

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF FULL COUNCIL ON 14 JULY 2021

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

REPORT AUTHOR: Donna Moles (Senior Planning Officer)

DATE: 28 June 2021

EXTN: 37697

AREA: Planning Policy

EXECUTIVE SUMMARY:

The Walberton Neighbourhood Development Plan 2019-2031 passed Examination in February 2021. Given the nature of the Policies in the submitted review of the Neighbourhood Development Plan (NDP), 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 Walberton NDP 2019-2031 was held on 6 May 2021, where 91.9% 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 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 Walberton 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 Walberton NDP relates to the area that was designated by Arun District Council and South Downs National Park Authority as a neighbourhood area on 29th November 2012 and published on 10th December 2012. This area is coterminous with the Walberton 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 Mr Edward Cousins was appointed by Arun District Council with the consent of the Parish Council, to undertake the examination of the Walberton NDP and to prepare a report of the independent examination. Given the nature of the Policies in the submitted review of the Neighbourhood Plan, 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.
- 1.5 On 19 March 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.
- 1.6 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.

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 Given the nature of the Policies in the submitted review of the Neighbourhood Development Plan, 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.

2.4 On Thursday 6 May 2021, Walberton Neighbourhood Development Plan successfully passed its referendum with 91.9% of the votes agreeing that the Neighbourhood Development Plan be used in Development Management decision making.

Table 1: Declaration of Result of Poll

Polling Station	Votes recorded	Percentage
Number cast in favour of a 'Yes'	693	91.19%
Number cast in favour of a 'No'	65	8.55%
Turnout		42.03%

3. OPTIONS:

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

Or

2. To not 'make' the Walberton Neighbourhood 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 Walberton 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:
[Walberton Neighbourhood Development Plan 2 | Arun District Council](#)