

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

19 April 2017
Ref: SS/Let/P1117i

Dear Sir,

RE: Response to 'Homework' following Independent Examination of the Adur Local Plan 2016 (ALP): Land at Hasler Estate / Old Salts Farm

This letter has been prepared by ECE Planning on behalf of Landstone Ltd in support of the promotion of the Land north of the Hasler Estate / Old Salts Farm (referred to within this letter as the Old Salts Farm site) for the allocation within the Adur Local Plan for future residential development. It seeks to respond to the 'Homework' issued by the Inspector during the course of the Examination.

The 'Homework' questions are set out in Council document reference ALP/024, and we shall be responding to only those questions which affect the site at Old Salts Farm.

Day 1: Items 1 and 3

In light of the housing shortfall and the lack of a timetable regarding LSS3 would the Council agree that consideration should be given to any early review?

The Council assert that the spatial strategy, set out in Policy 2 together with the housing target set out in Policy 3, is robust and "the most effective and deliverable approach to delivery of development (based on evidence)".

It was acknowledged by all parties at the Examination in Public that the Council is not seeking to meet in full its OAN. Indeed, the housing target within Policy 3 of delivering a minimum of 3,718 dwellings over the Plan period falls significantly below the OAN of 6,825 dwellings over the same period.

The Council are of the view that there are constraints within the District which contribute to a lack of available sites for development, and on this basis the Council consider that an early review would unlikely bring forward alternative sites.

Directors

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However, what the Council has failed to consider is that there are other potential sites, such as the site at Old Salts Farm, which subject to further flood risk assessment and satisfying all other development management assessment criteria, could come forward in the short term.

As noted in our earlier written representations, dated 22 December 2016 and 11 May 2016, the Council has placed great weight on the delivery of the proposed allocations, in particular Shoreham Harbour Broad Location. Yet there is no fall-back position identified within Policy 3, such as a recommended review mechanism, which would allow for other sites to come forward should those allocated sites fail to deliver in the short / medium term.

The Council has also asserted that other Local Plans which had demonstrated that there is insufficient land to meet their OAN requirements (or come close) have been adopted without the need for an early review, and in this regard the Council has referred to the Brighton & Hove City Council Local Plan, Part One. This is an erroneous assertion. The Planning Inspector, Laura Graham, unambiguously stated within the initial conclusions, dated 13 December 2013 and appended for reference, on the soundness of that plan that she:

“recognise the constraints faced by the Council but if I am to find the Plan sound, notwithstanding such a significant shortfall in the provision of new housing, 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”.

Brighton & Hove City Council subsequently reviewed, as part of the Main Modifications, Urban Fringe sites, windfall sites and employment land sites to specifically address the shortfall and spatial strategy for the City.

Furthermore, Brighton & Hove City Council Local Plan, Part One only sets out the vision and objectives for development and growth over the plan period. It will be Part 2 of the Brighton & Hove City Council Local Plan which will contain site allocations and the remaining development management policies, and therefore, Part 2 of that Local Plan acts as an early review mechanism to housing delivery within the City.

In addition to the above, Adur District Council has stated to demonstrate a commitment to on-going review, that the following wording could be included within the spatial strategy:

“That Adur District Council is fully committed to continuing to work positively and proactively with other local authorities (particularly those in the Coastal West Sussex and Greater Brighton Strategic Planning Board) and public bodies to develop a spatial strategy for the wider area in the longer term; specifically to address the opportunities to meet unmet housing needs”.

It is contended that this is an open and non-committal statement. If the Council is truly seeking to embrace positive and collaborative planning, then the Council should be setting out a timetable and schedule of commitments, such as undertaking further assessments, to bring forward all further housing sites to address the OAN as much as possible.

In this regard, the Council throughout the Examination noted that the only constraint to inclusion of the site at Old Salts Farm is flood risk. Subsequently, our clients would be willing to work with the Council in identifying and developing an acceptable solution to tackling flood risk.

Day 1: Item 4

Can the Council provide a schedule of updates in relation to ongoing work on Omission sites regarding flood risk and details of consultation responses for the current planning application for residential development at Steyning Road site.

The documentation issued by Adur District Council in response to this question (ref: ALP/025/D) notes that there are no updates in relation to the Old Salts Farm site in relation to flood risk.

As set out at the Examination, flood modelling work and site investigations are currently underway at the site to inform the flood risk solution and strategy which will ensure the site will adequately deal with flooding now and in the future.

Clearly numerous discussions between the Environment Agency, West Sussex County Council and Adur District Council have taken place with regards to the site to the east (at New Salts Farm).

In this respect, the Environment Agency does not consider that the allocation of residential development at New Salts Farm would be unsound from a flood risk point of view (as far as their remit is concerned). Indeed, previously, the Environment Agency has stipulated that development would be acceptable in principle, subject to habitable rooms and dry access being located above 6.2m A.O.D. The average site levels are at 5.9m A.O.D. which are clearly within the range of an engineering solution.

West Sussex County Council remains concerned about the site in relation to groundwater flooding and the evidence put forward to date. The Council are particularly concerned that sea level rise will negatively affect the proposed drainage strategy with regards to groundwater levels. Notwithstanding this concern, the Council note that:

It is, however, acknowledged that further research into this issue is needed. This issue is being given some consideration in a forthcoming GWL study commissioned by the LLFA to inform a better understanding.

Subsequently, a potential flood risk solution cannot be ruled out since further work is required. Additionally, following the approval of the Adur Tidal Wall scheme, further re-modelling of the site and surrounding area should be undertaken. In this respect, the Old Salts Farm and New Salts Farm sites share similar flood risk constraints.

An early review mechanism or inclusion of Old Salts Farm as a potential site within the Local Plan would allow time for the evidence to come forward that a technical solution is implementable. This is considered to be entirely in line with the spirit of the Council's response to work *positively and proactively* as discussed above.

Day 1: Item 5

Can the Council review its position on whether all omission sites should be included in the Green Gaps policy. Provide a detailed note on the justification for this approach.

The Council's initial response to this matter is set out below:

During the Adur Local Plan Examination in Public, the Inspector expressed some doubts as to the Council's approach to Local Green Gaps and appeared unconvinced that Old Salts Farm, Shoreham Gateway and Mill Hill should be included within the Local Green Gap as they do not make a significant contribution to preventing coalescence.

While the Council agrees with the Inspector that the development of these three sites would be unlikely to result in the coalescence of the settlements of Lancing and Shoreham, it is considered that all three sites make significant contributions to the landscape setting of their respective settlements and as a result have been included in the Local Green Gap on this basis.

It remains our view that the site is not visible in short distance views from prominent locations (A259, A27 or and partially visible from the railway line contrary to the Council's Landscape Assessment evidence). In longer distance views the site is perceptible, but barely so, especially from the South Downs National Park. In this sense, the site is considered no worse in landscape visibility terms than the New Monks Farm site (and in our view is scores significantly better).

Subsequently, we strongly question the Council's initial assertion that Old Salts Farm makes a *significant contribution* to the landscape setting of Lancing by virtue of the very low visibility of the site. As set out previously, the Council accepts that the site is not constrained from a landscape point of view and it is surprising therefore to see the site included as one of those that makes a significant contribution.

We strongly support the Council's fall-back position in relation to the Green Gap boundary which omits the Old Salts Farm site from the designation as shown on the updated Policies Map 2017 (ALP/025/E).

In respect of the Countryside and Coast policy (Policy 13) we agree that:

This part of the Lancing-Shoreham Gap has fewer landscape and visual constraints to development than other more visible areas.

As stated previously, by virtue of the very low visibility of the site, we disagree strongly with the Council's assertion that it makes *an important contribution to local sense of place and the setting of Lancing* and should subsequently be included within the Countryside and Coast (Policy 13).

Furthermore, it is asserted that the proposed allocation at New Monks Farm, by reason of the size and sprawl of the proposed allocation, together with the gradient of the land and adjacent A27 has a far greater visual impact on the landscape character of the area and wider setting of Lancing than the site at Old Salts Farm.

Conclusion:

We maintain that the Council has been overly cautious and entrenched in its position toward its housing assessment and provision. Applying the principles established at the Brighton & Hove City Council Local Plan Part 1 examination, there is a significant and demonstrable housing need in the area, therefore, no stone should be left unturned in seeking to consider suitable alternative. In this regard, the Council should positively and creatively commit to meeting this acknowledged need on sites which are available, suitable and achievable and where impact of development can be appropriately moderated.

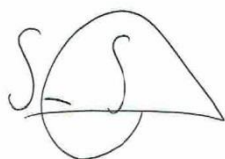
Furthermore, the legal duty to cooperate with other authorities to make every effort to maximise the effectiveness of policies for strategic matters, such as housing provision, will not greatly assist in addressing the acknowledged significant shortfall within the wider sub-region, and therefore, the Council needs to be positively and proactively seeking to meet its own significant shortfall without relying on other, equally constrained authorities.

As set out in previous submissions, it is asserted that the site Land at Old Salts Farm can positively contribute toward the short-to-medium term significant housing shortfall that exists within the District, and which has been acknowledged by all parties.

The inclusion of the site as an allocation, or reserve site, would ensure sufficient flexibility and thus ensure the ALP is effective over the entire plan period.

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

Yours sincerely
ECE Planning

A handwritten signature in black ink, appearing to be 'S Sykes', written over a horizontal line.

Sam Sykes
Senior Planner

Date: 13th December, 2013

INSPECTOR:
Laura Graham BSC MA MRTPI

PROGRAMME OFFICER:
Mrs Claire Jones-Hughes

This letter reflects my initial conclusions on the soundness issues I have identified at this stage in the examination process. I am writing to you now to enable you to consider the best way to address these issues. However, these comments are not intended to be comprehensive, and are made without prejudice to the content of my final report.

Housing

Objectively Assessed Need for Housing

The Framework requires local authorities to assess their full housing needs, including affordable housing. The Housing Duty to Cooperate Study for the Sussex Coast Housing Market Area, May 2013, identifies that an objective assessment of housing need would fall between 16,000 – 20,000 dwellings for the period to 2030. The study notes that the higher end of the range takes account of the shortfall of affordable housing in the City, and includes the provision of 210 dwellings per annum to contribute to reducing the affordable housing backlog.

At the hearings there was a reasonable degree of consensus that the range of 16,000 – 20,000 (as set out in Main Modification MM26) was an accurate reflection of the full, objectively assessed need for housing, although some participants argued that the need could be higher, having regard to the significant need for affordable housing.

Bearing in mind the Framework's requirements that local authorities should assess their **full** housing needs (my emphasis), including affordable housing, my view is that the Plan should indicate that the full objectively assessed need is the higher end of the range, i.e. 20,000 new dwellings.

Duty to cooperate.

I accept that the Council has sought to engage positively with neighbouring authorities in the region. My initial conclusion is that it has met the legal requirement under S.33A of the Act. Unfortunately, the cooperation with neighbouring Councils has not led to a positive outcome, in the sense that none has offered to assist Brighton and Hove by offering

to meet all or part of the objectively assessed needs that cannot be met in Brighton and Hove.

Housing supply.

The Plan proposes a target for the provision of new housing of 11,300. This represents only 56.5% of the full objectively assessed need. Even if the lower end of the range were to be used (which for the reasons given above, I do not accept is the correct approach), the target would meet only 70.6% of the need. These figures represent a significant shortfall and substantial weight must be given to the consequent failure to meet the social dimension of sustainable development.

I recognise that there are significant constraints to providing land for development, and that there are competing priorities for any land which may be available. However, given the significant shortfall in meeting housing needs, it is important that the Council rigorously assesses all opportunities to meet that need. It is my preliminary view that the following sources potentially offer an opportunity to increase the target for the provision of new housing.

Windfall sites.

The Council should investigate whether or not it would be appropriate to make an allowance for windfall sites, bearing in mind the requirements of paragraph 48 of the Framework.

Urban Fringe Sites.

These sites are not subject to nationally recognised designations, which would indicate that development may be restricted. Whilst it may be the Council's aspiration to designate some of these sites as Local Green Space, this is not being pursued through Part 1 of the Local Plan and I have doubts as to whether some of these areas would meet the requirements of paragraph 77 of the Framework. In my letter of 22 July 2013, I commented that the analysis of the urban fringe sites "identifies perceived constraints, but includes no analysis of whether such constraints could be satisfactorily overcome, and what the residual adverse impacts of developing some of the less constrained sites would be". The revised version of TP002a published in September 2013 includes additional commentary on constraints, but does not provide the further analysis that I referred to in my letter. Having now seen some of the sites and had the opportunity to examine more closely the underlying evidence on which this analysis is based, I am not persuaded that the protection from development implied by Policy SA4 is justified in relation to all urban fringe sites. In coming to this conclusion, I have taken account of paragraphs 73 and 74 of the Framework. However, your own analysis concludes that some of these sites do not make a significant contribution to the provision of useable open space, and have limited potential to do so in the future. No consideration appears to have been given to the possibility of allowing development on these sites, which would enable the provision of good quality public open space, as part of a package of

development. Similarly, no consideration appears to have been given to the extent to which other constraints, such as archaeological significance, should prevent development altogether, or whether adequate mitigation would be possible by, for example, careful consideration of design and layout and the imposition of conditions. The site at Toads Hole Valley, which is proposed for development, suffers from some of the same constraints that are said to affect other sites, including its proximity to the National Park. However, the more positive approach taken towards development on this site contrasts with the negative approach taken to other sites. The overall impression given is that the starting point for analysis of these sites has been the desire to resist development, which is at odds with the Framework's requirement that the plan should be positively prepared. The Sustainability Appraisal (SA) makes general observations that the higher housing targets tested would result in significant losses of employment land and open space, but without a more detailed analysis of the sites concerned, I do not consider that great weight can be placed on the conclusions of the SA.

Main modifications MM21 and MM27 indicate that a review of the built up area boundary will be undertaken in Part 2 of the City Plan. However, Document TP/002a seems to pre-judge that exercise by concluding whether or not the sites have any development potential and if so, how many new dwellings may be provided. The expected yield of new dwellings from this analysis is about 100. In view of the significant shortfall in meeting objectively-assessed needs I consider the Council should undertake a more rigorous analysis of the urban fringe sites, along the lines I have already suggested, to determine whether there is greater potential for the delivery of new housing from this source.

Land currently in employment use.

I recognise that the Plan aims to make appropriate provision for land for employment uses to support the local economy. However, doubts have been raised about the ability of some sites to support the kind of employment and/or mixed-use development envisaged in policy CP3. Bearing in mind the shortfall in land to meet new housing needs, I consider the Council should rigorously reassess whether this policy should be modified to allow for the loss of employment land to housing, where an employment or mixed-use development is not viable. The requirement of the Policy that there should be no net loss in employment floor space may inhibit redevelopment for mixed uses, particularly on sites where viability is marginal.

Five-year land supply

I note that the Council achieved a good rate of housing delivery from the mid 1990s through to 2007. The lower rate of delivery in recent years is related to poor market conditions. In the circumstances, I consider there is not a record of persistent under delivery and therefore the appropriate buffer, in accordance with the Framework, is 5%. The most common method of calculating a five-year land supply is to use the annualised housing requirement derived from the overall target. I note the Council's

approach is to base its calculations on the housing trajectory, which has the effect of reducing the five-year land supply requirements in the early years of the Plan. The Framework is not prescriptive about the method that should be used to determine the five-year supply of land for housing. However, a method of calculation that suppresses housing land supply in the early years of the plan period does not, in my view, accord with the Framework's general intent to boost significantly the supply of new housing. Such an approach could be justified if essential infrastructure requirements are likely to constrain the delivery of new development, but I am not persuaded that the impact of the economic recession is a valid reason for taking this approach. Once you have addressed the issues relating to the overall target for new homes, you will need to demonstrate that a five year supply of housing land based on an annualised dwelling requirement plus 5% will be available at the time the Plan is adopted.

Overall conclusions on housing

The City Plan Part 1 falls well short of meeting the objectively assessed need for new housing, and although I note the Council's continuing commitment to engage with neighbouring authorities, there is no evidence before me to show that any of the unmet need will be met elsewhere. For the reasons given above I am not persuaded that the City Plan Part 1 meets the requirements of paragraph 14 of the Framework which requires local planning authorities to meet objectively assessed needs, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. I recognise the constraints faced by the Council but if I am to find the Plan sound, notwithstanding such a significant shortfall in the provision of new housing, 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. Furthermore, depending on the scale of unmet need it may be necessary to reduce the plan period in order that the City Plan can be found sound.

Brighton Marina

I have considered the representations made both orally and in writing regarding the Brighton Marina Act. However, it is not part of my examination to consider whether any planning permissions granted by the Council are lawful. There is no evidence before me that extant planning permissions are being challenged through the Courts, and I have seen nothing to persuade me that these permissions cannot be implemented. Bearing in mind the failure to meet objectively assessed housing needs, and the limited opportunities available to meet that need, it is important that the Marina makes as significant a contribution to the provision of new housing as is reasonably possible. At the hearings there was discussion about the criterion in Policy DA2, which requires development not to breach the cliff height, and there is evidence that this restriction threatens the viability of development at the Marina, and would reduce the amount of housing that could be provided. My attention was drawn to an appeal decision relating to a scheme, which would have breached the cliff height.

The appeal was dismissed because of the inadequacy of the accompanying legal agreement. However, neither the Inspector nor the Secretary of State concluded that the breach of the cliff height was a reason to refuse the scheme. Those conclusions were, of course, specific to that scheme and at the examination hearings the Council expressed the opinion that it was the particular qualities of that scheme that had led to those conclusions. Policy DA2 requires a high quality of building design and includes various safeguards for important environmental assets. There is a statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of the Kemp Town Conservation Area. In all the circumstances I consider that the Policy should be modified to remove the cliff height restriction to enable a viable scheme to come forward, which can make a significant contribution to meeting housing needs.

Brighton Marina Shopping Centre.

The Council's own evidence does not support the designation of Brighton Marina as a District Centre. That aspect of Policy CP4 is not justified and the Policy should be modified accordingly. The Council's aspiration to improve the shopping centre is included in Policy DA2 and if this is successful, it may be appropriate to designate it as a District Centre when a review of the Plan is undertaken.

Viability

The Council's Combined Policy Viability Study, which was unfortunately finalised after the plan was submitted for examination, finds that the combined requirements of the Plan raise serious doubts about the viability of development across the Plan area. The Council seeks to rely on the flexibility clauses in the policies, which it says will enable development to go ahead. It is useful to build in such flexibility to allow for site specific issues to be taken into consideration, but this is not an acceptable substitute for ensuring that the plan facilitates development throughout the economic cycle, as required by the Framework (paragraph 174). I am therefore inviting you to draft modifications to the Plan to ensure that the requirements of the Framework are met in relation to this issue and in accordance with the evidence now available. In particular, you may wish to consider whether the requirements of Policy CP8 can be justified in this context, particularly bearing in mind forthcoming changes to the Building Regulations. Furthermore, the characteristics of the housing stock in Brighton are not dissimilar to those in many established urban areas and I am not convinced that this justifies a local requirement, which is more onerous than the national standards provided by the Building Regulations.

I look forward to receiving your response but it may be of assistance for you to know that I will be working on the Rother Local Plan Examination throughout January 2014.

Laura Graham

Inspector