

Mr David Hogger  
C/O Chris Banks  
Banks Solutions  
64 Lavinia Way  
East Preston  
West Sussex  
BN16 1EF

22 December 2016  
Ref: CB/Let/P1117i

Dear Sir,

**Re: Independent Examination of the Adur Local Plan 2016 (ALP): Land at Old Salts Farm, Lancing (Land North West of the Hasler Estate).**

This letter has been prepared by ECE Planning on behalf of Landstone Ltd in support of the promotion of the Land at Old Salts Farm, Lancing (also referred to land North West of the Hasler Estate) for allocation within the Adur Local Plan for future residential development. It seeks to respond to the Inspectors Questions which will be which will be further discussed in detail at the examination.

**Question 1.3: Are any mechanisms in place to enable the unmet housing needs of the District to be met elsewhere?**

There is no mechanism for any of the coastal authorities to meet Adur's unmet need (and, equally, no mechanism for Adur to meet other Authorities' unmet need). On this basis, it is our view that the Council did not positively reassess sites through the plan making process reflecting upon the unmet subregional housing need.

In this regard, the Submission Adur Local Plan 2016: Duty to Co-operate Statement (October 2016) is clear (Last bullet point of 3.32):

**Directors**

Chris Barker MATP MRTPI **Managing Director**  
Huw James MRTPI  
Adam King RIBA

ECE Planning Limited  
Registered in England  
No 7644833  
VAT No 122 2391 54  
Registered Office: Amelia House  
Crescent Road, Worthing BN11 1QR

*The overall level of unmet need across the coast as well as that in Crawley as well as the environmental and infrastructure constraints in the northern authorities, means that the contribution to provision through any available headroom is limited (with Mid Sussex and Horsham's surplus provision to meet the needs of Crawley). Several Local Plans in the area have recently been adopted (Crawley, Horsham, Brighton and Hove, and Lewes) whilst the examination of the Arun Local Plan has commenced. Whilst a number of joint measures to help housing delivery in the short to medium term are being explored via the CWS&GB Strategic Planning Board and the Economic Board, longer term housing needs can only be addressed via a full review of the LSS and local plan reviews. A number of these reviews may need to be earlier to address needs (as recommended by the Inspector of the examination of Horsham's Planning Framework).*

Subsequently, we believe the Local Plan has not been 'positively prepared' (as set out in paragraph 182 of the Framework).

**Question 1.4 Is the ALP based on a sound process of sustainability appraisal and testing of reasonable alternatives, and does it represent the most appropriate strategy in the circumstances? Has the strategic site selection process been objective and based on appropriate criteria? Is there clear evidence demonstrating how and why the preferred strategy was selected?**

We do not believe the Sustainability Appraisal adequately and consistently scored sites and alternative sites. It is our view that the site at Old Salts Farm has been too harshly scored with regards to:

- **Countryside / Landscape**
- **Heritage**
- **Flooding**

The site in general is similar to New Monks Farm which was assessed as having an overall score of amber whilst Old Salts Farm scored red (purely on flood risk grounds, discussed further below).

With respect to the overall strategy, we do not believe that it is the most appropriate approach given the significant housing need identified for the area and the failure of the Duty to Cooperate providing a solution to the severe housing shortfall (again considered further below).

It is our view that the ALP should have firstly allocated a greater number of housing sites (such as the site at Old Salts Farm) and secondly identified potential reserve housing allocations subject to satisfactory demonstration that perceived constraints could be adequately overcome.

There are no infrastructure constraints to development at land Old Salts Farm and, as set out in this letter and previous representations, the only pertinent constraint acknowledged by Adur District Council relates to flooding – a solution to which we believe is possible given further investigation.

Furthermore, as detailed below, we have concerns around the strategic allocation of Shoreham Harbour over other more deliverable sites within the District.

Subsequently, we believe the plan has not been positively prepared and consider it neither justified (not being the most appropriate strategy since Old Salts Farm and other deliverable sites have been excluded) nor effective (not being deliverable over its plan period (with regards to the inclusion of Shoreham Harbour)).

**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?**

It is our view that the level of housing development proposed within the ALP does not meet the economic and social aspects of sustainable development (and is subsequently not considered consistent with national policy).

The level of housing proposed will not support the aims of the Local Plan in delivering the level of housing required to support meaningful economic growth in the District. Furthermore, with low affordability of housing in an area of high demand, the Local Plan fails to provide for sufficient housing over the plan period. The ADC OHAN Update (2016) notes the following in paragraph 5.6:

*The evidence from market signals and of affordable housing need points towards affordability constraints in the District... and*

*The scale of affordable housing need is substantial*

The ALP housing target is considered further below.

We do not consider the plan to be justified with regards to the significant unmet housing need and the exclusion of Old Salts Farm as a housing allocation on flooding grounds (when other less deliverable sites have been included within the plan).

**Question 3.1: Does the figure of 6,825 dwellings (325 dwgs a year) for the period 2011-2032 accurately reflect full objectively assessed needs for market and affordable housing? Is the figure based on up-to-date and reliable evidence?**

We would not dispute the figure of 6,825 dwellings per annum over the plan period as a reasonable objectively assessed housing need figure for the district.

We do have significant concern however that the Duty to Cooperate has failed to adequately distribute unmet need in the sub-region and that subsequently this 325 figure must be considered as the lower end of the true housing need figure for Adur given the pent-up demand in the sub region.

**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)**

It is our strongly held view that the Council has not properly undertaken the assessments required to justify its conclusion that the District cannot meet in full the objectively assessed housing need.

The 145dpa shortfall between the OAN figure of 325 and the housing target of 180 is indeed significant. When considered in tandem with the failure of any meaningful solution with regards to the Duty to Cooperate on a sub-regional basis, the dire housing need situation should have been given significant weight throughout the plan making process and in determining possible housing allocations within the ALP when weighed in the balance with potential environmental effects.

| Plan Iteration                                   | Proposed Housing Target | Objectively Assessed Need Figure  | Target as a Proportion of Housing Need |
|--|-------------------------|---|--|
| Draft ALP (2012)                                 | 167 - 217               | 270<br>(ADC Locally-Generated Housing Needs Study 2011)   | 62% - 80%                              |
| Revised Draft ALP (2013)                         | 139 - 147               | 270<br>(ADC Locally-Generated Housing Needs Study 2011)   | 51% - 54%                              |
| Proposed Submission ALP (2014)                   | 174 - 182               | 240<br>(Assessment of Housing Development Needs Study: Sussex Coast HMA, 2014<br>Sussex Coast HMA)* | 72% - 76%                              |
| Amendments to the Proposed Submission ALP (2016) | 180                     | 291<br>(Objectively Assessed Need for Housing: Adur District 2015 study)                            | 62%                                    |
| Submission ALP (2016)                            | 180                     | 325<br>(Objectively-Assessed Housing Need Update Adur District Council, Report, September 2016)     | 55%                                    |

**Figure 1: OAN and Housing Target Development**

\* it is our view that this document did not fully and appropriately assess housing need in the district – as clearly evidenced by the housing studies produced after 2014.

An analysis of the housing need assessments undertaken by Adur District Council alongside the proposed target for new dwellings (Figure 1) shows a reluctance to increase housing provision in any meaningful way from the first iteration of the ALP in 2012. In this regard, a lower end target figure of 167dpa was identified which has subsequently been increased by only 13dpa to provide an annual target figure of just 180 (or just 55% of the recognised housing need).

It is our view therefore that a reassessment of sites should have been undertaken bearing in mind the significant and increasing housing needs requirements. We would argue therefore that this should have included a review of sites in respect of both flooding and landscape impact.

In this respect a recalibration of the approach to housing site allocation should have been undertaken at an earlier point in the plan making process. This would have ensured that site assessment was less sensitive towards landscape and other environmental impacts and to allow for a more proactive approach to delivering a flood solution in the interests of delivering sustainable development.

Subsequently, we do not believe that the Local Plan has been developed as set out in the Framework. Paragraph 17 states:

*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.*

Paragraph 47 states:

*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*

Paragraph 182 states:

- *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;*

In this respect, 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’

It is our view that the Council has not made ‘every effort’ to meet ‘the full’ OAHN and had failed to assess all opportunities fully. Subsequently, the ALP cannot be considered to be positively prepared.

It is our view that the Council has not made 'every effort' to meet 'the full' OAHN and cannot be considered to be positively prepared.

With regards to the Old Salts Farm site, it is clear that the only significant issue as existing relates to flooding. Following the sequential test, the site has a more severe flood risk associated with it than the proposed allocations of New Monks Farm and Sompting sites.

However, the flooding experienced on Old Salts Farm will be vastly improved in tidal / fluvial flood risk terms when the Adur Tidal Walls Scheme is implemented (albeit with some surface water / ground water constraints which we believe can be overcome).

Our representations to the Council have consistently acknowledged that a potential solution to overcoming flood risk could be developed. The Council has not proactively investigated the options for overcoming flood constraints on the site and has therefore not made 'every effort' to meet its housing need and has therefore not been *positively prepared*. This is reflected in the Council's Sequential Test which states on Page 4:

*Appendix 1 of this document sets out additional sites that were considered through the Local Plan process but not taken forward. The reasons for exclusion are explained in the appendix. Two of these sites, Land North West of Hasler Estate and Land North East of Hasler Estate, were excluded, not specifically because they are at risk of flooding, but because there is still no evidence at this stage of the plan process to suggest that the numerous flood risk issues on these sites can be overcome.*

In the case of Shoreham Harbour, the Western Arm will not benefit from the Shoreham Adur Tidal Walls scheme and subsequently must deliver its own flood defences. Significant time and resource has been invested by the Council in understanding the flood risk and subsequent flood solution on this constrained site. The Council has carried out no such assessment of potential solutions at Old Salts Farm despite the significant housing shortfall and the lack of any other clear constraints on the land.

A solution to the flooding constraints of the site North East of Hasler has been identified by the promoters of that site. Clearly the flood issues on the Old Salts Farm site are similar and therefore manageable to ensure that residential development can be achieved on the site.

The Old Salts Farm site has no other insurmountable constraints. From a landscape point of view, development of the site would have a low impact as set out in previous representations and proposals would seek to enhance any existing important features.

The site is set within the context of existing development on the south, east and west edges and any proposal would be enclosed by logical and defensible boundary to the north (railway line). To the east a scheme for landscaping could be developed to ensure minimal impacts.

There are few access / highway constraints which could be easily dealt with through appropriate improvement measures. These constraints in themselves do not justify the exclusion of the site from an allocation within the ALP or exclusion from the SHLAA.

**Question 3.4: Does the plan identify a supply of deliverable sites, sufficient to provide five years worth of housing, with an additional buffer of 5% (or 20% as appropriate)?**

It is our view that the housing target set out within the ALP is not sufficient. Subsequently, it is clear that the Council would not be able to demonstrate a valid 5 year housing land supply.

Notwithstanding this point, there has been persistent under delivery of housing since the revocation of the South East Plan in 2013 measured against both the OAN and the new housing target figure of 180dpa. In this regard, net completions are set out in Figure 2

|                    | Year      | Total Dwelling Completions |     |        | Time Periods |     | Annual Average |     |
|--------------------|-----------|----------------------------|-----|--------|--------------|-----|----------------|-----|
|                    |           | Gross                      | Net | Losses | Gross        | Net | Gross          | Net |
| Adur OAN           | 2013/2014 | 103                        | 93  | 10     |              |     |                |     |
| 291dpa             | 2014/2015 | 105                        | 96  | 9      | 208          | 189 | 104            | 95  |
| Adur OAN<br>325dpa | 2015/2016 | 38                         | 31  | 7      | 38           | 31  | 38             | 31  |

Figure 2: Source: Annual Monitoring Report (ADC, 2016)

Subsequently we strongly argue that the Council should be applying a 20% buffer to the five year housing land supply calculation.

As set out in our previous representations, it is our view that the assumptions around housing delivery for some sites within the ALP is exceedingly optimistic and even aspirational. This is particularly the case for the housing completions recorded under Shoreham Harbour which, according to the latest Annual Monitoring Report (2016) will start delivering units within the next 2 years.

This is considered to be a very condensed timeframe for delivery of a significant number of new homes given the constraints onsite. The numbers of apartments coming forward as part of Shoreham Harbour are also considered optimistic – we do not believe that the market could sustain such numbers over such a short time frame. Subsequently, we believe that Shoreham Harbour is unlikely to start delivering within the first five year period.

Figure 3 demonstrates a 4.2 year supply of deliverable sites (o/298) measured against the ALP target figure, removing Shoreham Harbour from delivery within the first five years and adding a 20% buffer.

|                |  | Dwellings (net) | Annual Average |
|----------------|--|-----------------|----------------|
| a              | Local Plan housing target 2011-2031  | 3609            | 180            |
| b              | Completed 2011-2016 (net)  | 559             |                |
| c              | Number of years left in plan period = 16   |                 |                |
| d              | Remaining requirement 2016-2032 (a-b)  | 3050            |                |
| e              | Five year target with no adjustment (180x5)  | 900             |                |
| f              | Shortfall of housing provision from 2011 (180x5 years = 900) minus completions (f-b) | 341             |                |
| g              | Five year target including shortfall (e+f)   | 1241            |                |
| h              | 20% buffer (1241/100x20)   | 248             |                |
| i              | Requirement for five years 2016-2021 with 20% buffer (g+h)                           | 1489            | 298            |
| <b>Supply:</b> |  |                 |                |
| j              | Commitments (large and small sites) at 1 April 2016                                  | 439             |                |
| k              | SHLAA sites 2016   | 254             |                |
| l              | Windfall allowance (32x2 years)  | 64              |                |
| m              | Local Plan Strategic Allocations   | 495             |                |
| n              | Shoreham Harbour Broad Location  | 0               |                |
| o              | Total Commitments  | 1252            |                |
| p              | Surplus (o-i) (1252-1272)  | -237            |                |

Figure 3: Updated 5 Year Housing Supply - 180DPA

|                |   | Dwellings (net) | Annual Average |
|----------------|---|-----------------|----------------|
| a              | Local Plan housing target 2011-2031   | 6500            | 325            |
| b              | Completed 2011-2016 (net)   | 559             |                |
| c              | Number of years left in plan period = 16  |                 |                |
| d              | Remaining requirement 2016-2032 (a-b)   | 5941            |                |
| e              | Five year target with no adjustment (325x5)   | 1625            |                |
| f              | Shortfall of housing provision from 2011 (325x5 years = 1625) minus completions (f-b) | 1066            |                |
| g              | Five year target including shortfall (e+f)  | 2691            |                |
| h              | 20% buffer (2691/100x20)  | 538             |                |
| i              | Requirement for five years 2016-2021 with 20% buffer (g+h)                            | 3229            | 646            |
| <b>Supply:</b> |   |                 |                |
| j              | Commitments (large and small sites) at 1 April 2016                                   | 439             |                |
| k              | SHLAA sites 2016  | 254             |                |
| l              | Windfall allowance (32x2 years)   | 64              |                |
| m              | Local Plan Strategic Allocations  | 495             |                |
| n              | Shoreham Harbour Broad Location   | 0               |                |
| o              | Total Commitments   | 1252            |                |
| p              | Surplus (o-i) (1252-1272)   | -237            |                |

Figure 4: Updated 5 Year Housing Supply - 325DPA

Our view is clearly that a higher housing target should be included within the ALP to meet housing needs. As such, the 4.2 year supply figure should be considered the best case scenario.



If the 325 OAHN figure is used the Council can only demonstrate a 1.9 year supply of deliverable housing as set out in Figure 4 (o/646).

**Question 3.5: Does the plan identify a supply of deliverable sites for years 6 to 10 and where possible for years 11 to 15?**

It is our clear view that further sites are required to meet objectively assessed needs and to ensure the plan is sufficiently flexible to deal with changes over the plan period. We are not convinced that the sites identified by the Council provide sufficient headroom for delivery of sufficient housing numbers. Therefore the site at Old Salts Farm should be allocated to aid in addressing the shortfall.

**Question 3.6: Should the submitted plan include a housing trajectory?**

We would argue that there should be a housing trajectory within the ALP and a mechanism to ensure that housing is delivered as anticipated. Where housing is not coming forward as anticipated, we would suggest that further sites could come forward to meet the housing target in the interim and to ensure the plan is sufficiently flexible.

**Question 3.8: Is there enough flexibility embodied in the Council's approach so that it could react quickly to any unforeseen change in circumstances? (see also question 18.2)**

We do not believe the ALP is flexible. Firstly, there are not enough sites allocated within the ALP and secondly there are no reserve sites identified should development fail to come forward as anticipated over the 20 year life span of the plan. As set out in previous representations, there are significant uncertainties surrounding the Shoreham Harbour Broad Location yet no fallback position has been identified in the instance that delivery of housing on this site, or other sites identified within the ALP, fails to come forward.

**Question 3.11: Does the plan make appropriate provision for affordable housing in accordance with national policy? Are the proposed percentages, as set out in policy 22, viable, deliverable and justified?**

It is our view that the plan does not make appropriate provision for affordable housing. Clearly an increase in the housing target and allocation of suitable sites (such as Old Salts Farm) would aid significantly in this regard.

We do not consider the policy wording to be compliant with changes to the National Planning Policy Guidance surrounding Affordable Housing delivery on small sites.

**Question 3.13: Is the proposed minimum density of 35 dwellings per hectare reasonable and justified (policy 23)?**

The minimum density policy should only apply to the housing development elements of a site. Otherwise, sites required to deliver large areas of non-developable areas (such as open space, schools, SuDS etc) will be delivering housing at a much greater density on their developable area.

### **Question 7.1: Has the Council achieved the correct balance between meeting housing needs and protecting the setting of settlements within the District?**

It is our view that the Council has not achieved the correct balance in this regard. It is our view, as set out in previous representations, that there are no constraints to developing the Old Salts Farm site from a landscape point of view. The Council's assessment scores the site on a par with New Monks Farm and less impactful than development at the West Sompting site.

Clearly, subject to flooding constraints being addressed, the site could be included within the Built-up Area as shown on the policies map. There is no reason why the site could not be allocated subject to policy wording that flooding would be adequately addressed.

### **Question 7.2: Is the identification of the 'countryside and coast' and 'local green gaps' (policy 14) justified?**

It is our view that policy 14 is not justified with respects to the site at Old Salts Farm for those reasons set out above – namely, the site has low value in landscape terms. In not allocating this site and investigating further the flooding constraints, the Council has failed to make every effort to meet its housing need.

Allocation of the site for housing would not compromise the 'separate identities and character' of Lancing and Shoreham since a significant separation between the two settlements would be retained. Subsequently, the policy would be restricting potential development on landscape, settlement character and settlement coalescence grounds when it is our view that development of the site would not be harmful or detrimental in these terms.

## **Conclusion**

This letter clearly indicates that aspects of the ALP fail the tests of soundness set out in paragraph 182. In this regard, the ALP is considered **to fail on the following grounds:**

- **positively prepared:** it hasn't proactively and positively considered suitable sites for housing given the significant housing need experienced in the District;
- **justified:** the site at Old Salts Farm could reasonably be included as part of the overall strategy subject to concerns over flooding being overcome. This approach has been taken by the Council with other sites such as Shoreham Harbour.
- **effective:** there are concerns regarding the Shoreham Harbour allocation within the plan and the delivery rates put forward by the Council – the site at Old Salts Farm is available now and could be developed swiftly subject to flood risk being adequately overcome.

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- **Consistent with national policy:** does not deliver sustainable development failing to adequately balance the economic and social aspects against environmental impact. As set out in this representation, it is our view that the environmental impact (flooding) can be mitigated.

Subsequently, we would strongly urge the Inspector to consider inclusion of the site at Old Salts Farm within the ALP as a suitable housing allocation in light of the minimal constraints on the site and significant housing need in the District. Flood solutions are achievable on the site on the basis that the site area is circa 139,900 m<sup>2</sup>, this site could yield a substantial number of homes even with significant flood attenuation onsite.

Furthermore, this would ensure sufficient flexibility and thus ensuring the ALP is '*effective*' over the entire plan period.

We would finally like to inform the Inspector that we will be attending the Examination in Public and making further representations.

If you have any further queries or require further information please contact me on 01903 248777.

Yours sincerely  
ECE Planning



**Chris Barker MATP MRTPI**  
Director