

ECE Planning

Representations to Adur District Council.

On Behalf of Landstone Ltd.

May 2016



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Project Name: Old Salts Farm

Location Land at Hasler (Old Salts Farm), Lancing, West Sussex

Client: Landstone Ltd

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1. Preamble

- 1.1. This report has been produced on behalf of Landstone Ltd in support of their representations to Adur District Council in response to the Council's consultation on the Amendments to the Proposed Submission Adur Local Plan 2016.
- 1.2. The Council's consultation forms the latest stage of the preparation leading up to the examination process for the Adur Local Plan which, once adopted will form the basis of the Council's Development Plan. The Amendments to the Proposed Submission Adur Local Plan 2016 consultation is seeking comments on the amendments to the Proposed Submission Adur Local Plan 2014. This follows a round of Regulation 18 consultation carried out in 2015 / 2016 relating to proposed changes to the strategic allocation of New Monks Farm.
- 1.3. Representations made in this report should be read in conjunction with those previous representations made by ECE Planning on behalf of Landstone Ltd, and in relation to the Land at Hasler (Old Salts Farm). It is considered that in order to plan positively to meet the District's social and economic needs over the plan period the Land at Hasler (Old Salts Farm) should be taken forward as a strategic housing allocation in the Proposed Submission Draft Adur Local Plan 2014, or the Amended Submission version (2016). However, these representations provide additional justification in support of the allocation of the site for future residential development within the emerging Adur Local Plan
- 1.4. A full evidence base has been published in support of the strategic vision, allocations and policies within the Proposed Submission Adur Local Plan 2016. Elements of the evidence base have been updated since the Proposed Submission Adur Local Plan 2014 was published for consultation.
- 1.5. This document examines the Amendments to the Proposed Submission Adur Local Plan 2016 and the evidence base that supports it. Reflecting the important role of the Adur Local Plan in meeting the objectively assessed housing need, particular focus is given to the examination of the objectively assessed housing need and the allocation of sites to meet this need. Changes to the plan and evidence base have been made in this regard since the Proposed Submission Adur Local Plan 2014 was published.
- 1.6. Consistent with National planning policy and guidance, these representations to the Amendments to the Proposed Submission Adur Local Plan 2016, as well as the evidence base upon which it has been prepared, are based upon those tests of soundness as outlined in Paragraph 182 of the Framework as follow:

Positively prepared – *the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;*

Justified – *the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;*

Effective – *the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and*

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Consistent – *the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.*

- 1.7. The representations and recommendations have therefore been assessed against these tests of soundness, with conclusions drawn.
- 1.8. It is explained within this representation in further detail that the Plan is currently considered not to meet the tests of soundness in relation to being:
- positively prepared – not meeting the objectively assessed housing need
 - justified – not being the most appropriate when compared to reasonable alternatives
 - Effective – not being deliverable over its period

2. Introduction

2.1. The National Planning Policy Framework ('The Framework') and the National Planning Practice Guidance (NPPG) establish the basis against which the Proposed Submission Adur Local Plan should be prepared, as well as those 'tests of soundness' that the emerging Local Plan must comply with. In this regard, fundamental to the preparation and examination of the Adur Local Plan, is the identification of the objectively assessed development needs of the District, and the adoption of suitable and effective 'spatial strategy' to meet these needs. The delivery of the objectively assessed housing need should also be supported by the allocation of suitable, available and deliverable sites for future residential development.

2.2. A key element of the Adur Local Plan is setting out the strategic housing policies including a housing target and housing allocations. The current strategy for delivery of housing is a mixture of brownfield and windfall sites within the built-up-area of the existing communities (1429 dwellings) as well as the following strategic housing allocations, amended since the 2014 version of the Local Plan:

New Monks Farm	600 dwellings
West Sompting	480 dwellings
Shoreham Harbour	1100 dwellings

2.3. In total, this equates to 3,609 new homes over the plan period. This is significantly lower than the updated objectively assessed housing need (OAN) of the district.

2.4. Those representations contained within this report, and the recommendations that it makes, focus on both the Council's evidence base in relation to the identification of a robust and justified housing need, and the strategy that is adopted to guide future residential development within the District.

2.5. Further to our previous representation in supporting the allocation of the Land at Hasler for future residential development, the information provided within this document seeks to address the mitigation of flood risk, landscape impact and ecology concerns. It is considered that the additional information provided allows Adur District Council to plan strategically for the delivery of adequate residential development within the District through the allocation of the Land at Hasler within the Adur Local Plan.

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- 2.6. The requirement for Local Planning Authorities to plan strategically for the delivery of adequate residential development to meet the locally identified housing need is explicit within the National Planning Policy Framework, which states at Paragraph 156:

*Local planning authorities should set out the **strategic priorities** for the area in the Local Plan. This should include strategic policies to deliver:*

- *The homes and jobs needed in the area;*
- *the provision of retail, leisure and other commercial development;*
- *the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);*
- *the provision of health, security, community and cultural infrastructure and other local facilities; and*
- *climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.*

- 2.7. The Framework requires the Local Plan to achieve these strategic priorities ‘over an appropriate time scale, preferably a 15-year time horizon’ and to ‘take account of longer term requirements’ (Para 157, NPPF).

- 2.8. It is considered that the allocation of Land at Hasler (Old Salts Farm) to accommodate future residential development (over the medium term development - dependant on the timing for the delivery of the Adur Tidal Walls) would therefore be consistent with the explicit obligations contained within the Framework. In failing to plan strategically for the delivery of adequate housing throughout the 15 year plan period, the existing Draft Adur Local Plan cannot be considered sound.

3. Objectively Assessed Housing Need

- 3.1. At the heart of the National Planning Policy Framework (NPPF) is a significant emphasis on the delivery of a wider choice of high quality homes, to be realised through the presumption in favour of sustainable development.
- 3.2. To achieve the delivery of a wide range of quality homes which meet local need, the NPPF places an explicit requirement that Local Planning Authorities (LPAs) must identify the locally generated housing need and, plan positively to accommodate this need through the establishment of a valid 5-year housing land supply.

‘To boost significantly the supply of housing, local planning authorities should:

- *use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period*
- *identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of*

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persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land'

(Paragraph 47, NPPF, emphasis added)

- 3.3. Consequently, the identification of the locally arising need within Adur and, the allocation of adequate housing land throughout the District to meet this need over the plan period, are fundamental in the preparation of the Adur Local Plan. It is our considered opinion, as with our previous representations to the Local Plan, that the Council is still failing to meet the identified housing need within the District over the plan period.
- 3.4. The Locally Generated Housing Needs Survey (2014) established the need within the District as 3,600 – 4,800 new dwellings over the plan period (180-240 per annum). This has since been revised through the Objectively Assessed Need for Housing: Adur District (2015) report which identified a significantly higher housing need figure of 5820 dwellings or 291 dwellings per annum.
- 3.5. As set out in Section 2 of this document, the Adur Local Plan (2016) seeks to deliver only 3,609 dwellings over the plan period or just 180 dwellings per annum. It is clear that the amended housing target identified within the Adur Local Plan 2016 document is significantly below the housing need identified within the Objectively Assessed Need for Housing: Adur District study (2015).
- 3.6. Despite previous representations to Adur District Council, the approach has been to maintain the position to provide for fewer dwellings than identified by the (amended and increased) Objectively Assessed Need figure. It is strongly contended that the Adur Local Plan 2016 fails to comply with the Framework and does not plan positively for the delivery of adequate housing to meet the locally arising housing need within the District. In this respect, allocation of the site at Old Salts Farm would aid in the delivery of much needed housing over the plan period.
- 3.7. Constrained Authorities such as Adur must be rigorous in ensuring that they maximise sites for housing delivery. This point was recognised by the Planning Inspector conducting the Brighton & Hove City Plan Examination who concluded in her letter dated 13th December 2013 that '*...it is important that the Council rigorously assesses all opportunities to meet that need*' and '*...I would need to be satisfied that the Council had left no stone unturned in seeking to meet as much of this need as possible*' (refer to Appendix D for the Inspectors letter).
- 3.8. The Council's approach to allocating land has not given adequate weight to the substantial housing needs of the district and the obligation to meet this housing need in full. In this regard, it is our view that the Council has not been rigorous enough in its assessment of development opportunities such as the land at Hasler / Old Salts Farm.
- 3.9. Without the allocation of the Land at Hasler, the failure of Adur District Council to plan proactively for the delivery of adequate housing, it is our view that the Adur Local Plan will be found unsound at examination.
- 3.10. Furthermore, consideration of the OAN and housing trajectory show significant reliance on Shoreham Harbour for housing delivery over the medium term. The Council have identified a considerable proportion of housing coming forward at Shoreham Harbour in the medium term which is not considered to be realistic.

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- 3.11. There are considerable concerns over the deliverability and viability of Shoreham Harbour with constraints related to infrastructure provision including:
- **Flood Defences** – the development 968 dwellings (1100 over the entire plan period) on the Western Harbour Arm will require significant investment in flood defence provision along the entire stretch of the site. There are delivery concerns related to the complex pattern of landownership and the difficulty in phasing for a flood defence to close off the entire flood cell without increasing the risk of flooding elsewhere. As set out in the Infrastructure Delivery Plan (IDP 2016) accompanying the Adur Local Plan, a significant shortfall of funding exists for flood defence provision.
 - **Transport Mitigation** – the provision of high density development will have a significant impact on the transport infrastructure in the area and significant infrastructure investment, as set out in the IDP, is required. Again, a significant funding shortfall exists with some items such as the ‘Package of site specific travel behaviour initiatives’ yet to be costed.
 - **Primary Education** - The Adur IDP states that a new primary school onsite or within close proximity of the site is required yet this has not yet been identified within the plan or IDP.
- 3.12. In addition to the significant costs associated with infrastructure are other associated viability and deliverability considerations. Contaminated land is a significant risk for the site which could increase costs appreciably. There are also numerous businesses located on the Western Harbour Arm that would require relocating, again at significant cost. Land is required to achieve this relocation and there is currently no clear and robust land assembly strategy setting this out.
- 3.13. When considering these constraints it is hard to gauge how Shoreham Harbour can be delivered within the short - medium term as set out in the Adur Local Plan. The current housing trajectory (Figure 1 – taken from the Adur AMR 2015) shows Shoreham Harbour coming forward at the end of the 5 year period with a delivery rate of 179 homes per dwellings over a five year period.
- 3.14. It is considered that this high level of annual completions of predominantly flatted development is not reasonable in the short to medium timescales.
- 3.15. Such a level of development would flood the local market for flatted development over a short period of time and would therefore be unattractive for any developer.
- 3.16. Given the above constraints, it is highly unlikely that the site will be developed in the short – medium term with delivery only likely to come forwards at the end of the plan period.
- 3.17. As such, it is considered that the Land at Hasler / Old Salts Farm could aid in housing delivery in the medium term (dependant entirely upon the timescales for the delivery of the Adur Tidal Walls – a scheme, it should be added, which is much further advanced than the flood defence strategy for the Western Harbour Arm). This would significantly aid the Council in delivery of housing to fill the gap that is likely to be created by delivery of Shoreham Harbour in the latter part of the plan period and realistically beyond this.
- 3.18. In this respect, the Adur Local Plan, as currently drafted, cannot be considered to be effective in terms of being deliverable over the plan period or justified when considered against reasonable alternative options for development. On this last point, other sites in the district have potential to be delivered with less impact / need for infrastructure provision than development of Shoreham Harbour and can come forward earlier in the plan period.

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	Projected Completions																			Totals	
	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024	2024/2025	2025/2026	2026/2027	2027/2028	2028/2029	2029/2030		2030/2031
Gross Completions (large and small sites)	204	153	103	105	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	565
Commitments (large and small sites with planning permission)(net)					35	212	76	3	0	0	0	0	0	0	0	0	0	0	0	0	326
Allowance for small windfall sites					0	0	0	32	32	32	32	32	32	32	32	32	32	32	32	32	416
SHLAA sites 2015 (net)					0	82	67	67	75	0	0	0	0	0	0	0	0	0	0	0	291
Broad Location (Shoreham Harbour)					0	0	0	0	179	179	179	179	179	37	38	0	0	0	0	0	970
Strategic Allocation (New Monks Farm)					0	0	0	80	80	80	80	80	80	40	0	0	0	0	0	0	600
Strategic Allocation (West Sompting)					0	0	25	80	80	80	80	80	55	0	0	0	0	0	0	0	480
Total Past Completions	204	153	103	105																	
Total Projected Completions/Commitments	204	153	103	105	35	294	168	262	446	371	371	371	346	149	110	32	32	32	32	32	3648
Losses	11	7	10	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	37
Past net completions	193	146	93	96																	528
Projected net completions					35	294	168	262	446	371	371	371	346	149	110	32	32	32	32	32	3083
Cumulative net completions	193	339	432	528	563	857	1025	1287	1733	2104	2475	2846	3192	3341	3451	3515	3547	3579	3611	3611	3611
Annualised housing target	291	291	291	291	291	291	291	291	291	291	291	291	291	291	291	291	291	291	291	291	5820
Monitor. Position above/below zero indicates how many dwellings above or below the cumulative allocation at any point in time	-98	-243	-441	-636	-892	-889	-1012	-1041	-886	-806	-726	-646	-591	-733	-914	-1173	-1432	-1691	-1950	-2209	
Manage. Annual requirement taking into account past/projected completions	291	296	305	317	331	350	355	369	378	372	372	372	372	375	413	474	584	768	1137	2241	

Notes

Completions include sites with planning permission but which have not commenced and sites on which development has commenced. Large sites comprise 6 or more units, small sites comprise 5 or less units. Estimated losses include actual and projected losses that may occur due to demolition, conversion and change of use. Deducting estimated housing losses from gross completion figures gives net completions. Source: 2015 Residential Land Availability Survey, WSCC. To view source data search WSCC planning data for Housing and Residential Land in West Sussex.

Figure 1: Adur Housing Trajectory (Adur AMR 2015)

4. Mitigation of Flood Risk

- 4.1. It is acknowledged that the Land at Hasler (Old Salts Farm) currently forms part of the 'functional floodplain' associated with fluvial and tidal flooding of the nearby River Adur. Consequently, the residential development of the site cannot occur until such time as suitable flood mitigation and attenuation measures can be implemented.
- 4.2. The implementation of such appropriate flood mitigation and attenuation measures along the banks of the River Adur and within the site, will provide the dual benefits of reducing the flood risk to existing properties within the District, as well as unlocking the potential for significant areas of previously undeveloped land to accommodate future residential development. The Shoreham Tidal Walls Project is one such project that, when completed, will significantly reduce tidal and fluvial flood risk across the District, unlocking future residential opportunities.
- 4.3. The Shoreham Tidal Walls Project benefits from an established delivery mechanism lead by the Environment Agency as well as West Sussex County Council that will ensure the project is delivered via an agreed and funded timetable.
- 4.4. As the first stage of implementation, the Adur Planning Committee resolved to grant permission for the Adur Tidal Walls scheme at its planning committee on 14 March 2016. As acknowledged within the Proposed Submission Adur Local Plan, the implementation of the Shoreham Tidal Walls Project *'would result in the site no longer acting as 'functional floodplain'* consequently, the provision of the Shoreham Tidal Walls Project will unlock large areas of greenfield land for future residential development.
- 4.5. It is considered that the Land at Hasler (Old Salts Farm) represents such a site which, following the implementation of the Shoreham Tidal Walls Project and appropriate flood attenuation measures can come forward as a significant residential development opportunity within the District. As previously identified, it is expected that the short-term completion of the Shoreham Tidal Walls Project (circa 2016) will facilitate the residential development of the Land at Hasler within the medium to long term of the Adur Local Plan period (2011-31).
- 4.6. It should be acknowledged that the Shoreham Tidal Walls Project, that is to enable to future residential development of the Land at Hasler (Old Salts Farm), will also facilitate the Shoreham Harbour Redevelopment on which Adur District Council are reliant for the delivery of up to 1,050 homes over the plan period. It is our considered opinion that this establishes that the Council has demonstrated the strategic and proactive planning required to allocate significant future residential development opportunities current restricted by Flood Risk.
- 4.7. With the completion of the Shoreham Tidal Walls Project due within the early part of the Adur Local Plan period (circa 2016) and, the alleviation of the tidal and flood risk to the Land at Hasler, it is hoped that Adur District Council once again demonstrate such a strategic and proactive plan led strategy for the delivery of adequate housing over the plan period.
- 4.8. Adur District Council and the Environment Agency have raised further concern regarding Surface Water and Ground Water issues (including concerns regarding saline intrusion). It is our view that a technical solution to overcome these issues is possible. The Council has also made reference to flooding in the locality. It is our understanding that a great deal of progress has been made clearing blocked ditches to overcome localised issues relating to surface water flooding.

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- 4.9. Our client therefore considers that in order to maximise the identification of sites for housing the opportunity should be taken by Adur District Council to discuss mitigation measures and the technical solutions to enable the allocation of the Land at Hasler for residential development within the Proposed Submission Adur Local Plan, through the establishment of a proactive and strategic plan led strategy.
- 4.10. By not including the Land at Hasler / Old Salts Farm, the Council has not maximised the ability to deliver new housing in the district and fail the test of soundness in terms of justifying the most appropriate strategy for delivering growth over the plan period.

5. Landscape

- 5.1. Whilst the Land at Hasler (Old Salts Farm), as identified below (Figure 22), has not previously been developed, and therefore represents a greenfield site, we strongly contend that the site is of no particular landscape value and, therefore the future residential development of the site is appropriate.
- 5.2. This conclusion has been drawn on the basis of the apparent landscape value associated with the site, its role within the wider setting of Arun District and, its relationship with the existing built up area.



Figure 2 - Site Location

- 5.3. The Land at Hasler performs a limited role in forming the landscape character of the local area and the setting of Adur District Council, with the site bound to the south, west and south-east by the existing built up area and the railway to the north, resulting in an insular site.

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- 5.4. Consequently with its future residential development representing a logical extension of the existing built up area, it is considered that the future residential development of the Land at Hasler would represent the logical extension of the existing Hasler estate.
- 5.5. Overall it is concluded that the Land at Hasler is not of particular landscape value and, therefore the future residential development of the site that incorporates appropriate mitigation measures, will not have an adverse impact on the setting of the District.
- 5.6. The visual sensitivity of the landscape in this area is rightly identified as low and medium-low according to the Adur Landscape and ecological surveys of key sites within the Adur District Report (2012). This report also identified the landscape character sensitivity as being medium – low and medium. Overall the site was considered to be of medium and medium / low landscape sensitivity. This assessment was confirmed in the Assessment of landscape sensitivity Adur Local Plan area report (2016).
- 5.7. It should be noted that the landscape sensitivity classification of the Land at Hasler Estate / Old Salts Farm is similar to that of the New Monks Farm site (medium – low) and development in this location would have less impact on landscape sensitivity than the West Sompting site (identified as medium and medium / high landscape sensitivity).
- 5.8. In conclusion, in light of the objectively assessed housing need within the District, the Land at Hasler (Old Salts Farm) is considered of low landscape quality and should be allocated within the Amendments to the Proposed Submission Adur Local Plan 2016 for future residential development.
- 5.9. A Tree Preservation Order has recently been issued on a group of trees on the site. An objection was raised by our client at the time of issuing this order with a tree survey being carried out in support of the objection. This tree survey identified all trees as falling within the C-category of moderate quality but low value with the majority having a lifespan of 20+ years.
- 5.10. In addition, the TPO Objection Letter submitted to the Council concluded with the following points:
- ***Most of the trees within the site are not now, nor likely to be, significantly visible from any public area.***
 - ***The two woodlands fail to make any individual impact and are of no particular or special value.***
 - ***The two woodlands fail to make any significant impact on the wider landscape of the neighbourhood.***
- 5.11. These observations are still relevant. However, given the TPO has been issued, it is our view that a development onsite would be possible with appropriate tree enhancement measures. To safeguard the amenity that the trees are considered to afford, a strategy for replacement where appropriate would ensure that any loss of the poor quality existing trees would be more than offset by appropriate replacement.

6. Ecology

- 6.1. It is strongly contended that the allocation of the Land at Hasler (Old Salts Farm) and, therefore the future residential development of site, will have no adverse impact with regards to ecology.

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- 6.2. This conclusion has been drawn on the basis of the understanding that the site is not of significant ecological value and, that appropriate mitigation measures can be incorporated within any future residential development that ensure that any ecological impact can be minimised.
- 6.3. It is therefore expected that any future residential development of the Land at Hasler will be supported by a full ecological survey which, will inform the mitigation strategy that will be implemented to facilitate the development of the site.

7. Conclusions

- 7.1. Overall it is considered that the Amendments to the Proposed Submission Adur Local Plan 2016 fails to reflect or comply with the objectives of the National Planning Policy Framework. The Local Plan fails, significantly, to meet the locally identified housing need figure as indicated in the Objectively Assessed Need for Housing: Adur District (2015) report.
- 7.2. As set out in this representation, it is considered that the plan does not meet the tests of soundness for the following reasons:
- **positively prepared** – not meeting the objectively assessed housing need
 - **justified** – not being the most appropriate approach when compared to reasonable alternatives
 - **effective** – not being deliverable over the plan period
- 7.3. Our client is keen to proactively and positively explore the residential development of the land at Hasler and discuss solution to overcome the remaining physical constraints. It is acknowledged that flood issues remain a concern to the Council and the Environment Agency and the landowners wish to agree how these could be overcome through discussion with the Council and responsible bodies, particularly in light of progression with the Adur Tidal Walls scheme.
- 7.4. The key environmental issues such as those relating to ecology and landscape can be overcome through suitable design and appropriate mitigation measures.
- 7.5. We therefore hope that Adur District Council will reconsider their housing needs position and decision not to allocate the Land at Hasler for residential development and engage proactively and positively in bringing the site forward to meet the locally identified housing need arising in the District.
- 7.6. We wish to be kept fully informed in relation to the future progress of the Adur Local Plan and, request to make formal representations at the Examination in Public.