

## ECE Planning

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22 December 2016  
Ref: CB/Let/P1260ii

Dear Sir,

**Re: Independent Examination of the Adur Local Plan 2016 (ALP): Land at Land at Steyning Road, Shoreham.**

This letter has been prepared by ECE Planning on behalf of Cobbetts Developments Ltd in support of the promotion of the Land at Steyning Road, Shoreham (also referred to as the 'Shoreham Gateway' site) for allocation within the Adur Local Plan for future residential development. It seeks to respond to the Inspectors Questions which will be further discussed in detail at the examination.

By means of an update since representations were made in May 2016, an application for development has been submitted for the site as follows:

*Hybrid application seeking: Outline planning permission for redevelopment of general agricultural land for a residential scheme of up to 52 new dwellings (Use Class C3), with all matters other than access reserved for consideration at a later date. Full detailed planning permission for the extension and realignment of the Adur Tidal Wall flood defence as approved under reference AWDM/1614/15*

The Outline Planning element seeks permission for the development of the site to provide up to 52no. three storey dwellings (including the provision of 30% on-site affordable housing) comprising a mix of 4no. 1-bedroom flats, 10no. 2-bedroom houses and 38no. 3-bedroom houses; internal roads and parking, informal open space and landscaping together with an enlarged vehicular access on the south-eastern side of the site onto Steyning Road.

### Directors

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The Full Planning element seeks permission for the extension and realignment of the already approved Environment Agency flood attenuation bund. The bund forms part of the Adur Tidal Walls Project being brought forward by the Environment Agency and which was granted planning permission 1 June 2016. This application proposes to extend the attenuation bund further north and then sweep east then south through the site in a more organic arc connecting up with the proposed raised section of Steyning Road which forms part of the approved attenuation measures. A full suite of planning application documents can be made available to the Inspector.

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

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

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

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

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

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

We believe the Sustainability Appraisal scored the following items too harshly:

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

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

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

There are no infrastructure constraints to development of the land at Steyning Road and, as set out in this letter and previous representations, the constraints perceived by Adur District Council relate to flooding, landscape impacts, noise and heritage impacts. It is our view that these constraints can be overcome as set out in the Planning Statement accompanying the planning application (details of which are available online or a full set of documents can be made available to the Inspector).

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

Subsequently, we believe the plan has not been positively prepared and consider it unjustified (not being the most appropriate strategy since the land at Steyning Road and other deliverable sites have been excluded) nor effective (not being deliverable over its plan period (with regards to the inclusion of Shoreham Harbour)).

**Question 1.5: Are all the components of the Council's spatial strategy (policy 2) justified and compatible with the principles referred to in paragraph 17 of the NPPF? Will the policies and proposals in the ALP contribute to the sustainable growth of the District?**

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

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

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

*The scale of affordable housing need is substantial*

The ALP housing target is considered further below.

We do not consider the plan to be justified with regards to the significant unmet housing need and the exclusion of the land at Steyning Road as a housing allocation due to flooding, landscape and noise impact grounds (when other less deliverable sites have been included within the plan).

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

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

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

**Question 3.2: Having identified the need for housing over the plan period (6,825 dwellings), has the Council undertaken the appropriate assessments in order to justify its conclusion that the District cannot meet all that need (or a greater proportion than the 3,609 dwellings proposed) within its own boundary. Have those sites identified in the SHLAA, that were rejected by the Council, been appropriately assessed? (see also question 7.1)**

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

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

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

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

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

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

It is our view therefore, that a reassessment of sites should have been undertaken bearing in mind the significant and increasing housing need requirements. This should have included a revaluation of sites in respect of environmental impact and greater scrutiny of perceived constraints should have been made. In this respect a recalibration of the approach to housing site allocation should have been undertaken at an earlier point in the plan making process to ensure that site assessment was less sensitive towards landscape impact in the interests of delivering sustainable development.

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

*Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.*

Paragraph 47 states:

*To boost significantly the supply of housing, local planning authorities should:*

- *use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area*

Paragraph 182 states:

*Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;*

In this respect, the Planning Inspector conducting the Brighton & Hove City Plan Examination who concluded in her letter dated 13th December 2013 that '*...it is important that the Council rigorously assesses all opportunities to meet that need*' and I would need to be satisfied that the Council had left no stone unturned in seeking to meet as much of this need as possible'

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

With regards to the Steyning Road site, it is clear that the only significant issue relates to flooding, landscape, heritage and noise.

### **Flooding**

With regards to flood risk, following the Sequential Test, the site as existing has a more severe flood risk associated with it than the proposed allocations of New Monks Farm and Sompting sites.

However, the flooding experienced on Steyning Road will be vastly improved in tidal / fluvial flood risk terms when the Adur Tidal Walls Scheme is implemented (to a 1 in 200 event standard with climate change factored in. Surface water / ground water flooding constraints have been addressed within the FRA).

The Sequential Test on page 44 states:

*This site is located within Flood Zone 3a and 3b and is therefore not sequentially preferable to other sites at risk of flooding assessed in the Sequential Test.*

*It is considered that the site makes a significant contribution to the setting of the River Adur, particularly when viewed from the well-used Downs link immediately to the west of the site and the Tollbridge, and not only acts as a gateway to Shoreham but a gateway from Shoreham to the National Park. The site is an important part of the gateway sequence of views and spaces on the northern edge of Shoreham and development of the site would be an unwelcome urbanisation of this area*

Other sites, such as the Adur Civic Centre site / sites within the Shoreham Harbour Western Arm are sequentially less preferable or at least equally preferable to the site at Steyning Road. Subsequently the site is considered to be sequentially equal or better than other sites identified within the ALP. On flooding grounds alone the site cannot be discounted. Furthermore, the FRA accompanying the application highlights the suitability of the proposed development subject to implementation of the Adur Tidal Walls scheme.

### **Landscape**

From a landscape point of view, as set out in our previous representations, the landscape assessments produced by the Council have escalated the sensitivity of the site with no reasoning provided. Indeed the provision of a new tidal flood wall will impact on the landscape character – these studies did not take this properly into account and we would consider the impact to be a downgrading of landscape quality.

The planning application for the site includes a detailed landscape assessment of the site. We would suggest that this be considered at the examination. At this stage we would reiterate that any perceived tranquillity and landscape contribution this site provides to the wider setting is offset by the presence of the A27; the operational airport and the Ricardo Technical Centre which dominate local views in the vicinity of the site.

It is our view that the Council has been too sensitive towards the perceived landscape impact of the site and a recalibration in the assessment of sites should have been undertaken to enable the housing need to be more fully met in the ALP. In this regard, the landscape is compromised by the A27 to the north, the A283 to the east and residential development to the south. The Adur Tidal Walls will further compromise the landscape.

Furthermore, the A27 to the north performs a clear defensible boundary to development limiting sprawl further north into the South Downs National Park.

### **Heritage**

In relation to heritage, the site does not contain any designated heritage assets. However, within the immediate vicinity of the site there are assets of significant value, these being:

- *The Old Shoreham Conservation Area. This contains the Church of St Nicholas, a Grade I Listed Building, and a further 11 Listed Buildings, all Grade II. Whilst the Church of St Nicholas is of largely mid-12th century date, much of its north wall is of pre-conquest date. Survival of such early work is highly significant and nationally rare;*
- *Old Shoreham Bridge, a Grade II\* late 18th century bridge which carries a historic route way into the downs over the river Adur.*

However, it is our view that the development can be set back from Steyning Road, and that soft landscaping, sensitive palette of materials together with surrounding urban development and separation distances from these notable heritage assets, that the potential impact from the proposed development will be less than substantial (refer to planning application for further details).

**Noise**

Noise constraints have also been considered in detail through the planning application. Site orientation alongside appropriate design, layout and attenuation measures will ensure that future occupiers will not be negatively impacted in this regard.

Subsequently it is our view that site constraints can be adequately mitigated and that the recently submitted application provides the site specific evidence to justify the inclusion of the site with the ALP.

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

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

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

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

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

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

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

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

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

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

Figure 3: Updated 5 Year Housing Supply - 180DPA

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

**Figure 4: Updated 5 Year Housing Supply - 325DPA**

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

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

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

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

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

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

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

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

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

It is our view that the plan does not make appropriate provision for affordable housing. Clearly an increase in the housing target and allocation of suitable sites (such as the site at Steyning Road) would aid significantly in this regard. The site at Steyning Road will be policy compliant in relation to the delivery of affordable housing.

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

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

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

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

It is our view that the Council has not achieved the correct balance in this regard and has escalated the importance of the site at Steyning Road in relation to landscape impact. It has placed too much weight on this consideration when set against the significant housing need of the district in our view.

Subsequently, we consider that the site could be included within the Built-up Area as shown on the policies map and allocated for residential development.

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

It is our view that Policy 14 is not justified with respects to the site at Steyning Road. As set out in the planning application and previous representations, we do not agree with the Council’s assessment of the landscape value of the site and we strongly consider that development of the site would clearly avoid coalescence of settlements.

### **Question 7.3: Is the prevention of the coalescence of settlements a reasonable and justified objective?**

Allocation of the site for housing would not compromise the ‘separate identities and character’ of Lancing and Shoreham since the settlements are physically separated by the River Adur and the Shoreham Airport.

Subsequently, the policy would be restricting potential development on landscape, settlement character and settlement coalescence grounds when it is our view that development of the site would not be harmful or detrimental in these terms. It is our clear view that from a landscape point of view, the Council has not properly considered the impacts of that the Adur Tidal Walls scheme will have on the site and views across it (which will be severely limited).

## **Conclusion**

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

- **positively prepared:** it hasn’t proactively and positively considered suitable sites for housing given the significant housing need experienced in the District;
- **justified:** the site at Steyning Road could reasonably be included as part of the overall strategy.
- **effective:** there are concerns regarding the Shoreham Harbour allocation within the plan and the delivery rates put forward by the Council – the site at Steyning Road is available now (with a planning application already lodged).
- **Consistent with national policy:** the ALP does not in our view deliver sustainable development failing to adequately balance economic and social aspects against landscape impact. As set out in this representation, it is our view that the landscape impact has been over exaggerated by the Council and has been elevated in importance over the other aspects of sustainable development and the socio-economic benefit of increasing housing supply.

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Subsequently, we would strongly urge the Inspector to consider inclusion of the site at Steyning Road within the ALP as a suitable housing allocation in light of the significant housing need in the District. Furthermore, such an allocation would ensure sufficient flexibility and thus ensuring the ALP is '*effective*' over the entire plan period.

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

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

Yours sincerely  
ECE Planning

A handwritten signature in black ink, appearing to be 'CB', written in a cursive style.

**Chris Barker MATP MRTPI**  
Director