

Submission Adur Local Plan Main Modifications Representation Form

Return Address: adurplanningpolicy@adur-worthing.gov.uk

Or:

Planning Policy Team, Adur and Worthing Councils, Town Hall, Chapel Road,
Worthing, BN11 1BR

Or hand in at:

- Shoreham Centre, 2 Pond Road, Shoreham-by-Sea, BN43 5WU or
- Portland House, 44 Richmond Road, Worthing, BN11 1HS


Please return to Adur District Council by midnight 26th July 2017.

Late representations will not be considered.

Please note that at this stage, representations are only being sought on whether the Main Modifications to the Plan are sound and/or legally compliant. Please do not repeat your previous comments as these have already been considered by the Inspector.

Comments received on the proposed Main Modifications within the time period will be considered by the Planning Inspector as part of the examination of the Adur Local Plan.

Comments may also be made on this form in relation to the Addendum to the Sustainability Appraisal of the Adur Local Plan.

 **Use of your information:** Respondent details and representations will be forwarded to the Inspector for consideration. All documents will be held by Adur District Council and representations will be published including on the internet e.g. www.adur-worthing.gov.uk. Personal contact details (address, email and phone number) will be removed from published copies of representations. Your information will be handled in accordance with Data Protection Act 1998.

Contact details will be added to the Adur Planning Policy consultees database to keep you informed on the progress of the Adur Local Plan and other related documents.

Please tick if you do **not** want to be informed.

This form has two parts:

- i. Part A - Respondent Details. You only need to fill this in once.
- ii. Part B - Your representation(s). Please fill in a separate sheet for each representation you make.

It is recommended that you read the Guidance Notes provided for an explanation of terms used in this form

Part A – Personal Information
You only need to complete this section once

Personal Details

First name	<input type="text" value="Bill"/>	
Last name	<input type="text" value="Freeman"/>	
Organisation (where applicable)	<input type="text" value="Adur Floodwatch Group"/>	
Address line 1	<input type="text" value="██████████"/>	
Address line 2	<input type="text" value="Lancing"/>	
Address line 3	<input type="text"/>	
Post Code	<input type="text" value="BN15 0QU"/>	Telephone <input type="text" value="██████████"/>
Email address	<input type="text" value="██████████"/>	

Agent's Details (if applicable)

First name	<input type="text"/>
Last name	<input type="text"/>
Organisation	<input type="text"/>
Job Title	<input type="text"/>

Address line 1			
Address line 2			
Address line 3			
Post Code		Telephone	
Email address			

Part B – Representation

Please use separate sheets for each Main Modification you wish to comment on.

1. Which Main Modification to the Adur Local Plan does this representation relate to?

Amendments relating to:

Main Modification no:

or
Sustainability Appraisal
(Please state which part):

Please go to Q6 to comment on the Sustainability Appraisal

2. Do you consider the Main Modification(s) to be: (tick as appropriate)

2.1 Legally Compliant Yes No

2.2 Sound Yes No

Please read the Guidance Note for guidance on legal compliance and soundness.

**If you have ticked no to 2.1, please continue to Q4.
If you have ticked no to 2.2, please continue to Q3.**

3. Do you consider the Main Modification(s) to the Adur Local Plan to be unsound because it is not: (tick as appropriate)

- 3.1 Positively Prepared
- 3.2 Justified
- 3.2 Effective
- 3.3 Consistent with National Policy

4. If you consider the Main Modification(s) to the Adur Local Plan to be unsound or not legally compliant, please explain why in the box below:

Modification: The Withy Patch Gypsy and Travellers site should be relocated, to allow for the delivery of the new roundabout access onto the A27, and increased in size. The new site should be built at a higher level to reduce flood risk and to take the site out of Flood Zone 3. This will enable the provision of additional pitches in the future to meet identified needs.

AFG can only re-iterate the comments made on their last submission re the relocation of the Withy Patch site, particularly that, if the NMF allocation is approved, it should be sited within the built out boundary to prevent further coalescence of the critically narrow green gap.

In terms of the proposed roundabout, AFG state that this roundabout is unjustified. Highways England started a public consultation on the improvements to the Lancing/Worthing stretch of the A27 on the 19th July. Their proposal fails to take into account the section which runs from the Sussex Pad to the Manor Roundabout (to the west of the NMF and airport proposed allocations) other than some remodelling of the Manor junction and its immediate approaches. The two new development proposals are not within the scope of the HE proposals.

AFG asks just how can the transport infrastructure and roundabout proposals for NMF/Airport be justified before HE embraces the total A27 catchment from the Sussex Pad to the west of Worthing? The proposed developments at NMF and the airport will inevitably generate substantial additional traffic flows which will impact the whole of the Lancing/Worthing section of the A27. If a major retailer were to be located within the commercial development area, together with the traffic flows from the proposed 600 homes, the airport development and a school, AFG estimates this could add at least another 10,000 traffic movements a day to a trunk road which is already daily in gridlock and failing to cope.

There has been no transport infrastructure evidence presented for the proposed roundabout and its operation on the A27 within the ALP documents.

AFG maintains that this strategic work cannot be left to a planning application stage. Until Highways England produces a cohesive plan for the total Lancing/Worthing catchment embracing all the additional traffic flows from the NMF and Airport proposals, the roundabout for these two allocations must be deemed unjustified. Thereby, at this juncture, these allocations should be deleted from the Local plan.

Air Pollution

High levels of air pollution is an issue which the Government is tasked to deal with nationally relating to the severe health risks which result from illegal levels of NO₂/particulates and other toxic elements for road users and the public living near polluted roads
A DEFRA report is expected on the 29th July.

From a local standpoint, this is of considerable concern to the community who has identified the lack of management of this problem and paucity of monitoring for which the local authority is legally responsible.

Community groups in Lancing and Shoreham, learning of the lack of air quality monitoring by the District Council from the plan examination, combined to crowd fund monitoring of Nitrogen Dioxide levels. NO₂ is one of the main pollutants from vehicle emissions. Monitoring of particulates was beyond the community's financial grasp. They selected locations on the known most affected roads within the district. They installed over 50 diffusion tubes to the same specification as used by the authority. The results are shown within the attached document.

Their findings were disturbing. In the context of main modification MM6, where the location for the roundabout is proposed, the monitoring exposed NO₂ levels well in excess of the legal limit of 40 milligrams/cub metre. Levels of 49 and 54 mg/cub m were registered along the A27 from the Withy Patch (proposed roundabout location) to the Sussex Pad traffic lights. – up to 36% in excess of the legal limit. Earlier council reports have shown no monitoring has taken place along this particular stretch which is key to the proposed NMF/Airport allocations and the proposed new roundabout to serve those developments

For the next two junctions to the west, readings in excess of the 40 legal limit, some well in excess, were also discovered on the approaches to those junctions. The attached report gives the information on those.

Whilst this activity is only a 'snap shot' of the pollution levels, in the absence of approved DEFRA reports by the council for the years of 2014, 2015 & 2016, these levels must be taken notice of by the authority (Not relevant to MM6 – similar results were discovered in the Shoreham High Street which has a failing 10 year old AQMA in operation – covered more fully under MM37comments.)

For the NMF/Airport proposed allocations absolutely no data has been evidenced to demonstrate the sustainability of air pollution for those two allocations. Once again, this cannot be a matter left to the planning application stage.

Monitored current levels should be managed over the appropriate time period to justify sustainability of this factor to create evidence for plan sustainability. This is also an element for the HE upgrade proposals for the A27, so it is imperative these levels must be available. Also, if these allocations do proceed, those findings should be used as the baseline for the assessments for the NMF/Airport developments on air quality, not modelling based upon similar locations which tends to be the standard practice.

Once again, based upon the community evidence, this is another reason why the proposed roundabout with its two associated allocations is unjustified.

5. Please explain in the box below what change(s) you consider necessary to make the Main Modification(s) to the Adur Local Plan legally compliant and sound having regard to the reason you identified above.

(You will need to say why this change will make it legally compliant or sound. It will be helpful if you are able to put forward your suggested or revised wording. Please be as precise as possible).

Modification: The Withy Patch Gypsy and Travellers site should be relocated, to allow for the delivery of the new roundabout access onto the A27, and increased in size. The new site should be built at a higher level to reduce flood risk and to take the site out of Flood Zone 3. This will enable the provision of additional pitches in the future to meet identified needs.

AFG confirms that until an approved plan for the whole of the A27 is finalised to take into account the New Monks Farm development, traffic impacts, pollution etc – this allocation should be deleted from the plan.

If New Monks Farm proceeds within the Plan, the AFG proposed rewording is:-

The Withy Patch Gypsy and Travellers site should be relocated, to allow for the delivery of the new roundabout access onto the A27, and increased in size. The new site should be built at a higher level to reduce flood risk and to take the site out of Flood Zone 3. This will enable the provision of additional pitches in the future to meet identified needs. This will only be activated if Highways England with their finalised improvements for the A27 demonstrate that relocation of the existing site is the best option. If this relocation does proceed, its location will be within the built up boundary of the New Monks Farm development to prevent further loss of the critically narrow strategic green gap and coalescence. Air pollution assessments will be required using up to date data which the local authority will provide to ensure accurate conclusions for the purpose of planning approval.

Part B – Representation

Please use separate sheets for each Main Modification you wish to comment on.

6. Which Main Modification to the Adur Local Plan does this representation relate to?

Amendments relating to:

Main Modification no:

MM7

or

Sustainability Appraisal

(Please state which part):

Please go to Q6 to comment on the Sustainability Appraisal

7. Do you consider the Main Modification(s) to be: (tick as appropriate)

2.1 Legally Compliant Yes No

2.2 Sound Yes No

Please read the Guidance Note for guidance on legal compliance and soundness.

If you have ticked no to 2.1, please continue to Q4.

If you have ticked no to 2.2, please continue to Q3.

8. Do you consider the Main Modification(s) to the Adur Local Plan to be unsound because it is not: (tick as appropriate)

8.1 Positively Prepared

9.2 Justified

9.3 Effective

9.4 Consistent with National Polic

9. If you consider the Main Modification(s) to the Adur Local Plan to be unsound or not legally compliant, please explain why in the box below:

Modification: 'The eastern boundary of the Built Up Area at New Monks Farm as shown on the Policies Map is indicative. The final boundary will be determined at the planning application stage, having regard to landscape, drainage and viability considerations. However, any amendments to the boundary currently shown on the Policies Map must be based on a clear and convincing justification.'

AFG refers to the last submission it made on this modification. It won't restate the comments here other than to say:-

The authority still has not changed its position. There is a reluctance to put forward a firm built out boundary line which requires to show the final commercial and housing and school development areas.

Why is this? Is it a question of site viability? The authority's CIL proposal document (Jan 2017) argues the case that New Monks Farm and the Harbour developments should be zero rated for CIL if and when CIL is adopted by the council. It points up viability issues because of heavy infrastructure costs. If this is the situation, then, we repeat that para 173 of the NPPF needs to apply. *"a development should provide..... competitive returns to a willing owner and developer to enable development to be deliverable"*.

On viability reasons with its heavy burden of infrastructure costs for roads, drainage, foul waste management etc., should this allocation even be in the plan if ultimately it does not bring the site promoter a return and can only be achieved by financial support from the community with the loss of CIL or S106 levies being provided to the public purse.

With an indicative boundary line, the Plan fails to comply with NPPF para 154 requiring *'clear policies on what will or will not be permitted and where. Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan'*.

By promoting an indeterminate built out boundary line it appears obvious that the council is unable to put forward appropriate evidence to comply with the above paras in the NPPF. We believe that with no firm build out line, New Monks Farm allocation should be deleted from the plan.

10. Please explain in the box below what change(s) you consider necessary to make the Main Modification(s) to the Adur Local Plan legally compliant and sound having regard to the reason you identified above.

(You will need to say why this change will make it legally compliant or sound. It will be helpful if you are able to put forward your suggested or revised wording. Please be as precise as possible).

Modification: ‘The eastern boundary of the Built Up Area at New Monks Farm as shown on the Policies Map is indicative. The final boundary will be determined at the planning application stage, having regard to landscape, drainage and viability considerations. However, any amendments to the boundary currently shown on the Policies Map must be based on a clear and convincing justification.’

In the light of our comments in item 9, if the council cannot put forward a firm boundary line supported by all the appropriate evidence, the New Monks Farm proposed allocation should be excluded from the plan.

Part B – Representation

Please use separate sheets for each Main Modification you wish to comment on.

11. Which Main Modification to the Adur Local Plan does this representation relate to?

Amendments relating to:

Main Modification no:

MM8

or

Sustainability Appraisal

(Please state which part):

Please go to Q6 to comment on the Sustainability Appraisal

12. Do you consider the Main Modification(s) to be: (tick as appropriate)

2.1 Legally Compliant Yes No

2.2 Sound Yes No

Please read the Guidance Note for guidance on legal compliance and soundness.

If you have ticked no to 2.1, please continue to Q4.

If you have ticked no to 2.2, please continue to Q3.

13. Do you consider the Main Modification(s) to the Adur Local Plan to be unsound because it is not: (tick as appropriate)

13.1 Positively Prepared

13.2 Justified

13.3 Effective

13.4 Consistent with National Policy

14. If you consider the Main Modification(s) to the Adur Local Plan to be unsound or not legally compliant, please explain why in the box below:

Modification: ‘

- A minimum of 600 homes, 30% of which are to be affordable, providing a mix of types and tenures in accordance with identified needs.

- ...
- ... **A minimum of 10,000sqm of appropriate employment generating floorspace.**

AFG has already given comments of concern in respect of the revised wording of 'minimum' in relation to commercial floorspace and housing for the proposed New Monks Farm allocation.

We would add one more comment. With no maximum level stipulated, other policies will not control what numbers of housing/areas of commercial space could be applied for in an application to develop. Using Adur's own wording – this is in truth a 'blank cheque'. A development application could include 200 additional houses above the 600. The additional demands upon infrastructure particularly drainage, foul waste management and highways would be significant. The evidence gathered for proving sustainability for 600 cannot be relevant to 800 without further work to prove sustainability.

Once again, AFG objects to use of the word 'minimum' and believes numbers quoted must be finite with appropriate demonstration of sustainability.

15. Please explain in the box below what change(s) you consider necessary to make the Main Modification(s) to the Adur Local Plan legally compliant and sound having regard to the reason you identified above.

(You will need to say why this change will make it legally compliant or sound. It will be helpful if you are able to put forward your suggested or revised wording. Please be as precise as possible).

Modification: '

- **A minimum of 600 homes, 30% of which are to be affordable, providing a mix of types and tenures in accordance with identified needs.**
- ...
- **... A minimum of 10,000sqm of appropriate employment generating floorspace.**

Once again, AFG objects to use of the word 'minimum' and believes numbers quoted must be finite with appropriate demonstration of sustainability.

(Continue on separate sheet if necessary)

18.3 Effective

18.4 Consistent with National Policy

19. If you consider the Main Modification(s) to the Adur Local Plan to be unsound or not legally compliant, please explain why in the box below:

Modification: Developers will need to work with Adur District Council, West Sussex County Council and the Environment Agency to ensure that tidal and fluvial flooding as well as surface water and groundwater flooding are adequately mitigated without worsening flood risk elsewhere. A Flood Risk Assessment (FRA) will be required at the planning application stage. The FRA must take account of and seek to facilitate relevant recommendations of the Lancing Surface Water Management Plan and must also set out a strategy for the long term management and maintenance of drainage on the site.

The position of AFG is clear on this aspect. The SWMP produced to pass NPPF para 102 exception test pt 2 is insufficient to demonstrate that drainage is sustainable without increased flood risk to 1st and 3rd parties.

We saw the considerable concerns the drainage engineers of the lead and district authorities expressed in correspondence and at the examination with the agent of the exception site, the New Salts Farm.

Proof on groundwater, tidal and surface water impacts were being sought from their agent to demonstrate that any site development would not cause increased flood risk for the site and particularly 3rd party areas, particularly New Monks Farm site.

This level of concern simply has not been exercised in relation to the feasibility of sustainable drainage for New Monks Farm. This site is an integral part of the whole drainage catchment of the Lancing area including the A27. The same level of examination, pre plan submission should also have been applied to a measured and quantified flood risk assessment for that site allocation, particularly with the history of flooding of areas north, west and south of the site itself. The whole area is reliant upon the slow draining, tidal locking, drainage network of ditches which flow through all the selected allocations (NMF & Airport) and exception sites (NSF & OSF) and within the Lancing residential areas. Once again, we draw attention to the lead drainage authority's CH2MHill study of the Lancing area drainage.

AFG still maintains that such a FRA should be undertaken to confirm drainage sustainability for the NMF allocation before ALP inclusion. If proved unsustainable, the site should be deleted from the Plan.

20. Please explain in the box below what change(s) you consider necessary to make the Main Modification(s) to the Adur Local Plan legally compliant and sound having regard to the reason you identified above.

(You will need to say why this change will make it legally compliant or

sound. It will be helpful if you are able to put forward your suggested or revised wording. Please be as precise as possible).

Modification: Developers will need to work with Adur District Council, West Sussex County Council and the Environment Agency to ensure that tidal and fluvial flooding as well as surface water and groundwater flooding are adequately mitigated without worsening flood risk elsewhere. A Flood Risk Assessment (FRA) will be required at the planning application stage. The FRA must take account of and seek to facilitate relevant recommendations of the Lancing Surface Water Management Plan

(AFG believes that to comply with NPPF para102 exception test pt2, a measured and quantified flood risk assessment for the site allocation should be carried out, particularly with the history of flooding of areas north, west and south of the site itself. This should be undertaken to demonstrate sustainability of drainage for the site with no increase in flood risk for the site and third party areas. Only if measured and fully calculated proof is established to show management of surface water flows, groundwater and tidal influences should New Monks Farm be included in the Adur Plan. Without quantified proof, this allocation should be excluded from the ALP.

In the event that the allocation is approved without a further FRA as indicated above, we endorse that there should be a condition on the development approval. We ask that the applicant guarantees financially that the ditches on the site are regularly and professionally maintained for the life of the development. Also, as a priority, using the S106/CIL levies generated from the development, recommendations of the CH2MHill report to enhance the drainage of the Lancing area as it is at present, pre development, should be carried out.)

If the decision is to include the site based upon the existing SWMP, AFG would ask for the following wording for this modification:-

Modification: Developers will need to work with Adur District Council, West Sussex County Council and the Environment Agency to ensure that tidal and fluvial flooding as well as surface water and groundwater flooding are adequately mitigated without worsening flood risk elsewhere. A Flood Risk Assessment (FRA) will be required at the planning application stage. The FRA must take account of and seek to facilitate relevant recommendations of the Lancing Surface Water Management Plan. The developer must also set out a strategy for the management and professional maintenance of drainage of the site for its lifetime. This must include an appropriate financial facility to *guarantee* that management, once again, for the lifetime of the development.

(Continue on separate sheet if necessary)

Part B – Representation

Please use separate sheets for each Main Modification you wish to comment on.

21. Which Main Modification to the Adur Local Plan does this representation relate to?

Amendments relating to:

Main Modification no:

MM37

or

Sustainability Appraisal

(Please state which part):

Please go to Q6 to comment on the Sustainability Appraisal

22. Do you consider the Main Modification(s) to be: (tick as appropriate)

2.1 Legally Compliant Yes No

2.2 Sound Yes No

Please read the Guidance Note for guidance on legal compliance and soundness.

If you have ticked no to 2.1, please continue to Q4.

If you have ticked no to 2.2, please continue to Q3.

23. Do you consider the Main Modification(s) to the Adur Local Plan to be unsound because it is not: (tick as appropriate)

23.1 Positively Prepared

23.2 Justified

23.3 Effective

23.4 Consistent with National Policy

24. If you consider the Main Modification(s) to the Adur Local Plan to be unsound or not legally compliant, please explain why in the box below:

Modification: Mitigation measures will need to be implemented for developments that could increase levels of pollution or have a negative impact on drinking water supplies in

Adur. Where there are significant increased levels of increased pollution that cannot be mitigated, development will be resisted refused.

AFG objects to the revised wording of this Policy 35 for the following reasons:

Use of the words 'there are significant increased levels'. This infers that only in the instance of *significant* increased levels which cannot be mitigated will an application to develop be refused.

In terms of air quality, surely, levels will be assessed as being either in excess of the legal limits or not in excess of the legal limits. Quite simply, if they cannot be mitigated then the application should be refused. The original wording of the policy with the replacement of the word 'resisted' with the word 'refused' was appropriate.

This qualification is ambiguous and can lead to poor decision making on this issue which is of great community concern in Adur, particularly for the two strategic developments of New Monks Farm and the Shoreham Harbour development. Community concerns and further evidence is shown below.

Air Pollution

High levels of air pollution is an issue which the Government is tasked to deal with nationally relating to the severe health risks which result from illegal levels of NO₂/particulates and other toxic elements for road users and the public living near polluted roads
A DEFRA report is expected on the 29th July.

From a local standpoint, this is of considerable concern to the community who has identified the lack of management of this problem and paucity of monitoring for which the local authority is legally responsible.

Community groups in Lancing and Shoreham, learning of the lack of air quality monitoring by the District Council from the plan examination, combined to crowd fund monitoring of Nitrogen Dioxide levels. NO₂ is one of the main pollutants from vehicle emissions. Monitoring of particulates was beyond the community's financial grasp.

They selected locations on the known most affected roads within the district. They installed over 50 diffusion tubes to the same specification as used by the authority.

Results are shown within the attached document.

Their findings were disturbing.

A27

In the context of main modification MM6, where the location for the roundabout is proposed, the monitoring exposed NO₂ levels well in excess of the legal limit of 40 milligrams/cub metre. Levels of 49 and 54 mg/cub m were registered along the A27 from the Withy Patch (proposed roundabout location) to the Sussex Pad traffic lights. – up to 36% in excess of the legal limit. Earlier council reports have shown no monitoring has taken place along this particular stretch which is key to the proposed NMF/Airport allocations and the proposed new roundabout to serve those developments.

For the next two junctions to the west, readings in excess of the 40 legal limit, some well in excess, were also discovered on the approaches to those junctions.

The attached report gives the information on those.

Shoreham

Similar results in excess of legal limits were discovered in the Shoreham High Street which has a failing 10 year old AQMA in operation and where an NO2 and particulates monitor is faulty and has been monitoring the levels spasmodically for over 18 months. A summary of those excess levels and locations are shown in the attached document.

The concern in Shoreham is the impact the mixed Shoreham Harbour development will have on traffic levels particularly in Shoreham High Street and the area generally and the resulting increased levels of air pollution which the community has now monitored and found unacceptably high. There is also concerns on the impact to Shoreham of the heavy increase in traffic flows from the proposed new Monks Farm and Airport developments.

The main community findings are also in the attached document. These findings give cause for concern in the current situation if a major site is developed on the Shoreham Harbour.

The need for Monitoring

For the NMF/Airport/Harbour proposed allocations, absolutely no data has been evidenced to demonstrate the sustainability of air pollution for those allocations. Once again, this cannot be a matter left to the planning application stage.

Monitored current levels should be managed over the appropriate time period to justify sustainability of this factor to create evidence for plan acceptability. This is also an element for the HE upgrade proposals for the A27, so these levels must be known.

Also, if these allocations do proceed, we believe that those actual findings should be used as the baseline for the assessments for the NMF/Airport/Harbour developments on air quality, not modelling based upon similar locations which tends to be the standard practice.

Whilst the community monitoring activity is only a 'snap shot' of the pollution levels, in the absence of approved DEFRA reports by the council for the years of 2014, 2015 & 2016, these levels must be taken notice of by the authority in the context of the local plan and the application of Policy 35. This is a key policy to protect the public from even higher levels of air pollution than those which are already causing danger to public health and well being.

Residents groups unanimously agree that New Monks Farm, the Airport and the Shoreham Harbour developments must be proven sustainable for traffic flows and air quality before they are considered for Local Plan inclusion.

25. Please explain in the box below what change(s) you consider necessary to make the Main Modification(s) to the Adur Local Plan legally compliant and sound having regard to the reason you identified above.

(You will need to say why this change will make it legally compliant or sound. It will be helpful if you are able to put forward your suggested or revised wording. Please be as precise as possible).

Modification: Mitigation measures will need to be implemented for developments that could increase levels of pollution or have a negative impact on drinking water supplies in Adur. Where there are significant increased levels of increased pollution that cannot be mitigated, development will be resisted refused.

AFG disagrees with the revised wording of this policy as explained above and asks that wording be finalised as follows:-

Modification: Mitigation measures will need to be implemented for developments that could increase levels of pollution or have a negative impact on drinking water supplies in Adur. Where increased levels of pollution are assessed to be above legal levels and cannot be mitigated, development will be refused.

