

ARUNDEL  
NEIGHBOURHOOD PLAN REVIEW

2018 - 2031

BASIC CONDITIONS STATEMENT

Published by Arundel Town Council under the Neighbourhood Planning (General) Regulations 2012 (as amended)

July 2019

## 1.INTRODUCTION

1.1 This statement has been prepared by Arundel Town Council ("the Town Council") to accompany its submission of the Arundel Neighbourhood Plan Review ("the Review") to the local planning authorities, Arun District Council ("the District Council") and the South Downs National Park Authority ("the National Park Authority"), under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) ("the Regulations").

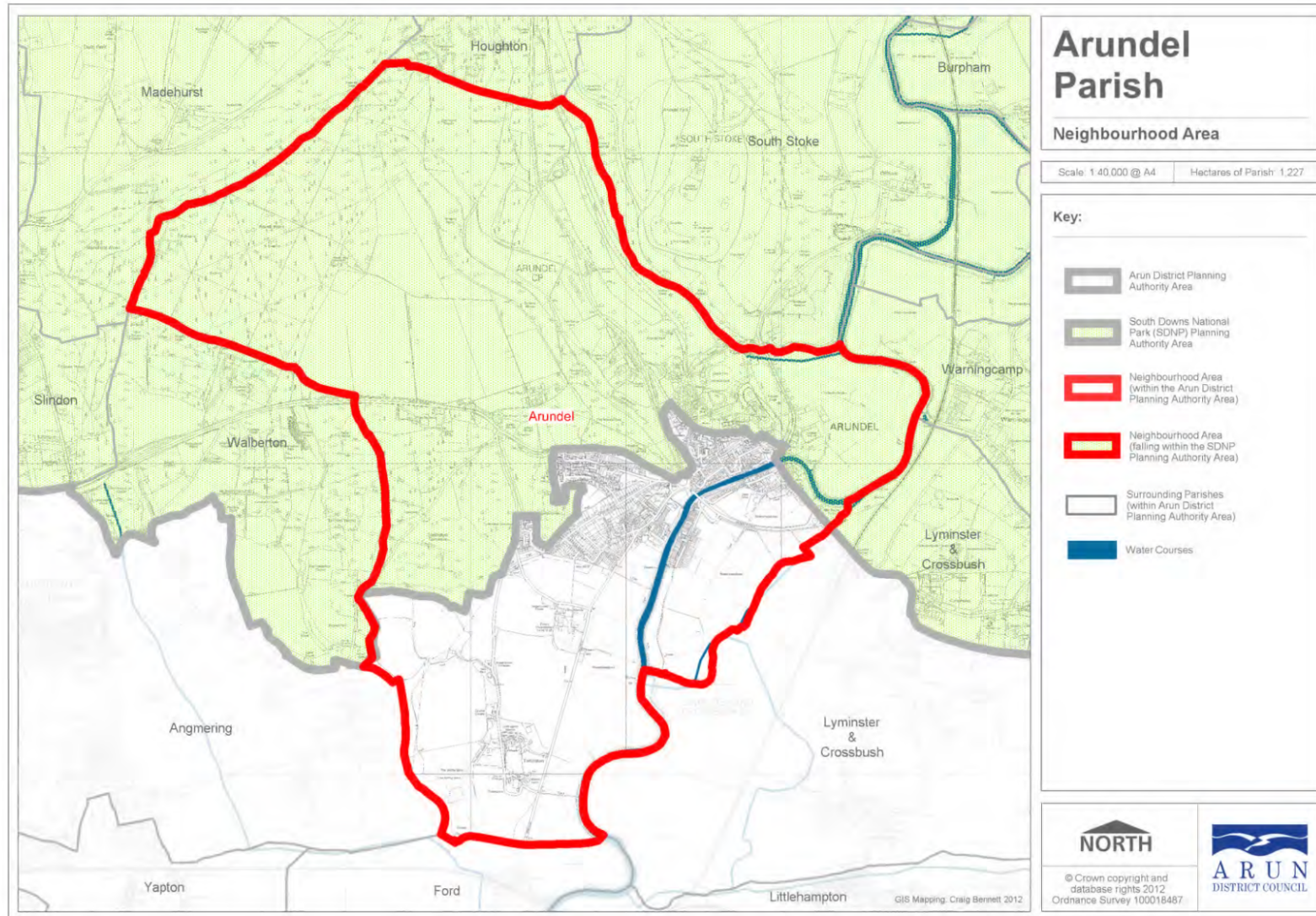
1.2 The Neighbourhood Plan has been prepared by the Town Council, a qualifying body, for the Neighbourhood Area, covering the whole of the Parish of Arundel, and which was designated by the District Council on 29 November 2012 and by the National Park Authority on 14 March 2013 (see Plan A overleaf). In line with the accord between the two planning authorities, the District Council is the lead planning authority for the purpose of administering the preparation of this Neighbourhood Plan. The Town Council has consulted the local community, land interests, the statutory bodies and other stakeholders throughout the Neighbourhood Plan Review, as required by the Regulations. This is detailed in the Consultation Statement, which is published separately as part of the submission documentation.

1.3 The policies described in the Review relate to the development and use of land in the designated Neighbourhood Area only. They do not relate to 'excluded development', as defined by the Regulations. The plan period of the Review is from 1 April 2018 – 31 March 2031 which corresponds with the end of the plan period of the adopted Arun District Local Plan 2011 – 2031.

1.4 The statement addresses each of the 'Basic Conditions' required of the Regulations and explains how the submitted Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act.

1.5 The Regulations state that a Neighbourhood Plan will be considered to have met the conditions if:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Development Plan,
- The making of the Neighbourhood Development Plan contributes to the achievement of sustainable development,
- The making of the Neighbourhood Development Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- The making of the Neighbourhood Development Plan does not breach, and is otherwise compatible with EU obligations,
- The making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017, which set out the habitat regulation assessment process for land use plans, including consideration of the effect on habitats sites.



Plan A: Arundel Designated Neighbourhood Area

## 2.BACKGROUND

2.1 The Arundel Neighbourhood Plan was one of the first to be made in England in 2014. The plan was well supported by the local community and the main land owners in and around the town and achieved a high turnout and very high majority vote in favour at its referendum. The decision to review the made Plan was made by the Town Council in February 2018. The key driver of this decision was a sense of wanting to plan positively for the future of the Parish, in anticipation of the adoption of the new Arun Local Plan. It was also keen to improve the effectiveness of some policies of the made Plan.

2.2 The Town Council was aware that the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017 allow for made Plans to be modified without the need for a referendum, provided the modifications will not 'change the nature of the Plan'<sup>1</sup>. It anticipated that the new policy proposals were likely to be such that they would change the nature of the plan and, in any event, it would want to give the community the opportunity to vote on the proposals at a referendum. In which case, rather than follow the modification route, the Town Council decided to undertake the Review in the form of a partial replacement of the made Plan comprising a number of new policies (including site allocations) and replacement policies. All the other made policies would be retained in their existing form and will continue to be used in determining applications for the made plan period to 2029 until and unless replaced or deleted in due course.

2.3 A steering group was formed comprising the residents and Town Council representatives. The group has been delegated authority by the Town Council to make day-to-day decisions on the preparation of the Review. However, as the qualifying body, the Town Council approved the publication of the Pre-Submission Plan in November 2018 and the Submission Plan now.

2.4 The Town Council has consulted the local community extensively over the duration of the project. It has also worked closely with officers of the District Council and National Park Authority since the start of the project to collate and examine the evidence base, to design and iterate policy proposals and to define the proper links between the Review, the adopted development plan, and the reasoning and evidence of the emerging Arun Non-Strategic Sites Development Plan Document (DPD).

2.5 The Review contains ten land use policies. The Review has deliberately avoided containing policies that unnecessarily duplicate saved or forthcoming development plan policies or national policies that are already or will be used to determine planning applications. The policies are therefore a combination of site-specific allocations or other proposals and of development management matters that seek to deliver national planning objectives and complement and refine Local Plan policies.

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<sup>1</sup> Regulations 4 – 11 of the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017 and Planning Practice Guidance Reference ID 41-106-20190509

### **3.CONFORMITY WITH NATIONAL PLANNING POLICY**

3.1 The Review has been prepared with full regard to national policies as set out in the National Planning Policy Framework (NPPF) and is mindful of the Planning Practice Guidance (PPG) in respect of formulating Neighbourhood Plans. The NPPF was first published in 2012 and subsequently revised in July 2018 and in February 2019. In overall terms, there are three NPPF paragraphs (§28 - §30) that provide general guidance on neighbourhood planning, to which the Review has directly responded.

3.2 The Town Council considers the Review is planning positively to support the strategic development needs of the District, as framed by the adopted and emerging Local Plans; by making housing allocations; and in seeking to protect and enhance the leisure and community assets for the benefit of the local community and visitors and tourists. The Plan represents a vision, objectives and policies for the Parish that reflect the desires of the majority of the local community for the kind of place that the town and the wider Parish should remain and how they may change for the better in coming years.

3.3 The Town Council believes the policies of the Review are in general conformity with the policies of the development plan for the district and the few relevant saved policies for the National Park (of the 2003 Arun Local Plan) and effectively anticipates the policies of the emerging National Park Local Plan and the emerging Arun Non-Strategic Sites DPD. It acknowledges the physical and policy constraints of the Parish, and especially the town and its historic and landscape setting, but also makes provision for the housing growth sought by the new Local Plan.

3.4 The table below demonstrates how each policy is consistent with national policy. The commentary column indicates where a balancing exercise has been necessary.

**Table A: Neighbourhood Plan & NPPF Conformity Summary**

No.	Policy Title	Commentary
AR1	Arundel Built Up Area Boundary	<p>The convention of built up area boundaries is provided for in strategic policies (Policies SD SP2 and C SP1) of the development plan and the Neighbourhood Plan has used this as a 'clear starting point' (§21) for its non-strategic policy. The policy updates the built up area boundary to accommodate the proposed allocations (of policies AR2 – AR4) for the purposes of applying strategic policies SD SP2 and C SP1 to retain the clarity as to where those policies apply (§16d).</p>
AR2	Land off Ford Road	<p>In light of the emerging Non-Strategic Sites DPD that is currently being prepared by Arun District Council, 'the neighbourhood planning body' requested an 'indicative figure' from the Local Planning Authority. The District Council confirmed that the 'indicative housing figure' for the neighbourhood area is 50 (§66).</p> <p>The policy allocates 8.97 ha of land for a mix of residential, community facility and green infrastructure uses with the developable land for residential uses being limited to 3.9 ha in the built-up area boundary of Policy AR1 to deliver approximately 90 new homes, therefore meeting its 'housing requirement' (§65). Although the District Council has confirmed that the 'indicative figure' could be subject to change as part of the Sustainability Appraisal of its DPD, it is considered unlikely the number will exceed the allocated 90 new homes due to the heavily constrained nature of the neighbourhood area and the limited availability of suitable land as shown in the Site Assessment Report March 2019.</p> <p>'Planning policies ... should support development that makes efficient use of land' and it should do so by taking into account 'the desirability of maintaining an area's prevailing character and setting' (§122). Similarly, 'planning policies ... should ensure that developments ... are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).' (§127).</p> <p>The site lies within the Setting to Arundel policy area, the backdrop of which is partially formed by the South Downs National Park and there is a scheduled ancient monument</p>

		<p>(Tortington Manor) nearby to the south of Priory Lane. Therefore, the policy should 'protect and enhance valued landscapes' (§171) and consider that heritage assets are 'an irreplaceable resource and should be conserved in a manner appropriate to their significance...' (§184). Additionally, a small part of the site lies within a Biodiversity Opportunity Area and this same part is within Flood Zone 3. The site has also been identified as foraging ground for Bewick's Swans. The policy should therefore 'safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity...' (§174a) and 'direct(ing) development away from areas at highest flood risk' (§155). The policy includes a number of mitigating measures in accordance with these NPPF measures.</p> <p>Although limiting the developable area and lower density on the site is necessary to maintain the valued landscape, conserve heritage assets, safeguard biodiversity and manage flood risk, given the importance that government attaches to meeting 'housing requirements', by demonstrating that the site can deliver a suitable scheme it is considered that, on balance, the neighbourhood plan policy is consistent with the policies in the NPPF.</p> <p>Furthermore, the 'size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies' (§61). The evidence gathered during the preparation of the Review indicates that there is an imbalance in Arundel's housing stock. As this is the largest site allocation in the Review, the policy requires that a special emphasis is given to delivering homes that are suitable for first time buyers or those looking to rent their first homes. In defining that emphasis as 'two-thirds' of the total number, the policy gives effect to the direction of §61 in seeking to meet the housing need of different groups, in this case younger people. In practise, the allocation is broadly in line with the Government's intent in introducing the new 'Entry-Level' homes product (§71).</p> <p>The approach to affordable housing matches the Local Plan but encouragement is offered to the land owner, a future developer and Arundel Community Land Trust to agree a means by which the Trust is a delivery partner. It is unfortunate that this cannot be made a requirement in the policy (as the NPPF falls short of enabling such an approach), but the land owner has reassured the Town Council and Trust that it remains its aim to make that commitment.</p>
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		<p>'Transport issues should be considered from the earliest stages of plan-making so that ... the potential impacts of development on transport networks can be addressed' (§102). 'Planning policies should ... provide for high quality walking and cycling networks' (§104). The policy therefore also includes measures that will deliver these outcomes to be agreed with highways authority.</p> <p>The mix of uses required by the policy 'optimises the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space)' (§127e) as well as ensuring that its design is 'sympathetic to the surrounding built environment and landscape setting' (§127c).</p> <p>In summary, it is considered that the allocation, with its specific mitigation measures set out as requirements, has had proper regard to national policy.</p>
AR3	Land at Fitzalan Road ('Blastreat and Greenhurst')	<p>This policy replaces and updates Policy 5 of the made Plan. In some ways, the policy remains unchanged and so the policy continues to reflect the constraints of the site, notably in respect of applying the 'sequential and exception flood risk tests' (§157, requiring a scheme to have regard to the Setting to Arundel, 'conserving and enhancing valued landscapes' (§170) and heritage policies in 'conserving' the setting of the Conservation Area (§184). The policy continues to be consistent with national policy in relation to these matters. As with the AR2 and AR4 allocations the policy makes provision for ensuring there will be no detrimental impact or loss of the integrity to the Arun Valley SPA or to the local habitat of Bewick's Swans (§171).</p> <p>'Planning policies...should be informed by regular reviews of...land availability.' (§120). As the land has now been made available for redevelopment the reviewed policy therefore allocates the site to 'address identified needs' (§120a). ADC has already counted the 24 dwellings as a commitment in its housing supply trajectory and the site continues to be able to deliver approximately 24 dwellings. Furthermore, there remains a need to ensure the site delivers a mix of home types, including homes suited to younger people as with AR2. As the site is smaller than the AR2 site, it is not considered necessary or desirable to require an emphasis is given to delivering that type of homes. The development principle regarding the Swallow Brewery structures and their local heritage value has been assessed, in terms of its conformity with the NPPF, in the commentary on Policy AR5 below.</p>



		The District Council assessed the viability of the scheme using the same constraint principles in its latest HELAA and considers it viable (§57).
AR4	The Police Station, The Causeway	<p>The policy reserves land that is being made available for a residential scheme in the later part of the plan period. In considering the risk of allocating land to meet the Neighbourhood Area housing requirement based on an 'indicative figure' (§66), the site can be considered at a later stage should the Neighbourhood Plan allocation at Policy AR2 fail to meet the housing requirement figure that is produced from the outcome of Arun's Non-Strategic Sites DPD, even though this is unlikely due to the high environmental constraints in the neighbourhood area.</p> <p>'Planning policies and decisions should: ... give substantial weight to the value of using suitable brownfield land within settlements for homes.' (§118c) ... The site is considered to be brownfield land given its current use. It also lies within the built up area boundary as part of a residential, linear extension to the town along The Causeway, which is served well by services and facilities.</p> <p>'All plans should apply a sequential, risk-based approach to the location of Development' (§157) ... 'Applications for some changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments ...' (§164). The site lies in the defended Flood Risk 3 area and so the Site Assessment report has addressed the sequential test matter and confirms that §164 is engaged. As with the AR2 and AR3 allocations the policy makes provision for ensuring there will be no detrimental impact or loss of the integrity to the Arun Valley SPA or to the local habitat of Bewick's Swans (§171).</p>
AR5	Swallow Brewery, Fitzalan Road	<p>'Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats.' (§185).</p> <p>The process for identifying buildings, structures or landscapes as non-designated heritage assets in the District is normally through the District Council's 'Buildings and Buildings or Structures of Character Supplementary Planning Document'. The remaining elements of the Swallow Brewery are not yet included in the SPD which only updated on an occasional basis. The policy seeks to ensure that any redevelopment scheme has regard to the local heritage value of Swallow Brewery and identifies that local</p>

		heritage value as merit for inclusion in the Local List in due course. The policy also sets out criteria that reflect that value to engage the provisions of §197.
AR6	Community Facilities	<p>'To provide the social, recreational and cultural facilities and services the community needs, planning policies ... should ... plan positively for the provision and use of ... community facilities (and) guard against the unnecessary loss of valued facilities and services...ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community' (§92).</p> <p>The policy identifies those facilities in the Parish to which these objectives apply. It seeks both to protect but also to enhance those facilities providing a mechanism that will allow a partial change of use of a facility it is secures longer-term viability.</p>
AR7	Arundel Town Centre	<p>'Planning policies should ... make clear the range of uses permitted in such (town centre and primary shopping areas) locations, as part of a positive strategy for the future of each centre...' (§85). 'Non-strategic policies should be used by ... communities to set out more detailed policies for specific areas ... This can include ... setting out (other) development management policies' (§28).</p> <p>The policy endorses the existing positive strategy in the development plan for Arundel town centre and includes further specific detail to respond to short-term shifts in expenditure patterns. Although the Town Council recognises that the policy does not materially differ from the Local Plan, it considers that the town centre is such an important asset for Arundel the local community will expect a policy on the issue in the Review, and therefore it is not considered 'unnecessary duplication' (§16f).</p>
AR8	Business Hubs	<p>'Planning policies should ... positively and proactively encourage(s) sustainable economic growth' and 'allow for new and flexible working practices (such as live-work accommodation)' (§81).</p> <p>The policy reflects these provisions in directing economic growth inside the built up area boundary as a sustainable location as there is no need in this area to meet business needs beyond the built up area boundary.</p>
AR9	Green Infrastructure Network	'Plans should ... take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure' (§171). In addition, plans should 'safeguard

		<p>components of local wildlife-rich habitats and wider ecological networks' (§174). The policy identifies a series of green infrastructure attributes of the Parish that are especially important to its biodiversity value. 'Planning policies should ... provide for high quality walking and cycling networks' (§104).</p> <p>The Parish benefits from an extensive network of public rights of way and other informal walking, cycling and riding routes that connect the town to a wider network in the National Park and along the coast. The policy seeks to protect those routes from unnecessary loss or obstruction and to encourage suitably-located development schemes to respond positively to opportunities to improve route connectivity.</p>
AR10	Canada Gardens	<p>'The designation of land as Local Green Space through ... neighbourhood plans allows communities to identify and protect green areas of particular importance to them' (§99).</p> <p>The policy seeks to designate Canada Gardens as it is considered to meet the tests of §100. Further, the policy does not unduly constrain the delivery of new development, as the settlement boundaries of Policy AR1 have made provision for such development of a scale that is in line with strategic policy.</p>

## 4.CONTRIBUTING TO ACHIEVING SUSTAINABLE DEVELOPMENT

4.1 Having considered the relevant guidance and taking into account the policy content of the Plan, the Town Council informed the local planning authorities that it would be preparing a Sustainability Appraisal (incorporating a Strategic Environmental Assessment). The Sustainability Appraisal (SA) ensures that the Plan will meet the 'basic conditions' in respect of showing how the policies contribute to the achievement of sustainable development and of complying with the EU Directives 42/2001 and the 2004 Environmental Assessment of Plans and Programmes Regulations (see Section 6).

4.2 The Final SA Report confirms:

*"9.1 The appraisal indicates that the majority of effects of the objectives and policies of the Neighbourhood Plan will be neutral, but with important positive effects in some cases. However, there is the potential for some adverse effects, most notably in terms of managing the effects of growth in conserving and enhancing heritage assets, the special landscape character of Arundel and the flood risk constraints in the parish, but that such effects have been addressed through avoidance or mitigation measures.*

*9.2 It can be concluded that the Submission Neighbourhood Plan presents a suitable strategy for achieving sustainable development when considered against its reasonable policy alternatives and does not have the potential for significant adverse effects."*

## 5. GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

5.1 The Review has been prepared to ensure its general conformity with the strategic policies of the development plan for the District, that is primarily the Arun Local Plan 2011-2031 adopted in July 2018 for the part of the Parish that is in the Arun District and the South Downs Local Plan 2014-2033 adopted in July 2019 for the part of the Parish that lies in the National Park. At the time of the preparation of this Statement, the District Council is in the process of preparing a Non-Strategic Sites DPD. The Review is expected to be examined prior to the adoption of the emerging DPD, however its reasoning, evidence and policies have been taken into consideration in the preparation of the Review, in line with the Planning Practice Guidance.

5.2 The Arun Local Plan identifies Arundel as a significant visitor destination and seeks to enable development that will recognise the sustainable and historic character of the town. It does not make any strategic allocations but expects Arundel to contribute to the shortfall of housing it identifies in the Local Plan to be updated through its Housing Trajectory. The South Downs Local Plan contains no development proposals for its part of Arundel but identifies the town as a gateway to the National Park. None of the other policies of the Neighbourhood Plan have required a balancing exercise to be undertaken in having regard to general conformity with strategic policy as none are considered to be inconsistent with strategic policy.

5.3 An assessment of the general conformity of each policy with the current development plan, and its relationship with the emerging Non-Strategic Sites DPD where applicable, is contained in Table B below.

<b>Table B: Neighbourhood Plan &amp; Development Plan Conformity Summary</b>		
<b>No.</b>	<b>Policy Title &amp; Refs</b>	<b>Commentary</b>
AR1	Arundel Built Up Area Boundary	<ul style="list-style-type: none"> <li>• <i>“Development should be focused within the Built Up Area Boundaries...” (Arun LP Policy SD SP2)</i></li> <li>• <i>“Outside the Built Up Area Boundaries...land will be defined as countryside and will be recognised for its intrinsic character and beauty.” (Arun LP Policy C SP1)</i></li> <li>• <i>“The principle of development within the following settlements, as defined on the Policies Map*, will be supported, provided that... *Additionally, a portion of the Arundel settlement boundary is shown on the Policies Map.” (SDNPA LP Policy SD25)</i></li> </ul> <p>The policy does not attempt to revise the ways in which development plan policies apply to the built up or countryside areas, it only updates the boundary accommodating the allocation made</p>

		in Policy AR2 in the Review thereby updating the boundary shown on the Local Plan Policies Map.
AR2	Land off Ford Road	<ul style="list-style-type: none"> <li>• <i>“Additional non-strategic allocations will be made across the District through emerging Neighbourhood Plans or reviews of made Neighbourhood Plans” (Arun LP Policy H SP1)</i></li> <li>• <i>“Development within the setting of the South Downs National Park must have special regard to the conservation of that setting...” (Arun LP Policy LAN DM1)</i></li> <li>• <i>“Any development... will be of a high design standard that reflects the quality of the landscape and the setting of Arundel...” (Arun LP Policy LAN DM2)</i></li> <li>• <i>“For developments of 11 units or more the Council shall require a balanced mix of market and affordable dwelling sizes including family sized accommodation based on the most up to date SHMA recommendations” (Arun LP Policy H DM1)</i></li> <li>• <i>For all developments of 11 residential units or more the Council will require a minimum 30% of the total number of units proposed on site to be provided as affordable housing on the same site in the first instance.” (Arun LP Policy AH SP2)</i></li> <li>• <i>“All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details...” (Arun LP Policy D SP1)</i></li> <li>• <i>“All development shall be designed to maximise the impact it can make to promoting healthy communities and reducing health inequalities.” (Arun LP Policy HWB SP1)</i></li> <li>• <i>“Housing and, where viable, commercial development will be required to contribute towards open space provision...” (Arun LP Policy OSR DM1)</i></li> <li>• <i>“The Council will support transport and development which: ... Is incorporated into the District's green infrastructure network and gives priority to pedestrian and cycle movements.” (Arun LP Policy T SP1)</i> <i>“New development must ensure ease of movement, prioritising safe pedestrian and cycle access to the green infrastructure network...” (Arun LP Policy T DM1)</i></li> <li>• <i>“Designated heritage assets including listed buildings, structures and their settings; ... will be given the highest level of protection and should be conserved and enhanced in a manner appropriate to their significance.” (Arun LP Policy HER SP1)</i></li> <li>• <i>“Proposals affecting statutory Listed Buildings will be required to: ... Protect, and where possible enhance the setting of the building.” (Arun LP Policy HER DM1)</i></li> <li>• <i>“Arun District Council will encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment through the development process...” (Arun LP Policy ENV SP1)</i></li> <li>• <i>“Where a development scheme would result in a habitat loss, mitigation measures will be proposed as part of the proposed scheme and such measures agreed with the Local</i></li> </ul>

		<p><i>Planning Authority prior to the determination of any planning application.” (Arun LP Policy ENV DM3)</i></p> <ul style="list-style-type: none"> <li>• <i>“Proper provision must be made for the protection and management of trees or areas of woodland on-site when undertaking development.” (Arun LP Policy ENV DM4)</i></li> <li>• <i>“Development in areas at risk from flooding... will only be permitted where...a. The sequential test in accordance with the National Planning Policy Guidance has been met. b. A site specific Flood Risk Assessment demonstrates that the development will be safe, including access and egress, without increasing flood risk elsewhere and reduce flood risk overall.” (Arun LP Policy W DM2)</i></li> <li>• <i>“...Proposals for major development must also integrate SUDS within public open spaces and roads, reflecting discussion with the appropriate bodies. SUDS must therefore be integrated into the overall design of a development...” (Arun LP Policy W DM3)</i></li> </ul> <p>The policy accords with each of the environmental policies and in some cases supplements them to draw specific attention to key mitigation measures. None of the policies has had to be compromised in any significant way, although the Sustainability Appraisal accepts that there will remain a degree of residual landscape harm that is inevitable in allocating a greenfield site on the edge of the town.</p> <p>In respect of housing mix, the evidence gathered during the preparation of the Review indicates that there is an imbalance in Arundel's housing stock. There are double the number of homes in the town for which the occupancy is either restricted to, or marketed at, older households compared to the District average. Policy H DM1 requires a mix of housing types, which is reflected in the policy but, as this is the largest site allocation in the Review, the policy requires that a special emphasis is given to delivering homes that are suitable for first time buyers or those looking to rent their first homes. In defining that emphasis as 'two-thirds' of the total number, the policy gives priority to meeting the housing need of different groups, in this case younger people.</p> <p>The policy adopts the Local Plan approach to affordable housing in terms of quantum and type but encouragement is offered to the land owner, a future developer and Arundel Community Land Trust to agree a means by which the Trust is a delivery partner. It is unfortunate that this cannot be made a requirement in the policy – Policy AH SP2 makes no provision but its supporting text (§12.3.10) is specific in its support for such initiatives – but the land owner has reassured the Town Council and Trust that it remains its aim to make that commitment.</p>
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AR3	Land at Fitzalan Road ('Blastreat and Greenhurst')	<ul style="list-style-type: none"> <li>• <i>“Additional non-strategic allocations will be made across the District through emerging Neighbourhood Plans or reviews of made Neighbourhood Plans.” (Arun LP Policy H SP1)</i></li> <li>• <i>“Development should be focused within the Built Up Area Boundaries...” (Arun LP Policy SD SP2)</i></li> <li>• <i>“Any development... will be of a high design standard that reflects the quality of the landscape and the setting of Arundel...” (Arun LP Policy LAN DM2)</i></li> <li>• <i>“For developments of 11 units or more the Council shall require a balanced mix of market and affordable dwelling sizes including family sized accommodation based on the most up to date SHMA recommendations” (Arun LP Policy H DM1)</i></li> <li>• <i>For all developments of 11 residential units or more the Council will require a minimum 30% of the total number of units proposed on site to be provided as affordable housing on the same site in the first instance.” (Arun LP Policy AH SP2)</i></li> <li>• <i>“Non-designated heritage assets including locally listed heritage assets (Buildings or Structures of Character and Areas of Character) and their settings will also need to be conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment” (Arun LP Policy HER SP1)</i></li> <li>• <i>“The Local Planning Authority will continue to identify and compile a list of locally important buildings and structures which make a positive contribution to local distinctiveness”. (Arun LP Policy HER DM2)</i></li> <li>• <i>“Arun District Council will encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment through the development process...” (Arun LP Policy ENV SP1)</i></li> <li>• <i>“Where a development scheme would result in a habitat loss, mitigation measures will be proposed as part of the proposed scheme and such measures agreed with the Local Planning Authority prior to the determination of any planning application.” (Arun LP Policy ENV DM3)</i></li> <li>• <i>“Development in areas at risk from flooding... will only be permitted where...a. The sequential test in accordance with the National Planning Policy Guidance has been met. b. A site specific Flood Risk Assessment demonstrates that the development will be safe, including access and egress, without increasing flood risk elsewhere and reduce flood risk overall.” (Arun LP Policy W DM2)</i></li> <li>• <i>“All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details...” (Arun LP Policy D SP1)</i></li> </ul>
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		<p>The policy replaces Policy 5 of the made Plan, which the District Council considers a commitment in terms of counting its 24 dwellings in the housing trajectory. The site is located within the Built Up Area Boundary of Arundel. The policy continues to accord with each of the environmental policies and in some cases supplements them to draw specific attention to key mitigation measures. None of the policies has had to be compromised in any significant way.</p> <p>Policy HER SP1 makes it clear that non-designated heritage assets are not exclusively those that are identified as Buildings or Structures of Character in its restatement of NPPF policy on such assets. Policy HER DM2 sets out the five criteria by which assets are identified. Policy AR5 of the Review identifies the remaining elements of the Swallow Brewery using the criteria (see below). Policy AR3 cross refers to Policy AR5, which in turn will operate alongside Policy HER DM2 in considering proposals that will affect those elements.</p> <p>In respect of housing mix, the evidence gathered during the preparation of the Review indicates that there is an imbalance in Arundel's housing stock. There are double the number of homes in the town for which the occupancy is either restricted to, or marketed at, older households compared to the District average. Policy H DM1 requires a mix of housing types, which is reflected in the policy. As a small site allocation, and with its policy and viability constraints acknowledged, it is accepted that it is not as well suited as the AR2 allocation site to focus on addressing this issue. However, the site should still be expected to deliver a mix of homes, including those that are suitable for first time buyers or those looking to rent their first homes.</p>
AR4	The Police Station, The Causeway	<ul style="list-style-type: none"> <li>• <i>“Additional non-strategic allocations will be made across the District through emerging Neighbourhood Plans or reviews of made Neighbourhood Plans.” (Arun LP Policy H SP1)</i></li> <li>• <i>“Development should be focused within the Built Up Area Boundaries...” (Arun LP Policy SD SP2)</i></li> <li>• <i>“Any development... will be of a high design standard that reflects the quality of the landscape and the setting of Arundel...” (Arun LP Policy LAN DM2)</i></li> <li>• <i>“For developments of 11 units or more the Council shall require a balanced mix of market and affordable dwelling sizes including family sized accommodation based on the most up to date SHMA recommendations” (Arun LP Policy H DM1)</i></li> <li>• <i>For all developments of 11 residential units or more the Council will require a minimum 30% of the total number of units proposed on site to be provided as affordable housing on the same site in the first instance.” (Arun LP Policy AH SP2)</i></li> <li>• <i>“Arun District Council will encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment through the development</i></li> </ul>

		<p>process..." (Arun LP Policy ENV SP1)</p> <ul style="list-style-type: none"> <li>• "Where a development scheme would result in a habitat loss, mitigation measures will be proposed as part of the proposed scheme and such measures agreed with the Local Planning Authority prior to the determination of any planning application." (Arun LP Policy ENV DM3)</li> <li>• "Development in areas at risk from flooding... will only be permitted where...a. The sequential test in accordance with the National Planning Policy Guidance has been met. b. A site specific Flood Risk Assessment demonstrates that the development will be safe, including access and egress, without increasing flood risk elsewhere and reduce flood risk overall." (Arun LP Policy W DM2)</li> <li>• "All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details..." (Arun LP Policy D SP1)</li> </ul> <p>The decision to reserve rather than to allocate the land will not compromise its ability to contribute to meeting local housing need of Policy H SP1, albeit in the later part of the plan period. The site is located within the Built Up Area Boundary of Arundel. The policy accords with each of the environmental policies and in some cases supplements them to draw specific attention to key mitigation measures. None of the policies has had to be compromised in any significant way.</p> <p>In respect of housing mix, the evidence gathered during the preparation of the Review indicates that there is an imbalance in Arundel's housing stock. There are double the number of homes in the town for which the occupancy is either restricted to, or marketed at, older households compared to the District average. Policy H DM1 requires a mix of housing types, which is reflected in the policy. As a small site allocation, and with its policy constraints acknowledged, it is accepted that it is not as well suited as the AR2 allocation site to focus on addressing this issue. However, the site should still be expected to deliver a mix of homes, including those that are suitable for first time buyers or those looking to rent their first homes.</p>
AR5	Swallow Brewery, Fitzalan Road	<ul style="list-style-type: none"> <li>• "Non-designated heritage assets including locally listed heritage assets (Buildings or Structures of Character and Areas of Character) and their settings will also need to be conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment." (Arun LP Policy HER SP1)</li> <li>• "The Local Planning Authority will continue to identify and compile a list of locally important buildings and structures which make a positive contribution to local distinctiveness..." (Arun LP Policy HER DM2)</li> </ul>

		<p>Policy HER SP1 makes it clear that non-designated heritage assets are not exclusively those that are identified as Buildings or Structures of Character in its restatement of NPPF policy on such assets. Policy HER DM2 sets out the five criteria by which assets are identified. Using the 2017 evidence report, this policy identifies the remaining elements of the Swallow Brewery as being consistent with criteria (c) and (e) in respect of its local historical value to the town and the positive contribution the elevation to Fitzalan Road makes to the character of the streetscene respectively. Although the remainder of the original building on this site has been partially removed and altered, the elevation is sufficiently intact for the building to meet criterion (d). The policy will operate alongside Policy HER DM2 and with Review Policy AR3 in considering proposals that will affect those elements.</p>
AR6	Community Facilities	<ul style="list-style-type: none"> <li>• <i>“Existing open space, outdoor and indoor sport, community, arts and cultural facilities should not be built on or redeveloped for other uses...” (Arun LP Policy OSR DM1)</i></li> <li>• <i>“Development proposals for new and/or expanded community facility infrastructure will be permitted... Development proposals that would result in the loss of, or have an unacceptable adverse impact upon, an existing community facility, will not be permitted...” (SDNPA LP Policy SD43)</i></li> </ul> <p>The policy identifies those community facilities in the Parish and is consistent with the policies in its requirements of development proposals. It adds further provisions to protect and ensure longer-term viability of those facilities and supports their expansion.</p>
AR7	Arundel Town Centre	<ul style="list-style-type: none"> <li>• <i>“Arundel will maintain its existing role as a service centre providing both a range of shops and services for the local population and fulfilling a specialist role as a tourist and visitor destination. Primary and secondary frontages policy apply to the town centres and large service centres.” (Arun LP Policy RET SP1)</i></li> <li>• <i>“Along the primary or secondary shopping frontages, as defined on the Policies Map, proposals for retail (Use Class A1) will be permitted. Proposals for financial and professional services (Use Class A2) uses and food and drink premises (Use Class A3) will be permitted provided that: The proposal would not create a concentration of non-retail uses to the detriment of the vitality of the town centre...” (Arun LP Policy RET DM1)</i></li> </ul> <p>The policy supports the provisions of these adopted Local Plan policies in respect of its boundary, frontages and policy. It also makes specific provision for short-term shifts in expenditure patterns to enable Arundel to maintain its existing role in line with the policies of the adopted Arun Local Plan.</p>

		<p>Although the Town Council recognises that the policy does not materially differ from the Local Plan, it considers that the town centre is such an important asset for Arundel the local community will expect a policy on the issue in the Review.</p>
AR8	Business Hubs	<ul style="list-style-type: none"> <li>• <i>“Development should be focused within the Built Up Area Boundaries...” (Arun LP Policy SD SP2)</i></li> <li>• <i>“The Council will seek to protect and enhance existing employment sites and premises in order to maintain a supply of good quality commercial sites and premises to meet the needs of businesses and the local economy.” (Arun LP Policy EMP DM1)</i></li> <li>• <i>“Where appropriate the Council will require the provision of a range of unit sizes including small and medium sized business units and live-work units in new economic development and mixed-use sites to ensure the needs of businesses are met.” (Arun LP Policy EMP DM1)</i></li> <li>• <i>“The Council will seek to direct office development to the town centres” (Arun LP Policy EMP DM1)</i></li> <li>• <i>“Along the primary or secondary shopping frontages, as defined on the Policies Map, proposals for retail (Use Class A1) will be permitted. Proposals for financial and professional services (Use Class A2) uses and food and drink premises (Use Class A3) will be permitted provided that: The proposal would not create a concentration of non-retail uses to the detriment of the vitality of the town centre...” (Arun LP Policy RET DM1)</i></li> <li>• <i>“The principle of development within the following settlements, as defined on the Policies Map*, will be supported, provided that... *Additionally, a portion of the Arundel settlement boundary is shown on the Policies Map.” (SDNPA LP Policy SD25)</i></li> <li>• <i>“Development proposals that foster the economic and social well-being of local communities within the National Park will be permitted...” (SDNPA LP Policy SD34)</i></li> </ul> <p>The policy is consistent with the provisions of these adopted Arun Local Plan and SDNPA Local Plan policies in respect of their encouragement of new B1 business uses and Live-Work Units.</p>
AR9	Green Infrastructure Network	<ul style="list-style-type: none"> <li>• <i>“...development proposals must identify opportunities to connect existing Green Infrastructure assets with the coast, the South Downs National Park or to the District’s inland villages. Opportunities to enhance the network should take account of the multiple functions of Green Infrastructure assets...” (Arun Local Plan Policy GI SP1)</i></li> <li>• <i>“Development proposals will be permitted where they demonstrate that they: a) Maintain or enhance green infrastructure assets, green infrastructure links and the overall green infrastructure network; and b) Provide new green infrastructure, or improvements to existing green assets and green linkages, which are integrated into the development</i></li> </ul>

		<p><i>design, that meets the needs of communities both within and beyond the site's boundaries. Green Infrastructure proposals must contribute to multifunctional landscapes..." (SDNPA LP Policy SD45)</i></p> <p>The policy is consistent, and refines, these policies to acknowledge the extent of the existing Green Infrastructure Network in the Parish.</p>
AR10	Canada Gardens	<p>Canada Gardens lies in that part of the parish that forms part of ADC, and therefore only an assessment of general conformity with the development plan applicable in ADC is necessary.</p> <ul style="list-style-type: none"> <li>• <i>"Local Green Space is not identified in this Local Plan but will be designated in Neighbourhood Plans in circumstances where the criteria in paragraphs 99 and 100 of the National Planning Policy Framework are met."</i> (Arun Local Plan Policy OSR DM1)</li> </ul> <p>The policy is consistent with the provisions of this adopted Arun Local Plan policy as the space is considered to meet the tests set out in the NPPF.</p>

## 6. COMPATABILITY WITH EU LEGISLATIONS

6.1 As set out in Section 4 the Town Council has met its obligations in relation to the EU Directive on the requirement of a Strategic Environmental Assessment (SEA). As the Town Council confirmed that it would be preparing a Sustainability Appraisal (SA) (incorporating a SEA) it was not considered that a screening opinion was necessary, and subsequent scoping stage was undertaken properly, as detailed in the separate SA/SEA report published as part of the submission documentation.

6.2 In correspondence regarding the SA/SEA the District Council also advised that there had been reasonably significant changes in circumstances relating to the Special Areas of Conservation and Special Protection Areas in the District since the making of the original Plan. As a result, a Habitats Regulations Assessment (HRA) of the Review has been necessary, in accordance with the Conservation of Habitats and Species Regulations 2017 and under EU directive 92/43/EEC.

6.3 The Town Council has provided the District Council with a technical report to inform its screening and appropriate assessment statement. The District Council (as the 'competent authority') completed its statement in July 2019 and this is published separately. The technical report (by consultants AECOM) is also published as part of the submission documentation.

6.4 The District Council statement concludes:

*"... The conclusion of the appropriate assessment stage was that due to the incorporated measures in the (Review) policies, it can be concluded that there would be no significant effects to the designated sites of Arun Valley SAC and SPA/Ramsar from inclusion of the new allocation sites of the neighbourhood plan review. It is therefore concluded that the sites and policies contained within the Arundel Neighbourhood Plan Review is in compliance with Part 8 of the Conservation of Habitats and Species Regulations 2017.."(p48)*

6.5 However, the statement also recommends that Policy 9 of the made Plan is modified, "to ensure the existing allocations being retained are as equally robust in terms of the framework they provide". The Town Council has sought the expert opinion of its consultants, AECOM, and it has advised the District Council that it is not possible to include Policy 9 in modified form at this late stage of the process, as such modifications have not been subject to the necessary consultations. But, in any event, it is also considered unnecessary, as the Habitat Regulations must also be complied with by any future planning application in respect of the Policy 9 land.

6.6 The Plan has also had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.