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# Adur and Worthing Local Plan: Hearing Statement

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On Behalf of Brighton and Hove City Council

December 2016





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**Appendix E** – North Portslade (Urban Fringe Scheme in Brighton and Hove)

## 1.0 Introduction

- 1.1 This statement has been prepared for the Adur and Worthing Local Plan (ALP) Examination in Public Hearing Sessions. It follows a previous representation (representation no: 54) made to Adur and Worthing Council (AWC) on the Proposed Submission version of Local Plan (Appendix A). It relates to the Mill Hill site which is being promoted by Savills, on behalf of Brighton & Hove City Council (BHCC). The site is being promoted in the Council's capacity as landowner of the Downland Estate.

### About the BHCC Downland Estate

- 1.2 At 10,500 acres, BHCC's Downland Estate comprises a substantial rural landholding falling under a single public ownership. Through ownership of the Downland Estate, BHCC - in addition to considering the Estate as part of their overall property investment portfolio - are also presented with the opportunity to deliver on conservation and social wellbeing related issues. This is encapsulated within the Council's Downland Initiative (DI).

- 1.3 The policy brings together the Property and Design team with the Council's City Parks and seeks to incorporate social and environmental considerations not only into day-to-day management decision making, but also by identifying opportunities for the considerable environmental and social gains that can be realised through land ownership. The DI aims to:

*'Sustain natural resources provided by the Council's Downland Estate by working in partnership with relevant stakeholders and potential beneficiaries and pursuing an economically sustainable approach for the Council and its tenant farmers; and*

*Reconnect the people of Brighton and Hove to a more biodiverse downland with better education, improved access and a better sense of connection to the land.'*

- 1.4 It examines the feasibility of securing sustainable management of the Downland Estate and is aligned with the Biosphere Reserve objectives. The Policy also incorporates the main Corporate Plan 2015–2019 objectives:

- 1) To tackle inequality and work to create a fairer city;
- 2) To create a more sustainable city;
- 3) To engage more individuals and groups across the city.

- 1.5 The policy is implemented by working in partnership with Council departments, the South Downs National Park Authority (SDNPA), tenant farmers and other stakeholders. The receipts from development opportunities form part of BHCC's Central Investment Fund. They are used to finance capital projects and new development, which provide substantial benefits for the local community.

### Other Comments by BHCC

- 1.6 Separate comments have been provided in relation to strategic planning issues (e.g. Duty to Cooperate). This statement does not seek to comment on strategic policy issues, and the Inspector is asked to refer to the previously submitted comments by BHCC policy officers on these matters (dated 28<sup>th</sup> November 2014).

## 2.0 Response to Questions in ID-3

2.1 This section seeks to respond to the questions raised by the Inspector in ID-3 (REV 2). BHCC does not wish to respond to all of the questions raised, and has done so only to those most pertinent to the Mill Hill site. There are two main questions that BHCC would like to respond to these are 1.5 and 3.2.

### Question 1.5

*Are all the components of the Council's spatial strategy (policy 2) justified and compatible with the principles referred to in paragraph 17 of the NPPF? Will the policies and proposals in the ALP contribute to the sustainable growth of the District?*

2.2 The 2<sup>nd</sup> bullet point of paragraph 17:

*'encourages local authorities to think creatively in which to enhance and improve the places that people live.'*

2.3 Bullet point 9 of paragraph 17 of encourages mixed use development that can deliver multiple benefits.

2.4 The Mill Hill site presents an excellent development opportunity through its ability to provide housing alongside a mix of other land-uses in a sustainable location. In addition to housing, any development proposals would make use of what is currently a private open space (used for horse grazing), to provide an opportunity for public open space. This includes the potential for biodiversity enhancements linked to Mill Hill Local Nature Reserve (LNR).

2.5 It is also currently difficult to walk up Mill Hill because of the lack of pavement at the southern end of the road. Development of the Mill Hill site would help to increase permeability, and therefore access to the LNR and South Downs National Park from the town centre. A diversification in the use of the site, as is suggested, would respond to the requirements of paragraph 17.

2.6 The 11<sup>th</sup> bullet point of paragraph 17 encourages significant developments in places that are, or can be made sustainable. The site is located in a highly sustainable location close to Shoreham town centre where there is a mainline train station (with connections to London), comprehensive bus service, shops and other services. The town centre can be reached in approximately 15 minutes, or cycled to in 4 minutes, which will substantially reduce the need to travel by car. The allocation of the site would respond directly to the requirements of paragraph 17.

2.7 In summary, inclusion of the site would help ensure compliance with paragraph 17, and yield a number of benefits, including:

- Its sustainable location close to public transport and other town centre facilities;
- Housing provision (with an element of affordable housing);
- Provision of public open space with better access to the countryside (e.g. South Downs National Park and Mill Hill); and
- Biodiversity enhancements linked to Mill Hill LNR.

### Question 3.2

*Having identified the need for housing over the plan period (6,825 dwellings), has the Council undertaken the appropriate assessments in order to justify its conclusion that the District cannot meet all that need (or a greater proportion than the 3,609 dwellings proposed) within its own boundary. Have those sites identified in the SHLAA, that were rejected by the Council, been appropriately assessed? (see also question 7.1)*

- 2.8 It is not felt that the Mill Hill site has been appropriately assessed as part of the SHLAA. Further explanation of this is provided below.
- 2.9 Since BHCC's representation as part of the Local Plan (Appendix A) was made, a letter was received from AWC (Appendix B). This letter reinforced the reasons why AWC do not believe the site is suitable for development. These comments predominantly relate to landscape and transport issues. However, the tone that is set is quite negative and revolves around identifying the constraints. There has not been an attempt to positively and creatively discuss the constraints in order to agree how the site could be delivered. I have provided more detail on the specific points below.

#### Transport

- 2.10 Following the letter at Appendix B, Savills asked for some further clarification on transport issues which was provided in an email by Moira Hayes (email dated 31<sup>st</sup> October 2016 and enclosed at Appendix C).
- 2.11 Bellamy Roberts has responded to the points raised on transport (Appendix C). The summary is that access can be achieved in-principle and that the Highways Authority (West Sussex County Council) acknowledged the fact that access would not be a 'showstopper.' However, the updated SHLAA (ref: CD07/22) states that:

*'In addition, it has not been demonstrated that a satisfactory access can be achieved. The site is not suitable for development.'*

- 2.12 In our opinion, this is unnecessarily negative, and the reference to a transport constraint should be removed altogether because a suitable access solution can be demonstrably achieved. This is all that should be required to allocate the site in the Local Plan. Details of access can be provided through any future planning application.

#### Landscape

- 2.13 At Appendix B, AWC also sets out the case that the site is not suitable for development on landscape grounds. However, as set out in Appendix A the site is already compromised in landscape terms because of the presence of the A27, which severs it from the National Park.
- 2.14 A landscape report (prepared by Fabrik landscape architects) has been previously sent to the Council as part of the Local Plan representation, and it is understood that the inspector is in receipt of this (Appendix D). This document and the letter (at Appendix A) set out a contrary view to the Sheils Flynn report (i.e. that the site is could accommodate a level of development without compromising the landscape character of the site and surrounding area).

- 2.15 The details of any scheme would need to be carefully considered as part of any future planning application. This would include the requirement for a landscape and visual impact assessment to ensure that the most sensitive parts of the site are protected. It would also bring opportunities:
- for landscape enhancements, including native planting with the potential for biodiversity improvements linked to Mill Hill; and
  - an element of open space which will introduce public benefit.
- 2.16 Notably, issue 7 of the Examination programme refers to countryside, coast, including Local Green Gaps. The Mill Hill site has not been put forward as part of this hearing session. However, BHCC and its representatives (Fabrik) would be happy to attend this hearing session to discuss the site and its landscape context in more detail.

### Other Considerations

This section sets out a number of other considerations.

#### Flooding

- 2.17 It is well-known that one of the main constraints in Adur and Worthing is flooding. The Mill Hill site is free from this constraint, which affects many of the other omission sites (ref: CD24/7). It is therefore one of a few opportunities for new housing development in a relatively unconstrained, and sustainable location.

#### Urban Fringe Sites in Other Local Authorities

- 2.18 The NPPF places significant emphasis to make sure that:
- 'Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth'* (NPPF paragraph 17).
- 2.19 This was an issue that was debated in detail at the BHCC City Plan Part One Examination in Public where the Inspector concluded that no stone should be left unturned in order to identify suitable housing sites. As a result, a number of Urban Fringe<sup>1</sup> sites were allocated for housing.
- 2.20 These Urban Fringe sites are now at various stages in the planning process but will no doubt help to meet housing supply in a heavily-constrained local authorities such as AWC and BHCC where the South Downs National Park and coastal location substantially limit new housing opportunities.
- 2.21 The Brighton and Hove Urban Fringe sites are at various stages in the planning process, including:
- Ovingdean (ref: BH2016/05530) – currently a live planning application;
  - Saltdean (ref: BH2014/03394) – recommended for approval by officers but overturned at committee. Now at appeal; and
  - North Portslade (ref: BH2016/05908)- currently a live planning application.
- 2.22 The remaining Urban Fringe sites are likely to be brought forward as planning applications or allocated as part of the City Plan Part 2.

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<sup>1</sup> These sites are defined in the BHCC City Plan Part One as *'The land between the defined built up area boundary and the South Downs National Park.'*



- 2.23 Significantly, at approximately 8 Ha the North Portslade development bears a number of similarities to the Mill Hill site (e.g. adjacency to the National Park, adjacency to nature designations, proximity to the A27). A site plan of the development is contained within Appendix E.
- 2.24 In summary, neighbouring authorities have had to work creatively to overcome significant physical constraints. AWC should take a more positive and creative approach to housing provision in order to maximise the supply of new housing.

### 3.0 Conclusion

3.1 In ID-3 (REV 2) the programme officer requests a concluding section responding to the following points:

- what part of the ALP is unsound;
- which soundness criterion it fails;
- why it fails (point to the key parts of your original representations);
- how the ALP can be made sound; and
- the precise change and/or wording that you are seeking

3.2 Below, a response is provided to each of these points

#### What part of the ALP is unsound

3.3 Housing policies relating to the supply of deliverable sites and the proposed housing shortfall (e.g. policy 3 – housing provision).

#### Which soundness criterion it fails

3.4 The ALP fails the following tests:

- Positively prepared; and
- Consistency with national planning policy.

#### Why it fails (point to the key parts of your original representations)

3.5 The ALP fails the tests because:

- It has not been positively prepared because it is not based on a strategy that would meet objectively assessed development requirements; and
- It is also not consistent with national policy, particularly paragraph 47 of the National Planning Policy Framework, which urges local authorities to ‘*boost significantly the supply of housing...*’ and ‘*meet their full objectively assessed need for market and affordable housing.*’

#### How the ALP can be made sound

3.6 The ALP can be made sound through the inclusion of demonstrably available and deliverable sites (e.g. Mill Hill).

#### The precise change and/or wording that you are seeking

3.7 It is recommended that an additional policy is inserted relating to development of the Mill Hill site.