

## **Aldingbourne Neighbourhood Development Plan Plan Proposal submission**

**Consultation 8<sup>th</sup> July 2015 to 19<sup>th</sup> August 2015**

### **Arun District Council (ADC) Reg.16 comments**

Prepared By: Donna Moles

#### **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 Director of Planning and Economic Regeneration or his nominated representative and then sent to the Examiner with the examination pack as per the timetable.**

The Council fully supports the community's initiative to produce a Neighbourhood Development Plan. Neighbourhood planning aims to give people greater ownership of plans and policies that affect their area. The government is clear that the intention of Neighbourhood Development Plans should be to set out policies on the development and use of land in a neighbourhood area and that the local planning authority has a duty to support production of the plan.

Our approach at this stage is therefore to make final representation on the Neighbourhood Development Plan to the Examiner for a forthcoming examination.

#### **ADC comments**

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

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

#### **Submission Plan**

1. Paragraph numbers would be helpful for referencing.
2. Page 4, Last para first column–top of 2nd column: Looks like this needs to be changed so that it simply references the basic condition to be met. Though not relevant here, it is not always just the two Directives mentioned that may be of relevance. As such recommend removal of current paragraph and replace with following suggestion:

**“A basic condition for a neighbourhood plan is not to breach, and otherwise be compatible with, EU and Human rights obligations. ADC have confirmed that no environmental assessment is required, however the Basic Conditions Statement does assess each policy for sustainability.”**

3. P6, First para under 1.4: Considering the title of this section and to be in line with what was issued to them as determination, the following revision is suggested:  
**“Sustainability Appraisal is not required of a neighbourhood plan, however a neighbourhood plan must be screened at an early stage as to whether it may require or cause the need for an environmental assessment. A Screening Opinion was submitted to ADC and they confirmed that an environmental assessment of the ANDP was not required. However, the Basic Conditions Statement assesses each policy for sustainability.”**
4. P8, Last para of 2nd column about ALP 2011-2031: The latest version of the Local Plan prior to this NDP submission was the Submitted version but even if go back a step, it was the October 2014 version, not Summer. As such it is recommended that the following amendment is made to reflect the situation:  
“...most recent published full version....is that of ~~summer 2014~~**October 2014**, which was produced long after production of the ANDP...”
5. P13, End of first para under grasslands/road verges: We are unaware of any surveys and this is not currently one of the areas identified as a BOA, therefore as having the characteristics for landscape scale enhancement or habitat creation. The closest is that which is significantly to the south, being Lidsey Rife BOA. As such, even as description of the area it is felt the best thing is to remove the last part, as follows:  
“...throughout the Parish, ~~which might potentially be recreated in part through an appropriate reconstruction/management programme of other sites in the Parish.~~”
6. P14, 3.3.5: If the content of this is correct and it is TPO trees that have been removed, then a view from enforcement is needed about this. Otherwise, it requires a rewrite, to accurately reflect the situation. We need confirmation of this.
7. P14, 3.3.7 (Beginning approximately halfway down where Article 10 is onwards): You have tried to apply this to the whole landscape and missed the crucial point that this is in relation to supporting or extending the European Natura 2000 network. The Directive actually states “with a view to improving the ecological coherence of the Natura 2000 network, ....”

As mentioned above, we are unaware of any surveys that have been done specifically looking at the suitability within the Parish for landscape scale enhancement or habitat creation. More pointedly, that is specifically linked to features and characteristics of or linked to the designated site of Pagham Harbour and the birds that use it.

Best suggestion is that the following minor amendment is made:

“Article 10 of the Habitats Directive requires EU member states **to consider where there is scope** in their land use planning and development policies **to acknowledge landscape features that may add to coherence of the overall Natura 2000 network** ~~to encourage the management of features which constitute such ecological networks and which are of major importance for wild flora and fauna.~~ Such features are those which....”

To some extent the very last sentence is almost more appropriate to be within a policy than as part of the existing situation.

8. P15, Top of the second column: This needs minor revision as follows:“..between Nyton Road and **just south** of the Woodgate railway crossing. ....”  
Bottom of second column (middle of para):Is there evidence to justify the statement that there has been pollution of adjacent watercourses and later references to pollution problems? Looking on EA datasets we are not able to see or find any.
9. Page 21, the final paragraph under section 3.7 states “There are no cycle routes or bridleways in the Parish.”. Although this is factually accurate, it should be noted that there is currently a committed cycle route planned to link Barnham and Tangmere which will run through the parish and provide an east west link. The committed and aspirational cycle routes are identified on the Arun Local Plan policies maps.
10. **Policy EH1** The creation of woodland is a significant project both in terms of resource and time – these have to be suitable and take time to establish. Further, if the woodlands are within the pink edged areas and are supposed to be the green hatched areas this needs to be identified on Map A, as there is currently no label (if this is a correct assumption). The first paragraph of this policy does not seem to be a policy, but more of an overall intention and should be removed.  
It is recommended that the first paragraph is shifted to the supporting text and includes the following alteration to be a more accurate reflection of the situation.  
“...create green infrastructure corridors ~~and woodland~~ within the parish,....”
11. **Paragraph EH 1.4** Checking on the GIS layer, which includes the layers and information provided by SxBRC, all of the streams within the Parish are part of the overall East Chichester to Arundel Coastal Streams. The one that runs down to Eastergate Rife (on the Parish boundary) is called the Eastergate watercourses, all of those on the western side are called Tangmere.Chalk streams may be considered a priority habitat but they are covered by national legislation and not under the EU Habitats Regulations. As such the following minor amendment is required:  
“...protected by ~~EU Habitats Regulations and national~~ ...”
12. **Policy EH2** As written this does not set anything out specifically. Due to the reference to the ‘river catchment management approaches’, it should be specifying which of the actions identified within this you would be expecting to be applied.
13. **Paragraph EH 2.1** This second sentence is more of an aim rather than justification. Additionally, as currently written at the beginning this seems to infer that there is a catchment covering these areas. The last sentence talks of addressing diffuse pollution but neither here nor in the policy does it suggest what solutions or type would be appropriate.  
What are you referring to when you reference a neighbouring “upstream” policy? If this is meaning the Arun and Western Streams, then, these are all part of the same overall catchment.  
Think minor correction as below is required, or else further explanation is needed  
“SWT also noted that ~~and~~ ancient woodland.....”
14. **Policy EH3**1st bullet - This is not adding any localised requirement. It mainly replicates requirements in W DM3.

2nd bullet - Given the content of the first sentence, it is recommended that if retained it should be amended as follows:

“Sustainable Drainage Systems (SUDS) **will not be acceptable** ~~where appropriate,~~ ~~but not~~ where the winter water table is less than 0.7 of a metre below ground level....”  
The last sentence should also be removed as this is not a policy matter but simply reiterating process under County’s remit. If wished to be retained then needs shifting to supporting text somehow.

3rd bullet – this mixes information from 2 emerging ALP policies W DM2 and W DM3, but does not provide any localised difference or focus

4th bullet – what powers are they going to use to enforce riparian responsibilities, when this tends to mainly lie with powers of higher statutory bodies (EA and County)?

Overall, easiest thing could well be for this to be revised to only two main bullet points, the amended second and last.

15. **Paragraph EH3.2** This paragraph needs to be revised to reflect the current situation. Currently there are inaccuracies with the content of the paragraph above (EH3.1). It is recommended that this paragraph is removed or significantly revised considering the document has been published
16. **Paragraph EH3.3** The title of the study that EA are doing is called the Aldingbourne Rife Integrated Floor Risk Management and Works
17. **Paragraph EH3.5** This report does set out existing issues but in the main does not provide any specific detail about Westergate or Aldingbourne, but is focused on Barnham and Eastergate and the BEW location, which is south of these villages and east of Westergate. It is therefore considered that it would be more appropriate for this to end following the second para or as a minimum should be rewritten.
18. **Policy EH4 and EH4.1:** The National standard for water usage (not drainage) is 110 l/per person/per day, including external. Any change for a more localised level must be justified and relate to water scarcity or supply issues. Flooding is not a reasoned justification for setting a significantly lower level. This policy should be removed to ensure compliance with national policy.
19. **Policy EH6** The following minor amendments are recommended to this policy to ensure that it is specific in terms of the linkage to any maps within it or other documents:  
“Development outside of the BUA boundary of **Westergate**, as defined in the ADC Local Plan 2011-2031 will not be permitted. The exception will be land identified in Policy H5 and shown on the proposals map, **for housing.**”
20. **Policy EH7:** The policy should ensure that the settings of heritage assets are not harmed. The last point of this policy could be restrictive as it would not allow for any technologies that a farm may wish to use or could be complimentary, such as anaerobic digestion.
21. **Policy EH8:** suggests a degree of control on non-listed buildings which is similar to that for listed buildings. This should be qualified. The issue of using Article 4 Directions will require some thought and should not be viewed as a given. They will

need to be implemented by the District Council should they be deemed the appropriate vehicle and are not the remit of a neighbourhood plan.

22. **Policy EH9:** Minor amendment required to ensure clarity:  
“...The **Parish** Council proposes ...Hook Lane be appraised by the LPA.....”
23. **Policy EH10** As currently written this is not really a policy but more of an intention.
24. **Policy EH12** The line “where technically feasible” needs some explanation.
25. **Policy H1:** This policy does not include anything with regard exceptions, so their suggested allocations would conflict with this policy. It is suggested that a minor amendment is made to this policy as follows:  
“...Natural England (See Map B), **apart from that identified on the proposals map for housing.**”  
Where has the ALC map (Map 2) been sourced from? This does not align with the MAGIC maps for ALC, which is available from [www.MAGIC.defra.gov.uk](http://www.MAGIC.defra.gov.uk) .  
Clarification required.  
The policy wording should also be better aligned with Policy SO DM1 Soils in the ALP to allow for more flexibility. A criteria based approach is considered to be more appropriate.
26. **Policy H2:** Minor alteration needed for clarity, as follows:  
“...and should be ~~subject to~~ **accompanied by** a design brief...” If this will not result in any issues related to the local validation list
27. **Policy H3:** proposes an Aldingbourne-specific dwelling mix, and requirements for lifetime homes standards. This needs more evidence base.
28. **Policy H4, H5 and H6:** the 40% affordable housing provision requirement needs to be backed by evidence and referenced in. The housing need survey done does not evidence 40%. The proposed policies will not address the shortage of affordable housing and will worsen the situation making the place less affordable for new households and young people as they propose a maximum density of 26 per HA - it would help provide more affordable homes if this was the minimum density. Generally the other housing policies, that are both specific to this site and generic appear to be unrealistic and over restrictive. E.g. policy H3 has unrealistic expectations about opposing “buy to lets’. Equally policy H4 has unrealistic expectations about viability and density and H5 restricts to local need only which cannot be justified. Furthermore policy H6 which relates to windfall requires 40% affordable housing. This ignores the current threshold for a affordable housing of 10 dwellings. Similarly policy H9 is totally unrealistic about local connections.
29. **P36 – top of the page 1st column, continued from previous page:** Planning decisions are unable to take extant permissions into account as part of determinations, therefore this should be removed as follows: “character and role of the settlement. ~~In deciding whether the scale is appropriate, account will be taken of the cumulative impact of extant unimplemented permissions within the parish as a whole.”~~
30. **P36 Point viii):** How is this to be achieved if you have chosen the allocation they have on the basis that there is no brownfield within the BUAB?
31. **P36 H6.2:** There is no reference in the policy regarding energy efficiency so unsure of the relevance/context.
32. **Policy H7:** The second half of this policy could be tied in with the National Space Standards.

33. **Policy H9:** proposes a local lettings plan for affordable homes ie.an opt out from the Choice Based Lettings (CBL) system across the district. We would not support any local lettings plan which over-rides our allocation scheme and nomination agreements for the allocation of affordable housing in the District. Whilst we appreciate the intention to provide housing to meet local needs, this could conflict with ADC policy on housing allocation which enables all households on our housing register to bid for affordable homes in our Choice Based Lettings (CBL) system. We would like to work with the parish to consider a local lettings plan to meet the particular needs of a housing development to support local employment or the sustainability of the local community but that which complements any strategic policy.
34. **P39 and p415th Objective:** Is this really an objective or should it be rewritten possible for the purposes of being considered during determinations of applications? This perhaps needs re-writing.
35. **Policy GA4:** This policy is not written akin to a land use policy at the moment. Also there is no definition as to what “supported clearly by the community” is – does this imply a percentage of votes? You may want to relate this to the policies in the emerging local plan. As currently written this policy would be in contradiction with the strategic objectives and policy of the Arun Local Plan 2011-203.
36. **Paragraph EE1.2** The end of this paragraph refers to not supporting the closure of the level crossing. This is again an issue that is not in conformity with the strategic approach or policy in the Plan. It is recommended that the last sentence is amended as follows:  
~~“...important and any proposal to close the level crossing at Woodgate would not be supported.”~~
37. **Policy EE3:**it is not clear what the changes of use are from here. Reference NPPF/PPG support for economic development. Any application should be judged on merits – i.e like scale, impact, benefits. There is no evidence present to support reasons in the supporting text and could prevent expansion of existing business in the parish. It is recommended that the last part of the policy is deleted.  
~~“Change to Class B2 uses (general industry) or Class B8 (distribution and storage) will be generally be resisted.”~~
38. **Policy EE9:**this does not appear to take into account the new provisions for permitted development for changes of use of rural buildings and is therefore unrealistic and not deliverable.
39. **Policy EE12:** This policy conflicts with ADC housing and employment policies so this needs to be re-worded or deleted.
40. **Policy LC4:**There is no area marked for allotments on the Proposals Map – there is an area that has dark green over it , is this the intended position? If so a name or most appropriately identification on a key is necessary. The proposals map has it labelled as community orchard and the plan calls it allotments. Clarity required.
41. **Policy LC6 and Schedule B – Local Green Spaces:**No. 12, east of Ivy Lane and south of the sports centre, is within the outlined strategic allocation for Barnham, Eastergate, Westergate in the emerging ALP 2011-2013. As such, allocation of this site as LGS, is contrary to paragraph 76 of the NPPF, requiring them to be *“consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.”*

Further, this paragraph also states that they should be capable of enduring beyond the plan period and for the same reason, it would fail against this requirement.

Though there are small areas and numbers up to 17 marked on the accompanying map, the list contained in the Schedule only goes to No. 13.

42. **Map A** – This requires a proper key, especially as the woodlands and orchards mentioned variously within the policies do not seem to be shown.

Without any key or explanation it is unclear what the blue lines on the map are intended to be. Additionally, these areas need to be clearly marked on the map. On the colour version the Bio Corridors would appear to be edge purple not pink.

43. **P49 Background Evidence:** It would seem a bit difficult for the Aldingbourne and Barnham Rife Strategy attributed to EA to have been used as this is not called this and is still at the modelling stages, so nothing has been published or will be available until significantly later in the year at its earliest.

44. The part where SuDS shouldn't be considered where groundwater is 0.7m or less below ground level could be quite restrictive. Surface features such as swales are designed to be very shallow and there are geocellular soakaway crates available that are 150mm and 300mm high that could also be used in such a situation. Where has the 0.7m figure come from, perhaps this could be explained?

In the same bullet point, the flood risk register is mentioned. It is assumed that this is referring to the asset register held by WSCC under their duties in the Flood and Water Management Act 2010, depending on what County record on their register, SuDS features may or may not be appropriate.

### **Basic Conditions Statement**

1. Part 5 of the Basic Conditions document does not do as the Amended 2015 Regs state "(and, accordingly, does not require an environmental assessment), a statement of reasons for the determination".) The reasons have been included as part of the Determination letter but this is not mentioned.

**Arun District Council supports the plan and the fundamentals of the policies drafted but our comments highlight any potential issues and conformity issues which we deem necessary.**

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

# **DELEGATED AUTHORITY: NEIGHBOURHOOD DEVELOPMENT PLANS**

The Neighbourhood Planning (General) Regulations 2012 - Parts 5 and 6

## **Background:**

Arun's constitution sets out how the Council operates, how decisions are made and the procedures that are followed; to ensure that decisions are efficient, transparent and accountable to local people.

A key priority of the Council is to draft and adopt the Local Plan in order to appropriately guide and manage growth across the District. Recent changes to the plan making system include the introduction of the Localism Act, which also makes provision for Neighbourhood Development Planning. To reflect the changes to the plan making system, and to clarify the roles of committees and alterations were made to the constitution in relation to Neighbourhood Development Planning functions for reasons of expediency.

## **Current delegated Authority as set out in the Constitution:**

### **Under Part 4- Officer Scheme of Delegation, Section 2 paragraph 5.24**

#### **Neighbourhood Development Plans**

The Director of Planning and Economic Regeneration or other Designated Officer shall be responsible for all planning matters relating to Neighbourhood Development Planning under The Neighbourhood Plans (General) Regulations 2012 - Parts 5 and 6.

## **Exercise of delegated authority by the Director of Planning and Economic Regeneration:**

In accordance with the above, the Director of Planning and Economic Regeneration or his nominated representative hereby authorises:

### **Comments on Aldingbourne Reg.15 Plan Proposal submission**

**Signed:**

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**Director of Planning and Economic Regeneration**

**Date:**

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