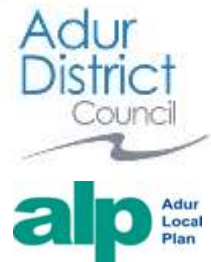


Proposed Submission Adur Local Plan 2014



Representation Form

Return Address:

planning.policy@adur-worthing.gov.uk


Or:

Planning Policy Team, Adur and Worthing Councils, Town Hall, Chapel Road,
Worthing, BN11 1BR

Or hand in at:

- Adur Civic Centre, Ham Road, Shoreham-by-Sea, BN43 6PR or
- Portland House, 44 Richmond Road, Worthing, BN11 1HS

**Please return to Adur District Council by 5pm on 1st December 2014
Late representations will not be considered.**

 **Use of your information** Respondent details and representations will be forwarded to the Secretary of State for consideration when the Adur Local Plan is submitted for examination. All documents will be held by Adur District Council and representations will be published including on the internet e.g. www.adur-worthing.gov.uk. Personal contact details (address, email and phone number) will be removed from published copies of representations. Your information will be handled in accordance with Data Protection Act 1998.

Contact details will be added to the Adur Planning Policy consultees database to keep you informed on the progress of the Adur Local Plan and other related documents.

Please tick if you do **not** want to be informed.

This form has two parts:

- Part A - Respondent Details. You only need to fill this in once.
- Part B - Your representation(s). Please fill in a separate sheet for each representation you make.

It is recommended that you read the Guidance Notes provided for an explanation of terms used in this form.

Part A – Personal Information
You only need to complete this section once

Personal Details

First name	Asher	
Last name	Ross	
Organisation (where applicable)	Boyer Planning	
Address line 1	C/O Agent	
Address line 2		
Address line 3		
Post Code		Telephone
Email address		

Agent's Details (if applicable)

First name	Asher	
Last name	Ross	
Organisation	Boyer Planning Ltd	
Job Title	Director	
Address line 1	UK House	
Address line 2	82 Heath Road	
Address line 3	Twickenham	
Post Code	TW1 4BW	Telephone
Email address	asherross@boyerplanning.co.uk	

Part B – Representation

Please use separate sheets for each representation

1. Which part of the Adur Local Plan does this representation relate to?

Policy No.	<input type="text"/>	Paragraph No.	<input type="text" value="1.34"/>
Map	<input type="text"/>	Other section (please specify)	<input type="text"/>

2. Do you consider the Adur Local Plan to be: (tick as appropriate)

2.1 Legally Compliant Yes No

2.2 Sound Yes No

Please read the Guidance Note for guidance on legal compliance and soundness.

If you have ticked no to 2.1, please continue to Q4.

If you have ticked no to 2.2, please continue to Q3.

If you have ticked yes to 2.1 and 2.2 please go to Q7.

3. Do you consider the Adur Local Plan to be unsound because it is not: (tick as appropriate)

3.1 Positively Prepared

3.2 Justified

3.3 Effective

3.4 Consistent with National Policy

4. If you consider the Adur Local Plan to be unsound or not legally compliant, please explain why in the box below:

The plan is unsound as it does not include land at New Salts Farm as a new strategic allocation to meet the identified housing need. The Local Plan acknowledges that the housing supply identified in the Plan does not meet the full objectively assessed need. As such, the Council must consider all sites and seek to meet the housing requirement.

Land at New Salts Farm can deliver housing post 2017 once the flood defence works are complete. This is well within the Plan period, as we estimate that houses could be completed in 2019/20, which would assist the Council in identifying a five year supply of housing land (a position which the Council is not currently able to do).

(Continue on a separate sheet if necessary)

5. Please explain in the box below what change(s) you consider necessary to make the Adur Local Plan legally compliant and sound having regard to the reason you identified above.

(You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested or revised wording of any policy or supporting text. Please be as precise as possible).

Allocating land at New Salts Farm would assist the Council in meeting their housing requirements, both in the short term (i.e. up to five years) and in the medium to long term.

(Continue on separate sheet if necessary)

6. If your representation concerns soundness or legal compliance and is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination? (tick as appropriate)

No, I wish to communicate through written representations

Yes, I wish to speak to the Inspector at the hearing sessions

Please note: The Inspector will determine the most appropriate procedure to hear those who have indicated that they wish to participate at the hearing part of the examination.

7. If you wish to participate at the hearing part of the examination, please outline why you consider this to be necessary.

Land at New Salts Farm was previously proposed to be allocated in the earlier versions of the Plan. The site has also been considered via the Strategic Housing Land Availability Assessment process, which has recognised that the site has development potential.

No viable reason has been given by the Council as to why the site has not been included in the final draft of the Plan, given that the evidence already exists to support the inclusion of the site as a site suitable for housing development.

8. Please tick if you do not wish to be informed of the following:

When the Plan has been submitted for Examination

When the recommendations from the Examination have been
Published

When the Local Plan has been adopted

What happens next?

Representations made to the Council will be passed to the Inspector for consideration.

Once this has happened, the Inspector will commence the examination and give notice of the start of the hearing sessions.

Interested parties will be informed of the start date of the hearing sessions and the matters to be considered.

Thank you for making representations.

Part B – Representation

Please use separate sheets for each representation

1. Which part of the Adur Local Plan does this representation relate to?

Policy No.	<input type="text"/>	Paragraph No.	<input type="text"/>
Map	<input type="text"/>	Other section (please specify)	<input type="text" value="Objective 1"/>

2. Do you consider the Adur Local Plan to be: (tick as appropriate)

2.1 Legally Compliant Yes No

2.2 Sound Yes No

Please read the Guidance Note for guidance on legal compliance and soundness.

If you have ticked no to 2.1, please continue to Q4.

If you have ticked no to 2.2, please continue to Q3.

If you have ticked yes to 2.1 and 2.2 please go to Q7.

3. Do you consider the Adur Local Plan to be unsound because it is not: (tick as appropriate)

3.1 Positively Prepared

3.2 Justified

3.3 Effective

3.4 Consistent with National Policy

4. If you consider the Adur Local Plan to be unsound or not legally compliant, please explain why in the box below:

Objective 1 is set out as “To deliver between 3488 - 3638 dwellings up to 2031 to contribute to meeting objectively-assessed needs in Adur in terms of type, size and tenure.”

However, this objective is non-compliant with paragraph 47 of the NPPF which requires Local Plans to meet the full objectively assessed needs for both market and affordable housing in their area. Whilst the NPPF in paragraph 47 does set out that meeting these needs has to be consistent with policies set out in it, it is clear that councils have to make every effort to meet the identified needs in their area.

Failure to do so without any sound evidence would render the Plan unsound.

An objective which does not seek to meet the full objectively assessed needs in the area falls well short of the requirements of the NPPF.

Paragraph 157 of the NPPF sets out what is regarded as the ‘crucial’ role of Local Plans. One of these is that plans should plan positively for development required in the area. We would contend that the Local Plan as proposed is not a positive plan which seeks to meet development needs of the area. The Plan does not consider the implications of not meeting the needs of the local population and therefore is not a positive plan.

There are sites within Adur that are available and deliverable, and can bring forward new housing. In addition, constraints such as flooding, which have been identified, can be mitigated.

(Continue on a separate sheet if necessary)

5. Please explain in the box below what change(s) you consider necessary to make the Adur Local Plan legally compliant and sound having regard to the reason you identified above.

(You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested or revised wording of any policy or supporting text. Please be as precise as possible).

Objective 1 should be amended so that the housing delivery figures meet the full need. This is the only sound option open to the Council.

(Continue on separate sheet if necessary)

Part B – Representation

Please use separate sheets for each representation

1. Which part of the Adur Local Plan does this representation relate to?

Policy No.	<input type="text"/>	Paragraph No.	<input type="text"/>
Map	<input type="text"/>	Other section (please specify)	Objective 3

2. Do you consider the Adur Local Plan to be: (tick as appropriate)

- 2.1 Legally Compliant Yes No
- 2.2 Sound Yes No

Please read the Guidance Note for guidance on legal compliance and soundness.

**If you have ticked no to 2.1, please continue to Q4.
If you have ticked no to 2.2, please continue to Q3.
If you have ticked yes to 2.1 and 2.2 please go to Q7.**

**3. Do you consider the Adur Local Plan to be unsound because it is not:
(tick as appropriate)**

- 3.1 Positively Prepared
- 3.2 Justified
- 3.3 Effective
- 3.4 Consistent with National Policy

4. If you consider the Adur Local Plan to be unsound or not legally compliant, please explain why in the box below:

Objective 3 sets out that “To regenerate Adur through ensuring a range of employment opportunities and through new sustainable development opportunities. In particular, regeneration will seek to...”

Three development sites / opportunities are proposed in the Local Plan, including Shoreham Harbour; Shoreham Airport; and New Monks Farm. We do not challenge these developments, although we note that there is not full support for some of these sites.

However, we consider that a further site, i.e. New Salts Farm should be included as a site which will assist the regeneration of the area.

New Salts Farm is located in a highly sustainable location in close proximity to services and with access to a choice of transport modes.

The development of this site (or parts of it) could assist in meeting the housing need in the area as well as complement other developments in the area.

(Continue on a separate sheet if necessary)

5. Please explain in the box below what change(s) you consider necessary to make the Adur Local Plan legally compliant and sound having regard to the reason you identified above.

(You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested or revised wording of any policy or supporting text. Please be as precise as possible).

Insert an additional point to Objective 3:

(d) Achieve strategic development at New Salts Farm, delivering housing and jobs (through the construction process) and creating social, economic, and infrastructure improvements.

(Continue on separate sheet if necessary)

Part B – Representation

Please use separate sheets for each representation

1. Which part of the Adur Local Plan does this representation relate to?

Policy No.	<input type="text" value="2"/>	Paragraph No.	<input type="text"/>
Map	<input type="text"/>	Other section (please specify)	<input type="text"/>

2. Do you consider the Adur Local Plan to be: (tick as appropriate)

- 2.1 Legally Compliant Yes No
- 2.2 Sound Yes No

Please read the Guidance Note for guidance on legal compliance and soundness.

If you have ticked no to 2.1, please continue to Q4.

If you have ticked no to 2.2, please continue to Q3.

If you have ticked yes to 2.1 and 2.2 please go to Q7.

3. Do you consider the Adur Local Plan to be unsound because it is not: (tick as appropriate)

- 3.1 Positively Prepared
- 3.2 Justified
- 3.3 Effective
- 3.4 Consistent with National Policy

4. If you consider the Adur Local Plan to be unsound or not legally compliant, please explain why in the box below:

Policy 2 of the Local Plan sets out the Spatial Strategy for Adur for the period up to 2031. The strategy seeks to deliver development within the built up area boundaries of the main settlements, whilst also recognising that greenfield sites adjacent to settlement boundaries should be released in order to seek to meet the local needs.

Two greenfield extensions are identified in the Local Plan:

- New Monks Farm, Lancing; and**
- West Sompting.**

New Monks Farm is located adjacent to Shoreham Airfield, between the airfield and the built up area of Lancing and adjacent to the Brighton and Hove Football Academy. The development of this site reduces the gap significantly when viewed from the A27 and is located a fairly significant distance away from the station and main facilities within Lancing.

The development at West Sompting also closes the gap between settlements.

As such, both proposed allocations conflict with a further part of Policy 2, which states that “Development which would result in the coalescence or loss of identity of settlements will be resisted.”

We recognise that some greenfield sites will have to be released to meet identified needs. However, in our view, insufficient sites have been taken forward by the Council to meet these needs and further sites must be released. Our case is that land at New Salts Farm should also be released for residential (and potentially other uses as well) development. The characteristics of this site are fairly similar to those of other proposed greenfield sites, however, we would make the case that development of the site (or parts of it) are more likely to comply with the requirement to resist coalescence and loss of identity than the two other sites.

(Continue on a separate sheet if necessary)

5. Please explain in the box below what change(s) you consider necessary to make the Adur Local Plan legally compliant and sound having regard to the reason you identified above.

(You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested or revised wording of any policy or supporting text. Please be as precise as possible).

Land at New Salt Farm should be identified as a sustainable greenfield extension to Lancing, which could accommodate residential development (and potentially community uses as well). This allocation would not affect the overall spatial strategy set out in the Local Plan, as this already accepts that some greenfield sites would have to be allocated. As such, this proposed change does not affect the overall spatial strategy for Adur.

We would propose the following change to the Policy:

“It will also be necessary to release the following greenfield sites on the edge of the built up areas to ensure a supply of suitable land for development subject to the requirements of Policies 5 and 6:

New Monks Farm, Lancing (residential, employment, and community uses)

West Sompting (residential)

New Salts Farm (residential and potentially community uses)

(Continue on separate sheet if necessary)

Part B – Representation

Please use separate sheets for each representation

1. Which part of the Adur Local Plan does this representation relate to?

Policy No.	<input type="text" value="3"/>	Paragraph No.	<input type="text" value="2.17 – 2.25"/>
Map	<input type="text"/>	Other section (please specify)	<input type="text"/>

2. Do you consider the Adur Local Plan to be: (tick as appropriate)

- 2.1 Legally Compliant Yes No
- 2.2 Sound Yes No

Please read the **Guidance Note** for guidance on legal compliance and soundness.

If you have ticked no to 2.1, please continue to Q4.
If you have ticked no to 2.2, please continue to Q3.
If you have ticked yes to 2.1 and 2.2 please go to Q7.

3. Do you consider the Adur Local Plan to be unsound because it is not: (tick as appropriate)

- 3.1 Positively Prepared
- 3.2 Justified
- 3.3 Effective
- 3.4 Consistent with National Policy

4. If you consider the Adur Local Plan to be unsound or not legally compliant, please explain why in the box below:

Policy 3 and the paragraphs supporting it seek to set out the housing delivery targets for Adur. The process undertaken by Adur is non-compliant with the policy set out in the NPPF and, therefore, the entire process is open to challenge.

Firstly, the NPPF at paragraph 158 requires local authorities to have an adequate, up-to-date and relevant evidence base. Paragraph 159 requires the preparation of a Strategic Housing Market Assessment (SHMA).

The SHMA that underpins the Local Plan is the November 2012 SHMA update prepared by GL Hearn. This SHMA is already out of date and is likely to be three years old by the time that the examination into the Local Plan is carried out. This puts into serious doubt the results of the SHMA.

For example, the SHMA was developed at a time when “Effective demand for market homes for sale is currently subdued (at the time of writing in 2012)” and “In 2012 the UK economy is teetering on the verge of a further recession.” (both quotes from page 17 of the SHMA). Of course, the situation has changed significantly in the past two to three years since the SHMA was written with the economy coming strongly out of the recession and house prices nearly back at their 2007 levels. We have seen a significant and sustained demand for housing that was not anticipated in the 2012 SHMA.

Furthermore, the 2012 SHMA was based on the 2010 SNPP housing projections which have now been superseded and are out of date. The 2012 SNPP projections were issued in May 2014 and, as the Planning Practice Guidance sets out, these should be used as the basis for projecting household needs.

The later Assessment of Housing Development Needs Study: Sussex Coast HMA (April 2014) seeks to update the housing needs study (although it is not a SHMA) using the 2011 figures, so, it is as well out-of-date. Nevertheless, this suggests a range of housing requirements for Adur of between 180 to 240 new homes per annum (for comparison the 2012 SHMA suggested a figure between 186 and 215 per annum). However, the update does warn that the lower figures are likely to suppress affordable housing provision as well as economic growth. In relation to Adur, it concludes “The higher end of the range takes these factors into account, is for 240 homes per annum. This level of housing provision would support stronger delivery of affordable housing (with 15-20 additional affordable homes delivered per year relative to the lower end of the range) and provide the potential for stronger growth in labour supply (sitting within the range of housing need derived from the economic-driven

scenarios).” (paragraph 3.14).

As such, it is our case that the objectively assessed need falls within the 180 to 240 new homes per annum range, however, it should be closer to 240 in order to ensure that economic growth and affordable housing provision are not harmed.

As such, we would recommend to the Inspector that the figure of 240 new homes per annum is used as the full objectively assessed housing need. As such, we consider that the housing demand figure should be 4,800 new homes.

Turning to the delivery of housing, the Council has usefully identified in Table 1 the housing delivery for the Plan period (2011 to 2031). The Council has stated that it has delivered 437 dwellings in the first three years of the Plan. This equates to around 145 dwellings per annum, which is significantly below the required delivery figures. As such, there is already a shortfall against the housing delivery figures.

Furthermore, the Council considers that 299 dwellings will be delivered through existing commitments and permissions. However, it is commonplace that not all commitments and permissions will be delivered and therefore it is standard to apply a lapse rate to these. We would use a 10% lapse rate which would reduce the number of dwellings to be delivered through this route to 260.

This approach should also apply to the 404 SHLAA dwellings identified as these are not yet subject of any application / development. This would reduce the housing delivery figure by a further 40 dwellings.

The Local Plan is also unclear about the delivery of New Monks Farm. We consider that it is prudent given the significant constraints on this site to consider the maximum deliverable on this site is 450 dwellings and not 600. This results in a further reduction of 150 dwellings.

As such, we consider that the Council can, at best, demonstrate delivery of 3,405 new homes. This equates to only 70% of the overall total requirement and is significantly below what would be expected of a Local Plan.

(Continue on a separate sheet if necessary)

5. Please explain in the box below what change(s) you consider necessary to make the Adur Local Plan legally compliant and sound having regard to the reason you identified above.

(You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested or revised wording of any policy or supporting text. Please be as precise as possible).

Given the significant shortfall in housing delivery in Adur, we consider that further work needs to be carried out in order to assess the sites identified in the SHLAA as potential development sites. Simply ruling out sites on the basis that information about flooding / transport / landscaping has not been submitted to the satisfaction of the Council is not a sound approach.

The NPPF requires Local Plans to identify a supply of specific, developable sites. Footnote 12 sets out that developable sites should be in suitable locations for housing development and that there should be a reasonable prospect that the site is available and could be viably developed.

Land at New Salts Farm meets all of these tests. The SHLAA notes that the site could be suitable for housing development and that it should continue to be monitored. The site is available and being actively promoted for development.

In terms of constraints, there are no outstanding constraints on the site that cannot be overcome within the time period of the Plan. Most notably, the matters relating to flood risk apply to other sites being allocated and the resolution to these will also enable the development of the site.

As such, we consider that land at New Salts Farm should be allocated for development in order to assist the Council in meeting its housing requirements.

(Continue on separate sheet if necessary)

Part B – Representation

Please use separate sheets for each representation

1. Which part of the Adur Local Plan does this representation relate to?

Policy No.	<input type="text" value="13"/>	Paragraph No.	<input type="text"/>
Map	<input type="text"/>	Other section (please specify)	<input type="text"/>

2. Do you consider the Adur Local Plan to be: (tick as appropriate)

- 2.1 Legally Compliant Yes No
- 2.2 Sound Yes No

Please read the Guidance Note for guidance on legal compliance and soundness.

If you have ticked no to 2.1, please continue to Q4.

If you have ticked no to 2.2, please continue to Q3.

If you have ticked yes to 2.1 and 2.2 please go to Q7.

3. Do you consider the Adur Local Plan to be unsound because it is not: (tick as appropriate)

- 3.1 Positively Prepared
- 3.2 Justified
- 3.3 Effective
- 3.4 Consistent with National Policy

4. If you consider the Adur Local Plan to be unsound or not legally compliant, please explain why in the box below:

Policy 13 seeks to protect all land outside the Built Up Area Boundary from any development. However, there does not appear to be any assessment in the Policy as to the quality of the countryside and what contribution that land makes. This is effectively a blanket protection to all areas outside the built up areas, which does not conform to the policies of the NPPF as this is not based on any evidence.

It is unclear from the wording of the Policy why this area is designated and the purpose of it. There is no basis in landscape terms, protection of settlement identity or any other matter that supports this blanket Policy.

(Continue on a separate sheet if necessary)

5. Please explain in the box below what change(s) you consider necessary to make the Adur Local Plan legally compliant and sound having regard to the reason you identified above.

(You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested or revised wording of any policy or supporting text. Please be as precise as possible).

Policy 13 should be re-written on the basis of sound evidence (if there is any) to support the protection of important land that plays a role in either landscape or other areas.

(Continue on separate sheet if necessary)

Part B – Representation

Please use separate sheets for each representation

1. Which part of the Adur Local Plan does this representation relate to?

Policy No.	<input type="text" value="14"/>	Paragraph No.	<input type="text"/>
Map	<input type="text"/>	Other section (please specify)	<input type="text"/>

2. Do you consider the Adur Local Plan to be: (tick as appropriate)

2.1 Legally Compliant Yes No

2.2 Sound Yes No

Please read the Guidance Note for guidance on legal compliance and soundness.

If you have ticked no to 2.1, please continue to Q4.

If you have ticked no to 2.2, please continue to Q3.

If you have ticked yes to 2.1 and 2.2 please go to Q7.

3. Do you consider the Adur Local Plan to be unsound because it is not: (tick as appropriate)

3.1 Positively Prepared

3.2 Justified

3.3 Effective

3.4 Consistent with National Policy

4. If you consider the Adur Local Plan to be unsound or not legally compliant, please explain why in the box below:

Policy 14 seeks to introduce green gaps. However, the area covered by these green gaps is exactly the same as Policy 14 which designated the land as countryside. There is absolutely no justification for designating the same land with two restrictive designations, whilst both policies seek to have the same role, i.e. to offer a blanket protection against any development.

It is clear that this Policy fails all the tests of soundness as it is not justified and replicates another Policy, and is not a positive policy as it provides a blanket restriction on development contrary to the requirements of the NPPF.

(Continue on a separate sheet if necessary)

5. Please explain in the box below what change(s) you consider necessary to make the Adur Local Plan legally compliant and sound having regard to the reason you identified above.

(You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested or revised wording of any policy or supporting text. Please be as precise as possible).

Delete Policy 14

(Continue on separate sheet if necessary)