

July 2021

Neighbourhood Development Plan questions – Summary/Key points

Arun District Council is unable to demonstrate a 5-year housing supply (currently reported as 3.3 years) and therefore planning applications are determined under the positive balance introduced by the 'presumption in favour of sustainable development' in the National Planning Policy Framework 2019. This deems that housing and material policies within the Adopted Arun Local Plan 2018 to be out of date until the 5-year HLS can be re-established.

There is no mandated requirement to update the Neighbourhood Development Plan (NDP), however individual policies will be deemed to be out of date where they conflict with the policies of a Local Plan that is made after the NDP. The more recent policy will take precedence. Where a policy has been in place for some time, other material considerations may be given greater weight in a planning decision. This is a case in point in that the current FPNP Housing Policy is effectively out of date as it does not take into account the additional allocation (25 dwellings) made by ADC and therefore the policy would be given little weight should an application be made for housing towards the 25-dwelling figure.

Should Ferring Parish not wish to include housing allocations within an NDP (which it has a right not to do so) then it falls to the District Council to allocate in a Development Plan Document (DPD) or through the Local Plan. The delivery of the 25-dwelling requirement will therefore either be accommodated within the Local Plan update as allocations for the Parish and/or determined by submitted applications up to the 25-dwelling target. This would be regarded as being consistent with the NPPF policies as a whole and sustainable development.

The 24 dwellings currently identified in CRTBOs 1&2 and the 26 potential allocations in the NDP against the Bentons/Gem Garage site would be considered as an outstanding/unmet commitment and therefore would be regarded as a material consideration, should any development applications arise. The update of the Arun Local Plan will revise the housing supply and any backlog will be addressed through an uplift to allocations.

Small (sites of less than 6 units) cannot be counted against the original NDP allocations as these have been included in the small sites windfall calculation allowance within the Arun Local Plan and Authority Monitoring Report (AMR). ADC will not accept an offset of the pre 2018 windfalls against the allocations in the NDP as this would risk double counting. The Tudor Close development should, however, count against the new allocation of 25 dwellings and therefore the review of the NDP needs to allocate 18 (or 17 if revised application approved) units.

There is an exception to the small windfalls moving forwards: "Where a NDP proposes to proactively identify a site as an allocation that can come forward as less than 6 dwellings because there are no large sites available – this can count towards the NDP figure in the emerging plan where it has been agreed in advance with ADC so that they can make any necessary adjustment to the windfall allowance calculation". This would require us to identify sites that are likely to come forward for new dwellings in the next 5 years!

The HELAA is a high-level assessment of potential for the purposes of planning and due process would still be followed in the event of any development proposals. ADC were unaware of a lack of continuity in the HELAA appraisals with regards to designation as Countryside for the Strategic Gaps. The HELAA 2020 included reference to the Local Plan strategic constraints such as Strategic Gaps and these are all now acknowledged as material to the suitability of sites. Any HELAA site that falls outside of the Built-Up Area Boundary is by definition Countryside which is the policy starting point, however, the need to allocate more land to meet the housing requirements of the Arun Local Plan means that sites on the edge of and outside BUAB may need to be considered and will also be considered against the other policy constraints and opportunities for sustainable locations and degree of mitigation possible e.g. in terms of landscape implications.

Any proposals for the relocation of Worthing Rugby Club within the ADC Strategic Gap would be a departure from the Development Plan and contrary to the material policies – the Worthing - Ferring Strategic Gap and CSP1 countryside. Other plan policies that may be relevant would need to be considered and also what material circumstances there may be.

It is clear that a review of the FPNP policies is required to:

- Confirm that they still meet the needs of the community.
- To identify where and what type of development would be supported.
- Identify any conflicts with the current and emerging Arun Local Plan.
- Identify how and where existing housing allocations can be delivered, or where this cannot be achieved to develop robust reasons and justification.
- Identify the need for additional evidence to support Green space designation and current and extended conservation area.

In the longer term, ie; over the next 2-3 years this work will link to a formal update of the Neighbourhood Development Plan which will require professional support and may well result in the need for a new referendum.