

Arun District Council

REPORT TO:	Full Council - 9 November 2022
SUBJECT:	Adoption (making) of the Lyminster and Crossbush Neighbourhood Plan 2020 - 2031
LEAD OFFICER:	Donna Moles - Principal Planning Officer
LEAD MEMBER:	Councillor Ricky Bower
WARDS:	Arundel & Walberton Ward
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION: The recommendations supports:- <ul style="list-style-type: none">• Improving the wellbeing of Arun;• Delivering the right homes in the right places.	
DIRECTORATE POLICY CONTEXT: Under section 61E(4) of the 1990 Act, Arun District Council as the Local Planning Authority has to make a Neighbourhood Development Plan if it meets the statutory requirements.	
FINANCIAL SUMMARY: There are no financial implications arising from the recommendations of this report.	

1. PURPOSE OF REPORT

- 1.1. A successful Neighbourhood Planning Referendum on the Lyminster and Crossbush Neighbourhood Development Plan (NDP) 2020-2031 was held on 11 October 2022, where 86.88% of voters casted a 'Yes' vote. If more than 50% of those voting on the day, vote 'yes' then the local planning authority under section 61E(4) of the 1990 Act, needs to 'make' (adopt) the Plan.
- 1.2. The purpose of this report is to make the Lyminster and Crossbush NDP 2020-2031 which is a legislative requirement.

2. RECOMMENDATIONS

- 1.3. Recommend that Full Council 'makes' the Lyminster and Crossbush Neighbourhood Plan 2020-2031 and it becomes part of the Development Plan for Arun District Council.

2. EXECUTIVE SUMMARY

- 2.1. The Lyminster and Crossbush Neighbourhood Development Plan 2020-2031 passed Examination in July 2022. The Examiner's report concluded that subject to making the modifications recommended by the Examiner, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning Referendum. A successful Neighbourhood Planning Referendum on the Lyminster and Crossbush NDP 2020-2031 was held on 11 October 2022, where 86.88% of voters casted a Yes vote. If more than 50% of those voting on the day, vote 'yes' then the local planning authority under section 61E(4) of the 1990 Act, needs to 'make' (adopt) the Plan. The 'making' of the plan by Full Council will give it legal force and it will form part of the statutory Development Plan for Arun Local Planning Authority area. Consequently, decisions on planning applications in the neighbourhood area will need to be made in accordance with the NDP, unless material considerations indicate otherwise.

3. DETAIL

- 3.1. The Localism Act, which received Royal Assent on November 15 2011, introduced new rights and powers to allow local communities to shape new development by coming together to prepare Neighbourhood Plans and Orders. Neighbourhood forums and Parish Councils can use new Neighbourhood Planning powers to establish general planning policies for the development and use of land in a neighbourhood. These are described legally as 'Neighbourhood Development Plans'. They have to meet a number of conditions before they can be put to a community referendum and legally come into force. These conditions are to ensure plans are legally compliant and take account of wider policy considerations.
- 3.2. Under the Town and Country Planning Act 1990 (as amended), the Local Planning Authority 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.
- 3.3. The Lyminster and Crossbush NDP relates to the area that was designated by Arun District Council and South Downs National Park Authority as a neighbourhood area on 13 March 2019. This area is coterminous with the Lyminster and Crossbush Parish Council boundary that lies within the Arun District Council Local Planning Authority Area. Part of the specified area falls within the South Downs National Park Local Planning Authority Area and part within Arun District Council Local Planning Authority Area.
- 3.4. Mr Christopher Lockhart-Mummery was appointed by Arun District Council with the consent of the Parish Council, to undertake the examination of the Lyminster and Crossbush NDP and to prepare a report of the independent examination.

- 3.5. On 25 August 2022, the Decision Statement, which is a report that outlines all the Examiner’s modifications and confirms acceptance by all parties, was signed by the Group Head of Planning and published on the Arun District Council website.
- 3.6. The Examiner’s report concluded that subject to making the modifications recommended by the Examiner, the NDP meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning Referendum.
- 3.7. If a plan passes the referendum, i.e. more than 50% of those voting on the day, vote ‘yes’; then the local planning authority under section 61E(4) of the 1990 Act, needs to ‘make’ (adopt) the NDP. This ‘making’ of the NDP by Full Council will give it legal force and it will form part of the statutory Development Plan for that area. Consequently, decisions on planning applications in the neighbourhood area will need to be made in accordance with the NDP, unless material considerations indicate otherwise.
- 3.8. On Tuesday 11 October 2022, Lyminster and Crossbush Neighbourhood Development Plan successfully passed its referendum with 86.88% of the votes agreeing that the Neighbourhood Development Plan be used in Development Management decision making.

Polling Station	Votes recorded	Percentage
Number cast in favour of a ‘Yes’	106	86.88%
Number cast in favour of a ‘No’	16	13.11%
Turnout		38.85%

4. CONSULTATION

- 4.1. Various rounds of statutory consultation with the parishes, the community, Statutory bodies and relevant stakeholders as per the regulations, have been undertaken as part of the Neighbourhood Plan process.

5. OPTIONS / ALTERNATIVES CONSIDERED

- 5.1. The options are

1.To ‘make’ the Lyminster and Crossbush Neighbourhood Plan 2020-2031 to become part of the Development Plan for Arun District Council **OR**

2. To not ‘make’ the Lyminster and Crossbush Neighbourhood Plan 2020-2031 which would not become part of the Development Plan for Arun District Council.

6. COMMENTS BY THE GROUP HEAD OF CORPORATE SUPPORT/SECTION 151 OFFICER

6.1. There are no financial considerations arising from this report.

7. RISK ASSESSMENT CONSIDERATIONS

7.1. Once 'made', the Lyminster and Crossbush NDP will become part of the Development Plan for the District and will be used by the Council when determining planning applications for this area.

8. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

8.1. There are no Governance or legal implications.

9. HUMAN RESOURCES IMPACT

9.1. There are no human resources implications.

10. HEALTH & SAFETY IMPACT

10.1. The proposals may help to improve housing delivery through evidenced plan making, having a positive impact on health and wellbeing.

11. PROPERTY & ESTATES IMPACT

11.1. There are no direct implications for Council property.

12. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

12.1. The proposals may help to improve access to housing through plan making for all sections of the community, having a positive impact on health and wellbeing.

13. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

13.1. There are no direct adverse implications for Climate Change.

14. CRIME AND DISORDER REDUCTION IMPACT

14.1. There are no direct adverse implications for crime and disorder.

15. HUMAN RIGHTS IMPACT

15.1. There are no direct adverse implications for human rights.

16. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

16.1. There are no implications.

CONTACT OFFICER:

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BACKGROUND DOCUMENTS:

The web link provides access to the background stages and formulation of the NDP:
[Lyminster and Crossbush neighbourhood development plan | Arun District Council](#)