

Ferring Parish Community Right to Build Orders

Examination Version

## **Report to Arun District Council of the Examination into the Ferring Parish Community Right to Build Orders**

**1: Land to the rear of Henty Arms**

**2: Land at Community Hall**

**3: New Community Centre**

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### **Summary of Recommendations**

1. CRTBO 1 Land at Henty Arms: as modified should proceed to referendum
2. CRTBO 2 Land at Community Hall: as modified should proceed to referendum
3. CRTBO 3 New Community Centre: as modified should proceed to referendum

## **Contents**

### **Summary**

1.0 Introduction

2.0 The Proposals and Recommendations

3.0 What is a Community Right to Build Order?

4.0 Appointment of the Independent Examiner

5.0 The role of the Independent Examiner and compliance

6.0 What must the Community Right to Build Order include and compliance

7.0 Relationship to Ferring Parish Neighbourhood Plan

8.0 Compliance with matters other than the Basic Conditions

9.0 Commonalities of the Orders

10.0 Comments on the detail of the Orders

10.1 Funding the proposed community facilities

11.0 Modifications

12.0 Formal recommendation

## Overview

I am appointed by Arun District Council with the consent of Ferring Parish Council to be Examiner for the three Ferring Parish Community Right to Build Orders (CRTBOs).

My role as independent examiner is to assess the Orders to ensure that they meet the basic conditions and other requirements set out in legislation and regulations.

I am pleased to conclude that the three CRTBOs may proceed to referendum subject to a series of interlinked, minor modifications provided in this Report.

Within this report are also clearly marked optional recommendations that will enable the information to be presented more clearly. None of these fundamentally change content or direction, but are intended to ensure that the CRTBOs meet the Basic Conditions and are user-friendly documents.

Ferring Parish Council is to be commended for taking the initiative in producing its Community Right to Build Orders which are amongst the first in the country to reach examination stage.

As well as producing these CRTBOs, Ferring Parish Council has also proposed a neighbourhood plan that provides policy support for housing, community, encouragement of countryside uses to the North of A259 Littlehampton Road, encouragement of retail and other commercial uses in the two defined centres, allocation of green spaces and requirement for sustainable drainage measures for new development. The NDP is subject to a separate examination report.

## 2.0 The Proposals and Recommendations

The Ferring Parish Neighbourhood Development Plan and Community Right to Build Orders are based primarily on the need for a new Community Centre and more space for Allotments. The community engagement identified a local housing need for good quality smaller accommodation to attract older people wishing to downsize from larger homes. The logic is that a movement at this end of the market would therefore provide capacity for freeing-up larger, family accommodation. Other locally based measures are also within the Plan.

Accordingly, two of the Community Right to Build Orders propose replacing the two existing sites of largely community owned/ occupied land of existing Allotments and Village Hall with housing targeted towards older people. The capital receipts and developer contributions from which are to pay for acquiring land to the rear of the allotments for the proposed housing development, for resiting the Allotments and to contribute towards a new Community Centre.

The Community Right to Build Orders seek planning permission for housing, new allotments and a new Community Centre:

**CRTBO 1:** Land rear of Henty Arms, Ferring Lane  
Construction of up to 14 homes

**CRTBO 2:** Redevelopment of Ferring Village Hall with housing and re-provision of existing community uses  
Construction of up to 10 homes

**CRTBO 3:** Redevelopment of existing community facilities to construct a new Community Centre and ancillary works

I confirm my report and modifications are based on the CRTBO versions all dated 30.04.14, rev D. There is a clear catalogue of obvious improvements between the various versions arising from consultee responses.

Ferring Parish Council has expressly requested that the inter-relationships are maintained between the CRTBOs and the NDP. I have therefore endeavoured to achieve this through the modifications whilst ensuring the optimum opportunity for the proposed developments to proceed and to meet the quality the community is expecting.

### **3.0 What is a Community Right to Build Order ?**

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. This power means that the community can decide to build, for example, a community centre or new residential development without submitting a planning application and going through the usual planning application process.

Where the community organisation would like to develop the land itself the resulting assets can only be disposed of, improved or developed in a manner which that organisation considers would benefit the community.

Before proceeding, the proposal must receive the agreement of more than 50% of local people voting in a referendum and meet some minimum requirements set out in legislation and regulations. Before proceeding to a referendum, an independent examination is carried out to check that those minimum requirements have been met.

### **4.0 Appointment of the Independent Examiner**

I have been appointed by Arun District Council with the consent of Ferring Parish Council to conduct the Examination and provide this Report as Independent examiner. I confirm I am independent of the qualifying body and local authority. I do not have any land or other interests that may be affected by the Plan. I am a Chartered Town Planner with over 20 years experience in local authority, private and third sector organisations specialising in planning, design and community-led development. As part of the NPIERS Panel of Examiners they are satisfied that I hold the appropriate qualifications and experience for this role.

## 5.0 The role of the Independent Examiner and Compliance

Each order is subject to an independent examination to ensure that it meets the basic conditions and other requirements set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The Regulations do not stipulate that each CRTBO must have a separate Examiner Report. Each CRTBO has been developed independently by the same process and Arun District Council has responded to them en-masse. Each CRTBO comprises a freestanding document and may therefore be submitted separately to Referendum should the Parish decide. These CRTBOs are joined in a single report as they are so closely interwoven.

The basic conditions are:

Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order

**Each Order satisfies this requirement**

Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic merit that it possesses, it is appropriate to make the order. **CRBTO 2: Village Hall and CRTBO 3: Community Centre affect the setting of listed buildings. English Heritage have not raised objection. Both Orders include a requirement for further details to be submitted of detailed design and therefore the affects may be managed.**

Having special regard to the desirability of preserving or enhancing the character or appearance of any Conservation Area, it is appropriate to make the order. **The Qualifying Body is mindful of the impact of CRTBO 3 which is adjacent to Ferring Conservation Area. The high quality design intent and conditions attached to CRTBO 3 will allow proper consideration of this aspect to ensure impact will be sufficiently managed.**

The making of the order contributes to the achievement of sustainable development. **Evidence submitted with the Orders demonstrates their proposed development will contribute to this achievement through their uses in particularly promoting the social and business life of the community, locations of development, design ambition and the sustainable methods of construction and materials for all developments.**

The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority **Each Order satisfies this requirement. Arun DC also verifies that each Order conforms.**

The making of the order does not breach, and is otherwise compatible with, European Union (EU) obligations. **Each Order has been screened for EIA by Arun DC which has found no requirement for the submission of Environmental Impact Statements as any impacts as they are on the environment are not sufficient as to be covered by the EIA Regulations 2011. Arun DC confirms in its letter of 25 April 2014 that the proposed developments will have no significant effects on any other EU obligations. Each Order documents evidence that it has been individually consulted upon and therefore does not breach Human Rights requirements.**

Prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order. **Subject to the modifications proposed, the Orders comply.**

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two basic conditions in addition to those set out in primary legislation and referred to in the paragraph above. These are:

The making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site either alone or in combination with other plans or projects **Not applicable to this examination as this basic condition refers to the making of neighbourhood plans.**

Having regard to all material considerations, it is appropriate that the neighbourhood development order is made where the development described in an order proposal is Environmental Impact Assessment development. **Arun DC has screened and confirmed that EIA is not required for the developments proposed in each of the CRTBOs.**

The Examiner is also required to consider whether:

The order proposal is accompanied by a draft of the order and a statement which contains a summary of the proposals and set out the

reasons why an order should be made in the proposed terms and the order is made by a community organisation and grants planning permission for specified development in relation to a specified site in the specified neighbourhood area and the specified development does not exceed prescribed limits. **Each Order complies.**

The order proposal may not provide for the granting of planning permission for development which is excluded development, where planning permission is already granted for that development, and may not relate to more than one neighbourhood area. **Each Order complies.**

The order proposal complies with section 61L of Schedule 9 of the Town and Country Planning Act 1990 (as amended) which refers to permission granted by neighbourhood development orders and any conditions specified in the order and any time periods specified. **Each Order complies. The time periods specified meet those of the Draft NDP which corresponds with that of the emerging Arun District Local Plan 2014-2029.**

Whether the draft order is compatible with the Convention rights. **Each Order complies. Sufficient community engagement and the right to respond has been demonstrated and resulting alterations subsequently made to these Orders. Publicity for these Orders was made in accordance with NDP Regs 21 and 22, the latter being between 14 May 2014 and 25 June 2014 clearly documented within the CRTBOS, the transition between each version demonstrating views from local people were being incorporated, and Arun DCs website.**

**The Examiner must then make one of the following recommendations:**

The draft order is submitted to a referendum

That modifications specified in the report are made to the draft order and the draft order as modified is submitted to a referendum. **This is the Examiner's recommendation for all 3 CRTBOs.**

The proposal for the order is refused.

If the order proposal can proceed to referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates. **In these cases the sites are within the built up area of the**

**village of Ferring which is sited centrally within strategic gaps. Therefore the area of Referendum may remain the same as the NDPs Designated Area.**

In respect of CRTBOs the examiner's report is binding. If the examiner's report recommends that the draft order is refused, the local planning authority must refuse the proposal. If the examiner's report recommends the draft order is submitted to a referendum (with or without modifications) a referendum must be held on the making by the authority of a CRTBO.

If the order proposal goes forward to a referendum and more than 50% of those voting vote in favour of the order proposal then it is made by the relevant local planning authority, in this case Arun District Council.

I also considered whether it was necessary to hold a hearing into the CRTBOs. Given that a hearing may be held when it is considered necessary to ensure adequate examination of the issue or a person has a fair chance to put a case, I decided that it was not necessary to hold a hearing into these Orders. The evidence of community and stakeholder engagement shows that people have had fair chance to put their case. The CRTBOs are largely supported so far. The Parish Council and District Council at my invitation have provided clarification on specific parts of the proposed Community Right to Build Orders and the related Neighbourhood Plan. These aspects are covered later in this report.

## **6.0 What must the CRTBOs include and Compliance**

Where a CRTBO is submitted to the local planning authority the Neighbourhood Planning (General) Regulations 2012 specify it must include:

- A map identifying the land to which the order relates. **Each Order provides this data.**
- A consultation statement which includes a) details of those bodies and persons who were consulted, b) explains how they were consulted, c) summarises the main issues and concerns raised by those consulted and d) describes how those issues and concerns have been considered and addressed in the proposed order. **Each Order provides this data.**
- The proposed order. **Each Order provides this data.**
- An archaeology statement if the qualifying body considers it to be appropriate after consultation with English Heritage. When one is submitted this should confirm that information contained in the

historic environment record has a) been reviewed, b) sets out the findings from that review and c) explains how the findings have been taken into account in preparing the order proposal. Where no findings of relevance are identified the statement need only a) confirm the review has taken place and b) explain there are no relevant findings. **Each Order provides this data and confirms that there are no relevant findings.**

- A statement that explains how the order meets the basic conditions. **Each Order provides this data.**
- Details of any enfranchisement rights and the properties or types of properties to which the enfranchisement rights are not exercisable. **Each Order provides this data.**

## **7.0 Relationship to Ferring Parish Neighbourhood Plan**

It is clear that the Orders have arisen from the neighbourhood plan process and been developed as an integral part, having a large degree of reliance upon each other for delivery. It is also clear that the community have subsequently been engaged separately in considering and progressing the CRTBOs.

The NDP policies also exhibit the same reliance, as demonstrated below:

**CRTBO 1:** Land rear of Henty Arms, Ferring Lane

Construction of up to 14 homes (NDP Policies 2: Redevelopment of Land to the rear of Henty Arms; NDP Policy 10: Allotments and related Policies 9: Ferring Community Centre and Policy 1B: Delivery of Community Benefits)

**CRTBO 2:** Redevelopment of Ferring Village Hall with housing and re-provision of existing community uses

Construction of up to 10 homes (NDP Policies 3: Redevelopment of Ferring Village Hall; NDP Policy 10: Allotments and related Policies 9: Ferring Community Centre and Policy 1B: Delivery of Community Benefits).

**CRTBO 3:** Redevelopment of existing community facilities to construct a new Community Centre and ancillary works (NDP Policy 3: Ferring Community Centre and Policy 2: Delivery of Community Benefits which are predicated on provision of monies from development permitted in CRTBOs 1 and 2 which are supported by NDP Policies NDP Policies 2: Redevelopment of Land to the rear of Henty Arms; and 3: Redevelopment of Ferring Village Hall and Policy 1B: Delivery of Community Benefits).

## **8.0 Compliance with matters other than the Basic Conditions**

In relation to the matters set out earlier in this report, I am satisfied that the Orders are made by a qualifying body and grant planning permission for a specified development on a specified site in a specified neighbourhood area. The Orders do not grant permission for development which already has planning permission and do not relate to more than one neighbourhood area.

The Order proposals each contain a draft of the Orders, statement of the proposals and reasons why the Orders should be made. The draft Orders contain a number of conditions including some that specify time periods and I consider that, with appropriate modifications, these would comply with the relevant requirements.

In making modifications to the CRTBOs I have also had regard to the NPIERS Healthcheck undertaken in March 2014, the approved NDO for Cokerborough and the refused CRTBOs in Mid-Sussex. My findings concur with most of those raised in the Healthcheck which have been either addressed in the CRTBOs submitted for Examination or are Modified to account for other changes. In particular, at the request of Ferring Parish Council, the development forming the CRTBOs are to remain interlinked which has directed the attention of my modifications as has responding to the unneeded inclusion of S.106 contributions.

## **9.0 Commonalities of the Orders**

The Orders take 'in principle' approaches. The Orders each include illustrative designs for their proposed developments. This has been universally welcomed by the community in their engagement for giving shape to the proposed developments that would be supported in the NDP policies and also for the CRTBOs themselves to demonstrate design quality. Whilst the Orders fix the maximum sizes of developments, they do not otherwise overly prescribe details, merely sufficient to indicate realistic potential and quality. The Orders provide planning conditions to be applied to each development prior to commencement. These include detailed design to be submitted for the Village Hall and Community Centre schemes, which I have also included in the Henty Arms scheme to provide flexibility for allowing any amendments arising from technical investigations, as well as various technical aspects to be resolved such as noise attenuation.

Each Order includes a comprehensive list of consultees and events at which the public contributed, as well as consultation responses under Regs 21 and 22, the latter being between 14 May 2014 and 25 June 2014 clearly documented within the CRTBOS and Arun DCs website. The Orders provide useful contextual analysis and Statements relating to Design, archaeology, heritage, basic conditions and consultation. They provide the necessary details of enfranchisement.

All three sites comprising the Orders are within the built up area of the village. Few obvious larger housing sites exist within the Parish due to the landscape and other planning policy constraints. Those sites within the built up area of the village raise difficult and seemingly intractable constraints, being occupied by much valued local community assets. They are also mostly owned by the Parish Council or other community groups.

It is obvious that without the community's involvement and foresight these sites could not have been brought forward successfully. The community is to be commended for the boldness in their approach and the necessary clarity with which it has developed a package of benefits that arise from the inter-related developments.

## **10.0 Comments on the detail of the Orders**

The sites are within the village envelope and therefore would be considered for some development subject to the re-provision of existing uses elsewhere of comparable or greater benefits than already existing (2003 Arun Local Plan Policy Area 6 and GEN 7).

The District Council questions the potential for affordable housing provision from the site to the rear of Henty Arms. For the reasons below I consider there is sufficient flexibility in the overall FPNP and existing and emerging Local Plans to provide for affordable housing on other sites. The transfer of development monies into new allotments and a new community facility rather than towards affordable housing would still meet the Basic Conditions.

A further call upon the monies raised, particularly from the Henty Arms development, could jeopardise the deliverability of the proposed community centre. This is a guiding tenet of the FPNP and indeed the rationale for redeveloping the Village Hall and rear of Henty Arms sites.

The community has made the case ably in its Basic Conditions Statement, SEA and demonstrated in the willingness of the community through their responses to the engagement for the FPNP and CRTBOs. The community recognises the need for replacing their existing crumbling community facilities that would otherwise struggle for funding to repair and replace. The Henty Arms site and that of the Village Hall comprise inherently sustainable proposals for contributing to improved, more sustainable community facilities. Wider community benefit in serving the entire Parish and protecting local facilities would contribute towards a more sustainable community and is supported by Local Plan Policies GEN 1 and 8 (2003) and Policy 1 (2014) and NPPF, particularly para. 70 encouraging social, recreational and cultural facilities and services.

Considerable demands will be placed on the proposed housing development at the Henty Arms and Village Hall site to provide the improved local community facilities identified through NDP consultations. The Basic Conditions Statement highlights the Henty Arms site is 'specifically intended to deliver a maximum residual value to reinvest in delivering Policy 9 (Community Centre). Further, there is unmet local demand for 'downsizing' homes that the market is not meeting; conversely there are few households in housing need in the parish. A combination of housing development supported by Policy 4 (Ferringham Lane) and of recent consents in the village will deliver a significant increase in local affordable housing supply of some 40 dwellings.'

In this case affordable housing contributions may be made through the smaller scale windfall sites where the Parish has a strong track record. Arun District Council adopts a low starting point for affordable housing. Its Interim Affordable Housing Policy (2010) requires developments of 1 – 14 units to make an affordable housing provision of 15% subject to viability. This is particularly helpful in capturing contributions from the typical 1-3 units provided on windfall sites.

In terms of viability, all three development sites proposed in Policies 2, 3 and 9 will experience higher than average redevelopment costs as they are on mostly previously developed, 'brownfield', land, which is not a low-cost option. Land behind Henty Arms, would include purchasing land to create a development plot from an otherwise landlocked brownfield site. Development of this land for housing would have been unlikely in the foreseeable future unless it was packaged with the allotment site. Consultation shows that local agreement to developing the allotment site

is largely predicated on the wider community good that would arise from re-provision of new community facilities. Further costs are associated with finding sites for the new allotments plus noise attenuation and other technical requirements arising from the proposed housing development itself being adjacent to a railway line, as well as of course the expectation of development costs for the proposed new Community Centre.

For the Rifers and Village Hall sites are costs of demolition, any associated landfill and land preparation. Monies would be required to physically move the existing community uses from one site to another.

It is important to note that, resulting from the consultations, the site plan for CRTBO 1, Land to the rear of Henty Arms now moves the vehicular access to the north of the site, further away from the railway crossing.

The modifications proposed for the submitted CRTBOs will enable compliance with the Sustainability criteria of the Basic Conditions and the NPPF, particularly para 173 development viability, NPPF 177 deliverable infrastructure and for Circular 11/95: The use of Conditions in Planning Permissions and related NPPF para 202 where conditions should be 'relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.' This is most pertinent in relation to CRTBO 1: Land rear of Henty Arms which offers the more complex of the proposed delivery of development.

For CRTBO 1, Land to the rear of Henty Arms, consideration of the Community Centre is relevant to considerations in developing this site. Allotments do not constitute 'previously developed land' and therefore not automatically 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 its associated funding which is triggering release of the allotments for housing. As such it passes the requirement of NPPF 70 in ensuring an 'integrated approach to considering the location of housing, economic uses and community facilities and services.'

### **10.1 Funding the proposed community facilities**

Funding for the Community Centre and allotments relies upon monies achieved from the sale for housing on land at the rear of Henty Arms and the Village Hall. These modified Community Right to Build Orders

(CRTBOs) will grant planning permissions for these developments. The FPNP provides the policy justification for these developments which, together with the overall Plan, meet the Basic Conditions subject to modifications.

The suggested planning tool of using a S.106 agreement (or other measure having similar effect) attached to the CRTBOs is **not** relevant . All reference must be removed from all CRTBOs.

The examination versions of the FPNP and CRTBOs, whilst admirably developed, have unfortunately combined provisions within the original and amended 1990 Planning Act<sup>1</sup>. The result is an unnecessary inclusion within the CRTBO of a means of obtaining development profit for community purposes common to planning applications, often via 'S.106' Agreement. A planning application and CRTBO are two separate and distinct ways of granting planning permission for development.

A CRTBO requires no further mechanism for transfer of monies or benefits other than the nature of the community organisation or body with the purpose of furthering the social, economic and environmental well-being of the community<sup>2</sup> plus other conditions where not a Parish Council. The references to S.106 contributions are modified in the FNDP to create a policy safeguard covering the eventuality of a planning application being made but are removed from the community-led CRTBOs. This will ensure the FPNP (and CRTBOs) meet the Basic Conditions relating to sustainability and deliverability.

To pursue the illogicality of a S.106 within a CRTBO, even if it were possible, would result in the community entering into a S.106 with themselves to ensure the development monies raised from the sale of their own land will enable delivery of their own development. Not just illogical but costly and convoluted for no extra gain. For the reasons given above, the principle is flawed. NPPF paragraph 205 is concerned with sufficient flexibility to 'prevent planned development from being stalled'. An unnecessary and complex legal obligation stands a strong risk of doing this and would not have met the Basic Conditions regarding contribution to sustainable development and delivery.

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<sup>1</sup> Amended by the Localism Act 2011.

<sup>2</sup> Supporting detail: Community Right to Build [www.gov.uk](http://www.gov.uk)

The requirement for contributions towards utilities would be managed in the usual manner and a reminder is included in the Informatives of CRTBOs 1 and 2.

Using a CRTBO to grant planning permission results in the benefits staying within the community, delegating the management of these benefits to the community itself. The integrity of the financial intent is apparent with the declarations of commitments of monies towards the new allotments and community centre is provided within the Foreword to the NDP and CRTBOs 1 and 2 for developments at Henty Arms and the Village Hall. The Parish Council's decision to manage the developments, which will be in partnership with the Homes and Communities Agency (HCA), has received the support of the community throughout the consultations.

The Parish Council comprises an appropriate body for managing and directing the monies received from the proposed development into the community facilities proposed. Schedule 4C<sup>3</sup> 'Community Right to Build Orders', Section 61Q refers. The application to 'community organisation' highlighted within para. 3 (1) (a), has effect to Parish Councils (S.61Q, para. 1 (3)). Here, S.61G, para. 2 defines a 'relevant body' as either (a) parish council, or (b) community organisation. Ferring Parish Council is bound by the requirements of para. 3 (1) (a) only, where the 2012 Regulations<sup>4</sup> state that S.61Q para 3 (1) (b) is to be prescribed for any community organisation which is not a parish council.

## **11.0 Modifications**

Modifications to the following CRTBOs will ensure overall compliance with the Basic Conditions. These modifications have also been made to the degree that they can be in the NDP policies supporting the CRTBOs.

In summary all CRTBOs are modified to make provision for displaced uses and for approval of detailed design. The requirement for S.106 is removed for the two housing CRTBOs as explained fully earlier in this report. All CRTBOs require some modification to the explanatory text and supporting information to ensure they meet the Basic Conditions, that processes are

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<sup>3</sup> Of the Town and Country planning Act 1990, inserted by Schedule 11 of the Localism Act 2011.

<sup>4</sup> The Neighbourhood Planning (General) Regulations 2012, Part 4 'Community Right to build organisations', para. 13 (1).

transparent – particularly with regards to project management and managing of monies and are generally understandable.

Modification: Remove all reference to developer contribution and/or S.106 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 my Examiner reports.

Modify the Introduction to all three Orders. 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)”

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.**

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.”

Modification: 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.

Modify Section 1.4. of the Introduction for all three Orders. Fourth paragraph to remove ~~... through both capital receipts and infrastructure contributions...~~

Penultimate bullet point reworded –

“it should be noted that:

- 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”**

Modification: 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 explained within the key.

- CRTBO 1: Rename **Land rear of** Henty Arms, Ferring Lane

Insert after 2.1.1 Time Limit

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.**

**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.**

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.**

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.**

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.**

Insert reworded design policy 2.1.11 from CRTBO 3, into CRTBO 1 and 2.

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

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.**

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.**

Condition 2.1.15 Planning Obligation

Remove (see Informative below).

Before para 2.2.1 add **Informatives**

### **Informatives:**

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 Planning obligations. Rename '**Financial considerations**'  
Remove first para.

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.

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.**

- CRTBO 2: Rename **Redevelopment of Ferring Village Hall with housing and reprovision of existing community uses**

New condition: **Reprovision of existing uses**  
**No development shall commence until adequate provision is made for relocating the existing clubs, services and facilities currently occupying the Village Hall into the new Community Centre either in its entirety, or into a phase of the proposed new Community Centre or into a temporary building or premises secured pending completion of the new Community Centre to the satisfaction of the Local Planning Authority.**

**Reason: In order to comply with the requirements of Policies 1, 3, 9 and 10 of the Ferring Neighbourhood Development Plan, Arun Local Plan and NPPF in the interests of sustainable development.**

**Condition 2.1.13 Terrace overlooking the private gardens to the east of the site**

Reworded to read **Any** terraces, balconies or accessible flat roofs **proposed** at first floor or higher level in the eastern walls of any building **shall be designed to prevent overlooking of the house** immediately to the east of the site.

**Condition 2.1.14 Planning Obligation**

Remove (repeat Informative, for CRTB 1).

**ALL** other changes for CRTB 2 as per CRTB 1.

- CRTBO 3: Rename **Redevelopment of existing community facilities to construct a new Community Centre and ancillary works**

New condition: **Reprovision of existing uses**

**No development shall commence until adequate provision is made for relocating the existing clubs, services and facilities currently occupying the existing Rifers Club and Retirement Club (and the Village Hall where redevelopment of this site is completed beforehand) into the new Community Centre either in its entirety, or into a phase of the proposed new Community Centre or into a temporary building or premises secured pending completion of the new Community Centre to the satisfaction of the Local Planning Authority.**

**Reason: In order to comply with the requirements of Policies 1, 2, 3, and 9 of the Ferring Neighbourhood Development Plan, Arun Local Plan and NPPF in the interests of sustainable development.**

Reword 2.1.4 Landscape

Add at the end of the Condition **These details shall also include any methods of enclosure, particularly around the new car parking and to the rear and front of the proposed new Community Centre.**

Reason add **To ensure new boundaries, where made, will be appropriate to their individual purposes within the new development and surrounding area in terms of siting, design and materials and degree of exclusion and inclusion required.**

Reword 2.1.10 Car and cycle parking

**No development shall commence until car and cycle spaces are constructed** in accordance etc

Reason to include **'to enable uses of the recreation fields to continue and to facilitate development of the new Community Centre. The submitted plans might include phases for surfacing so that any heavy plant and construction machinery do not damage surfaces that will be used by the community afterwards.'**

Reword 2.1.11 Layout, Scale, Design and External Appearance **and new public entrances to the building.**

Add at the end of para. **'The details shall include provision for phasing construction of the Community Centre, where considered appropriate, details of roof heights and profile in relation to surrounding buildings and demonstrate consideration of approaches to the building and entrance. The entrance/s to the new Centre shall be accessible, visitors and users of the new Centre shall be able to easily find the entrance both from the new car park, footpaths and other transport as well as to be able to find it within the chosen façade of the proposed building. The entrance/s shall be designed so that it may be seen and provides a suitable entrance befitting the purpose of the new Community Centre serving people of the Parish of Ferring and its visitors.'**

**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.**

## **12.0 Formal recommendation**

That modifications specified in the report are made to the three draft orders and the draft orders as modified, and named below, are submitted to referendum:

**CRTBO 1:** Land rear of Henty Arms, Ferring Lane

**CRTBO 2:** Redevelopment of Ferring Village Hall with housing and re-provision of existing community uses

**CRTBO 3:** Redevelopment of existing community facilities to construct a new Community Centre and ancillary works

The CRTBOs may be included individually or together with the NDP. The Parish has indicated it may consider this course.

I am satisfied that the CRTBOs have been developed individually and so each meets the necessary legal requirements. They may therefore be submitted to referendum individually or as a whole.

As indicated in the NDP, should any Order not be made, the related Policy may be implemented via conventional planning application. A benefit of including the Orders in the Referendum with the Plan is that the three most important and mutually dependant proposals will be delivered in the ways proposed in the Plan and will be familiar to the public that has had extensive input already.

### **Referendum Area**

Neighbourhood Plan Area - I am required to consider whether the referendum area should be extended beyond the Ferring Parish Neighbourhood Area. As raised earlier I recommend that the Plan should proceed to a referendum based on the Ferring Parish Neighbourhood Area as defined by Arun District Council 10 December 2012 and South Downs National Park Authority 14 March 2013.