



ADUR DISTRICT COUNCIL

Executive Member for Regeneration
16 March 2018

Decision to be taken on or after
26 March 2018

Ward(s) Peverel and Cokeham:

Progression of the Sompting Parish Neighbourhood Plan

Director for the Economy

Executive Summary

Purpose

- This report explains the development of the Sompting Parish Neighbourhood Plan so far; the role of neighbourhood plans, and the current stage the Plan has reached. In addition, it sets out a proposed response from Adur District Council (Appendix 1) to the Draft Sompting Parish Neighbourhood Plan which is published for consultation from 19th February - midnight 8th April 2018.
- Attached at Appendix 1 is a proposed draft response from Adur District Council to the Draft Sompting Neighbourhood Plan. Agreement is sought, in order that it can be submitted as Adur DC's response to the consultation.
- Following the consultation the Draft Sompting Neighbourhood Plan should be submitted to the Examiner for examination.

Recommendations

2.1 That the proposed comments at Appendix 1 are submitted to the Examiner as Adur District Council's response to the Draft Sompting Neighbourhood Plan;

2.2 That the Draft Sompting Neighbourhood Plan is submitted to the Independent Examiner for examination after the relevant consultation has taken place; and

2.3 That the Executive Member agree that the Head of Planning and Development shall make any minor and consequential amendments to the Sompting Neighbourhood Plan and/or take any other appropriate action in response to recommendations made by the Independent Examiner following his/her examination of the Sompting Neighbourhood Plan.

3 Context

3.1 The report to Adur Planning Committee of 19th February 2018 explained that Sompting Parish Council submitted an application to Adur District Council (ADC) and to the South Downs National Park Authority (SDNPA) (as the Parish straddles both local planning authority areas) in September 2012, seeking to designate Sompting Parish as a Neighbourhood Area. A decision was made on 17th December 2012 by ADC (in liaison with the SDNPA) to approve this. Since that time, the Parish Council has been working on a Neighbourhood Plan for the Parish.

3.2 The report to Adur Planning Committee explains the background to, and purpose of, neighbourhood plans, and the Basic Conditions test, against which neighbourhood plans are assessed.

3.3 The report also explained that Sompting Parish has previously consulted on a pre-submission version of the Parish Plan in May 2015, as well as on a draft version of the Housing and Design Guide.

3.4 A consideration of the compliance of the Neighbourhood Plan has been undertaken by ADC officers; this was attached to the Adur Planning Committee report as Appendix A.

4 Issues for consideration

4.1 Appendix 1 of this report sets out the proposed formal representation from Adur District Council on the Sompting Neighbourhood Plan.

5 Engagement and Communication

5.1 ADC have published the Sompting Neighbourhood Plan for public consultation from Monday 19th February - midnight on Monday 8th April 2018. The relevant documentation (including copies of the Neighbourhood Plan and response forms) have been made available on the ADC website: (<https://www.adur-worthing.gov.uk/sompting-neighbourhood-plan/>)

5.2 Hard copies of the Sompting Neighbourhood Plan are available at the Harriet Johnson Centre, Shoreham Centre, and Portland House, Worthing. Public notices have been provided to the Parish Council to put on their notice boards throughout the parish. The consultation has been publicised on social media sites, and on the SDNPA and Sompting Parish Council websites. The relevant consultation bodies have been notified. Sompting Parish Council will also advertise the consultation in their newsletter 'Sompting Signpost'.

5.3 Sompting Parish Council have also provided a Consultation Statement which accompanies the Neighbourhood Plan, and sets out the range of consultation events held by the Parish to develop the plan.

6 Financial Implications

6.1 At this point of time ADC has some grant monies previously received from the Department for Communities and Local Government (DCLG) for the purposes of progressing the Sompting Neighbourhood Plan. In due course ADC will be able to apply to the Ministry of Housing, Communities and Local Government to apply for further grant monies to address costs incurred at the Independent Examination and Referendum stages.

7. Legal Implications

7.1 The key legislative framework for the progression and implementation of neighbourhood plans is set out in the Neighbourhood Planning (General) Regulations 2012, Schedule 4B of the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004.

7.2 Under the Neighbourhood Planning (General) Regulations 2012, where the draft neighbourhood plan submitted to a local authority meets the legislative requirements, the local authority must publicise the neighbourhood plan for a minimum of 6 weeks, invite representations, notify any consultation body and send it for independent examination.

7.2 The Neighbourhood Plan proceeds to a referendum following a recommendation from the Independent Examiner. Under section 38A(4) of the Planning and Compulsory Purchase Act 2004, a local planning authority must adopt a neighbourhood plan if more than half of those voting in a referendum have voted in favour of the plan.

Background Papers

- Draft Sompting Neighbourhood Plan.
- Other relevant documents may be found at:

<https://www.adur-worthing.gov.uk/sompting-neighbourhood-plan/>

Officer Contact Details:-

Moira Hayes

Adur Planning Policy Manager

01273-263247

moira.hayes@adur-worthing.gov.uk

Sustainability & Risk Assessment

1. Economic

No issues identified.

2. Social

2.1 Social Value

The Neighbourhood Plan has been prepared by Sompting Parish Council on behalf of the Sompting community, and seeks to develop planning policies to address local issues.

2.2 Equality Issues

An Equality Impact Assessment has been prepared by Sompting Parish Council.

2.3 Community Safety Issues (Section 17)

No specific issues identified.

2.4 Human Rights Issues

No issues identified

3. Environmental

The Plan seeks to protect certain open spaces, and addresses other planning matters.

4. Governance

- If successful at referendum (following Examination) the Plan will be 'made' (adopted) and will form part of Adur's Local Development Framework.
- Officers have been working with Sompting Parish Council to 'advise and assist' in the preparation of the Sompting Neighbourhood Plan.
- It is for Adur District Council to manage the current consultation, examination process and subsequent referendum on the Sompting Neighbourhood Plan.

Appendix 1

Adur District Council Response to Draft Sompting Parish Neighbourhood Plan

Adur District Council has worked with Sompting Parish Council in the preparation of their Neighbourhood Plan and through our role to advise and assist we have had the opportunity to comment on a number of draft versions of the Plan. The Council congratulates the Parish on the progress made so far, and is pleased to see that the majority of our previous comments have been taken on board. It is considered that the draft Sompting Parish Neighbourhood Plan does meet the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended). Although it should be noted that it is for the Independent Examiner to confirm whether or not the Neighbourhood Plan meets the basic conditions.

We have reviewed the submitted Neighbourhood Plan and associated Housing and Estate Design Guide, Basic Conditions statement, Equality Impact Assessment and Consultation Statement. Please find our comments below which address in the Council's view whether or not the draft Sompting Parish Neighbourhood Plan meets the basic conditions and other matters as required under paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended) and other relevant legislation.

Since producing and submitting this Neighbourhood Plan to the District Council as the Local Planning Authority, the Parish have undertaken a further six week consultation on their Housing and Estate Design Guide (Annex E standalone document) to comply with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended). The Parish have also used this time to undertake an Equality Impact Assessment (EqIA) of their Neighbourhood Plan.

General Comment

Since the submission of the Sompting Parish Neighbourhood Plan to the District Council, the Adur Local Plan was found sound and adopted on 14th December 2017. This is now the development plan for that part of Sompting Parish which lies outside of the South Downs National Park and as such, the SPNP should be in general conformity with it. References in the Sompting Parish Neighbourhood Plan to the saved policies of the 1996 Adur Local Plan should therefore be deleted and reference to the Proposed Submission Adur Local Plan 2014 should be updated and amended to the Adur Local Plan 2017. Any Policy numbers referred to will also need

to be updated. Map extract will also need to be addressed. This is particularly relevant to Part 3 Planning Policy Context.

Furthermore ADC officers would welcome a discussion with representatives of Sompting Parish NP (and officers of South Downs National Park Authority) to agree which policies are to be monitored by the Local Planning Authorities, and what additional local level monitoring the Parish might want to undertake.

Policy 1: A Spatial Plan for the Parish

The first two paragraphs of this policy insofar as it relates to land outside of the National Park duplicate Policies 2: Spatial Strategy, 13: Adur's Countryside and Coast, and 14: Local Green Gaps of the Adur Local Plan 2017. Paragraph 043 of the Planning Practice Guidance states that duplication of the planning process should be avoided.

Policy 2:

Land at West Sompting was allocated for development through the Adur Local Plan 2017. Policy 6: Land at West Sompting sets out the Local Plans requirements for the site including a minimum of 480 dwellings. The site promoters have recently undertaken pre-planning consultation on their proposals.

Paragraphs 040 and 041 of the Planning Practice Guidance highlight the importance of proportionate, robust evidence to support the choices made and the approach taken. Although we do consider that this Policy is in general conformity with Policy 6 of the Adur Local Plan 2017, we have previously advised the Parish Council that particular elements of this policy go beyond the Local Plan policy requirements and that it is unclear how these aspects of the policy are justified - namely the retail unit, specification of the proposed community building and requirement for a structural landscape belt of 10m. We are therefore unclear what evidence supports these aspects of Policy 2, and whether they are appropriate having regard to the guidance issued.

In addition as highlighted within the text, the proposed landscape belt falls within land designated as countryside designated by the Adur Local Plan 2017. Although a public right of way across the Local Green Gap to Worthing is included in the Adur Local Plan 2017, any proposed uses or landscaping should be in broad conformity with this designation.

In relation to the proposed community building, Policy 6: Land at West Sompting of the Adur Local Plan 2017 refers to the provision of a community facility, however this was not intended as a requirement for a new community centre. We note that the policy wording at point iv refers to a 'replacement community building'; however it is

not clear what this is replacing particularly as the Harriet Johnson Centre (an existing nearby community hall and home to the Parish Council office) is included in Part 5 as a proposed Asset of Community Value. It is understood that plans are underway to redevelop and enhance existing community centres in Sompting which would mean a new community building would likely be surplus to requirements. Furthermore the proposed West Sompting development does not generate the need for a community facility of this scale.

For information the Adur District Council Objectively Assessed Needs Study (2015) referred to on page 27 has been updated by the Adur District Council Objectively Assessed Needs Update (2016) which revises Adur's OAN to 325 dwellings per annum.

Policy 3

This Policy makes specific reference to the Sompting Housing and Estate Design Guide. A neighbourhood plan is defined as 'a plan which sets out the policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan' (Planning and Compulsory Purchase Act 2004 as amended). Using this definition it is arguable that a plan means the plan in its entirety (including any statements, annexes or additions ie 'however expressed'). The Design Guide is expressed as an annex to the Plan document (and specifically referred to in Policy 3) and therefore in the Council's opinion forms a fundamental element of it.

The Parish Council undertook consultation with the relevant consultation bodies for a period of 6 weeks from 27 July 2017 to 18 September 2017.

The comments provided to the Parish Council in relation to the Guide still applies. Where we raised significant issues we have copied these, as follows:

The document gives the impression that all areas of the parish have similar characteristics

in terms of property style, materials, etc. The examples given appear to be from the historic core of Sompting (although this is not made clear). Given that much of the residential

development within the Built Up Area Boundary of Sompting consists of postwar development, we would query whether it is appropriate to apply these principles throughout the entire Parish.

The 'Buildings' section states that '*the developer should restrict the forming of flats, and these must not be higher than three storeys.*' Given the high level of housing need in Adur, and the range of dwelling types required, flat developments certainly

meet some identified needs. No justification has been given for the restriction of flats to three storeys.

We recommend that the section titled 'Carbon Emissions' is deleted. As a result of the Government's Housing Standards Review the Code for Sustainable Homes has been withdrawn and the Government has advised that qualifying bodies preparing neighbourhood plans should not set in their emerging neighbourhood plans any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.

Policy 6

Please note that proposals to establish a farm shop or winery (within the area covered by the Adur Local Plan) would not be consistent or in broad conformity with Policy 13: Adur's Countryside and Coast of the Adur Local Plan 2017. We would also have concerns regarding the impact of this policy on Policy 14: Local Green Gaps of the Adur Local Plan 2017 (and potentially Policy 1 of the Sompting Parish Neighbourhood Plan). Please note also that the policies referred to in paragraph 4.50 are no longer part of the development plan.

Part 5

Paragraph 1.4 of the Sompting Parish Neighbourhood Plan explains how Section 5 of the Plan includes a series of non-statutory proposals relating indirectly to planning matters, setting out how some policies will be implemented. However we would wish to highlight the following points:

Assets of Community Value

We note the proposed assets however as previously explained to the Parish Council, there is a separate application process for Assets of Community Value.

Infrastructure Projects

A decision was made by Adur District Council on 9 January 2018 not to progress the proposed Community Infrastructure Levy (CIL) for Adur, but to maintain the current s106 regime. We would therefore recommend that reference to CIL is removed.

The Former Waste Transfer Site off Halewick Lane

The original Strategic Environmental Assessment (SEA) Screening Opinion dated 11 August 2014 recommended that an SEA of the Sompting Parish Neighbourhood Plan be undertaken. This decision was made in consultation with the South Downs National Park Authority and was based primarily on the fact that the Neighbourhood

Plan at that time included a criteria based policy for employment development at a waste transfer site off Halewick Lane within the South Downs National Park. Following removal of this policy from the Neighbourhood Plan a revised SEA Screening Opinion was issued on the 6 May 2015. This concluded that in Adur District Council's opinion, an SEA is not required for the Sompting Parish Neighbourhood Plan.

We note that the text here simply states the Parish Council's support for the redevelopment of this site. However we would highlight that should this revert back to a policy allocating the site for redevelopment the District Council (in liaison with the South Downs National Park) would need to revisit whether a SEA is required.

We hope you find this helpful in reaching your view on whether the Sompting Parish Neighbourhood Plan meets the Basic Conditions.