> <p>The content of this part is useful in setting the context of the NDP, however the provision of a map at this point is confusing to the reader.</p> <p>The opportunity may also be taken to include the other Arun Map extracts showing constraints that were included in the 2012 version of the NDP.</p> <p>Appendix B will comprise Schedule of Evidence.</p>	<p>These modifications have been made mainly for clarity and consistency purposes.</p>
	<p>Recommendation</p> <p>English Heritage (Appendix B1) has suggested additional policies should be added which they consider especially important in the setting and context of the FPNP in the list accompanying in para 2.27</p> <ul style="list-style-type: none"> DM 29 listed buildings DM 30 Buildings or structures of character DM 31 Conservation Areas DM 32 Areas of Special Character DM 33 Sites of Archaeological interest 	<p>This is a recommendation.</p>
Para 1.6	<p>Reword last sentence to read ‘The statutory bodies have been consulted on the scope of assessment and on a second draft report published alongside the Revised Pre submission FPNP in February 2014’</p>	<p>These modifications have been made mainly for clarity and consistency.</p>

Para. 4.2	Replace 'their' with 'any'.	These modifications have been made mainly for clarity and consistency.
Chapter 4	Insert Proposals Map within the document after Chapter 4. Land Use Policies. Contents page to read: 5. Proposals Map	These modifications have been made mainly for clarity and consistency.
para. 3.3	Insert additional objective and measure: 1. A sustainable plan for the parish and delivery of community benefits Appropriate well designed development in accordance with policies in this Plan and the Arun District Plan and South Downs Plan Financial contributions from new development permitted in this Plan and Arun Plan towards new community centre and allotments 2. Securing the long term future of community facilities that help make the village special A new multipurpose Community Centre Vibrant shopping centres Open spaces and links between within the village for informal recreation and allotments 3. To plan and deliver a range of well designed housing mix and types in locations with good access to services and facilities by foot and bus as well as car whose development contributes to the sustainability of the Parish. 4. To offer greater protection etc (no change) 5. To plan for climate change etc Add bullet point 6. Sustainable, well designed development and reduction in resource use	This is a recommendation.
Section 4	Land Use Policies Introduction, para 4.2 insert end of first para 'on issues not covered within this NDP'	This is a recommendation.
New para. 4.4.	To highlight the strength of the FPNP's vision, the first Policy is to ensure delivery, firstly of the new Community Centre and relocated allotments and any other community facilities and then delivery of the spatial plan for the Parish.	It also introduces greater flexibility in being able to deliver the community infrastructure through a traditional planning application, in the unlikely event one is submitted rather than implementing the permission granted by CRTBO.
Policy 1B	Insert a new FPNP Policy. Policy 1B: Delivery of Community Benefits (i) Delivery of the new Community Centre, allotments and other community benefits via Community Right to Build Order Development monies arising via the Community Right to Build Orders No.s 1 and 2 will be used to make appropriate financial contributions towards a new Community Centre and allotments. Any future Community Right to Build Orders will include appropriate financial contributions towards community benefits specified within their Orders. (Conformity reference: Arun 2003 GEN 8, Arun emerging Plan SP26 and NPPF paras 173 and 70.) (ii) Delivery of the new Community Centre, allotments and	New Policy 1B ensures monies from development of the two sites are directed towards delivering the new allotments and community centre, unless where already provided. It also introduces greater flexibility in being able to deliver the community infrastructure through a traditional planning application, in the unlikely event one is submitted rather than implementing the permission granted by CRTBO.

	<p>other community benefits via planning application Where the development arises via a planning application on land to the rear of Henty Arms and the Village Hall all new residential development will be expected to make financial contribution towards providing appropriate new community infrastructure on site or off-site in order to contribute to measures for improving facilities for community benefit for relocated allotments and a new Community Centre. (Conformity reference: Arun 2003 GEN 8, Arun emerging Plan SP26 and NPPF paras 173 and 70.)</p> <p>4.8 This Policy ensures financial contribution from housing development on the two sites of Land to the rear of Henty arms and the Village Hall encouraged in this Plan for the purpose of delivering the Community Centre and Allotments. It recognises and accommodates the two main mechanisms of transferring monies to community infrastructure, via traditional planning application and via Community Right to Build Order. It also raises the possibility of further CRTBOs and their contribution to community infrastructure.</p> <p>4.9 Policies are specifically linked within this Plan to ensure these developments are achievable so that the community's ambitions are realised.</p>	
	<p>Recommendation The community consider highlighting any surplus monies over and above the required development in Policy 1B for transferring to Arun District Council for affordable housing requirements.</p>	
Policy 1	<p>Re-number Policy 1: A Spatial Plan for the Parish, to Policy 1A All else remains the same</p>	
Policy 2	<p>Rename and reword Policy 2: Land rear of Henty Arms, Ferring Lane. Remove requirement for occupation tied to completion of the new Community Centre previously included in Clause II of original Policy 2. FPNP Policy 2 shall read as:</p> <p>Policy 2: Redevelopment of land rear of Henty Arms, Ferring Lane with housing Housing shall be developed on land to the rear of Henty Arms for up to 14 homes comprising 1 and 2 bedroomed open market homes to be delivered in the period of the Plan, provided:</p> <p>i. replacement Allotments are provided and are available for occupation prior to the commencement of the housing development (Policy 4 refers) ii. homes shall be designed to Code for Sustainable Homes Level 4 (or equivalent) iii. where the housing development arises via the Community Right to Build Order No. 1 for this site, the monies raised from the sale of the land and/ or development within its control, shall be used to make appropriate financial contributions towards providing for allotments and a new Community Centre. iv. where development does not arise via the Community Right to Build Order No. 1 for this site the development shall</p>	<p>I propose to remove the reference to the internal size of the building in the policy to allow decisions as to the size of the building to be decided at the time of the design of the building.</p>

	<p>be subject to make appropriate financial contributions towards providing for allotments and a new Community Centre.</p> <p>Insert new line: Financial contributions for replacement facilities will be required with any planning permissions granted unless via the CRTBO 1. This is to ensure that necessary contributions are made towards securing replacing these facilities elsewhere in the event of any planning application not made via the community. FPNP Policy 1B refers.</p> <p>Remaining paras. follow on. Insert new line: Consideration shall be given for designing the accommodation for older people wishing to downsize. The community engagement for this Plan highlighted this need.</p> <p>Para 4.12 delete last sentence 'It also requires the the Centre is open for occupation prior to completion of the housing scheme to ensure the Centre is delivered'</p> <p>Insert end of para 4.12 'Consideration of the Community Centre is relevant to consideration of development of this site. Allotments do not constitute 'previously developed land' and therefore not normally considered as suitable for building development. It is only the special circumstances of the community requirements for this site being part of an overall package of reordering existing community facilities in the Parish and associated funding which is triggering release of the allotments for development. The Strategic Environmental Assessment for the NDP recognises the need for this interconnected development in that the 'locational decisions have been driven by achieving a significant community benefit outcome, the like of which may simply have not been possible without a combination of the Neighbourhood Plan and Orders.' As such this policy ensures an 'integrated approach to considering the location of housing, economic uses and community facilities and services.' (NPPF 70)</p>	
Policy 3	<p>Rename and revised wording for Policy 3: Ferring Village Hall, Ferring Street.</p> <p>FPNP Policy 3: Redevelopment of Ferring Village Hall with housing and transferring community uses to the proposed new Community Centre (Policy 3).</p> <p>Redevelopment of the existing village hall site for housing is supported for up to 10 units comprising 1 and 2 bedroomed open market homes to be delivered in the plan period, provided:</p> <ul style="list-style-type: none"> i. redevelopment shall not take place until replacement facilities for the existing users of the Village Hall have been provided either within the new Community Centre (see Policy 3), or at another appropriate location ii. homes shall be built to Code for Sustainable Homes Level 4 (or equivalent) iii. the scheme protects and enhances the significance of the Landfalls/ Vine Cottage Heritage Asset. iii. where the development arises via the Community Right to Build Order No. 2 for this site, the monies raised from the sale of the land and/ or development within its control, shall be used to make appropriate financial contributions towards providing for a new community centre (and allotments where not already provided). 	

	<p>iv. where development does not arise via the Community Right to Build Order No. 2 for this site the development shall be subject to make appropriate financial contributions towards a new Community Centre (and allotments where not already provided).</p> <p>Insert new line: Financial contributions for replacement facilities will be required with any planning permissions granted unless via the CRTBO 2. This is to ensure that necessary contributions are made towards securing replacing these facilities elsewhere in the event of any planning application not made via the Community. FPNP Policy 1B refers.</p> <p>Consideration shall be given for designing the accommodation for older people wishing to downsize. The community engagement for this Plan highlighted this need.</p> <p>Remaining paras. follow on and to change paragraph references within.</p>	
current Policy 4	Remove current Policy 4: Land at ferringham lane.	The modifications remove Policy 4 relating solely to allocating land at Ferringham Lane as it would not meet the Basic Conditions for compliance with NPPF 6 relating to realistic delivery of development within a plan period.
Policy 4	<p>Recommendation Rename and reword Policy 4 to read 'Policy 4: Housing site allocations'</p> <p>Reworded policy: There is a presumption in favour of housing development within the Built up Area Boundary of Ferring Village, as identified within the NDP Proposals Map.</p> <p>Land at Ferringham Road is identified for future allocation through plan review.</p> <p>These sites will together deliver a minimum of 26 dwellings comprising a mix of dwelling types. Projected actual dwelling completions, which may result in delivery of a higher number of dwellings through development of these sites, will be refined on a site by site basis as detailed design and landscaping schemes are prepared.</p> <p>The Neighbourhood Plan will expect proposals for each site to conform to Arun District Council's affordable housing policies.</p> <p>Add notes: The Ferringham Lane site has been identified as being suitable for housing in the NDP Site Allocations Document. However this site is indicated to be unlikely to be brought forward within the life of this Plan. Therefore it is not possible to make a formal allocation comprising this site alone. The reworded policy allows for windfall sites to come forward within the area defined as the Built up Area Boundary.</p>	The reliance on the Arun Plan for the wider housing delivery should be maintained and allow for other possible housing sites to be brought forward within the village boundary
Policy 6	Rename and revise wording of Policy 6: Land North of Littlehampton	

	<p>Road. Adding Clause I clarifies the intent. Rewording the other Clauses broadens the spectrum of remedial measures for new development to fit in to its surroundings. Plans requiring views of the proposed development from the open countryside will make it easier to assess impact and adopt a more positive role towards new appropriate development. Additional Clause v. is added at the request of Southern Water (Appendix B1. Consultation Statement) to allow for development to enable carrying out their essential services in exceptional circumstances.</p> <p>Policy 6: land North of Littlehampton Road, encouragement of existing rural businesses The Neighbourhood Plan will support etc</p> <p>Alter Clauses to read: I. any development shall minimise visual impacts on the surrounding countryside II. all new buildings are located as part of the existing clusters of buildings to ensure existing patterns of development are maintained and to avoid significant incursions into open countryside, wherever possible unless details show an improved siting. III. suitable measures are proposed to improve the setting and/ or screening of the development within its wider setting of the National Park. IV. where appropriate, proposals shall be accompanied by drawings or other images showing impact of the proposed new development from key vantage points in the surrounding open countryside V. development will be permitted in exceptional circumstances, for example, if it is essential to meet utility infrastructure needs and no alternative site is available</p> <p>The neighbourhood Plan etc. add or other unrelated uses</p>	
<p>Policy 7</p>	<p>Revise wording Policy 7: Local Green Spaces.</p> <p>Policy 7: Local Green spaces Insert after III These local green spaces are important for their recreational purposes and for their quieter functional roles of wildlife corridors, to naturally manage surface water and other aspects of climate change. Proposals for development on the land etc</p> <p>(Add conformity reference NPPF 99, managing climate change)</p>	<p>This will highlight the dual function of green spaces for recreation and movement as well as surface water management and biodiversity.</p>
<p>Policy 8</p>	<p>Revise wording of Policy 8: Village Centres.</p> <p>Policy 8: Village Centres The Neighbourhood Plan defines the village centres at Ferring Village and at South Ferring, as shown on the Proposals Map. The Neighbourhood Plan will support proposals for planning permission or prior approval within the defined village centres for the development of premises for commercial uses and from existing commercial uses to shops (Use Class A1), from existing shop premises (Use Class A1) to financial/ professional services (Use Class A2) to a restaurant/ café (Use Class A3) or to an office (Use Class B1a), provided: i. add clause ii. where the proportional number of non A1 uses etc and add in each defined centre</p>	<p>This will allow expansion of other uses into commercial development.</p>

	<p>ii the design and/ or use will at the minimum cause no significant harm and is likely to improve etc</p> <p>Re-number ‘ other than that provided for in Policy 6, etc</p>	
Policy 5	<p>Rename and revise wording Policy 5: Sustainable Drainage Systems</p> <p>Policy 5: Sustainable Drainage Systems and Water Management</p> <p>Insert new i.</p> <p>i. proposals include details of sustainable drainage systems that demonstrate the proposal satisfactorily manages the risk of surface water flooding</p> <p>These may include the following</p> <p>ii. permeable driveways etc...</p> <p>insert new iv</p> <p>iv. or any other appropriate technical solution (Conformity reference: add 2014 Arun Local Plan Policy DM 20) Para 4.24 add The Ferring NDP Environmental Assessment Report is mindful of the susceptibility of the village to flooding from the Ferring Rife and from surface water flooding during heavy rainfall events and raises the SEA objective of reducing vulnerability to climate change (first para. Pg. 3 and objectives table).</p>	
Policy 9	<p>Policy 9: Ferring Community Centre, Greystoke Road</p> <p>Proposals for a replacement Community Centre built on the site of the current Rifers Centre and Retirement Centre at Greystoke Road will be supported. An indicative size and functions of this building is shown in CRTBO 3. It may be built in one or more phases in recognition of funding being provided from different community and other funds: in particular through release of land and subsequent housing development of two different sites in the village - allotments to the rear of Henty Arms and the site of the current Village Hall (see Policies 1, 2 and 3 and CRTBOs 1 and 2). The Community Centre is supported where:</p> <p>a. The replacement Community Centre is of a good design and will in particular need to have regard to protecting and enhancing the Ferring Conservation Area</p> <p>b. Means of continuing the current activities carried out within the Rifers and Retirement Centre and, where appropriate the Village Hall, alternative premises are approved and secured to the satisfaction of users before work begins on the new Community Centre.</p> <p>c. The new Community Centre shall be of a size capable of accommodating the relocated uses from the existing site and Village Hall, incorporating a doctors surgery, library service and Parish Council office including sufficient storage of essential items for these groups with the building up to a maximum size of 1300sq m gross internal floor area.</p> <p>d. The Community Centre shall be designed to be energy and resource efficient to minimise running costs and manage thermal comfort.</p> <p>e. A new car park shall be constructed that is accessed off Rife Way before development commences to enable the recreation</p>	<p>These modifications have been made mainly for clarity and consistency purposes.</p>

	fields to continue being used and facilitate construction work on the proposed buildings. (conformity reference etc)	
Policy 10: Allotments	<p>Rewording for Policy 10: Allotments.</p> <p>FPNP Policy 10: Allotments</p> <p>The Neighbourhood Plan will support proposals for the provision of:</p> <ul style="list-style-type: none"> i. at least 0.25Ha land suitable for new allotments ii. on one or more sites conveniently located within the Parish. iii. in the event of housing development taking place (see Policy 5) on allotments to the rear of Henty Arms, replacement allotments will be made available for occupation before the commencement of housing development on this site. (Conformity reference stays. Add Arun 2014 Policy SP 17 Allotments) <p>Insert first para of explanatory text: FPNP recognises the environmental, health, recreational and other benefits that Allotments bring to plot holders, their families, and the wider community. Allotment gardening offers the benefit of a healthy lifestyle all year round that is active, sustainable and socially inclusive. They contribute to fulfilling the Vision and Objectives local people have supported throughout the FPNP engagement process.</p> <p>Relocating the current allotments will enable new housing to be built, the monies raised from which will contribute towards relocating and expanding allotments, a new Community Centre and any other community infrastructure and associated legal and other costs (Policies 1,2,3,and 9 refer and CRTBOs 1, 2, and 3).</p>	
Proposals	<p>Remove this section from the NDP.</p> <p>In any event Proposal 5: Pattersons Walk should be reworded to include the necessity for early consultation with the Marine Management Organisations (MMO) to ensure that necessary regulatory requirements are covered. (ref. Consultation responses Annex B1). There may also be opportunities to cross fund any necessary works with Arts or other funding which could make such a proposal highly attractive, as in other seaside locations nearby and the rest of the UK.</p>	It is confusing and not relevant to the NDP Referendum.
Other Matters	<p>The Neighbourhood Plan includes a section on Delivery and Implementation. Whilst this does not contain any policies, it provides a helpful explanation of how the Neighbourhood Plan will function. It recognises the importance of a collaborative approach and identifies those bodies with which the Parish Council will work to deliver the policies of the Neighbourhood Plan.</p> <p>I recommend that this element is separated from the NDP.</p> <p>Section 5 Delivery and Implementation has been removed from the body of the report and is now Annex C.</p>	However I consider its placing within the body of the NDP to be unhelpful as it could be confused with the Plan itself.

4.0 **CONCLUSION**

- 4.1 I confirm, that the **Ferring Neighbourhood Development Plan 2014-2029**, 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 Ferring Neighbourhood Development Plan 2014-2029 should proceed to a referendum based on the neighbourhood area defined by Arun District Council on 29th November 2012 and South Downs National Park Authority.
- 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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Assistant Director Planning and Economic Regeneration

Date:

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Decision published on: 30th October 2014