

**Ferring Community Right to Build Order 2:
Land at the Village Hall, Ferring
Order Proposal submission
Consultation 14th May 2014 to 25th June 2014**

Arun District Council (ADC) Reg.23 comments

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Please note:

The comments below are reflective of the views of ADC as a Council and include representations from all Departments who have commented.

The comments are to be signed off by the Assistant Director of Planning and Economic Regeneration or his nominated representative.

The Council fully supports the community's initiative to produce a Community Right To Build Order. A CRTBO allows a local community or group of people to obtain a right akin to planning permission for development which will benefit the local community. The CRTBO is obtained without having to go through the normal process for obtaining planning permission.

This Order is for construction on land at the Village Hall, Ferring. The proposal is for the demolition of the existing village hall, provision of up to 10 1 bedroom maisonette style open market apartments, with a gross internal floor area of 750m² and in buildings of 2 and / or 2.5 storey height, new access arrangements to Ferring Street and 10 parking spaces

Our approach at this stage is therefore to make final representation on the Ferring Community Right To Build Order to the Examiner for a forthcoming examination.

ADC comments

As part of good planning practice, ADC previously made comments on the working draft orders and pre-submission orders. Therefore the comments below are a natural progression and are on the order proposal submission.

The following list outlines any comments we have identified in the submitted plan documents:

Submission Plan

- 1. 2.1.8 Highways and access (p7)** Should this not mention West Sussex as they are the responsible highway authority.
- 2. 6.3.7 (p31)** Minor typo noted. Following amendment needed:

“...completion and signing of a Planning Obligation...”

3. **6.3.14 (p31)** Has the viability work been provided to be able to back up the statement in this para, especially in terms of the restriction of any agreement?
4. **6.3.18 (p31)** Considering the content of this para it opens the confusion over how you are asking for an obligation that you will be paying. Clarity is required here.
5. **2.1.13 Planning Obligations - all of the conclusions set out below in respect of the First Order, should be applicable to the conditions in the Second Order, as they have been drafted to be identical to or very similar to the conditions contained within the First Order.**

This condition specifies that no development may take place until a section 106 agreement has been agreed with ADC. A similar condition (although without the reference to the re-provision of allotments) is also replicated in the Second Order. The funds from the section 106 agreement will therefore be used for the new Community Centre, the necessary utilities and to relocate the allotments.

It is explained at paragraph 2.2.5 of the First Order that the reasons that a planning obligation has not been entered into at this stage are that the likely profit generated from the sales of the properties developed and the costs of relocating the allotments and utilities are not currently known.

It is arguable that the three developments in this case should be considered separately, as they are contained in separate CRTBOs. If this view were to be adopted by the Examiner, the condition relating to planning obligations in the First Order will be deemed invalid as it is not essential to ensuring the development granted by the Order – it is only essential to development set out in the Third Order.

However, given that the development in the Third Order cannot be implemented without the funds provided by the section 106 agreement and given that the development within the First Order and Second Order appears to have been sought primarily with a view to funding the new community centre, it will also be arguable that the potential section 106 agreement should be considered in conjunction with the Third Order. This would mean that it could be considered as being essential to the development and therefore valid.

In light of the relatively complex system of financial support that is intended for The Third Order, the fact that the development in the Third Order cannot go ahead without the funding and the fact that the financial support is for community infrastructure, that this is also likely to come within the exception identified in Planning Practice Guidance ‘Use of Conditions’ – namely a particularly complex or strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk.

We consider the conditions relating to obligations is valid and in accordance with local and national policy.

It is very encouraging to see that the parish have devised these CRTBO's to deliver the ambitions of the neighbourhood development plans and the requirements of the people of Ferring.

Arun District Council fully supports the orders and the fundamentals but our comments highlight any potential issues and conformity issues.

It does not purport to decide on whether the order meets the basic conditions, that is for the independent examiner to decide.

Comments Approved by Assistant Director of Planning and Economic Regeneration or the nominated representative:

Signed on:
