

James Appleton  
Adur District Council  
Planning & Development Services  
Civic Centre Ham Road  
Shoreham-by-Sea  
West Sussex  
BN43 6PR

**Date:** 19 November 2014

Dear James and the Planning Policy Team

**Proposed Submission Adur Local Plan 2014**

Thank you for the opportunity to comment on your Proposed Submission Adur Local Plan 2014. We are pleased that the work that we have done with you over the last few years has been reflected in the Plan and overall we are supportive of it.

Attached to this letter are four unsound representations on your Plan in relation to Policy 6 – Land at West Sompting, Policy 8 – Shoreham Harbour, Policy 19 – Sustainable Design and Policy and Policy 24 – Provision for Gypsies, Travellers and Travelling Showpeople. As drafted we do not consider the policies to be sound and have recommended wording changes that would overcome our concerns. I hope that you will be able to take these on board as you progress to Submission and Examination. If you wish I would be happy to discuss these further.

We would also wish to make the following supporting representations. These highlight in particular where changes have been made in response to our previous consultation responses on your Plan.

**Policy 5: New Monks Farm, Lancing**

We are pleased to see the inclusion of paragraph 2.58 in the supporting text. This reflects the advice we have provided you regarding Withy Patch.

We support the policy wording and in particular the references to the range of sources of flood risk affecting the site and the requirements for development to seek opportunities to reduce flood risk elsewhere.

**Policy 7: Shoreham Airport**

We are pleased to see that our previous comments regarding the Adur Tidal Walls scheme have been taken on board.

**Policy 30: Delivering Infrastructure**

We support the inclusion of this policy which will ensure development is phased with the provision of necessary infrastructure. This is particularly relevant given the flood risk issues across the District.

**Policy 31: Green Infrastructure**

We support the inclusion of this policy.

**Policy 32: Biodiversity**

We support the inclusion of this policy.

**Policy 35: Pollution and Contamination**

We are pleased to see that our previous comments have been taken on board and are supportive of the policies wider coverage to include the water environment, and the requirement for contaminated land investigations.

**Policy 36: Water Quality and Protection**

We fully support the inclusion of this policy and are pleased that previous comments and recommendations have been taken on board.

**Policy 37: Flood Risk and Sustainable Drainage**

We fully support the inclusion of this policy and consider it will be effective in ensuring flood risk in the District is reduced.

If you would like to discuss any aspects of our representation in more detail please contact me.

Yours sincerely,

**Hannah Hyland**  
**Planning Specialist – Sustainable Places**  
**Environment Agency**

Direct dial [REDACTED]

Direct email [REDACTED]

# Proposed Submission Adur Local Plan 2014



## Representation Form

Return Address:

[planning.policy@adur-worthing.gov.uk](mailto: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](http://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.

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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	<input type="text" value="Hannah"/>		
Last name	<input type="text" value="Hyland"/>		
Organisation (where applicable)	<input type="text" value="Environment Agency"/>		
Address line 1	<input type="text" value="Guildbourne House"/>		
Address line 2	<input type="text" value="Chatsworth Road"/>		
Address line 3	<input type="text" value="Worthing"/>		
Post Code	<input type="text" value="BN11 1LD"/>	Telephone	<input type="text" value=""/>
Email address	<input type="text" value=""/>		

**Agent's Details (if applicable)**

First name	<input type="text"/>		
Last name	<input type="text"/>		
Organisation	<input type="text"/>		
Job Title	<input type="text"/>		
Address line 1	<input type="text"/>		
Address line 2	<input type="text"/>		
Address line 3	<input type="text"/>		
Post Code	<input type="text"/>	Telephone	<input type="text"/>
Email address	<input type="text"/>		

## 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="6"/>	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:**

This site, Land at West Sompting, has the lowest flood risk of the proposed allocations. We are also pleased that this site provides opportunities to deliver ecological enhancements through links to the Teville Stream Restoration Project and that the policy makes reference to a conservation area north of the existing Cokeham Brooks SNCI as part of the Landscape Green Infrastructure Strategy.

However, the policy as drafted includes specific reference that developers would need to work with the Environment Agency. As the flood risk associated with the site is mostly related to surface and groundwater flooding we do not consider this specific requirement necessary and would wish to see it removed.

(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).**

Remove specific reference to the Environment Agency from the policy text.

(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.**

**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.  Paragraph No.

Map  Other section  
(please specify)

### 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:**

In general we are supportive of this policy and have been working closely with the Shoreham Harbour partnership in preparing the Joint Area Action Plan. We are pleased to see reference to high environmental standards and the need for ecological enhancements and flood defences along the Western Harbour Arm.

However, given the historic uses in this area land contamination is likely to be a significant issue for new development. To ensure the policy is effective and fully justified we would recommend that additional criteria are included in the 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).**

We recommend that reference to land contamination is added within paragraph 11 of policy 8 alongside local noise and air quality.

(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

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**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" value="19"/>	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:**

Whilst we are supportive of the intention of this policy to require high standards of water efficiency we recommend that in order to future proof the policy reference to the Code for Sustainable Homes is removed and replaced with the specific water efficiency standard.

As you have highlighted in paragraph 4.20 the Government's Housing Standards Review aims to either retire or make voluntary the Code for Sustainable Homes (CSH). Local Authorities will no longer be able to require CSH compliance as part of a development.

It is proposed that housing standards, including water efficiency measures, will be managed through Building Regulations. We support the intention to seek the tighter level of water efficiency of 110 litres/person/day and recommend that this figure is specifically referred to in the text of Policy 19. This value is similar to the current requirement under Code 4 of CSH which sets a standard of 105l/p/d internal water use. The Building Regulations refers to both internal and external water use.

(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).**

We recommend that reference to Level 4 of the Code for Sustainable Homes with regard to water efficiency is removed and replaced with the requirement for new development to be designed and built to achieve water use of 110 litres/person/day.

(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

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**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" value="24"/>	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:**

We support the inclusion of the criteria in this policy that sites should not be located in an area of high flood risk (flood zone 3) and consider that this is compliant with the NPPF. However, the policy goes on to state that “where satisfactory flood risk mitigation measures are proposed, however, development may be considered”.

Paragraph 100 of the NPPF states that “inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk”. It should be noted that Caravans and mobile homes intended for permanent residential use are defined as highly vulnerable. Table 3, paragraph 067 of the Planning Practice Guidance confirms that this type of development should not be permitted in Flood Zone 3, regardless of the introduction of flood risk mitigation measures.

We therefore consider that as drafted this section of the Policy is not compliant with the NPPF and Planning Practice Guidance.

We understand the specific issues regarding the potential development at Withy Patch. However, Policy 5 and paragraph 2.58 would ensure that any future development of this site would not take place until land raising takes the site out of Flood Zone 3.

(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).**

We recommend the removal of the final sentence in bullet point 5 – “Where satisfactory flood risk mitigation measures are proposed however, development may be considered”.

(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

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