

ARUN LOCAL PLAN EXAMINATION

INSPECTOR'S QUESTIONS AND COMMENTS RELATING TO ISSUES OF SOUNDNESS AND OTHER MATTERS

Introduction

1. The purpose of this note is to seek clarification from the Council on a number of points arising from my initial reading of the Local Plan (LP). The answers will help me draw up 'Matters and Issues' for the examination hearings. I may have further questions during the preparation period. My questions and comments are without prejudice to consideration of the soundness of the Plan's policies during the remainder of the Examination, including at the hearings. Some of the answers to the points that I raise may be contained within the evidence base or have been dealt with earlier in the examination. If that is the case please could my attention be drawn to where I can find the information?
2. Not all matters raised go to soundness but may assist with the clarity of the LP. Where a point could potentially be addressed by a Main Modification (MM) or Additional Modification (AM) to the LP I will make this clear by including **MM** or **AM** in the text below.
3. All references to paragraphs and policies relate to the 'Arun LP 2011-2031 Publication Version showing Modifications' (PELP37).

Overview

4. Paragraph 153 of the National Planning Policy Framework (NPPF) encourages each local planning authority (LPA) to produce a single LP. Although I understand that the County Council (CC) are responsible for the Minerals and Waste LP¹ and Neighbourhoods Plans have also been made and others are in the pipeline, further clarity needs to be provided as to what other Development Plan Documents (DPDs), if any, the Council envisage will be prepared. In this respect there is reference in the LP and/or the Local Development Scheme (LDS) (PELP35) to a Small Sites DPD, an Employment Allocations DPD and a Site Allocations DPD for Gypsies and Travellers. Putting to one side whether it is reasonable to defer such issues to a later DPD, the LP should make it clear at the outset the scope and type of LP and what it will not address (**MM**).
5. In paragraph 2.5 there are incorrect references to the NPPF and the National Planning Policy Guidance (NPPG). In addition the paragraph is very long (**AM**).
6. In paragraph 2.22 there is a missing word in the final sentence – 'incorporated'? (**AM**).

Spatial Portrait

7. The paragraph 3.7 there is reference to the 'six villages' and then a description of the role of each of them apart from Aldingbourne. Additional description should be included (**AM**).

¹ Currently being updated in conjunction with the South Downs National Park Authority

Strategic Objectives

8. On page 36 the LP sets out the strategic objectives. The 5th of these relates to the landscape and should refer to protecting and enhancing the setting of the South Downs National Park (SDNP) **(MM)**.

Sustainable Development

9. There is no need to reiterate policies set out in the NPPF². The 2nd part of Policy SD SP1 does this and therefore should be deleted **(MM)**.
10. In relation to Policy SD SP1a there is no reference to flood risk despite significant undeveloped areas within the District being within Flood Zones 3a and 3b **(MM)**.
11. Policy SD SP1a or Policy EMP SP1 do not refer to how much employment land needs to be allocated to meet future needs whereas in contrast mention is made of the 20,000 homes to be delivered. The strategic employment allocations provide some 80 ha but this is well in excess of the highest land requirement set out in the Arun Employment Land Needs Update (PEPP6) based on past take-up. Noting the aspiration to increase job densities is the extent of allocations justified elsewhere in the evidence base? Should specific reference be made to employment land needs within one of the policies **(MM)**?

Settlement Structure and Green Infrastructure

12. Paragraph 7.2.7 explains the principles that are used in defining the extent of the Built-Up Area Boundary. However, the boundaries do not encompass strategic allocations even though paragraph 7.2.8 goes on to explain that site specific allocations may alter the extent of the Built-Up Areas. What is the reason for this apparent inconsistency? It would seem more logical to me to include the strategic allocations with Built-Up Area Boundaries **(MM)**.
13. I suggest that Policy SD SP2 would be more effective if expressed along the following lines:
'Built-Up Area Boundaries are defined for the main towns and villages in the District and shown on the Policies Maps. Development should be focused within the Built-Up Area Boundaries and will be permitted, subject to consideration against other policies of this Local Plan.'
Assuming that strategic allocations are included within the boundaries then the 2nd sentence would not be necessary as development beyond the boundaries is covered by Policy C SP1.
I do not consider that 2nd paragraph of the policy is necessary as it is stating the obvious. Moreover, it is not clear what 'providing these do not reduce the coverage' means **(MM)**.
14. Assuming that Policy SD SP2 is modified as suggested then Policy C SP1 would also need amending to remove reference to allocations. Safeguarding the countryside for its own sake no longer forms part of national policy. The policy would be more clearly expressed along the following lines:

² NPPG (Paragraph: 010 Reference ID: 12-010-20140306)

'Outside the Built-Up Area Boundaries as identified on the Policies Maps land will be defined as countryside and will be recognised for its intrinsic character and beauty. Development will not be permitted in the countryside unless it is...etc'. In relation to the 2nd paragraph is this necessary as the exceptions would be dealt with under a. to f. in any case (**MM**)?

15. Policy GI SP1 refers to Green Network Maps. I assume that the reference in the policy to the Technical Appendix should be deleted (**AM**). Where can the Green Network Maps be found? Would it be possible to include the Green Infrastructure Network on the Policies Maps?
16. The last paragraph of the policy refers to 'gaps between settlements' but it is doubtful whether these fall within the definition of Green Infrastructure (paragraph 7.3.6 refers). In any event they are protected by Policy SD SP3. In these respects consideration should be given to deleting the final paragraph (**MM**).
17. Policy SD SP3 should make reference to the fact that the 'Gaps Between Settlements' are defined on the Policies Maps (**AM**).
18. The first part of Policy LAN DM2 would benefit from some rewording for clarity (**AM**). The following is a suggestion:
Development will not be permitted within the area identified on the Policies Map which would adversely affect the views of the town of Arundel, its castle, cathedral and its special setting. Any development, including the proposed A27 Arundel bypass, will be of a high design standard that reflects the quality of the landscape and the setting of Arundel. No development will be permitted, particularly within the area shown on the Policies Map, which would adversely affect the rural views outwards from the town and in particular from the following locations etc:'

Employment and Enterprise

19. As indicated above Policy EMP SP1 does not identify the amount of employment land that needs to be allocated (**MM**). There are typos in criterion f (**AM**).
20. Policy EMP SP2 deals with the Economic Growth Areas (EGAs). That part of the policy relating to the Littlehampton EGA seems to focus almost entirely on the harbour area whereas the EGA encompasses a much larger area including the town centre. Moreover, the explanation to the policy (8.5.7 – 8.5.16) covers a wider range of regeneration issues. Should the policy wording be expanded or are the issues dealt with adequately elsewhere (**MM**)? I note that the provisions of Policy EMP DM4 have been incorporated into Policy EMP SP2. That said the reference to eastward expansion as shown on the Policies Map is not included. Should this be retained within the policy as it is still shown on Policies Map 3 (**MM**)? The wording of the 2nd sentence in paragraph 8.5.14 is a little awkward (**AM**).
21. There is a missing word in paragraph 8.6.7 ('planning permission for development') and a typo in paragraph 8.6.8 ('surface'). Paragraph 8.6.16

repeats what is said earlier about Littlehampton Harbour, particularly in paragraphs 8.5.10 and 8.5.12 **(AM)**. In that the EGA does not include any strategic employment land allocations it does not need to be referred to here. Paragraphs 8.6.20 and 8.6.21 do not relate to Angmering so should have a separate sub-heading **(AM)**.

22. In relation to the strategic employment land allocations set out in Policy EMP SP3 some high-level criteria are provided within the policy (a. to e.) and Enterprise Bognor Regis (EBR) benefits from a separate policy (EMP DM2) with more detailed criteria. The sites at Greater Littlehampton already have planning permission. In relation to Angmering and Site 7 paragraphs 8.6.17 to 8.6.19 set out some considerations that would need to be taken into account in bringing the site forward. However, these do not appear to be translated into policy. Should criteria be included within Policy EMP SP3 to guide development at Site 7 or do other policies of the LP provide sufficient control **(MM)**?
23. The last sentence of paragraph 8.7.4 refers to the NPPF but seems to be out of context with the rest of the section and the evidence base which emphasise the need to retain employment sites. In relation to Arun there appear to be strong economic reasons why redevelopment of employment sites for other uses would be inappropriate unless the criteria within section 2 of Policy EMP DM1 are met. In these respects the sentence should be deleted **(AM)**.
24. There are typos in paragraph 8.7.5 ('the Council will requires' and 'An assessment will need, but....') **(AM)**.
25. In relation to Policy EMP DM1 itself the use of the words 'reasonable prospect' rather than 'good prospect' would be more consistent with paragraph 22 of the NPPF **(AM)**. In section 4 of the policy 'Office Development' the wording, particularly the reference to 'retail policies' is confusing. Would the following be clearer? '*The Council will seek to direct office development to the town centres. Enterprise Bognor Regis will also be considered as a suitable location for office development in accordance with Policy EMP DM2.*' **(MM)**
26. Policy EMP DM2 in dealing with EBR sets out a number of criteria to govern its development. I note that in the Council's earlier statement relating to this issue reference was made to the valued tourism asset of Rowan Park Caravan Site. Should the policy include a criteria relating to its relocation? In relation to non B-class employment uses I assume that this would entail ancillary retailing, food and drink and facilities such as day nurseries/crèche. That said paragraph 8.8.4 implies that larger scale retailing has been permitted. Does the wording of the policy provide sufficient safeguards to control significant out-of-centre retail development? Following on from Policy EMP DM1 and the fact that offices fall within the definition of 'main town centre uses' is there any need to limit the amount of office floorspace at EBR or would this be too prescriptive? Finally should this policy (or Policy EMP SP3) make reference to strategic employment land allocations being defined on the Policies Maps? **(MM)**
27. The phasing and site areas/gross floorspace/indicative use classes in Tables 8.1 and 8.2 are presented as if they are policies but are separate from Policy EMP

DM2 itself. If they are to have policy status they should be merged with EMP DM2 **(MM)**.

28. Within Policy TEL DM1 there is repetition in relation to ICNIRP requirements (criteria l. and m. and the paragraph after n.) **(AM)**.
29. The LP proposes significant strategic employment land allocations and also seeks employment land as part of strategic housing developments. Based on the evidence (see paragraph 11 above) it would appear unlikely that additional employment land allocations would be required during the LP period. Moreover, if circumstances change as set out in paragraph 8.13.1 it is likely that a review or partial review of the LP will be necessary rather than an employment land allocation DPD. In this respect does paragraph 8.13.1 need to be amended **(AM)**?

Retail

30. In response to Issue 3.6 the Council had previously said that 'Local Service Centres' were the equivalent of 'District Centres' and that additional wording would be added to paragraph 9.1.5 to explain this. This has been omitted. The final sentence of paragraph 9.1.5 relates to paragraph 9.1.6. as it refers to village and suburban centres **(AM)**.
31. Policy RET SP1 refers to the hierarchy of town centres. Whilst noting the explanation provided above, the Arun Retail Study (PEPP4) and the previous Inspector indicated it would be preferable to stick with the definitions in the NPPF. In addition the policy title should be 'Hierarchy of town centres'. I note that those centres which are defined as 'Village and Suburban Centres' are now listed in paragraph 9.1.6. In setting out a retail hierarchy the centres would be specifically named within the policy rather than the explanation. In addition do all these centres fall with the definition of 'Local Centres' or are they small parades of shops of purely neighbourhood significance? Finally the lowest tier do not have centre boundaries defined although the NPPF and Retail Study (paragraph 9.24) indicates that the LP should do so. **(MM)**
32. The explanation to Policy RET DM1 refers to impact assessments being required for developments above 1000 sq m for the larger centres and 200 sq m for the lowest tier centres. I note the justification for these in the Retail Study and the Statement on Matter 3. These provisions would have more force if they were included within the policy itself (Section 3). The policy would be more effective and consistent with national policy if it referred to 'town centre uses' rather than 'retail development' in Sections 1, 2 and 3 (other than where referring to primary and secondary shopping frontages). In Section 2 there does not appear to be a policy distinction between primary and secondary shopping frontages. Section 3 would be more robust if it started with a phrase such as '*Town centre uses should be accommodated in town centres. Proposals for town centre uses outside the centres defined on the Policies Map will only be permitted if.. etc*'. Section 4 would be more robust if centre boundaries were defined. If so it could not permit the loss of shops unless certain criteria are met (as set out in the section). **(MM)**

Tourism

33. Policy TOU SP1 is commendable in its objectives but does not have a strong land-use component. If a strategic policy for tourism is to be retained it should have more of a land use component (**MM**).
34. Policy TOU DM1 is rather long and convoluted. It would be a better tool for the decision maker if it were to be broken up. For example the 1st section could say something like:
'Proposals for development, including expansion, which are likely to attract visitors (such as leisure or cultural facilities) will be supported provided that they:
a. are in accessible locations;
b. are accompanied by workable and realistic travel plans;
c. address visitor management issues; and,
d. achieve good design.
Larger scale proposals will generally be directed towards the Economic Growth Areas of Littlehampton and Bognor Regis. Smaller scale development may be suitable in other areas of the District including Arundel provided that other Local Plan policies are complied with.
The 2nd section is presumably dealing with the loss of visitor attractions although the 3rd line does not make this clear. Again this part of the policy would be clearer if expressed along the following lines:
Existing visitor attractions, facilities and accommodation (except holiday caravan sites) will not be granted planning permission for a change of use that leads to the loss of a visitor offer unless it is demonstrated that the use is no longer required and the site is unlikely to be reused or redeveloped for visitor purposes. To demonstrate these requirements the Council will require:
a. evidence of marketing actively conducted for a reasonable period of time;
b. that alternative visitor uses have been fully explored;
c. an appraisal indicating that the use is no longer viable;
d. evidence that the site has not been made deliberately unviable; and,
e. evidence of the suitability of the site to accommodate the alternative use.'
The 1st paragraph of Part b. is not policy but explanation for the policy and would be best incorporated after paragraph 10.1.1. (**MM**)

Soils, horticultural and equine developments

35. In relation to Policy HOR DM1 that part relating to the redevelopment of horticultural sites for other purposes would presumably subject to Policy C SP1 and therefore only certain alternative uses would be acceptable. If this is the case the policy should make it clear (**MM**).
36. The final two criteria of Policy EQU DM1 (g. and h.) appear onerous given that much equine development will be small scale. If the proposal has demonstrated that it is acceptable against criteria a. to f. then the site is presumably a reasonable option. With regard to h. equine use implies that the land will continue to be open and 'green'. (**MM**)

Housing Delivery

37. Paragraph 12.1.15 is not very clearly expressed and would benefit from rewording (**AM**). The housing trajectory referred to in paragraph 12.1.16 appears to be shown in Picture 12.1 on page 137 and not in an appendix (**AM**).
38. It would seem more logical if Policy H SP1 followed the section on OAN (12.1.1 to 12.1.4) and then the section on housing supply followed Policy H SP1 (**AM**). In terms of housing supply and its components set out in Table 12.1, an allowance of 1,250 dwellings is made for non-strategic sites to be identified through Neighbourhood Plans or a Small Site Allocations DPD. What is the basis for this figure given that it is assumed that the sites have not yet been identified? Can such sites reasonably be included in the supply figures?
39. The overall supply in Table 12.1 shows 20,074 dwellings according to my calculations. This figure should be included at the bottom of the table (**AM**). Comparing this figure to the housing requirement of 20,000 there is very little flexibility (less than 0.5%). What provisions, if any, can be incorporated into the LP to increase flexibility?
40. The March 2017 Housing Implementation Strategy (HIS) (PELVP22) sets out the Council's approach and the justification for a stepped delivery which would, according to Table 9 in the HIS, result in a 5 year supply of housing land for the period 2016-2021. Would it be possible to provide an update on housing land supply (HLS) so by the time of the hearings there is information on the HLS position at 31 March 2017?
41. Policy H SP1 sets out the housing requirement rather than a 'housing allocation' and its title should reflect this. In addition the requirement should be expressed as a minimum. Furthermore the LP is not making provision for all the new homes. In these respects the policy would be better expressed as '*Within the plan period 2011-2031 at least 20,000 new homes will be accommodated in the District. Delivery will be phased over the plan period as follows.*' Should the years within the table reflect the periods that HLS figures are collected e.g. 2011/12 to 2015/16, 2016/17 to 2020/21? (**MM**)
42. In relation to the housing strategy Table 12.3 sets out the strategic allocations but these ought to be incorporated into Policy H SP2 (as with Policy EMP SP3 for the strategic employment allocations). The policy would start by saying something like: '*The following strategic housing sites are allocated as shown on the Policies Maps (followed by the list of sites and the no of dwellings).* At the end of the policy reference is made to 'the principles of the Garden City movement'. It is not clear where the justification for this requirement was derived from and whether, without further explanation, it would be an effective component of the policy. Such principles are not mentioned elsewhere in the LP. (**MM**)
43. Policy H SP2a in dealing with strategic allocations in Bognor Regis should have regard to paragraph 8.5.24 of the LP and the need for developments to link into the town centre. Assuming that this is deliverable the policy should include

relevant criteria. The West of Bersted allocation includes a requirement for new employment provision. Should the amount that ought to be provided be quantified? Should the policy include provisions relating to the phasing of employment land alongside the housing? On a similar theme is there an intention to include employment development within the West Bank allocation (Policy H SP2b) or would it be limited to businesses around the harbour as identified by Policy EMP SP2? **(MM)**

44. The Barnham/Eastergate/Westergate (BEW) and Ford allocations (SD5 and SD8) include requirements for new employment provision. Should the amount that ought to be provided be quantified? Should Policy H SP2c include provisions relating to the phasing of employment land alongside the housing? The requirement for the provision of a new secondary school is set out in Policy INF SP2 and paragraph 12.1.17. However, delivery would be more certain if Policy H SP2 included a requirement that land be provided linked to one or more of the allocations or through a separate section of the policy. The Angmering North allocation (SD9) sits alongside the strategic employment site (Site 7). Is there merit in linking the two elements with a phasing requirement so that the employment development is delivered alongside housing? **(MM)**

45. In relation to housing mix Policy H DM1 refers to the most up to date Strategic Housing Market Assessment (SHMA). I note that the most recent report (PELVP23) referred in Table 29 to the broad mix of housing that is required. In accordance with paragraph 50 of the NPPF would Policy H DM1 be more effective if specific figures were included? I note that Policy AH SP2 does this for affordable housing. Policy H DM1 also includes reference to tenure mix but this is more relevant to affordable housing and is dealt with by Policy AH SP2. **(MM)** Policy H DM2 deals with accommodation for older people. However, there is no requirement within Policy H DM1 for the mix to include specialist housing for older people notwithstanding a need identified as 2,257 units³. Should such a provision be included? **(MM)** The Lifetime Homes standard has been replaced so should not be referred to here or elsewhere in the LP **(AM)**.

46. Paragraph 12.3.8 refers to the Code for Sustainable Homes. The reference should be deleted. From my reading of the Local Plan Viability Assessment Update (PELVP21) green field sites should be viable with 30% affordable housing. Paragraph 12.3.9 seems to contradict the report and the requirements of Policy AH SP2 and would be best excluded. **(AM)**

47. Policy AH SP2 flags up the possibility that some developments may not be viable with 30% affordable housing on site. Should the policy include a requirement that in such circumstances a viability assessment should be submitted to seek to justify provision under the policy target? **(MM)** The phrase 'non-viable option' is somewhat clumsy. The following would have more clarity: '*Where it can be proven that 30% affordable housing provision is not viable* .'**(AM)**

48. It is assumed that Policy H SP3 would only come into play when the housing need cannot be met on allocated sites or within the Built-Up Area Boundary. I would

³ See Table 26 of PELVP23

suggest that this ought to be stated at the start of the policy (**MM**). Criteria a. and c. within the 1st section of Policy H SP3 involve some repetition and would benefit from being merged (**AM**). In relation to the last sentence of the policy I am not clear what the reference to 'mixed use' means in the context of a traveller site.

49. In paragraph 12.5.3 the full stop in the 2nd line should be replaced with a comma (**AM**). Policy H SP4 refers to 'over concentration' but does not seek to quantify this. Would the policy benefit from guidance on what would constitute over concentration? (**MM**) Houses in Multiple Occupation (HMOs) can provide valuable accommodation for students. Given that student numbers on the Bognor Regis campus are expected to rise should the requirements for accommodation be acknowledged by Policy H SP4 or another policy?
50. In terms of traveller accommodation is there any evidence that needs have changed since May 2015? For example have any temporary planning permissions been granted or have there been any unauthorised sites or illegal encampments? There is an indication that the updated Gypsy and Traveller Accommodation (GTAA) did not take into account planning permissions and refusals since 2013. Has this now been taken into account?
51. Policy H SP5 should be clear about the provision needed for gypsies and travellers. For example it could start by stating: *'Within the plan period 2011-2031 provision shall be made for at least 5 private pitches and 9 public pitches for gypsies and travellers and 7 plots for travelling showpeople in the District.'* (**MM**)
52. Based on the current level of need for private pitches Policy H SP5 expects that provision will be made through planning application(s) considered against a number of criteria. Assuming that this is an appropriate way forward the policy should make this approach clear e.g. *'Provision for at least 5 private pitches will be made on unallocated sites permitted in accordance with the criteria in 3 below:'* (**MM**)
53. In contrast the need for at least 4 public pitches will be met by a future allocation in a separate later DPD. Whilst noting criterion q. of Policy H SP2 given that the settled population's housing need is largely addressed through allocations is this an equitable approach? Having regard to the scale of the strategic allocations have no suitable sites been identified or put forward?
54. Policy H DM3 includes a number of criteria against which to judge agricultural, forestry and horticultural workers' dwellings. Should the scope of the policy be extended to apply to 'rural workers' more generally as referred to in paragraph 55 of the NPPF? Should the criteria within section 2 also refer to the need being met by the conversion of existing buildings if they are available? (**MM**)
55. Section 4 of Policy H DM3 relates to a different subject matter than the remainder of the policy so ought to be a separate policy. In addition is this part of the policy consistent with paragraph 55 of the NPPF which does not have any requirement to demonstrate that attempts have been made to find a business use? Moreover

its effectiveness has been eroded by the changes to permitted development rights which allow conversion of agricultural buildings to dwellings. **(MM)**

Design

56. The modification to the 1st paragraph of Policy D SP1 reads a little awkwardly. I would suggest: *'All development proposals must make efficient use of land and reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.'* **(AM)**.
57. In Policy D DM1 Section 3 greater clarity would be achieved by avoiding repetition so I would suggest: *'Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding the significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.'* In Section 6 the 'Safer Places' document has been cancelled. There is a 2016 edition of 'Secured By Design.' **(AM)**
58. The NPPG requires that local planning authorities provide justification for internal space policies taking into account need, viability and timing⁴. On the assumption that Policy D DM2 is seeking the application of the Nationally Described Space Standard (NDSS) and they are not merely guidance where is the justification? In terms of the detail of the policy and assuming that it is justified the phrase *'but development will be encouraged to make the most efficient use of land'* seems to dilute the effectiveness of the policy and the reason for the phrase is not clear from the explanation to the policy. In these respects consideration should be given to its deletion **(MM)**. In contrast the exceptions to the application of the NDSS set out in paragraph 13.3.5 are not included in the policy. Also references in the policy and explanation should be to the NDSS not 'Nationally Described Standard' **(AM)**.
59. Paragraph 13.3.9 indicates that further work is being undertaken to establish private open space standards for the District but Policy D DM3 is fairly prescriptive in its requirements. If further work is to be undertaken would it be preferable to delete the policy and incorporate guidance in the emerging Design Guide Supplementary Planning Document (SPD)? **(MM)**
60. In relation to Policy ECC DM1, there is reference to protected or sensitive landscapes. Other than the area protected by Policy LAN DM2 (the setting of Arundel) and those parts of the District close to the SDNP are there any other 'protected' landscapes? The policy should perhaps be specific in referring to the particular areas **(MM)**.

Health, Recreation and Leisure

61. The 1st part of Policy OSR DM1 and that part of the 3rd section that relates to indoor sport repeats paragraph 74 of the NPPF. In this respect why is it needed?

⁴ Paragraph: 020 Reference ID: 56-020-20150327

62. The 2nd part of the policy includes a list of possible contributions that could be sought from developments. Is the policy sufficiently clear as to the level of contribution that would be required from particular forms of development in different locations? For example should the requirements for open space set out in the table on page 25 of the Open Space Study of September 2016 (PELVP29) be included within the policy? Can the need for playing pitches and indoor sports and leisure facilities set out in PELVP25 and PELVP27 be translated into clear requirements for developers, other than those strategic allocations where specific provision is included? Is the requirement for a new leisure centre in the west of the District justified and which developments (location/scale) will be expected to contribute? Should one of the strategic allocations incorporate the requirement for a new leisure centre?
63. Section 5 of Policy OSR DM1 repeats paragraph 76 of the NPPF. I would suggest that all this section needs to say is that '*Local Green Space is not identified in this LP but will be designated in Neighbourhood Plans in circumstances where the criteria in paragraph 77 of the NPPF are met.*' (**MM**)
64. In relation to allotments is there scope for some of the larger housing allocations such as SD3, SD5 and SD8 to include provision for allotments? Otherwise it would seem unlikely that allotment sites will be developed. (potential **MM** to allocations policies in Chapter 12)

Transport

65. It is noted that further work is being undertaken in relation to transport impacts of developments in Arun and Chichester Districts. The completed study will inform the later stages of the examination.
66. In relation to Highways England (HE) and the CC it is noted that the Position Statement attached to Statement ADC/Doc1/Matter 6 referred to a Statement of Common Ground (SOCG) being drawn up between the District Council, CC and HE. Presumably this will not be agreed until such time as the further work referred to above is concluded and the implications considered.
67. In view of the above and the detail within Statement ADC/Doc1/Matter 6 (some of which will require updating) I will not raise questions on transport and in particular highway improvement schemes at this stage other than in relation to some detailed points.
68. The new sentence inserted in paragraph 15.1.2 of the LP appears to be misplaced. In view of the loss of the Arundel by-pass amendments will be needed to the text in various places e.g. 15.1.3 and 15.3.6 to 15.3.8 and Policy T SP3 m. (**AM**).
69. Parts of Policy T SP2 are explanation rather than policy e.g. the 2nd sentence of the 1st paragraph which is covered by paragraph 15.2.11. It is noted from paragraph 22.0.12 that a variety of funding measures would be sought. However, it is not clear to me from my reading of the updated Infrastructure Delivery Plan (IDP) (PEDP4) how the Littlehampton to Arundel Green Link would

be supported.

70. Whilst paragraph 40 of the NPPF refers to parking charges I am not convinced that it is a matter that should be incorporated into a land use planning policy. More it is guidance for Local Authorities at a corporate level (note that it does not refer to 'Local Planning Authorities'). Moreover, the relevant part of Policy T DM2 just repeats the NPPF. For these reasons I would exclude this part of the policy **(AM)**.

Building Conservation and Archaeological Heritage

71. The tests within strategic Policy HER SP1 appear to be more onerous than those contained within the NPPF where at paragraphs 132, 133, 134 and 135 in particular harm is weighed against public benefits. For example in relation to 'locally listed buildings' and 'Areas of Special Character' (non-designated heritage assets) the character must be preserved. Development adversely affecting a Conservation Area will only be permitted in exceptional circumstances. Total or substantial, demolition of a listed building will only be permitted in wholly exceptional circumstances (this test only applies to heritage assets of the highest significance). These tests set a high bar and thought should be given to ways the wording could be more balanced whilst not undermining the need to recognise that heritage assets are an irreplaceable resource. **(MM)**
72. Paragraphs 16.2.13 and 16.2.14 which refer to protected species are not relevant to the chapter issue. The point that protected species may be present applies to many buildings and sites and not just those that are heritage assets. It would be best dealt with by adding any necessary text to paragraphs 17.4.2 and 17.4.3 within Chapter 17 (Natural Environment). **(AM)**
73. In relation to enabling development the criteria set out in paragraph are presumably derived from Historic England advice e.g. 'Enabling Development and the Conservation of Significant Places'. Should these criteria form part of Policy HER DM1 rather than explanation to the policy? Should a criterion relating to the mechanisms that would ensure the conservation of the heritage asset be included? **(MM)**
74. The reference in paragraph 16.3.4 that special importance will be attached to Locally Listed Buildings seems to be applying a significance that matches that of designated heritage assets. Is this reasonable? Should the references to 'special' within the paragraph be removed? **(AM)**
75. In Policy HER DM2 'Locally Listed Buildings' should be referred to in the 3rd paragraph not just 'Buildings'. Should this part of the policy refer to circumstances where the benefits of redevelopment might outweigh the loss? **(MM)**
76. On a similar point to that raised in paragraph 74 should 'Areas of Special Character' covered by Policy HER DM4 be named as such given that Conservation Areas are designated because of their 'special interest'? Would 'Areas of Character' be a better term? **(MM)**

Natural Environment

77. The reference to the SDNP at paragraph 17.1.11 should focus on the conservation of wildlife given that 7.5.3 and 7.5.4 deal with landscape and the SDNP. Reference to cultural heritage should be in Chapter 16. **(AM)**
78. Although Section b. of Policy ENV DM1 refers to different levels of designation to my mind Section a. does not provide sufficient distinction between the hierarchy of wildlife sites referred to in paragraph 113 of the NPPF. **(MM)**
79. Although Policy ENV DM2 refers to the provision of new green spaces alongside new development within Zone B this is not picked up in the explanation to the policy at 17.1.22 **(AM)**. What are the implications of the pooling restrictions within the Community Infrastructure Levy (CIL) Regulations on infrastructure contributions for the effectiveness of Section b. ii. of the policy?
80. As the little Ramshorn whirlpool snail is not waterfowl the 1st sentence of paragraph 17.1.24 will need amending **(AM)**.
81. Are there any implications arising from the Arun Valley Special Protection Area (SPA) for policies within the LP? For example the Habitats Regulations Assessment (HRA) of February 2017 (PELP33) refers to counteracting measures in relation to Berwick's swan. How have these measures been built into policies if at all?
82. Policy ENV DM3 has not been amended as suggested within paragraph 8.5.2 of Statement ADC/Doc1/Matter 8 in response to issue 8.5 raised by the previous Inspector. It still starts with 'Within Biodiversity Opportunity Areas.....' although it is noted that in the schedule of MMs the phrase has been omitted (MM57). As such the policy still focuses on Biodiversity Opportunity Areas rather than biodiversity generally. Should the policy be more all-embracing or is this achieved by Policy ENV DM5? An alternative would be to amend the title of Policy ENV DM3 to 'Biodiversity Opportunity Areas'. **(AM)**
83. The drafting of Policy ENV DM4 would be improved with the insertion of 'development' before 'would' under criteria a. and b. **(AM)**.
84. In paragraph 18.2.14 the Building Regulations require new homes to meet the national standard of 125 litres per person per day not 105 as set out. Paragraph 18.2.15 refers to 80 litres/person/day whereas the optional requirement is 110. **(AM)**

Water

85. There is a typo in the 2nd line of paragraph 18.1 (full stop instead of comma) **(AM)**.
86. In terms of Policy W DM1 Section 1 refers to new development meeting current standards for water supply. However, this is controlled by the Building

Regulations so it is not necessary to include it within the policy **(AM)**.

87. The NPPF Technical Guidance has been superseded by the NPPG (Policy W DM2). Some elements of the Exception Test are included within Policy W DM2 but not others. Should the policy refer to the need to pass the Exception Test as set out in national policy? **(AM)**

88. There is some repetition in paragraph 18.4.1 ('primary purpose' referred to twice) **(AM)**.

89. In the last line of Policy W DM4 should the words 'and/or' be excluded **(AM)**?

Waste Management

90. The 3rd section of Policy WM DM1 indicates that major residential development needs to contribute to recycling and general waste bins through planning conditions. The requirements are not very specific and would such conditions meet the tests set out in the NPPG **(MM)**?

Quality of the environment

91. Paragraph 21.3.4 refers to the Green Infrastructure Network being protected from light pollution but this objective does not appear to have been translated into policy e.g. Policy QE DM2 or Policy GI SP1.

Infrastructure

92. Statement ADC/Doc 1/Matter 8 indicated that further detail as to how S106 contributions work will be required through the preparation of a planning obligations SPD. What is the timetable for such an SPD assuming that there is still an intention to produce one? Otherwise the contributions towards district wide infrastructure required by Policy INF SP1 are not very specific.

93. Paragraph 22.0.24 and Policy INF SP2 refers to broad locations for a new secondary school being shown on the Policies Map. I could not see such designation. Paragraph 44 of these questions refers to the possibility of linking the secondary school requirement with one of strategic housing allocations as inferred by paragraph 22.0.24 **(MM)**.

Monitoring Framework

94. There are references to the Technical Appendix: Monitoring Framework Appendix in this section but I assume that this has been replaced by the Framework which follows on from paragraph 23.0.15. Paragraph 23.0.11 refers to key indicators being set out at the end of each section but I assume that these are now incorporated into the aforementioned Framework. **(AM)**.

95. The HIS indicates how the 5 year housing supply is to be measured applying the stepped trajectory of Policy H SP1, a 20% buffer brought forward from later in the LP period and the Liverpool method of addressing the shortfall. For the benefit of future decision makers these assumptions/parameters that are relied on to calculate the 5 year supply should be spelt out in the LP, either in the

Monitoring Framework section or in the Housing Supply section. Some of these assumptions are included within paragraph 12.1.5 so it would be preferable to include it there. **(MM)**

96. I will reserve any comments on the targets, indicators and sources within the Monitoring Framework until it is clear if policies will be further modified during the remainder of the examination.

Glossary

97. The Code for Sustainable Homes can be removed from the Glossary. The reference to CABE should be changed to the Design Council. The definition of gypsies and travellers needs to be updated to take into account the revised definition in Planning Policy for Traveller Sites August 2015. **(AM)**

Response

98. I would like a response by the Council to the above comments and questions by **9 August 2017**. I am not inviting comments from other parties at this stage. I want to clarify the Council's position first. This will help me to refine Matters and Issues for the hearings and set agendas and questions. All parties with relevant representations will have the opportunity to respond in advance of the hearings should they wish.
99. As referred to earlier if the Council consider that the point or question could be dealt with by a **MM** or **AM** then please confirm. As the examination develops Schedules of Main Modifications and Additional Modifications should be produced. The former should be in place in draft form in advance of the hearings, preferably published at the same time as any statements when it will become an examination document and inform discussion at the hearings. It will be refined during and after the hearings. This is on the assumption that the Council wish me to recommend any MMs that are necessary to resolve issues of legal compliance or 'unsoundness'.
100. If you require clarification of any of the above points please contact me via the Programme Officer.

Thank you.

Mark Dakeyne

INSPECTOR

25 July 2017