The Planning Inspectorate

Report to Adur District Council

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an Inspector appointed by the Secretary of State for Communities and Local Government

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Adur Local Plan 2016

The Plan was submitted for examination on 20th October 2016

The examination hearings were held between 31st January and 8th February 2017

File Ref: PINS/Y3805/429/6

Abbreviations used in this report

AH	Affordable Housing
ALP	Adur Local Plan 2016
CIL	Community Infrastructure Levy
Dpa	Dwellings per annum
dph	Dwellings per hectare
EA	Environment Agency
HIS	Housing Implementation Strategy
HMA	Housing Market Area
HRA	Habitats Regulations Assessment
HWP	Housing White Paper (Fixing Our Broken Housing Market – Feb 2017)
JAAP	Joint Area Action Plan
LDS	Local Development Scheme
LP	Local Plan
LSS	Local Strategic Statement
LWS	Local Wildlife Site
MM	Main Modification
NPPF	National Planning Policy Framework
OAN	Objectively assessed need
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SHLAA	Strategic Housing Land Availability Assessment
SPB	West Sussex and Greater Brighton Strategic Planning Board
SPD	Supplementary Planning Document
sqm	Square metre
WMS	Written Ministerial Statement

There are a number of references in this report to the Council's Core Documents (CD). These documents can be found on the Council's Examination web-page.

Non-Technical Summary

This report concludes that the Adur Local Plan 2016 provides an appropriate basis for the planning of that part of the District to which it applies, provided that a number of main modifications [MMs] are made to it. Adur District Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

All the MMs were proposed by the Council, and were subject to public consultation over a six-week period. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- up-date the document regarding a new end-date of 2032; the commitment to a partial review; and to reflect current evidence (for example in relation to housing need and supply);
- the provision of greater flexibility in many of the allocation policies;
- clarification regarding highway improvements, the eastern boundary, drainage requirements and ecological evidence with regard to New Monks Farm, Lancing;
- clarification regarding highway improvements, an extension to the Local Wildlife Site, and ecological evidence with regard to land at West Stomping;
- clarification regarding the route of the boundary and ecological evidence regarding the proposed development at Shoreham Airport;
- include reference to D1 uses (non-residential uses) in the main town centres;
- strengthen the countryside and coast policy;
- amend the green gaps policy (for information the Council has agreed to amend the Policies Map accordingly);
- clarification regarding meeting building regulation and space standards;
- amend the Affordable Housing policy to reflect the Written Ministerial Statement of 28th November 2014 ;
- clarification regarding pollution mitigation measures; and
- provide appropriate cross-references to the Policies Map throughout the document.

Introduction

1. This report contains my assessment of the Adur Local Plan 2016 in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework - NPPF (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.

2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Submission Adur Local Plan 2016 (ALP), submitted in October 2016 is the basis for my examination. It is the document that was published for consultation in 2014 but with the inclusion of amendments that have also been consulted upon, including in relation to the New Monks Farm allocation.

3. It can be confirmed that the ALP provisions for inclusive design and accessible environments (e.g. policy 21) are consistent with the NPPF and that I have had due regard to the equality impacts of the Plan in accordance with the Public Sector Equality Duty.

Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report (**MM**) and are set out in full in the Appendix.

5. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal (SA) of them. The MM schedule and SA Addendum were subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report.

6. At an early stage in the MM consultation process the Council identified a minor typographical error in the supporting text. MM21 (paragraph 2.86 of the ALP) referred to 10,000 sqm of employment generating floorspace in the Western Harbour Arm and it should have been 12,000 sqm. The Council took immediate action in notifying all those on the consultation database, publishing the correct version of the text, up-dating the Examination web-site and confirming that representations on this matter could still be submitted. I am not aware of any representations on this specific matter. In any event the total minimum floorspace for the Shoreham Harbour Regeneration Area remains at 16,000 sqm. This figure has not changed and the Council's requirement is clearly set out in policy 8. Given the minor nature of the error and the fact that it was identified at an early stage in the MM consultation process, I am satisfied that no-one has been unduly disadvantaged.

Policies Map

7. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as Amendments to the Proposed Submission Policies Map and Amendments to the Proposed Submission Inset Map, as set out in CD06/2 and CD06/3.

8. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective.

9. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes currently proposed.

10. In order that the relationship between the policies and the policies map is clear (thus ensuring that the policies will be justified and effective) it is recommended that a reference to the policies map is included in the relevant policies (**MM38**).

The Housing White Paper – Fixing Our Broken Housing Market (Feb 2017)

11. During the course of the Examination the Housing White Paper (HWP) was published and the Council provided a brief response regarding any implications there may be for the ALP. I have taken into account the submissions on the matter received from other parties but conclude that because any changes to the plan making process have not yet all been finalised it would not be appropriate to delay the adoption of the ALP. The Council will need to consider, at the appropriate time, if the Plan should be reviewed in light of any new policies or statutory requirements (see Issue 1).

Consistency Between Policies

12. There are a number of examples where different wording has been used in different policies to achieve the same objective. Consequently the recommended modifications include, where appropriate, changes to the text that seek to achieve clarity and consistency throughout the document as a whole.

Assessment of Duty to Co-operate

13. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.

14. Adur lies within the Coastal Sussex Housing Market Area (HMA) and it is clear that there are a number of significant constraints to development within the broader area. Much of the coastal fringe (large parts of which are at risk of flooding) is already built-up and to the north sits the South Downs National Park – the availability of suitable sites for development is therefore very constrained. Concerns have been expressed regarding whether or not effective and deliverable policies on strategic cross-boundary matters, particularly in terms of housing provision, have been produced. However, the Council, particularly as part of the West Sussex and Greater Brighton Strategic Planning Board (SPB), has used its best endeavours to address matters of housing need. Currently those needs cannot be met within the local plan area but the SPB, which produced the Local Strategic Statement in 2016 (LSS2), is currently considering an up-date of LSS2 (to be known as LSS3). This will provide the opportunity to reconsider cross-boundary issues, including the location of new housing.

15. It has been suggested that because the housing needs of the HMA as a whole, and Adur independently, are not being met the ALP should be found to be not sound and that measures to deal with the unmet need should be agreed now, through co-operation with other Councils. In other circumstances that may be an appropriate way forward but there are three factors that enable me to conclude that a more pragmatic approach should be adopted. Firstly the evidence base that supports plan-making in the wider area is currently being up-dated (for example LSS3 as referred to in the paragraph above); secondly Adur is reliant on other local planning authorities to meet its housing needs and I have no significant influence over how other Councils may contribute towards meeting wider housing needs; and thirdly a delay in adopting the ALP is likely to have undesirable consequences in terms of implementing the other policies and proposals within the Plan.

16. A Memorandum of Understanding[1] has been agreed between Adur, Worthing and Arun Councils and this summarises the co-operation that is taking place and confirms that active and diligent co-operation will continue. The Duty to Co-operate Statement[2] refers to the workshops that have been held, to Member and Officer meetings to discuss cross-boundary matters that have been arranged and to the LSS that has been prepared through the auspices of the SPB. There is no reason to doubt that engagement between the interested parties will continue to take place, especially as the Council is committed to an early review of the ALP.

17. Overall I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has been met. I am also satisfied that the

[1] CD24-14
[2] CD07-18

Council is committed to continuing to engage and co-operate with all the relevant bodies in the longer term.

Assessment of Soundness

Main Issues

18. Taking into account all the representations, the written evidence and the discussions that took place at the examination hearings I have identified nine main issues upon which the soundness of the Plan depends. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

Issue 1: Should there be a commitment to an early review of the ALP?

19. It is clear that throughout the wider geographical area there is a significant shortfall in terms of meeting housing need and the shortfall is particularly acute in Adur. There are without doubt some very serious constraints to development, such as the South Downs National Park, but nevertheless it is incumbent on the various local planning authorities in the 'sub-region' to seek to secure a significant boost in the supply of housing and to ensure that full objectively assessed need (OAN) in the HMA is met, as far as is consistent with the policies in the NPPF.

20. Against this background a detailed review of Housing Market Areas and Functional Economic Market Areas has been commissioned by the SPB, which includes representatives from West Sussex County Council, the South Downs National Park and 8 local planning authorities. In order to reflect the most up-to-date evidence a full review of the LSS will be required and the principle of preparing such a review has already been agreed (LSS3).

21. In this situation and bearing in mind the need for consideration to be given to the contents of the HWP and any consequent changes to national planning policies and procedures, the Council has agreed that an early review (or partial review) of the Local Plan should be undertaken (which would include a review of housing policies). I conclude that such an approach is necessary in order that the Local Plan will be kept up-to-date and will take into account, for example, new evidence that is currently being compiled. In order that the Council's intentions are clear it is recommended that a commitment to reviewing the ALP within 5 years is included in the document (**MM2**).

Issue 2: Is the Council's approach to Housing Provision justified? Including identifying and meeting housing needs, the Sustainability Appraisal, the Broad Strategy and the identification of sites (Policies 2 and 3).

[Housing Issues that the Council addresses under the Development Management Policies are discussed under Issue 7]

The Planning Balance: Housing Need, Housing Target and the Constraints to Development

Housing Need

22. The Council has published a range of evidence regarding housing need, including a Strategic Housing Market Assessment and the Objectively Assessed Housing Need Update (September 2016)[3]. The Submission Local Plan identifies a need for 291 dpa but following publication of the Housing Need Update, the Council now considers that 294 dpa represents the base-line need in the Plan area (6,174 over the plan period). This starting point takes into account the 2015 mid-year population estimates. However, having reconsidered several issues including demographic projections, affordability, economic projections and rates of delivery, the Council has concluded that there is sufficient justification to raise this figure by 10% (325 dpa). It is not claimed that this increase will significantly boost supply but it may help to increase the supply of market and affordable housing and improve affordability. The OAN of 325 dpa (6,825 over the plan period) is therefore justified and it can be concluded that the Council's approach is sound. However, it is important that the most up-to-date evidence is reflected in the ALP and therefore a number of changes are required in this respect and these are incorporated into **MM1** which is recommended.

23. This latest evidence is based on the ALP having an end-date of 2032 (not 2031 as originally proposed). This is necessary to ensure a 15 year time-span for the ALP and consequently that part of **MM1** which extends the end date is recommended.

24. Of particular concern is the level of need for affordable housing (AH), which was identified as 294 dpa (Ref: CD08/1). However, I consider it is unrealistic to expect this level of need to be met, particularly bearing in mind the constrained nature of the plan area. Nevertheless it is a matter that requires further consideration and there is no reason to conclude that it will not be one of the issues to be addressed in LSS3.

25. A small number of representors consider that the level of need is higher than 325 dpa. However, as referred to above, the Council has considered a range of projections, trends and estimates and taking into account all the circumstances I am satisfied that the Council has adequately justified the figure of 325 dpa, as representing the OAN for housing in the plan area. The Council's approach is sufficiently aspirational, whilst remaining realistic.

26. In order that the most effective use of land is achieved, it is proposed to introduce greater flexibility into the allocation policies by prefixing the number of dwellings/floorspace with, for example, the words 'at least'. These modifications are set out under the relevant headings in this Report.

[3] CD08/1

Housing Trajectory and Five Year Supply

27. Local Planning Authorities should illustrate the expected rate of housing delivery through a housing trajectory for the plan period. There is no such trajectory in the ALP and the Council considers this not to be necessary because a trajectory is included within each Annual Monitoring Report. I agree that the Council's approach is pragmatic and appropriate because it enables the Council to monitor the trajectory and take any necessary remedial steps to boost housing supply should they be required. Nevertheless a reference to where the housing trajectory can be found should be included in the ALP in order that it can be demonstrated that the most appropriate strategy is being followed by the Council. **MM3** is therefore recommended.

28. In terms of the 5 year supply of housing land, the Council is reliant primarily on existing commitments, the two strategic sites proposed in the ALP and the regeneration at Shoreham Harbour. Whilst concerns were raised with regard to the delivery of housing at the Harbour, the Council is clearly making good progress on this scheme and is committed to monitoring and review. There has been a shortfall of housing provision since 2011 but with the increased supply (as primarily proposed in the ALP) it is confirmed that there would be a 6.1 year supply with a 5% buffer (as supported by the Council) and a 5.4 year supply with a 20% buffer. It can be concluded that he local plan 5 year housing requirement would be met.

The Identification of Sites and the Sustainability Appraisal (SA)

29. Having identified a need of 325 dpa, the next step is to consider whether or not that level of growth can be satisfactorily accommodated in the plan area.

30. The Council has undertaken a Strategic Housing Land Availability Assessment (SHLAA - November 2016 Update)[4]. This considers a comparatively large number of potential sites, including small sites, areas of open space, employment land and brownfield sites (including in the Shoreham Harbour Regeneration Area). A re-assessment of rejected SHLAA sites is included in Appendix 1 of the Council's Housing Implementation Strategy (HIS)[5].

31. In terms of the SA, Planning Practice Guidance (PPG - Strategic environmental assessment and sustainability appraisal) states that the SA should address only reasonable alternatives and that those alternatives must be sufficiently distinct, realistic and deliverable. I consider that these requirements have been met and I am satisfied that a sufficiently robust assessment of the reasonable alternative housing sites has been undertaken in the SA[6] and that an acceptable level of appropriate detail is provided.

32. Concerns have been expressed regarding the consequences of the increase in the OAN between the Proposed Submission ALP and the Submission ALP (34 more dwellings a year). However, this matter has been addressed by the Council in paragraphs 7.23 and 7.24 of the Addendum to the SA in which it is explained that this increase would not result in any change to the Council's

[4] CD07/22
[5] CD07/23
[6] CD07/2 Appendix III

strategy, primarily because of the significant constraints to development in the plan area, which have remained unchanged between the various versions of the ALP. The SA focuses on the environmental, economic and social impacts that are likely to be significant and bearing in mind the characteristics of the plan area, I am satisfied that the consideration of potential housing sites has been proportionate, sufficiently thorough and objective.

33. Among the aims of the Council is the need to protect and improve the Local Green Gaps and to ensure that risks associated with flooding are avoided. The weight that the Council applies to these objectives is evident in the SA, where issues of flood risk and landscape protection are identified as significant considerations and I address these matters further in paragraph 39.

Brownfield Development

34. A comprehensive assessment of brownfield sites was undertaken by the Council in 2004 and this was reviewed in 2014 when the sites were re-assessed and there were two 'call for sites' exercises. Further work was completed in 2016. The evidence demonstrates that the Council has been thorough in assessing brownfield sites and that the role that such sites can play in helping to meet housing demand has been satisfactorily explored.

Housing Buffer

35. The Council has made an allowance for a 5% buffer in the housing requirement (as opposed to a 20% buffer which may be justified in circumstances where there has been a persistent under-delivery of housing). Between 1996 and 2016 the average delivery was 108 dpa and this meets the targets that were established during that time in the South East Plan and the two West Sussex Structure Plans.

36. It is correct that between 2013 and 2016 net housing delivery has been lower than the targets set and some representors consider that, as such, a 20% buffer should be applied. However, the PPG advises that any assessment of delivery is likely to be more robust if a longer term view is taken because this is likely to take account of the peaks and troughs of the housing market cycle. Bearing in mind the recent downturn in the economy and the fact that the Council anticipates a significant level of delivery in coming years, I consider that in the longer term the delivery of housing has been satisfactory and that therefore the requirement for a 20% buffer has not been triggered.

Windfall Allowance

37. The Council has included a windfall allowance of 32 dpa and Appendix 5 of the HIS (CD07/23) explains how the allowance has been calculated. The allowance relates only to small sites (under 6 units) and is based on past trends (2004-2013). To avoid any double counting the allowance has only been applied for the years 2019-32.

38. I am satisfied that the evidence is sufficiently compelling to demonstrate that such sites have come forward in the past and that they will continue to come forward and provide a reliable source of supply.

The 'Planning' Balance – Constraints to Development

39. I have placed significant weight on the need to boost significantly the supply of housing and to support sustainable development. However, paragraph 47 of the NPPF makes it clear that proposals for meeting housing need must be consistent with the policies set out in the Framework. With regard to the ALP there are two matters of particular importance – namely flood risk (policy 37) and the identification of green gaps between settlements (policy 14).

40. In terms of **flood risk** it is evident that significant parts of the Plan area are affected by flooding, including surface water, fluvial, tidal, sewer and groundwater. The SA correctly places weight on the need to avoid proposing inappropriate development in areas at risk of flooding.

41. The Strategic Flood Risk Assessment[7] clearly establishes the background to issues of flood risk in the area and the Council's approach to the matter is succinctly set out in the Flood Risk Topic Paper[8]. A Sequential and Exception Test for the ALP has been undertaken[9]. From the evidence gathered, the Council concludes that there are few available sites that are not at risk of flooding. Sites within Flood Zones 2 and 3 have therefore been considered, including the proposed allocations at New Monks Farm, Shoreham Airport and Shoreham Harbour.

42. The Council has adequately demonstrated that the allocated sites at risk of flooding meet the requirements of the Sequential and Exception Tests at this stage. In order to ensure that all national guidance will have been reflected in the Council's approach, the policies for the strategic allocations at New Monks Farm, West Sompting and Shoreham Airport all require the submission of a Flood Risk Assessment at the planning application stage. The policy for the Western Harbour Arm requires the delivery of a comprehensive flood defence solution.

43. To conclude on flood risk, I consider that the Council is fully aware of the relevant issues and has satisfactorily set out the approach it will adopt to addressing those issues. On sites at risk of flooding, where there is insufficient evidence to demonstrate that the risk can be satisfactorily addressed, the Council has placed the appropriate 'negative' weight on the matter and correctly not allocated the land for development.

44. I turn now to the principle of **local green gaps**. Great importance should be attached to requirement for good design and the NPPF confirms that a strong sense of place should be established; that the different roles and character of different areas should be taken into account; and that development should respond to local character. Paragraph 61 advises that planning policies should address the connections between people and places and the integration of new development into the natural, built and historic environment. One of the objectives should be the improvement of the character and quality of an area and the way it functions and in broad terms Plans should identify land where development would be inappropriate.

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[7] CD15/1
[8] CD07/15
[9] CD04/9

45. There has been very significant growth along this part of the south coast and in some places there is little to distinguish the start of one settlement with the finish of another. The identity of individual settlements is very much at risk and I saw on my travels that there are few gaps between settlements of much significance. On the basis that it is important for communities to retain their independent character and qualities I agree with the Council that the identification of local green gaps is a justified and necessary approach. Such gaps serve a legitimate planning purpose in preventing settlements merging together. The issue then becomes whether or not the boundaries proposed by the Council are appropriate.

46. Paragraph 3.45 of the ALP confirms that the objectives of the green gaps are 'to form a visual break between settlements' and to 'create a sense of travelling between settlements'. The Council considers that only land necessary to secure these objectives has been included in the gaps. However, for example, all the land outside the settlement boundaries of Lancing and Shoreham has been designated local green gap. I consider that the Council has not been sufficiently rigorous in its approach because there are pockets of land, for example at Mill Hill to the north-east and Old Salts Farm to the south-west, which if developed would not significantly diminish the local gap in visual terms. That is not to say that such land should be developed because there are other reasons why the development of these sites would not be sound (see section on page 18 regarding omission sites) and in these circumstances the land should be afforded the appropriate protection through the Council's countryside policy (policy 13). **MM28**, which clarifies the wording of the policy and ensures that the policy will only apply to those parts of the countryside which are genuinely required to remain undeveloped in order to prevent the coalescence of settlements, is therefore recommended. For the avoidance of doubt the Council is proposing to amend the Policies Map to reflect the revised boundary of the local gaps.

The Housing Target

47. Although it can be concluded that housing need equates to about 325 dpa, it is clear that the capacity studies undertaken by the Council demonstrate that such a level of growth could not be satisfactorily delivered in the plan area in a sustainable way because of the significant constraints that exist.

48. The Council's conclusion therefore is that the annual target should be a minimum of 177 dpa (3,718 over the plan period) and the justification for this housing target is summarised in the HIS. It is acknowledged that this represents a shortfall of over 3,100 dwellings when measured against need but bearing in mind the evidence referred to in the preceding paragraphs I am satisfied that in these circumstances the Council's approach is justified and in all other respects sound.

49. This figure represents a significant shortfall when measured against need and the onus is on all interested parties within the HMA to seek ways in which the full OAN for the wider area can be achieved. As I allude to elsewhere, work is underway on revising the LSS and the Council's Duty to Co-operate Statement confirms that a full review will be required in the near future which will have to address the continuing gap between OAN and housing delivery within the 'sub-region'. It is acknowledged by the Council that a different spatial strategy

may be required. This situation provides further justification for an early review of the ALP (see Issue 1).

Conclusion on Issue 2

50. The objectives should be to significantly boost the supply of housing and to ensure full OAN is met but it is important to balance the acknowledged need for housing against other important objectives. In terms of Adur this balance needs to include the significant constraints to development in the District, in particular in terms of flood risk, ensuring the achievement of good design (bearing in mind the proximity of the South Downs National Park) and protecting the separate identity of settlements. Taken as a whole I am satisfied that the Council has sought opportunities to achieve the economic, social and environmental dimensions of sustainable development and that a satisfactory balance has been achieved.

51. The Council recognises that the shortfall is significant but it is committed to the monitoring and review of housing delivery and to seeking a way forward with its neighbours, particularly with regard to meeting housing need.

52. On the second issue I conclude that the Council's approach to housing provision, as modified, is justified.

Issue 3: Is the Council's approach to planning for Economic Growth (Policy 4) justified?

53. In terms of employment needs, the Adur Employment Land Review (2014) recommends the provision of 50,000 – 60,000 sqm of employment floorspace. However, having considered all the constraints to development within the local plan area, the Council has concluded that it can accommodate 41,000 sqm of employment floorspace at three locations. Policy 4 refers to the provision of 'new' employment sites in addition to those being proposed by the Council but they have not been identified. In order that the policy is justified and effective this reference should be deleted and **MM5** is recommended accordingly.

54. In terms of the types of employment that may be acceptable to the Council, I am satisfied that there is sufficient flexibility in the Council's approach. It was suggested by one respondent that there is a risk that this lack of specificity may result in the need for additional Class B uses not being met. I was given no substantive evidence to demonstrate that this risk is significant and in any event the Council will be monitoring the progress of the ALP policies and if a change in direction is required, then I have no reason to doubt that the Council will take the appropriate action.

55. In order to ensure that the best use of land is achieved and that the most appropriate strategy is being pursued, the policy should refer to a minimum floorspace provision (rather than an approximate one) and therefore **MM4** is recommended.

56. Bearing in mind the site-specific allocation policies set out in more detail the requirements for each site, I conclude that the Council's approach to planning

for economic growth, as modified, is justified and that the framework is in place to secure a strong and competitive economy.

Issue 4: Are the proposed allocations (Policies 5 to 8) sound?

New Monks Farm, Lancing (Policy 5)

57. The Council intends to clarify the development requirements at New Monks Farm by referring to a minimum of 600 dwellings and a minimum of 10,000 sqm of employment generating floorspace. This more flexible approach is justified in order to ensure that the most effective use of land is achieved and therefore **MM8** is recommended. In terms of the commercial floorspace the introduction of a degree of flexibility into the policy will enable consideration of all the elements of any proposal to be undertaken in a comprehensive way, taking into account issues of viability. There is no reason to conclude that the floorspace figure would be significantly exceeded because policy 5 still requires the provision of a country park (at least 28ha), the implementation of a landscape strategy and the provision of green infrastructure.

58. Map 2, which accompanies policy 5, includes what is described as an 'indicative built-up area boundary'. The Council consulted on this approach, which would allow the precise boundary to be drawn up once all the detailed drainage and landscape assessments have been undertaken. There were no persuasive objections to the indicative boundary and I agree that it does enable a level of flexibility to be adopted. However, in order to add clarity and further explain the Council's approach, it is proposed to add a paragraph to the policy confirming that although the boundary of the built-up area is only indicative, any amendments to the Council's identified boundary (for example drawn up at planning application stage) must be based on a clear and convincing justification to the satisfaction of the Council. I consider that this is necessary in order to ensure that the most appropriate strategy is being advocated and therefore I recommend **MM7**.

59. In the interests of consistency the Council proposes to refer to the Country Park being a minimum size of 28 ha. This reflects the most appropriate strategy to follow and is therefore recommended (**MM9**).

60. The existing Withy Patch Gypsy and Traveller site will need to be relocated in order that a new road junction to gain access to the New Monks Farm site and Shoreham Airport can be satisfactorily provided. Although negotiations are still underway I am not aware of any significant impediments to providing this improved access and the policy wording relating to this requirement has been agreed by Highways England. The promoters of the site have identified a new location for a replacement and enlarged Gypsy and Traveller site and I am satisfied that all the relevant stakeholders have been involved in the process. In order to more clearly explain the justification for the aforementioned relocation it is recommended that a reference to the proposed new access is included within the policy (**MM6**).

61. Concerns have been raised, for example by local residents, regarding the highway implications of the development. However, the policy requires the mitigation of off-site highway impacts, the provision of sustainable transport

infrastructure and travel behaviour initiatives. No fundamental objections to the allocation have been submitted from the relevant highway bodies[10] and I am satisfied that in this respect the policy is sound.

62. Concerns have been raised regarding the management and maintenance of any proposed drainage works. Bearing in mind the circumstances of the site I consider those concerns to be justified. Accordingly, in order to ensure consistency with national policy and to reflect the most appropriate strategy, it is recommended that policy 5 includes a requirement that a strategy for the long-term management and maintenance of drainage works on the site be prepared (**MM10**).

63. In order that any evidence submitted prior to (or with) a planning application is current, the Council is proposing to include a requirement for ecological information to be up to date. This will ensure that the most appropriate strategy will be followed and therefore **MM11** is recommended.

64. There is a World War II Dome Trainer (a scheduled monument) relatively close to the proposed roundabout. However, it is in a poor state of repair and is not readily accessible to the public. Whilst it is acknowledged that the proposed development would have consequences for the setting of the building, it must be remembered that the historical context for the dome has already been lost. The Brighton City Airport (Shoreham) Heritage Assessment (2016) concludes that the proposed development provides 'an opportunity to arrest decay and stabilise the structure'. The land owner has indicated that a conservation management plan for the building would be adopted that facilitates public access, secures the future of the building and delivers heritage interpretation. Policies 16 and 17 afford protection to heritage assets and I am satisfied that the retention and restoration of the Dome Trainer can be satisfactorily secured.

65. Policy 5 requires a degree of phasing to be undertaken and I am satisfied that this can be secured through the use of appropriate legal agreements at the time any planning application for the site is considered.

66. New Monks Farm is mainly within flood zone 3a, with parts in flood zones 1 and 2. The evidence demonstrates that the site passes the Sequential Test. With regard to the Exceptions Test there are a number of flood risk issues that remain unresolved but it is clear that at this stage, in broad terms, appropriate mitigation measures may be achievable. Further work will be required as the details of the development are finalised but at this stage there is nothing that would lead me to conclude that issues of flood risk and drainage cannot be satisfactorily addressed. Neither the Environment Agency (EA) or West Sussex County Council (as the Lead Local Flood Authority) have objected to the current approach and it is clear that there is good communication between all the main interested parties.

67. There are a number of significant infrastructure costs associated with the development of this site and a number of funding initiatives are being progressed, including a bid for Local Growth Funding. There is no evidence that would lead me to conclude that there is any significant risk in terms of

[10] See Statement of Common Ground from Highways England (ALP026)

securing the necessary infrastructure improvements. It is acknowledged, however, that the high level of site development costs may reduce viability to a marginal level but no evidence was submitted to conclusively demonstrate that the development will not come forward.

68. Indeed I have been made aware that a planning application has now been submitted for this site but I have not been given a copy of the documentation and it is not my role to comment on any details which it contains. It would not be appropriate, as has been suggested, for the hearings to be reopened to consider matters pertaining to the planning application.

Land at West Sompting (Policy 6)

69. Approximately 480 dwellings are allocated to West Sompting. However, in the interests of consistency and effectiveness it is proposed by the Council to replace 'approximately' by 'a minimum of'. **MM13** is recommended accordingly.

70. Bearing in mind the shortfall in overall housing provision it has been suggested that the boundary of the site should be reviewed so that more housing could be accommodated. However, I place significant weight on the need to protect the gaps between settlements and as I saw on my visits the proposed gap is relatively narrow and already includes some sporadic development in the northern part and the Local Wildlife Site (LWS) to the south-east (that it is proposed to extend). I am satisfied that the proposed boundary is justified.

71. In terms of flood risk the site passes the Sequential Test and because the development area is entirely within flood zone 1, the Exception Test is not required. There have been no objections to the allocation from the EA or the Lead Local Flood Authority (West Sussex County Council) and the evidence demonstrates that issues of flood risk can be appropriately addressed.

72. Map 3 identifies the land uses associated with the allocation on land at West Sompting and includes an extension to the Cokeham Brooks LWS. In order that the extension of the LWS is more explicitly reflected in the policy it is proposed to make a specific reference to seeking the extension of the LWS and also to requiring any management plan to be informed by up to date ecological information. In this way the policy will reflect the most appropriate strategy to follow and therefore **MM14** and **MM15** are recommended.

73. Concerns have been expressed regarding the highway implications of the proposed development, particularly in terms of traffic generation. However, the policy clearly requires the mitigation of off-site traffic impacts, the improvement of existing traffic calming measures and the provision of sustainable transport infrastructure. There is, however, no reference to improvements at the A27/Dankton Lane junction. These improvements are justified and should be specifically referred to in policy 6 and therefore **MM12** is recommended.

74. The Council has satisfactorily considered the need for improved or new infrastructure to service the proposed development[11] and policy 6 establishes

[11] See Council's response to Issue 4 – ALP004

the framework for its provision. However, the reference to securing infrastructure provision through CIL/planning agreements/conditions should apply to all elements of the policy and should therefore be positioned at the end of the policy. Consequently, in the interests of effectiveness and to confirm that the plan has been positively prepared, **MM16** is recommended.

Shoreham Airport (Policy 7)

75. In the interests of consistency with the other allocation policies and to ensure the effective use of the land it is proposed by the Council to replace 'approximately' by 'a minimum of' 15,000 sqm of employment floorspace and I agree that this is necessary. **MM19** is recommended accordingly.

76. The current boundary of the allocation, as shown on Map 4, does not take into account any 'safeguarding' area required to ensure the safe passage of taxiing aeroplanes, particularly in respect of their wingspan. Whilst I understand that there may be issues of viability regarding the amount of floorspace to be provided (and the 'viability links' with the allocation at New Monks Farm), I agree with the Council that this is visually a particularly sensitive location. The site can be clearly seen from several viewpoints and any increase in the size of the allocation is likely to have significant visual consequences which, primarily because of the flat nature of the land at and around the airport, it may be difficult to mitigate. In order to reflect the sensitive nature of the airfield the Council is proposing that the boundary should remain as currently proposed but that the policy should be amended to make it clear that a deviation from the proposed boundary may be considered favourably but only if any such change is fully justified in terms of landscape and viability evidence. I consider this to be a reasonable and pragmatic way forward and therefore, in order to ensure that the most appropriate strategy is followed, I recommend **MM20**.

77. In the interests of consistency with the other allocations and to ensure the most appropriate strategy is being followed, it is recommended that the ecological management plan referred to in the policy is based on the most up-to-date ecological information available and that the plan is implemented to the satisfaction of the Council (**MM17**).

78. In order to ensure that the ALP is justified and effective it is recommended that a reference to addressing infrastructure requirements through CIL should be included in the policy. **MM18** is therefore recommended.

Shoreham Harbour Regeneration Area (Policy 8)

79. The proposed development at the Harbour is a significant regeneration project, with delivery being progressed by means of a Joint Area Action Plan (JAAP), which the Council expects to submit for Examination later this year. At least 1,100 new dwellings and 16,000 sqm of employment floorspace are proposed. Inevitably with a scheme such as this, there will be variations in terms of the progress made on individual sites. For example issues of contaminated land, the retention or relocation of some existing uses, the expiration of leases, noise and infrastructure provision, will all need to be addressed. However, the level of development proposed has been based on evidence included within the Shoreham Harbour Capacity and Viability Study and on the outcomes of the consultation on the draft JAAP. Further evidence

is included within the Whole Plan Viability Assessment (January 2017). It is clear from the documentation submitted by the Council that there is significant developer interest in the locality.

80. Whilst there may be some risks to some elements of the proposals, there is no evidence that the Council's overall approach is not sound. The Council is monitoring the situation and should any unforeseen problems arise, the opportunity for them to be addressed would be available in the forthcoming review of the ALP.

81. In terms of flood risk, improved defences are required and the Council has published the Shoreham Harbour Flood Risk Management Guide SPD which provides guidance for developers. Other requirements of policy 8 relate to the provision of open space, environmental efficiency, green energy, ecological protection and enhancement, contaminated land, noise, air quality and transport. All these elements ensure that the policy provides the appropriate broad framework which, together with the forthcoming JAAP, will give the necessary direction to potential developers and other interested parties.

82. It is recognised by the Council that, in the interests of effectiveness, the policy would benefit from being more concise and I agree. Consequently **MM21** is recommended.

83. In order to maximise effectiveness policy 8 (and the supporting text) should refer to a minimum amount of employment floorspace and a minimum number of dwellings being provided. **MM22** is therefore recommended accordingly.

The Omission Sites

84. The preceding paragraphs confirm that I find the Council's broad approach to housing provision and the allocation of sites to be sound. I am therefore not required to give detailed consideration to potential alternative or additional allocations. However, it is clear that there is a significant shortfall in terms of meeting the housing need of the plan area and although (as I have already alluded to) opportunities for development in Adur District are significantly constrained, it is nevertheless imperative that all reasonable alternatives have been properly assessed and that the Council's approach is consistent with the policies in the NPPF. In these circumstances reference in this Report to the four main omission sites that were put forward by representors, and discussed at the Hearings, is justified and I summarise my broad conclusions on them below.

Mill Hill, Shoreham

85. This elevated sloping site on the northern edge of Shoreham is visually very prominent from a number of viewpoints to the south-west, west and north-west. It is classified as having a high landscape sensitivity by the Council. I consider that this field makes a very significant contribution to the setting of Shoreham and in several views it can be seen as a strong visual link between the town and the South Downs. In terms of the local plan area it is the only site which displays these characteristics.

86. I have given very careful consideration as to whether or not part of the site could be successfully developed without significant harm to the visual qualities

and to whether any mitigation measures could be implemented to ensure a successful integration of any development into the wider setting. However, no evidence was submitted that clearly demonstrates that an appropriate scheme could be delivered without significant harm to the appearance, function and character of this elevated site.

87. Taking into account the role and character of the site and the fact that valued landscapes should be protected (NPPF paragraph 109) I conclude that the Council's approach with regard to Mill Hill (identified as being outside the settlement boundary and within the countryside) is sound.

Steyning Road (Shoreham Gateway site)

88. This is a greenfield edge-of-settlement site which lies immediately adjacent to the River Adur at the entrance to Shoreham. It is visually prominent from the adjacent road and from the footways that run along both banks of the river. At the time of the hearings there was some uncertainty regarding the route of the Adur Tidal Walls Scheme, which currently would cross the site. The site is very close to the listed buildings of St Nicholas Church and the Shoreham Tollbridge and adjacent to the Old Shoreham conservation area. Although in preparing this Report I have attached little weight to this matter (because a detailed scheme was not before me for consideration), there is the risk that the value of the heritage assets referred to above could be diminished.

89. Issues of flood risk are being addressed and there is no reason to doubt that they could successfully be overcome. However, one of the consequences is that development would have to be 3 storeys (and possibly 4 storeys) in height. The site, which contributes significantly to the setting of the town, is on the edge of Shoreham where one might expect to see a visual transition between 'town' and 'country'. Great importance should be attached to the design of the built environment and development should add to the overall quality of the area and respond positively to local character. Whilst it is important that the potential of sites should be optimised, that should not be at the expense of visual quality and appropriate design.

90. I have considered whether or not mitigation measures could satisfactorily overcome my concerns about the visual implications of building on this land but I was provided with no substantive evidence that such measures could significantly reduce the visual impact of development on this site. I therefore conclude that the Council's approach to this site is sound and that the land should remain outside the settlement boundary and within the countryside.

91. It has been suggested, on behalf of the owners, that the hearings should be reconvened to allow evidence regarding this site to be examined further. However, I am not aware of any significant 'new' evidence regarding design, layout, appearance or viability that would justify re-opening the hearings.

New Salts Farm, Lancing

92. There are two issues that are of particular significance with regard to this site – impact on the local green gap and flood risk. In terms of the gap I have viewed the site from a number of locations (including from the railway). The site is relatively flat and there are views across it from the south towards the Airport; from the east (for example from New Salts Farm Road); and from the

north from the railway. The purpose of the designation is to protect the visual gap between settlements and to retain a sense of travelling from one settlement to another. The gap between Shoreham and Lancing is already fragile because of the existing development to the south of the main road (A259) and the scattered development, for example along New Salts Farm Road. I consider that if the New Salts Farm site were to be developed (for example as shown on the Revised Illustrative Masterplan which is included in the response to the MMs on behalf of the prospective developer) it would result in a significant diminution of the gap and the sense of leaving one settlement and entering another would be significantly harmed.

93. In terms of flood risk there may be a solution in terms of design and layout, although I remain concerned regarding the lack of a safe access and egress from dwellings in the event of a flood, whilst noting that the EA do not object to the absence of such a feature. However, in order to achieve a satisfactory development it is likely that dwellings would have to be at least 3 storeys high. This would have significant visual consequences on this edge of settlement site and this adds weight to my conclusion regarding the need to designate this land as local green gap in order that a satisfactory visual break between Shoreham and Lancing is retained.

Old Salts Farm, Lancing

94. Although I consider that the development of this site would not have significant consequences in terms of the local green gap, the issue of flood risk has not been adequately addressed. No detailed assessment of flood risk issues has been prepared specifically for this site and therefore I must agree with the conclusion of the Council that the allocation of this site would not be sound.

Conclusion on Issue 4

95. The Council has satisfactorily justified the proposed allocations and the more specific requirements (as modified) that relate to each of those allocations. The most appropriate strategy has been identified and policies 5 to 8 are sound. With regard to the four omission sites I am satisfied that the Council's conclusions are justified and in all other respects are sound.

Issue 5: Are the Council's 'Policies for Places' (Policies 9-12) sound?

96. The Council has prepared policies for Lancing, Sompting, Shoreham-by-Sea, and Southwick and Fishergate. The policies set out the Council's aspirations for the settlements and reflect their different characteristics. No issues of viability or delivery have been identified.

97. The Council wishes to introduce greater flexibility into the range of potential uses that may be acceptable in the main town centres and proposes to offer support for appropriate D1 uses (non-residential institutions) in certain circumstances. The retention and enhancement of the viability and vitality of town centres is an important objective and the Council's modifications will ensure that the most appropriate strategy is followed. **MM23**, **MM24**, **MM25**

and **MM26** which seek to extend the range of acceptable land uses in town centres are therefore recommended.

98. It can be concluded that ALP policies 9-12 (as modified) are sound.

Issue 6: Is the Council's approach to Countryside and Coast (Policy 13) and Open Space Provision (Policy 33) justified?

99. The part of the District that is subject to the ALP is relatively built-up and constrained by the coast to the south and the South Downs National Park to the north. As a consequence of the MMs that relate to the local green gap (refer to paragraphs 44 onwards), there are now three small areas of countryside within the plan area. In order to ensure that they retain their open character and continue to contribute to the setting of the adjacent settlements the implementation of policy 13, which sets out the type of development that may be permitted, is necessary. The policy excludes any inappropriate intensification of existing built development, which although very restrictive, is necessary to ensure that the character of these small pockets of countryside which remain in the plan area is retained. The Council's approach is justified.

100. The setting of settlements is an important component in establishing a strong sense of place and in reinforcing local distinctiveness and the Council is justified in seeking to ensure that policy 13 refers to respecting and reinforcing the setting of settlements within the plan area. In this way the ALP will be justified and consistent with national policy in this regard. **MM27**, which refers to the need to consider the setting of a site, is therefore recommended.

101. In terms of policy 33 the Council considers it to be important for reasons of effectiveness that the 'assessment' that is referred to in criterion ii includes consideration of whether or not the land/building in question is required to meet other shortfalls in open space types. The Council therefore proposes to amalgamate criteria ii and iii and I agree that this is required to ensure that the most appropriate strategy will be followed and consequently **MM36** is recommended.

102. Modified policies 13 and 33 of the ALP are justified and in all other respects sound.

Issue 7: Are the Council's Development Management Polices (Policies 15 to 26) justified?

103. I have considered all the Development Management policies but in the interests of brevity I comment only on those where I consider there is an issue of soundness to be addressed.

Energy (Policy 20)

104. The final element of the policy expects major development to incorporate renewable/low carbon energy production equipment to provide at least 10% of

predicted energy requirements. Under the current legislative framework I am satisfied that the Council's approach is sufficiently proactive and in accordance with the advice in section 10 of the NPPF. There was no evidence submitted to demonstrate that this requirement would affect the viability of the proposed housing sites.

Housing Mix and Quality (Policy 21 and paragraph 4.40C)

105. The evidence demonstrates that there is a need for family housing of two or more bedrooms but it must be acknowledged that on many of the smaller sites, found within the built-up area, it is not always possible to provide an appropriate mix of dwellings. In order to introduce a higher level of flexibility into the market housing mix requirement and to attach more weight to the provision of family housing **MM29** is recommended (this sets out in the supporting text percentage requirements for the mix of market housing and increases, in particular, the required proportion of 3-bed properties).

106. The Council's evidence suggests that the overall objective should be to deliver two and three bedroom houses but in terms of AH the focus should be on smaller dwellings. Paragraph 4.40C of the ALP sets out the potential mix for AH but it is insufficiently flexible and does not adequately represent the Council's aspirations. It is therefore proposed to amend the suggested mix and differentiate more clearly between intermediate and social affordable rented homes. These changes are necessary in order to ensure that the Council's policy encompasses the most appropriate strategy in the circumstances. Consequently **MM31** is recommended.

107. Policy 21 clearly establishes the Council's approach to housing quality and it refers to meeting the optional higher Building Regulations standards. In the interests of clarity and in order to ensure that the most appropriate strategy is followed, the Council proposes to make specific reference to standards M4(2) and M4(3) in the policy. Concerns have been raised regarding the implementation of these optional technical housing standards. However, the policy makes it clear that this expectation of the Council is tempered by the requirement for standard M4(2) to only be met where 'feasible and viable' and for standard M4(3) to be related to 'identified need' and the 'suitability of the site'.

108. The PPG (Housing: optional technical standards) states that local planning authorities will need to gather evidence to determine whether or not there is a need for additional standards in their area and justify setting appropriate standards in their local plans. The Council prepared a submission regarding this issue (ALP/025/J) and confirmed that it had reviewed a variety of sources of evidence, including the Objectively Assessed Housing Need Update Report (2016) and available viability information. It concluded that the proposed changes to policy 21 are justified and no substantive evidence was submitted that would lead me to conclude otherwise. Reference is made by one respondent to the need for transitional arrangements but there is sufficient flexibility in the proposed policy to ensure that all relevant matters would be considered by the Council. Another suggestion was that only 50% of all new houses should be built to the M4(2) standard but there is insufficient persuasive evidence to justify such an approach, which in any event may be difficult to implement in a clear, fair and consistent way.

109. I consider the Council's approach to be sound because it reflects the most appropriate strategy to follow in the circumstances. **MM32**, which sets out the requirements, is therefore recommended.

Affordable Housing (Policy 22)

110. There is a significant need for AH in the local plan area, which it is acknowledged cannot currently be met. Proposed policy 22 seeks to secure the provision of AH but it includes provision (or a financial contribution towards AH) in relation to sites of 10 dwellings or less. The WMS dated 28th November 2014 states that contributions towards affordable housing should not be sought on sites of 10 units or less. I have considered whether or not there are any compelling reasons why an exception should be made in the case of Adur but conclude that there are many other Districts where housing needs cannot be met and where there are environmental or other significant constraints to the delivery of housing. There are no local circumstances of sufficient weight to justify making an exception in this case. On that basis I consider that the ALP should reflect the contents of the WMS and therefore **MM34** which amends policy 22 and deletes paragraph 4.44 is recommended.

111. In order to reflect the strategy being advanced by the Council it is recommended that reference is made in paragraph 4.40A to the upward adjustment of 10% in the projections (see paragraph 22). **MM30** is therefore recommended.

Housing Density (Policy 23)

112. The NPPF states that a Council should set out its approach to housing density. The Council refers, in its Statement on Issue 3, to a number of calculations that have been undertaken. The average density of existing development in Adur is about 22.4 dwellings per hectare (dph). New development since 2008 has averaged at about 68.6 dph. In broad terms I consider that an overall target of 35 dph is therefore justified, bearing in mind the characteristics of the plan area. This conclusion is strengthened by the fact that the policy makes it clear that, for example, town centre locations should achieve a higher density and that lower densities may be appropriate in circumstances where it is necessary to prevent an unacceptable visual impact on the surrounding area. Concerns were raised regarding the calculation of the required density but the Council confirmed that the density is based on the residential element of a site and would exclude significant areas of open space or other significant land uses. On this basis I consider policy 23 to be sound.

Conversions

113. The Council considers that Nationally Described Space Standards can be applied to new dwellings created through the conversion of existing buildings unless there are exceptional reasons why not (an approach that has the support of the Home Builders Federation) and I agree. In order that this is reflected in the ALP amendments to policy 21 and the supporting text are recommended (**MM33**).

Gypsies and Travellers (Policies 24 and 25)

114. The Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment (2013) assesses those needs across the West Sussex Coastal area until 2027. There is currently one Gypsy and Traveller site at Withy Patch, Lancing, which has 12 pitches. The identified need in Adur is for four gypsy and traveller pitches and one plot for travelling showpeople. This need has not been challenged.

115. Withy Patch is adjacent to the allocation at New Monks Farm. As part of that development it is proposed to provide a new road junction on the A27 which would result in the loss of the gypsy and traveller site. However, it is proposed to relocate the pitches and include the additional four pitches required to meet the identified need. The landowner supports this approach and there is no reason to doubt that the pitches will all be delivered.

116. In terms of the single pitch required for travelling showpeople, the Council has been unable to find a suitable site that is not subject to flood risk and it is clear that constraints to development in the plan area are significant. Nevertheless the Council should continue to monitor the situation and if necessary seek to address the matter through duty-to-co-operate channels.

117. Policy 24 sets out the criteria for assessing proposals for gypsy, traveller and travelling showpeople sites and policy 25 seeks to ensure the retention of such sites. On the evidence submitted I am satisfied that these two policies are justified. The Council's approach to Gypsies and Travellers is sound.

Conclusion on Issue 7

118. The Development Management policies (policies 15 to 26) address a number of issues but the approach taken by the Council has been adequately justified in all respects and, as modified, is sound.

Issue 8: Is the Council's approach to Retail, Town Centres and Local Parades (Policy 28) sound? (see also Issue 5)

119. Ensuring the vitality of town centres is a key objective. The ALP defines the boundaries of the three main centres and identifies primary and secondary frontages in Shoreham-by-Sea and Lancing. The policy confirms that retail uses outside a town centre will be assessed in accordance with the NPPF sequential and impact tests. The policy also stipulates that an Impact Assessment would be required for a retail proposal of 1,000 sqm or more outside the town centres. Although this is less than the default threshold of 2,500 sqm as set out in the NPPF, the Council argues that the existing town centres are relatively small and would be more susceptible to a damaging impact. Having visited the centres and studied the submitted evidence I agree with the Council and conclude that the approach is justified and in all respects sound.

120. **MM35**, which confirms that appropriate D1 uses may be acceptable in primary and secondary frontages, is recommended (see under Issue 5) because it reflects the most appropriate strategy to follow. On that basis it can be

concluded that the Council's approach to retail, town centres and local parades is sound and that sufficient weight has been attached to ensuring that the vitality of town centres is retained.

Issue 9: Is the Council's approach to Broader Flood Risk Issues and Sustainable Drainage (Policies 36 and 37) sound?

121. Large parts of the plan area are at high risk of flooding from tidal and fluvial sources and groundwater and significant surface water flooding also occurs. Issues of flood risk, with regard to the allocated and omission sites, have already been addressed in this report but it is important that the Council demonstrates that the issue is given significant weight with regard to elsewhere in the plan area.

122. Policy 36 sets out the requirements regarding water quality and protection and will ensure that the 'water environment' is protected and where possible improved. The policy is sound.

123. It is evident that the Council understands the need to fully address matters of flood risk throughout the plan area and I am satisfied that policy 37 clearly sets out what is required from an applicant and appropriately reflects national advice. In terms of drainage, the requirement for sustainable drainage systems accords with national advice. It can be concluded that policy 37, which has the support of the EA, is sound.

Other Policies

124. The ALP includes a number of other policies on, for example Transport; Biodiversity; Pollution; the Visitor Economy and Telecommunications. I included questions on all these policies in my 'Issues and Questions' and I am satisfied that I was provided with sufficient evidence to draw conclusions with regard to their soundness.

125. Policy 35 relates to pollution, air quality and contamination and seeks to 'resist' development where significant increased levels of pollution cannot be satisfactorily mitigated. The policy requires the provision of Air Quality Assessments and mitigation measures where appropriate. In order to strengthen and fully justify the policy it is proposed to clarify that where there would be significant levels of pollution that cannot be mitigated, development would be refused (rather than resisted). **MM37** is therefore recommended.

126. Having assessed the evidence I conclude that these other policies, including modified policy 35, are now all sound.

Assessment of Legal Compliance

127. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Local Plan has been prepared in accordance with the Council's LDS (November 2016).
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in December 2012. Consultation on the Local Plan and the MMs has complied with its requirements.
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Habitats Regulations Assessment (HRA)	The Habitats Regulations Report (September 2012) and Addendum (March 2016) set out why AA is not necessary. Natural England do not object.
National Policy	The Local Plan complies with national policy except where indicated and MMs are recommended.
2004 Act (as amended) and 2012 Regulations.	The Local Plan complies with the Act and the Regulations.

Overall Conclusion and Recommendation

128. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

129. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications, set out in the Appendix, the Adur Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

David Hogger

Inspector

This report is accompanied by an Appendix containing the Main Modifications.