

ARUN LOCAL PLAN EXAMINATION

INSPECTOR'S INTERIM FINDINGS FOLLOWING HEARING SESSIONS

Please reply to the Programme Officer

Introduction

1. The purpose of this note is to provide preliminary findings on some key issues and my views on the further Main Modifications (MMs) that are likely to be required to make the Arun Local Plan (LP) sound following the hearing sessions. The MMs are in addition to those already raised in my preliminary and additional questions and those being considered by the Council as a result of the hearing sessions. In addition to possible MMs the note seeks clarification/further information from the Council on some matters following the hearings, particularly in relation to documentation that was submitted just before or during the hearings.
2. I would also advise that I will give full consideration to all the representations made about the LP including the oral contributions at the hearings. My final conclusions regarding soundness and procedural compliance will be set out in the report to be produced following consultation on the proposed MMs. Nevertheless, having regard to the criteria for soundness and to assist at this stage, I shall provide brief explanations for my findings thus far.
3. My findings may alter in the light of any further evidence that emerges including the consultation process. My views are therefore given here without prejudice to the conclusions that will appear in the report. My final report will also cover other main issues that arose during the examination but which are not dealt with in this note.

Matter 1 – Procedural and Overarching Matters

Issue 1 - Duty to Cooperate

4. I have had regard to PELP27 – Duty to Cooperate (DtC) Statement Addendum April 2017 which details further engagement undertaken since the suspension of the examination, the Memoranda of Understanding submitted before and during the hearings and the other evidence provided by the Council e.g. the updated Local Strategic Statement (LSS2), the evidence gathering being undertaken for LSS3 and the production of the Arun Place Plan by West Sussex County Council. It would have been preferable for these strands of evidence to be set out in a composite document but this is not a significant consideration in whether or not the DtC has been met.
5. Other Councils are at different stages of plan preparation. Therefore, whilst the unmet development needs of Chichester are clear, the extent to which Worthing and Adur can meet their needs has not been decided. That said some unmet needs from those two Councils are likely to exist. In the context of the DtC the Council's acceptance that it should meet some of the unmet needs from elsewhere within the sub-region demonstrates effective cooperation. Moreover,

the LP is being examined at a point in time and the DtC evidence can only reflect that. Engagement will be ongoing.

6. I am satisfied that the Council has engaged constructively and complied with the Duty to Cooperate.

Issue 2 - Consultation

7. There has been criticism of the Council's approach to consultation, particularly in relation to engaging with local communities and residents on the significant modifications proposed following the suspension of the examination in February 2016. However, the Council has met the requirements in the regulations¹ relating to publication of the modified Plan over a 6 week period, seeking and considering representations and submitting documents to the Secretary of State (SoS). It is beyond the scope of the examination to require that the Council go back and do more.

Matter 2 - The Strategic Approach, Settlement Structure and Green Infrastructure

Issue 2 – Gaps between Settlements

8. There was discussion about the Angmering/Worthing Gap at Hearing Session 2. The Council's statement referred to the Hankinson Duckett Associates report (PESP3) as evidence to support the gaps. However, PESP3 did not refer to this particular gap. The Landscape Capacity Study refers to 'separation between settlements' in its annotations but does not appear to specifically analyse the significance of this or other gaps. Reference was made to a committee meeting of 28 November 2013 (ADCED62). Section 2 of the Background Paper attached to the meeting's agenda provides some explanation as to why the gap was designated in the LP. ***Is this the extent of the evidence to support this particular gap?***
9. Even without the gap protection the land to the north of the A259 forms part of the setting to the South Downs National Park (SDNP) and Highdown Hill in particular and as such would be protected by other policies of the LP. Moreover, the gap has been compromised by development around Hangleton. ***In these respects the Council should review whether the Angmering/Worthing Gap is justified and, if it can be supported, whether the extent of it should be revised.***
10. The Felpham/Bognor Regis Gap does not appear to meet the objective of Policy SD SP3 to 'shape the patterns of towns and villages with the District' (paragraph 7.4.4). Felpham forms part of the Greater Bognor Regis Urban Area. Moreover, the gap is already narrow and would be further compromised by Site 4 of Enterprise Bognor Regis (EBR) and the Link Road. The gap policy may make it more difficult to deliver Site 4 and the Link Road. ***The Council should give further consideration as to whether the Felpham/Bognor Regis Gap is justified.***

¹ The Town and Country Planning (Local Planning) (England) Regulations 2012

Matter 3b – Employment Allocations

Issue 2 – Enterprise Bognor Regis

11. The Council indicated that a written note would be produced on Bognor Regis Golf Course in the context of ongoing discussions and the content of Policy EMP DM2. ***Is this available?*** There appear to be issues around the delivery of the link road. ***In this context should the extent of the EBR Site 4 be modified? Is criterion 1. within Policy EMP DM2 (residential use not appropriate) too restrictive? Should the policy include other mechanisms which would support comprehensive planning and development of the area around the link road?***

Issue 4 - Angmering

12. The 8 ha allocation at Angmering would provide the largest site in the eastern part of the District, close to Worthing, and flexibility in the supply of employment land. However, the LP employment allocations through Policy EMP SP3 are significantly above the quantified need for the District as a whole. The Council's studies, which are endorsed by work carried out on behalf of developers at Angmering, questions the viability of the allocation. Moreover, evidence was put before the hearings that in order to deliver a minimum of 800 dwellings at Angmering North set out within Policy H SP2c, only a maximum of 3ha of employment land could be accommodated.
13. The LP should be aspirational but realistic. ***In this context and in order not to compromise the delivery of housing should the employment allocation at Angmering North in Policy EMP SP3 be modified to 3 ha? Alternatively should Policy H SP2c (SD9) include a provision similar to West of Bersted, BEW and Ford about the incorporation of planned new employment provision?*** In relation to the former option mechanisms could be included within Policy H SP2c to ensure that the lesser amount of employment land was made available alongside the housing, possibly as serviced plots. Such changes would require consequential modifications to Policies SD SP1a and EMP SP1. These comments are subject to the allocation being justified in relation to landscape impact as Site 14 identified in PESP5a is the employment land (see paragraph 23 below).

Matter 4a - The Housing Requirement

Issue 5 – The Components of Housing Supply

14. Table 12.1 is to be modified to reflect the position at 31 March 2017. One of the components of the table is Non-Strategic Sites. On the basis that non-strategic sites can be those with a capacity of up to 300 dwellings the figure of 1,250 dwellings seems very conservative even though deliverable HELAA sites within the built up areas are a separate figure. Increasing the supply from this source would increase flexibility through the LP period. ***The supply from non-strategic sites should be reviewed. At the very least the table should make it clear that the figure is a minimum.***

Issue 6 - Local Plan 5 Year Housing Land Supply

15. The updated figures in PELVP31 relating to the 5 year housing land supply² suggest 3565 dwellings would be delivered from strategic site allocations by 2021/22. The numbers are based on trajectories set out in updated Appendix A of the Housing Implementation Strategy (HIS). The LP is unlikely to be adopted until spring 2018 at the earliest. As I understand it only the Fontwell site and discrete phases of the West of Bersted and BEW allocations have planning permission. There are a number of outline planning applications under consideration by the Council (or SoS) but judging from the decision of the Council in relation to Climping the Council may be reluctant to grant permission on LP allocations before adoption. ***Is it realistic for the strategic allocations to deliver significant completions in 2018/19?***

Issue 7 – Housing Implementation Strategy and Policy H SP1

16. The HIS should show how the Council will maintain a delivery of a 5 year housing land supply during the LP period. One of the components of delivery is the 1,250 dwellings from Non-Strategic Sites to be brought forward through Neighbourhood Plans and a 'Small Sites DPD'. This is referenced in Policy H SP1. In this respect the reference to 'Small Sites' is a misnomer and not consistent with the title in Table 12.1. ***The term used in Policy H SP1 should be 'non-strategic allocations'.***
17. More importantly further consideration should be given to the timing of Neighbourhood Plans/Reviews and the 'Non-Strategic Allocations DPD' and how this is expressed in Policy H SP1. Taking into account the timing of delivery of the strategic allocations (see above), the maintenance of a 5 year housing land supply and the need for a range of sites, including those for smaller builders, there ought to be a commitment to begin work on a DPD soon after the adoption of this LP. Whilst I understand the resource constraints and the need to prioritise certain documents e.g. CIL Charging Schedule, it seems that much of the evidence base is already in place e.g. SHELAA. Based on what I was told at the hearings the Council already appears to know which parishes will be preparing Neighbourhood Plans or reviewing existing plans and the sort of housing numbers that they will need to achieve.
18. ***Taking into account the above, the final paragraph of Policy H SP1 could be expressed in terms such as this: 'Additional non-strategic allocations will be made across the District through emerging Neighbourhood Plans or reviews of made Neighbourhood Plans. On adoption of the Local Plan the Council will assess progress on Neighbourhood Plans and immediately commence the production of a Non-Strategic Allocations DPD for those areas of the District which will not be covered by up-to-date Neighbourhood Plans'.*** Consequential amendments will also be required to paragraphs 2.1, 12.1.7 and 12.1.8.
19. Such an approach would also help to allay fears that strategic sites would share too much of the burden for infrastructure provision. Although the Council has concerns about maintaining delivery over the LP period and the timing of

² Revised Table 9 of Housing Implementation Strategy PELVP22

infrastructure provision, in reality it is unlikely that delivery would spike significantly above the trajectory. Moreover, phasing mechanisms could be included in such a DPD. In the longer term LP review would allow the requirement, allocations, infrastructure provision and delivery to be adjusted to take into account up to date evidence.

Matter 4c - Strategic Housing Allocations – Greater Bognor Regis (SD1-SD3)

Issue 2 – Constraints – Special Protection Area (SPA)

20. The allocation at Pagham South lies close to the Pagham Harbour SPA (just outside the 400m buffer). Technical Note PELP33a (September 2017) indicates that it would be prudent to undertake additional surveys for Brent Geese over the winter period between October and March. Correspondence from Natural England that I have seen preceded the Technical Note. At the hearings Natural England supported the conclusions of the Technical Note that further survey work should be carried out. ***Taking into account the latest position and evidence available are Natural England in a position to confirm in writing at this stage that the Pagham South allocation alone or in combination with other developments would not have significant effects on the European site?***

Matter 4e - Strategic Housing Allocations Inland Arun (other than BEW) (SD6-SD11)

Issue 1 - General

21. The figure of 'at least 400 dwellings' for the allocation at Yapton (SD7) appears to be inaccurate based on the site area and the background information which led to the allocation. ***On the assumption that the provision of a one form entry (1FE) primary school remains a requirement of the allocation then the policy should state 'at least 500 dwellings'.***

22. For Angmering North (SD9) the provision of at least 800 dwellings would appear to be dependent on the employment allocation being reduced to 3 ha. As mentioned in paragraph 13, a reduced employment component should be phased to be brought forward alongside housing. ***Policy H SP2c and the Policy Maps would need to be modified to have regard to the phasing, the reduction in employment land and the increase in the land take of the housing allocation.*** These comments are subject to the allocations being justified in relation to landscape impact (see paragraph 23 below).

Issue 2 – Constraints

23. Some of the sites at Angmering North (those bordering the South Downs National Park (SDNP)) are shown to have 'substantial' landscape sensitivity and 'low capacity' for development (Sites 12b, 12d and 14 in the Landscape Capacity Study PESP5a). The sites are particularly visible from the publicly accessible elevated ground at Highdown within the SDNP but I could not see any specific analysis of viewpoints/receptors from this direction in PESP5a. I note that the SDNP Authority do not object to the allocations subject to the inclusion of an additional criterion within Policy H SP2c on landscape appraisal. I also accept

that mitigation can be built into the developments in terms of landscape structure, retention of existing vegetation and buffer planting. **However, further information to justify the soundness of the allocations in terms of landscape impact would assist me.**

Issue 3 - Infrastructure Requirements

24. In terms of the requirement for new primary schools at Yapton and other locations, the County Council's approach set out in the September 2017 update on school provision appears to be based on the assumption that the need for increased capacity is best dealt with by new schools linked to the allocations. During the hearings discussion took place about a number of related factors such as optimum school size, the scope to extend existing primary schools (to sustain them and reach an optimum size) and the preferences of the community. For example the indication was that Yapton would prefer to maintain a single primary school rather than have two. As a result of a planning application provision at Climping is to be through the expansion of the existing school rather than a new school.
25. **Is the County Council able to provide more information on the factors outlined above - optimum school size, the scope to extend existing primary schools (to sustain them and reach an optimum size) and community preferences?** This would enable me to consider such factors in assessing the soundness of particular allocations and the primary school components.

Matters 6 and 8b – Transport and Other District-Wide Infrastructure

Issue 2 – Transport Schemes

26. The Arun Transport Study 2016 Stage 3 Report (PECP9) refers to mitigation works in relation to certain junctions. The study has been updated by the Transport Review 2017 (PECP10). Paragraphs 5.2.1 and 5.2.2 of the latter refer to the junctions where mitigation may potentially be required due to severe capacity issues or safety risks. However, there is inconsistency between 5.2.1 which refers to 20 potential locations and 5.2.2 which refers to 5+7+3 junctions =15 junctions. The discrepancy appears to be that the 3 junctions with safety risks and the 2 junctions 'not identified in ATS 2016 Stage 3' are not referred to in paragraph 5.2.2.
27. In order to consider the LP in the context of paragraph 32 of the National Planning Policy Framework an explanation is required as to why the 2 junctions identified with the potential for severe impacts are not then taken forward to Stage 3. In this regard I note that the summary sheet v3 within PECP10 includes ratio of flow to capacity (RFC) (%) figures for various scenarios.
28. The B2266 Lower Bognor Road/Pagham Road Junction (No 53) has RFC (%) figures for 2031 without mitigation of up to 123 % but with the EBR mitigation a RFC (%) of up to 108%. The latter RFCs are lower than the '2031 Reference Case' highest RFC (%) of 112%. Similarly the RFC (%) for the B2259 Felpham Way/B2132 Middleton Road (No 44) is reduced from a worst case 104 RFC (%)

without mitigation to up to 92 RFC (%) with the EBR mitigation. The latter RFCs are lower than the '2031 Reference Case' highest RFC (%) of 95%. Thus it seems that the position in 2031 based on existing commitments but without mitigation of junctions set out in PECP10 would be worse than the 2031 with EBR mitigation. ***Is my understanding correct? Does this explain and provide sufficient justification for not taking forward the 2 junctions for mitigation?***

29. It does not appear that more detailed assessments connected with planning applications in Pagham have led to a need for mitigation to the B2266 Lower Bognor Road/Pagham Road Junction other than any benefits arising from more general sustainable transport measures (see hearing statements and Cumulative Transport Assessments attached to SOCG for Pagham – ADCED70, 84 & 85). ***Is this correct?***

30. With regard to the 3 junctions with safety impacts it is noted that these are not identified as having severe capacity impacts (paragraph 5.3.1 of PECP10). The A29 Lidsey to Shripney is not taken forward as safety concerns would be resolved by the A29 realignment. The 2 schemes at junctions on the A259 (20 & 21) are carried forward into Table 30 (Summary of Apportionment Results). However, the 2 junctions are not included in Table 31 (Estimated Mitigation Construction Costs) as designs have not been prepared as part of the transport studies. ***What is the explanation for excluding the 2 junctions with safety impacts? Should improvements be designed up so that they can be costed? Has more emphasis been put on capacity rather than safety and if so why?***

31. At the hearings the West Sussex County Council (WSCC) Transport representative made reference to a study to be begun in 2018 which would consider the A259 more comprehensively. It was stated by WSCC that more wide ranging improvements were not needed to the A259 to support planned growth in the LP. Moreover I note that such a scheme is not referred to in PECP10 or in the LP, including Policy T SP3. That said of the 15 schemes included within Table 30 of PECP10 seven are junctions on the A259. ***What is the timetable for a study of the A259? Should reference be included to it within Policy T SP3 or elsewhere in the LP with a view to work being eventually funded through CIL?***

Issue 6 – District wide infrastructure projects

32. I have some outstanding concerns on the issue of pooling limitations. The limitations could impact on the delivery of some key infrastructure such as the secondary school, new primary schools and indoor sports and leisure facilities. There could also be a disproportionate burden for those sites which could come along first, including some of the strategic allocations, which might be a disincentive to delivery. However, a solution which can be incorporated into policies within this LP is not obvious. ***I would suggest that the best approach would be to include within the LP a commitment to progress a CIL Charging Schedule immediately after the adoption of the LP (assuming that CIL is retained in some form at national level).***

33. Policy INF SP1 should be modified to reflect such a commitment. The wording should be along the following lines (4th bullet point of policy):
Where a contribution towards other district wide infrastructure improvements or provision is needed and viable this will be achieved through the Community Infrastructure Levy Charging Schedule and Regulation 123 Infrastructure List which will be introduced as soon as possible after the adoption of this Local Plan. Until such time as a Charging Schedule is adopted contributions will be achieved through planning obligations (where they meet the statutory tests).
34. The explanation to the policy could include an indication of the likely timescale for the adoption of a Charging Schedule. In this respect the timetable included at paragraph 31 of the Council's Matters 6 and 8b statement seems somewhat protracted. It should be condensed if possible on the basis that much preparatory work has already been undertaken in respect of infrastructure requirements and costings (PEDP4 & 5).

Future Timetable

35. As discussed at the final hearing session on 28 September 2017 the Council is preparing a composite Schedule of Proposed Main Modifications (MMs). This schedule is to include MMs which have arisen since the resumption of the examination of the LP³, including potential MMs discussed at the hearings. The Council said that the Schedule should be available by the end of October 2017. Based on this expectation the timetable for the remainder of the examination could pan out as follows (the timetable takes into account periods when I am not available to work on the Arun LP):
- By end of October 2017 – Schedule of MMs provided to Inspector.
 - By 22 November 2017 – Inspector provides comments on Schedule and Council provide response to post hearing note.
 - By end of November 2017 – Council finalise Schedule of MMs taking into account Inspector's comments and issues raised in this note.
 - December 2017 - Sustainability Appraisal (SA) and Habitats Regulations Assessment updated as necessary to take into account Proposed MMs.
 - January/February 2018 – publicity/consultation on MMs alongside updated SA/HRA for a 6 week period.
 - Late February 2018 – Council consider representations on MMs and pass on to Inspector.
 - March 2018 – Inspector finalises report. The report will be subject to QA and a LPA fact check as described in the Procedural Practice in the Examination of Local Plans (page 9) – see link below – which would probably take place in April 2018.
<https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>

³ All MMs arising post 'Arun LP 2011-2031 Publication Version showing Modifications'

Response

36. A response to this note should be provided as soon as possible. It would be particularly appreciated if any comments on the timetable could be provided quickly so that I can ensure that my future work and other commitments do not prevent expeditious progress on the remainder of the examination. It is appreciated that some of the other matters may require more time to respond, particularly those that require input from others e.g. WSCC and Natural England.
37. This note should be published on the website as soon as possible. The Council's response should also be published once prepared. However, it should be emphasised that no representations on the contents of this note and the Council's response should be submitted at this stage. Representations will be invited on MMs once these are published. This note and the Council's response will form background documents to the MMs.
38. If the Council require clarification of any of the above points please contact me via the Programme Officer.

Thank you.

Mark Dakeyne

INSPECTOR

11 October 2017