

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF FULL COUNCIL ON 14 JULY 2021

SUBJECT: Adoption (making) of the Aldingbourne Neighbourhood Plan 2019-2031

REPORT AUTHOR: Donna Moles (Senior Planning Officer)

DATE: 28 June 2021

EXTN: 37697

AREA: Planning Policy

EXECUTIVE SUMMARY:

The Aldingbourne Neighbourhood Development Plan 2019-2031 passed Examination in May 2021. The Examiner of this modified Plan concluded that the Neighbourhood Development Plan (NDP) passed the Examination and that the material modifications do not change the nature of the NDP which does not therefore, require a Referendum and so should proceed to be 'made'.

The 'making' of the NDP 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.

RECOMMENDATIONS:

It is recommended that Full Council:

- 1) 'Makes' the Aldingbourne Neighbourhood Plan 2019-2031 and it becomes part of the Development Plan for Arun District Council.

1. BACKGROUND:

- 1.1 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 (e.g. national policy).

- 1.2 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.
- 1.3 The Aldingbourne Neighbourhood Development Plan (NDP) relates to the area that was designated by Arun District Council as a neighbourhood area on 31st October 2013 and South Downs National Park Authority. This area is coterminous with the Aldingbourne 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.
- 1.4 The Aldingbourne NDP was examined by Mr Christopher Lockhart-Mummery QC, who passed the Plan and recommended Arun District Council should, subject to the modifications in the Examination report, proceed for the NDP to be 'made' by Arun District Council. Following this, all the Examiner's modifications were agreed by Aldingbourne Parish Council, Arun District Council and South Downs National Park.
- 1.5 On 18 June 2021, 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.

2. PROPOSAL(S):

- 2.1 There are 3 types of modification which can be made to a neighbourhood plan or order. The process will depend on the degree of change which the modification involves:
 - Minor (non-material) modifications to a neighbourhood plan or order are those which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum.
 - Material modifications which do not change the nature of the plan or order would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan.
 - Material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.

2.2 Whether modifications change the nature of the NDP is a decision for the independent examiner. The examiner will consider the nature of the existing NDP, alongside representations and the statements on the matter made by the qualifying body and the local planning authority. Where material modifications do not change the nature of the NDP (and the examiner finds that the proposal meets the basic conditions or would with further modifications) a referendum is not required.

2.3 The Examiner concluded that whilst the modifications to existing policy and the addition of a small number of new policies are material modifications to the existing made NDP, they do not when taken as a whole, change the nature of the NDP. They are in the main refinements of existing policy and the plan does not introduce new allocations, therefore; a new referendum is not required, and it is appropriate for Arun District Council to make the modified NDP.

3. OPTIONS:

1. To 'make' the Aldingbourne Neighbourhood Development Plan 2019-2031 to become part of the Development Plan for Arun District Council.

Or

2. To not 'make' the Aldingbourne Neighbourhood Development Plan 2019-2031 which would not become part of the Development Plan for Arun District Council.

4. CONSULTATION:

Various rounds of consultation has been undertaken as part of the Neighbourhood Plan process.

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council	X	
Relevant District Ward Councillors	X	
Other groups/persons (please specify) The community, Statutory bodies and relevant stakeholders as per the regulations	X	
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial		X
Legal		X
Human Rights/Equality Impact Assessment		X
Community Safety including Section 17 of Crime & Disorder Act		X
Sustainability		X
Asset Management/Property/Land		X
Technology		X
Other (please explain)		X

6. IMPLICATIONS:

Once 'made', the Aldingbourne 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.

7. REASON FOR THE DECISION:

Arun District Council as the Local Planning Authority under section 61E(4) of the 1990 Act, needs to bring a Neighbourhood Development Plan into force.

8. BACKGROUND PAPERS:

The web link provides access to the background stages and formulation of the NDP:
[Aldingbourne Neighbourhood Development Plan 2 | Arun District Council](#)