

Appendix 2

Email from Donna Moles Arun DC

1) White Paper Planning Proposals Latest Position in respect of

a) Arun District Council Local Plan

Building on this White Paper, the government is expected to publish the second report on rural proofing in England. This report will set out how government departments are working to support levelling up in rural areas, through targeted approaches where needed, and how they are strengthening the rural economy, developing rural infrastructure, delivering rural services and managing the natural environment.

They will be setting out further detail on a number of these policy commitments in future publications. In addition, they will introduce legislation to Parliament to underpin in statute the changes fundamental to levelling up, alongside wider planning measures.

Whilst there is no specific mention about the planning reform, it is evident that issues such as beauty through building, building more homes especially affordable social housing, improving housing conditions and quality that is fit for the 21st century with climate change as one of the drivers as well as digital infrastructure.

b) New Neighbourhood Development Plans

There are no changes proposed at this moment, NDPs can continue as normal as per the Regulations.

c) Can ADC demonstrate a five year supply of deliverable housing sites – if not what are consequences to ADC Local Plan and NDP'S?

ADC does not have a 5 year housing land supply. Most recently, the AMR 2020/21 published in January 2022 demonstrates a 2.4-year HLS.

The inability to demonstrate a 5-year housing land supply has consequences, with the material housing policies of the Arun Local Plan, used for decision making, being deemed out of date until a 5- year housing land supply can be re-established.

In addition, should the Council not be able to demonstrate a 3-year housing land supply, there are also further penalties and risks that apply to older and recently made NDPs.

2) Housing figures in ADC Local Plan

a) Who set the total figure of 20,000 houses over the term of the plan?

ADC agreed housing numbers for Parish Councils through its Housing Methodology to provide a minimum housing figure for testing non-strategic scale development

(e.g. 300 dwellings or less) through NDP reviews/preparation and a Non-Strategic Sites Development Plan Document (NSSDPD) in order to help contribute towards the delivery of at least 1,250 dwellings as a minimum (as set out in the Adopted Arun Local Plan 2018). This figure remains the most up to date guidance for Parish/Town Councils until ADC has established a replacement Objectively Assessed Housing Need (OAN) as part of its Local Plan update, and subsequently agreed a distribution to be shared out to Parish/Town Councils.

b) What does the ADC Local Plan actually require from Middleton-on-Sea in new housing numbers?

200 *This Housing Methodology/distribution was agreed for consultation following reporting to the Local Plan Sub-committee on 16 October 2018:-*

<https://democracy.arun.gov.uk/ieListDocuments.aspx?CIId=163&MIId=905>

The Local Plan update resumes this summer 2022, this work won't provide any outputs until at least mid-2024.

Therefore, the 'indicative housing figure provided to Parishes remains unchanged and the most up to date housing figure for NDP preparation/reviews to test

c) When will new ADC Local Plan be planned?

The Local Plan Update will resume, we will set out a revised Local development Scheme which will be reported to the 27 July Planning Policy Committee. This work won't provide any outputs until at least mid-2024.

3) HELLA/ADC Local Plan & NDP

a) How are the annual HELLA report changes reflected in ADC Local Plan?

The HELAA does not form part of the Development Plan and does not allocate sites for development nor preclude those sites not identified from coming forward for planning permission in the future.

Inclusion of a site in the HELAA does not mean that it will be allocated for development.

b) What are the definitions of the terms 'deliverable developable and not currently developable'.

Deliverable

To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. These sites are coloured BLUE on the HELAA map.

Developable

To be considered developable, sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged. These sites are coloured ORANGE on the HELAA map.

Not currently developable

If it is not known when a site could be made available or viably developed or subject to suitability, availability and achievability constraints it is considered 'Not Currently Developable' and is coloured RED on the HELAA map

c) How do these categories relate to ADC Local Plan?

They will enable evidence to be updated on potential housing and employment land supply and delivery performance in support of the Adopted Local Plan and further plan making to ensure that the needs of the community in Arun are met sustainably.

d) Will ADC accept an NDP that does not have any housing numbers?

Are housing requirement figures for neighbourhood areas binding? The scope of neighbourhood plans is up to the neighbourhood planning body. Where strategic policies set out a housing requirement figure for a designated neighbourhood area, the neighbourhood planning body does not have to make specific provision for housing, or seek to allocate sites to accommodate the requirement (which may have already been done through the strategic policies or through non-strategic policies produced by the local planning authority). The strategic policies will, however, have established the scale of housing expected to take place in the neighbourhood area.

e) If ADC cannot accept an NDP with no housing numbers will it accept the latest HELAA figure of 189 new houses?

From a positive planning approach, the housing number should be met but there is no requirement that you must do this.

Housing requirement figures for neighbourhood plan areas are not binding as neighbourhood planning groups are not required to plan for housing. However, there is an expectation that housing requirement figures will be set in strategic policies, or an indicative figure provided on request. Where the figure is set in strategic policies, this figure will not need retesting at examination of the neighbourhood plan. Where it is set as an indicative figure, it will need to be tested at examination.

f) Some surrounding parishes have had large increases in new houses being developed which are outside of their NDP, So do ADC Planning take no regard of the NDP and just process the application.

Planning applications continue to be determined on their merits in line with the development plan unless material considerations indicate otherwise. The lack of a 5yr land supply is a factor taken into consideration at planning appeals which is when most of these large increases have occurred.

g) How are Biodiversity Opportunity Areas designated? Could Middleton-on-Sea Parish have a Biodiversity Opportunity Area within its NDP on any parcel/s of land?

These areas are normally designated by regional bodies or local plan level due to the level of evidence required. Most NDPs designate Biodiversity corridors but there is nothing which restricts the NDP from designating a Biodiversity Opportunity Area. ADC Policy ENV DM3 'Biodiversity Opportunity Areas'; and Policy ENV DM5 'Development and Biodiversity', should be reviewed to see whether the NDP policy would add further detail.

Second email response from Donna Moles Arun DC additional question

Can you please advise what the position is if ADC do not have a 5 year housing supply or a 3 year housing supply and what the penalties are?

Can you also advise what this would mean to NDP's? I assume planners could be forced into approving large housing development applications to meet the target and even if they refused the application and it went to appeal then the pressure is on the Inspector

The Council's published Authority Monitoring Report 2018/19 demonstrated that Arun could no longer demonstrate a 5-year HLS (i.e. reporting a 3.7 year HLS). The AMR 2019/20 demonstrated a 3.3 year HLS.

Most recently, the AMR 2020/21 published in January 2022 demonstrates a 2.4-year HLS:- [Monitoring | Arun District Council](#)

The inability to demonstrate a 5-year housing land supply has consequences, with the material housing policies of the Arun Local Plan, used for decision making, being deemed out of date until a 5- year housing land supply can be re-established.

In addition, should the Council not be able to demonstrate a 3-year housing land supply, there are also further penalties and risks that apply to older and recently made NDPs.

National Planning Policy Framework

Paragraph 11d

An inability to demonstrate a 5-year HLS triggers the application of NPPF 2019 paragraph 11d i.e. the 'presumption in favour of sustainable development' (the full criteria a set out in Appendix 1). This applies a 'tilted balance' to positively determine planning applications as long as the benefits of doing so outweigh the harms and do not conflict with the policies in the NPPF as a whole.

Paragraph 12 and 13

The application of the 'presumption' must be applied in keeping with paragraphs 12 and 13 in that the development plan remains the statutory basis and starting point for decision making and decisions should be made in accordance with up to date plans including NDP. NDP should also support the delivery of Strategic Policies and also development outside of the strategic polices.

Paragraph 14

Paragraph 14 deals with Neighbourhood Development Plans (NDP) and criteria a)-d) all of which must apply, and clarifies that as long as NDP are up to date (i.e. less than 2 years old at the point of determining an application) and the authority can demonstrate a 3 year housing land supply, then the tilted balance can be deemed to be harmful and not apply to NDP polices. The full criteria of paragraph 14 are set out in appendix 2.

On the basis of Arun demonstrating a 2.4 year HLS in its latest published AMR, the application of up to date NDP policies to decision making on determining planning applications cannot be relied upon as robust for the time being and the tilted balance will apply to decision making for as long as the there is an inability to demonstrate a 3-year HLS. Arun has encouraged Parish and Town Councils reviewing or preparing NDP to test the Housing Methodology figure as a minimum (i.e. precisely because of the vulnerability of

housing supply) in order to bring forward sufficient deliverable housing land for allocation to help meet the Local Plan housing requirement set out in the housing trajectory.

The lack of a 5 year and 3-year housing land supply has specific penalties for decision making on determining applications against the development plan. Therefore, even an up to date NDP that is recently made, will still be subject to the 'presumption' when determining applications against the material NDP and Local Plan housing policies, until a 3 year housing land supply is re-established

It is important therefore, that Parish Councils undertaking NDP updates/preparation, continue to make progress to help towards re-establishing the districts 5-year housing land supply, however, ultimately this decision to progress a plan is that for the Parish Council to make.