

Arun District Council Local Planning Authority

Ferring Community Right To Build Order 1: Land rear of Henty Arms, Ferring Lane

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 Community Right To Build Order 1: Land rear of Henty Arms, has been altered as a result of it; and that this order may now proceed to referendum.

2.0 BACKGROUND

- 2.1 Neighbourhood Development Orders can grant planning permission for specific types of development in a neighbourhood area. A Community Right to Build Order (CRTBO) is a particular type of the Neighbourhood Development Order that can be used to grant planning permission for small scale development for community benefit on a specific site in a neighbourhood area.
- 2.2 The Ferring Community Right To Build Order 1: Land rear of Henty Arms relates to part of 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.
- 2.3 Following the submission of the Ferring Community Right To Build Order 1: Land rear of Henty Arms to the Council, the plan was publicised and representations were invited. The publicity period ended on 25th June 2014.

- 2.4 Ms Clare Wright was appointed by Arun District Council with the consent of the Parish Council, to undertake the examination of the Ferring Community Right To Build Order 1: Land rear of Henty Arms and to prepare a report of the independent examination.
- 2.5 The examiner's report concludes that subject to making the minor modifications recommended by the examiner, the Order meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.
- 2.6 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 order referred to in section 3 below, to secure that the draft order 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 in relation to a community right to build order.
- 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 order. Table 1 below outlines the alterations made to the draft order under Schedule 4C to the 1990 Act as inserted by the Localism Act Section 116 is 'Community Right to Build Orders' this modifies Schedule 4B 'Process for making of Neighbourhood Development Orders' to apply to community right to build orders' 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.

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

POLICY	MODIFICATION RECOMMENDED	JUSTIFICATION
Introduction	<p>Remove all reference to developer contribution and/or S106 throughout all the CRTBOs, unless where specifically modified, below. Where required insert forms of wording explaining that the community nature of the organisation will ensure development is achieved for community benefit, as detailed throughout the examiner reports</p> <p>Modify the Introduction</p> <p>For para 1.1 what is a CRTBO?, first bullet point, add after ‘... or organisation, such as a Parish Council, (and so are usually are drafted with an eye to for community benefit)’</p> <p>Add a new penultimate para.: “Another key difference is that the community nature of the Qualifying Body, here it is Ferring Parish Council, will ensure the benefits arising through the CRTBO are used for the community.</p>	<p>Recommendation: It might be beneficial to add a form of wording along the lines of ‘This is contrasted with a planning application only after developer profit would a contribution be made towards community related development (such as through S.106) and would be specified by the local planning authority.’</p>
	<p>Insert new section 1.3: Project management and funding. This is required for transparency. I haven’t provided an exact wording for this new section but most of the ambition and processes are already documented within the CRTBOs and FPNP, for example in the FPNP Foreword and para. 4 of S.1.4 of the CRTBOs which you might relocate to this new section. I would advise that where possible it should highlight the existence of the Business Plan, the management of the process by the Parish Council in partnership with the Homes and Communities Agency. It would be useful to incorporate reference to a method by which the parish and/ or wider community would be deciding where any surplus monies may be used or indeed may perhaps be recycled in the unlikely event of a project not being completed. The content of this section does not need to state actual amounts.</p>	
Section 1.4.	<p>Modify Section 1.4. of the Introduction for all three Orders. Fourth paragraph to remove ... through both capital receipts and infrastructure contributions...</p> <p>Penultimate bullet point reworded – “it should be noted that:</p> <ul style="list-style-type: none"> • A protection has been built into CRTBO 2, an order setting out proposals for housing on the site of the current Village Hall. This is a condition ensuring that the re-development of the existing Village Hall cannot take place before the existing uses have been relocated either to the new Community Centre, to a completed phase of the new Centre, or to appropriate suitable temporary accommodation” 	
	<p>There must be a key provided against all maps and photographs describing each one. This may be a key per page or per map. The site/s referred to must also be clearly marked. Any numbers or letters placed within the Plan or photographs should be clearly</p>	

	explained within the key.	
	<p>Rename Land rear of Henty Arms, Ferring Lane Insert after 2.1.1 Time Limit</p> <p>New condition: Reprovision of allotments No development shall commence until development the Planning Authority in consultation with Ferring Parish Council shall be satisfied that appropriate provision has been made for relocating and occupation of replacement allotments.</p> <p>After last para of Reason and to ensure the aims of the NDP are delivered for market housing that contributes to, in part or in full, new allotments and community centre.</p>	Reason: In order to comply with the requirements of Policies 2, 4 and 5 of the Ferring Neighbourhood Development Plan, Arun Local Plan and NPPF in the interests of sustainable development.
condition 2.1.3	<p>For condition 2.1.3 Scheme for Foul and Surface Water Drainage add to Reason 'to comply with NDP Policy 5, Sustainable drainage Systems and Water Management'. The community are reminded of their obligations to provide sufficient monies for any water and sewerage infrastructure requirements under normal statutory undertakers requirements, S.38 of the Highways Act 1980. The required contributions may be assessed when full details of the proposed scheme are known and at that time there will be an understanding of the progress of local improvements from the Water Authority.</p>	
condition 2.1.4	<p>For condition 2.1.4 Landscape add to Reason and to manage climate change and water run-off to comply with NDP Policies 1 and 6.</p> <p>Insert reworded design policy 2.1.11 from CRTBO 3, into CRTBO 1 and 2.</p>	
Condition 2.1.17	<p>Condition 2.1.17 Code for sustainable Homes – dwelling shall be designed and constructed to meet a minimum of Code for Sustainable Homes Level 4 or equivalent etc</p>	
Condition 2.1.13	<p>Condition 2.1.13 Windows etc Add to each sentence without the prior agreement of the Parish Council in consultation with the residents immediately bordering these elevations. Reason: add In order to consider any changes in design where helpful to delivering the eventual scheme but with any attendant impacts properly considered by immediately affected properties.</p>	
Condition 2.1.14	<p>Condition 2.1.14 Terraces etc Add to end of sentence without the prior agreement of the Parish Council in consultation with the residents immediately bordering these elevations. Reason: add In order to consider any changes in design where helpful to delivering the eventual scheme but with any attendant impacts properly considered by immediately affected properties.</p>	
Condition 2.1.15	<p>Condition 2.1.15 Planning Obligation Remove (see Informative below)</p> <p>Before para 2.2.1 add Informatives</p> <p>Informatives:</p>	

	Add: The community are reminded of the requirements of Ferring Parish Neighbourhood Development Plan Policies 1, 2, 3, 9 and 10 where monies are required from this development in order to fund and facilitate the reprovision of allotments and a new community centre (NDP Policy 3).	
Para 2.2.5	<p>Para 2.2.5 Planning obligations. Rename 'Financial considerations' Remove first para.</p> <p>First para to read as per modified second para. To begin 'In terms of the calculation of financial contribution towards the new allotments and community centre precise sums will be known once a) etc Remove last sentence.</p> <p>Remove last paragraph of the chapter. Para 7.2.4(iii) Consultee 3 - Southern Water. After reference to S106. Add - This will be made by financial contribution under the normal arrangement.</p>	

4.0 CONCLUSION

- 4.1 I confirm, that the **Ferring Community Right To Build Order 1: Land rear of Henty Arms, Ferring Lane**, 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 Community Right To Build Order 1: Land rear of Henty Arms, Ferring Lane 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 Schedule 4C to the 1990 Act as inserted by the Localism Act Section 116 in relation to Community right to build order.
- 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