

Arun Local Plan (ALP) examination

Inspector's draft Matters and Issues

Inspector's note:

A These are the draft Matters and Issues for discussion at the hearings sessions. As indicated in the Guidance Notes for the Examination, which are posted on the website, any written responses to the draft Issues set out beneath (which may be made by the Council and, if they wish, by those who made representations to the submitted plan) should be sent for receipt by the Programme Officer by midday on 27 April 2015, except as indicated at C-D below.

B After I have considered all the responses I will finalise the Issues which will form the discussion agenda for each of the hearings sessions.

C Although the hearings have provisionally been booked for the first two weeks of June, participants should observe my note below draft Issue 4.1 concerning some further work which the Council has commissioned on the extent of the 'objectively assessed needs for market and affordable housing'. The timescale for this makes it very unlikely that draft Issues 4.1 to 4.6 can be discussed in a fully productive fashion in early June.

D The consequences for the timing of those parts of the hearings sessions concerning 4.1 to 4.6 are therefore being kept under review. Further details will be issued in due course. In the meantime, responses to draft Issues other than 4.1 to 4.6 should be submitted to the above timetable. Responses to draft Issues 4.1 to 4.6 may be postponed to a later date which will be advised.

Matter 1 Legal and procedural requirements

Issue 1.1 Has ALP been:

- a) prepared in accordance with the Local Development Scheme?
- b) prepared in compliance with the Statement of Community Involvement (PE LP21)?
- c) prepared with regard to the Sustainable Community Strategy (PE V&01)?
- d) accompanied by an appropriate 'Habitats Regulations Assessment (PE LP12)'? How have the 'conclusions and additional recommendations' (para 4.6) been taken forward?

Issue 1.2 Sustainability Appraisal (SA): Has the plan been subject to SA in which all 'reasonable alternatives' have been considered in terms of the major locations identified for growth and the quantities of development allocated to

them? If not, what 'reasonable alternatives' have not been considered or appropriately taken forward? Do the successive SAs of ALP plan provide a clear analysis supporting the decisions made by the Council about & between the 'reasonable alternatives', consistent with the principles established by the leading cases of:

Save Historic Newmarket Ltd v Forest Heath DC [2011] EWHC 606 (Admin) (25 March 2011)
Heard v Broadland DC [2012] EWHC 344 (Admin) (24 February 2012)
Cogent Land LLP v Rochford DC [2012] EWHC 2542 (Admin); (21 September 2012)
Ashdown Forest Economic Development LLP v Secretary of State for Communities and Local Government [2014] EWHC 406 (Admin) (21 February 2014)

[See the commentary on these cases in the Planning Advisory Service paper 'Plan-making case law update: Main Issue 3: Sustainability Appraisal, November 2014'.]

Issue 1.3 Duty to Co-operate (DtC): Does the DtC Statement (PE LP13), dated January 2015, demonstrate compliance with the duty?

Matter 2 Does ALP provide sound policies for Arun's settlement structure and green infrastructure (ALP parts 6 and 7)?

Issue 2.1 Policy SD SP2 Is the policy consistent with national policy?

Issue 2.2 Policy C SP1: Is this consistent with national policy? Is it premature to identify 'broad locations' (meaning Ford and Fontwell?) when the plan has not yet determined whether or not development at such places is required or appropriate? (see also Issue 4.11)

Issue 2.3 Policy G1 SP1: Is this sound and consistent with national policy?

Issue 2.4 Policy LAN DM1 'Landscape character' is what distinguishes one area of territory from another, each with its own recognisable sense of place, based on systematic investigation and analysis of the underlying natural and human influences through 'landscape character assessment'. Landscape character does not ascribe relative values to different areas but is primarily a tool for identifying and describing the distinctiveness of different landscape character areas, usually with a view to reinforcing or repairing that character. Policy LAN DM1 is less than clear by mixing this neutral concept with landscapes of national value such as the National Park. The policy is also unnecessarily repetitive. Moreover, criterion (b) appears to relate to the subject matter of ALP part 16. Would the wording beneath overcome these issues? [Such wording would need to refer to some indication within the plan of the defined landscape character areas in Arun]

'Landscape Development within the setting of the South Downs National Park must have special regard to the conservation of that setting, including views into and out of the Park, and will not be permitted where there would be harmful effects on these considerations.'

Development throughout the plan area should respect the particular characteristics of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas’.

Matter 3 Does ALP provide sound policies for employment and enterprise, tourism, and horticulture/equine developments (ALP parts 8-11)? [Note: The proposals for Littlehampton Harbour will be dealt with as part of Issue 4.9]

Issue 3.1 Do parts 8.1 to 8.4 & policy EMP SP1 provide a generally sound basis for employment land provision to 2031, consistent with a convincing evidence base? Bearing in mind the ‘ALP Validation Study: Economy and Enterprise’ (PEPP1), is the plan’s ‘*central aim*’ of ‘*increasing employment density*’ (see policy SP SP1) appropriately aligned with its housing provision? (see also cross-over with Issue 4.2) Are the plan’s job/employment aspirations sufficiently clear to permit effective monitoring?

Issue 3.2 Enterprise Bognor Regis (EBR): Are the relevant parts of ALP (part 8.5/policy EMP SP2 and part 7/policy EMP DM2) justified and consistent with a convincing evidence base? Does evidence demonstrate that these policies are likely to be effective and viable? Are the required measures at paragraphs 8.5.8 (concerning transport and flooding infrastructure) and 8.5.11 (re biodiversity and greenspace) viable and achievable? [The Enterprise Bognor Regis Highway Infrastructure Viability Study estimates the costs of the road infrastructure at £11.3m (option1) or £17.8m (option 2) and describes them as ‘*challenging*’] Is relocation/development of Bognor Regis Golf Course necessary to ensure funding of the road infrastructure? (rep PUB-TSP3-508)?

Does the proposed Local Development Order and the involvement of the Coastal West Sussex Partnership and others make delivery a reasonable prospect? Is there an inter-ownership/stakeholder delivery mechanism giving a reasonable prospect of the completion of the EBR proposals by 2031? Is there adequate justification for the indicative phasing of the sites? Is Rowan Park of any notable significance for the tourism economy of the area? Does the nature conservation interest of Lec Airfield cast doubt on its developability?

Issue 3.3 Other strategic employment land allocations: Is ALP part 8.5/policy EMP SP2 justified, consistent with a convincing evidence base, and effective in terms of the likely delivery of the identified sites at Littlehampton and Angmering by 2031?

Issue 3.4 Is ALP part 8.6 (concerning policy EMP DM1 adequately clear, sound and consistent with national policy (particularly concerning policy sub-sections 2, 6 (in its application only to local firms) and 10a? What is the justification for the local firms restriction in subsection 6?

Issue 3.5 Are ALP parts 8.9 to 8.12 clear, justified and consistent with national policy?

Issue 3.6 Is ALP part 9 sound, based on convincing evidence and consistent with national policy? Does it adequately reflect the advice in the Arun District Retail Study (PE PP4)? Is it inappropriate, and potentially confusing, to depart from the centre definitions used in the National Planning Policy Framework (NPPF)? Does policy RET DM1 (3) reflect adequately clearly the terms of the sequential test in NPPF para 24? Are the village and suburban centres adequately defined? Are the impact study thresholds justified?

Issue 3.7 Is ALP parts 10 and 11 sound, based on convincing evidence, and consistent with national policy?

Matter 4 Does ALP set out sound policies for housing provision and delivery (ALP parts 12 and 27)?

Issue 4.1 Objectively assessed needs: Is the plan based upon a sound and transparent identification of Arun's '*full objectively assessed needs for market and affordable housing*' (OAN) and would this '*boost significantly the supply of housing*', in both cases in accordance with NPPF (para 47) and the relevant Planning Practice Guidance (PPG) at ref ID 2a-001 to 029? Does the submitted plan's housing provision reflect any built-in 'policy-on' considerations/restraints?

[Note: The successive studies referred to by the Council as the means of assessing its OAN are PE LVPs 02, 03, 03A, 05 & 06. The submitted plan makes provision for 580 dwellings pa. However, in a 'statement of common ground' agreed with appellants in the context of a recent planning appeal the Council has accepted that the OAN for Arun is 768pa, adopting a 'policy-off' position. I have asked the Council to supply full details of the steps and reasoning behind this substantially revised assessment so that this information can be made available to the examination. Moreover, since publication of the most recent sub-national household projections on 27 February the Council has commissioned G L Hearn & Partners to update PE LVP02 to consider this latest demographic evidence. Although Hearn's report is expected by 30 March the Council states that the upcoming election period will make it impossible for the report's findings to be considered by the Council until June 2015. The consequences of these developments for the timing of related parts of the hearings sessions (issues 4.1-4.6) will have to be carefully reviewed, bearing in mind the need to allow time for their contents to be absorbed and commented upon by examination participants.]

Issue 4.2 Alignment of housing and economic policies: Bearing in mind the conclusions of the 'ALP Validation Study: Economy and Enterprise' (PEPP1) and the plan's central aim of '*increasing employment density*', is it evident that the housing provision in the plan is appropriately aligned with economic forecasts/aspirations for Arun? What are the forecast jobs outcomes for Arun over the plan period? (See also issue 3.1)

Issue 4.3 Unmet needs from elsewhere: Is the plan 'positively prepared' concerning provision for '*unmet requirements from neighbouring authorities*'

where it is reasonable to do so and consistent with achieving sustainable development' either now or in the foreseeable future? (para 182 NPPF)

[Note: The plan (see paragraph 12.1.12) appears to accept that Arun probably has the potential to accommodate '*modest*' additional development to meet wider unmet sub-regional needs in addition to its own OAN. However, the Council indicates that, since it is not yet sufficiently clear what the scale of such needs may be (albeit the representations for Adur and Worthing already state that they will be unable to meet their needs), the issue will be taken forward through future continuing joint work across the housing market area (HMA) and a review of the plan. ALP 12.1.66 says that the Council 'will review the Local Plan by 2020', although it is not necessarily clear whether the planned review would 'commence' by that year or whether the process would aim for an adopted review by that date, in which case the review process would have to commence only a year or two after adoption.]

Issue 4.4 To be clear and effective, it seems to me that part 12 of the plan needs to include a policy committing to the quantity of housing provision to be made and stating the main sources of that provision. (See my preliminary questions to the Council and its response). Would a table along the lines of that compiled by the Council in response to my Q1, meet that requirement?

Issue 4.5 5-year land supply: Will the plan ensure the existence of '*a supply of specific deliverable sites sufficient to provide a 5-year supply of housing land.....with an additional buffer of 5% or 20% (as appropriate) to ensure choice and competition in the market for land*' (NPPF para 47)? And what is the appropriate buffer to apply in Arun's circumstances? [Note: It may be helpful to consider this matter at the hearing on the basis of a 5-year supply rolled forward by a year to 2015/16 to 2019/20, if the Council is able to make this information available in time.]

Issue 4.6 Years 6-10 and 11-15: Does the plan identify a supply of specific developable sites or broad locations for growth for years 6-10 and, where possible, years 11-15? (NPPF para 47)

Issue 4.7 Barnham/Eastergate/Westergate (BEW)

- Does ALP identify sound benefits stemming from this allocation, and does evidence show that it is preferable to 'reasonable alternatives' for providing up to 2000 dwellings to the same timescale?
- Do the Visioning Brief (PELVP08) and/or the BEW Concept Masterplan of December 2014 (attached to rep H SP1 553) outline sound approaches to development of the area? Does the joint landowners' concept masterplan make a sound case for increasing the capacity of the site to 3000 homes (and has this quantity been subject to Sustainability Appraisal)?
- Representations identify a number of factors which, taken individually or together, are said to make this an unsound allocation (eg) landscape; 'local gaps' policies; flooding and drainage (noting the representations of the Environment Agency PUB-H-SP1-154-EA, Southern Water PUB-12.1.39-518-SWS and West Sussex CC); transport infrastructure and accessibility issues; high quality agricultural land; biodiversity; access to

- employment; needs for social and community facilities; community support/the Neighbourhood Plan. Are these overriding constraints?
- Does the BEW Landowners Consortium control all the land allocated for the development in ALP (including the 'tie-in' roads) and does this consortium provide an ownership/stakeholder mechanism affording a realistic prospect of delivering development here by 2031? Is the involvement of other owners or other nearby land necessary to secure a sustainable and deliverable site? Would this involve extending the area of the allocation as appears to be suggested in the Concept Masterplan?
 - How would the associated elements of necessary new development infrastructure, particularly the transport measures, including the indicative new route of the A29 (12.1.34-38) and the drainage/utilities (12.1.39-42) be provided and phased? Could the new route function without the northern and southern 'tie-ins' (especially the former), and has any need to bypass Shripney been considered?
 - Is there robust evidence (a) that the total infrastructure requirements of the BEW scheme have been fully assessed (eg as listed in the Housing Implementation Plan (PE LVP01 at para 3.11) and costed through the Infrastructure Delivery Plan or any other source, (b) that funding for such works will be available, generated by the development itself or from other identified sources, and (c) that BEW will therefore be viable, including provision of affordable housing at 30%?
 - Is the Council's assumption of 200 completions pa from 2019 onwards a reasonable one?
 - Is ALP too reliant on the deliverability of BEW, and therefore ineffective?

Issue 4.8 Strategic allocation at Angmering: Is this sound and deliverable? Is there any conflict with Angmering Neighbourhood Plan? (see representations of Angmering PC) Development of that part of the allocation without planning permission is dependent on the creation of a new site for the relocation of Worthing Rugby Club: how likely is this to be achievable in a fashion consistent with the NPPF? (see PE LVP01). Is there an established ownership/ stakeholder mechanism which would afford a realistic means of completing development here by 2024 as assumed by the Council?

Issue 4.9 'Littlehampton Harbour'/ 'Littlehampton Economic Growth Area, including West Bank'/ (policies EMP DM3 and H SP1):

- Since the east bank south of the footbridge is mainly lined with recent development and the west bank in that area consists mainly of a golf course, and coastal dunes within an SSSI and Local Nature Reserve, does this mean that the practical focus of these policies is to the north of the footbridge? [This appears to be confirmed by paragraphs 8.25-8.28 and map 1 of the Sustainability Appraisal (PE LP02)]
- Are the proposals concerning the harbour/economic growth area sound, particularly in terms of deliverability and effectiveness?

- What studies and evidence are there to underpin this allocation? Do they give confidence that there is sufficient developable land here to provide scope for an allocation of up to 1000 homes (not far short of 10% of the total District requirement), to be completed 2025-29, plus the other development objectives sought by the policies?
- In view of the Environment Agency's generally unfavourable views (see representation PUB-H-SP1-154-EA) and what is said about this area in part 4 of ADC's 'sequential and exceptions tests' paper of October 2014 (PE PTP1), is there convincing evidence (a) that the scale of necessary infrastructure costs, including access considerations and any required strengthening of flood defences, has been reliably assessed and (b) that an effective, viable and deliverable plan for the area can be devised, giving certainty to the proposals? [PE LP02 mentions costs 'in the region of' over £40m, ie over £40,000 per dwelling (?) – is this reliable and is it supportable, including affordable housing at 30%?]
- What is known about the present pattern of land ownership/owners' ambitions? How far are they likely to facilitate or delay development?
- The Local Development Scheme (2014) states that work on the Area Action Plan (AAP) '*need not commence until 6-10 years post adoption of the Local Plan*', whereas PE LVPO1 says that it is expected '*to make proactive progress on the (AAP) in 2014-15*'. In view of this apparent inconsistency is there any assurance that adoption of the AAP would take place early enough to enable the housing completions to take place in the period 2025-29? And how would preparation of the AAP interrelate with the proposed timing of the Local Plan review?
- Does EMP DM3 provide a sound high-level strategic brief for the Area Action Plan, assuming this is what it intends to do?

Issue 4.10 Neighbourhood Plans (NPs): Is the plan sound in requiring and relying upon NPs to fulfil the task delegated to them of making allocations for some 1350 homes, ie over 10% of the District total? Are the 16 NPs identified in table 12.1 being prepared to known timetables and is there a reasonable prospect of their being able to secure sound and deliverable allocations as indicated in the table? What is the evidence base for the numbers stated to be sought/required from each parish? What is the reason why 6 other identified parishes are excluded from the requirement to provide more homes: is this sound?

[Note: Hearings statements may, if they wish, cover the point raised by Bognor Regis Town Council posted on the website. National policy at NPPF para 184 states clearly that '*The ambition of the NP should be aligned with the strategic needs and priorities of the wider area. NPs must be in general conformity with the strategic policies of the Local Plan.....and not promote less development than set out in the Local Plan or undermine its strategic policies*'.]

Issue 4.11 Ford and Fontwell: Is there sound evidence to justify ALP's identification of either or both of these as (presumably the Council's most favoured) '*potential locations for housing growth in the later part of the plan*

period? Is there a clear audit trail of evidence justifying these two choices and is there any indication what scale of growth may be involved? (According to W Sussex CC the Arun Transport Study for Strategic Development did not test scenarios at either location.) ALP appears to give them equal preference as potential locations at this stage – is this so? What specific triggers would cause the Council to commence preparing Development Plan Documents for one or other (or both) of these locations, taking advantage of the 'headroom' they are said to provide? Does the statement in the Local Development Scheme (2014) that work on these plans 'need not commence until 6-10 years post adoption of the Local Plan' indicate a sufficient sense of urgency (and how would this timetable tie in with the Local Plan review which may seemingly run ahead of this timetable? - see Issue 5.3 above and ALP para 12.1.66). What is the interrelationship between the two proposed neighbourhood plans and the possible role of these locations in accommodating more extensive needs?

Issue 4.12 Affordable Housing (AH) (ALP parts 12.3 to 12.4) Does ALP make justified, viable and deliverable proposals for AH, having regard to objectively assessed need for such housing? Are the plan's policies on AH consistent with national policy and is there good evidence of its viability? [Note that ADC itself promotes certain changes to secure consistency with the NPPF]

Issue 4.13 Traveller accommodation (ALP part 12.7) Is the plan based on good up-to-date evidence of the needs of travellers and does it make sound and deliverable provision for such needs?

Issue 4.14 ALP parts 12.2, 12.5, 12.6 and 12.8, particularly policy H DM3 (4): Are these sound, especially with regard to national policy?

Matter 5 Does ALP provide sound policies for (a) design and (b) health, recreation & leisure (ALP parts 13, 14 and 25)?

Issue 5.1 Are these parts of the plan sound?

Issue 5.2 Is part 13 sufficiently clear about the weight to be afforded to local character, materials and distinctiveness?

Issue 5.3 What is the Council's view upon representation PUB-DM2-669-IND?

Issue 5.4 Does policy ECC SP2 unnecessarily duplicate Building Regulations requirements?

Issue 5.5 What is the Council's view on points raised by Sport England concerning part 14?

Issue 5.6 What is the Council's view on representation OSR DM1-48-IND?

Issue 5.7 Are Local Green Spaces (policy OSR DM1) not already protected by part 1 of the policy concerning 'existing open space'? What is the purpose of this policy? Are the 'very special circumstances' ['green belt terminology] the same as those set out in part 1?

Matter 6 Does ALP provide sound policies concerning transport (ALP part 15)?

Issue 6.1 Is part 15 sound?

Issue 6.2 Highway improvements schemes (as indicated in para 15.3.4 and policy T SP3): Have these been appropriately identified as sound and necessary to achieve the purposes of the plan?

- A259 Felpham Way & Northern Relief Road: Has the cost of this link been assessed, what are the prospects of it being funded, and is there a forecast date for completion?
- A259 Roundstone Bypass & Fitzalan Link-Body Shop roundabout improvements: Has funding for this been secured, and what is the forecast date for completion?
- A259 Bognor-Chichester improvements stage 2: Are there reasonable prospects of funding and what is the forecast date for completion?
- A284 Lyminster Bypass: Are there reasonable prospects of funding and what is the forecast date for completion?
- A29 realignment, including the 'tie-ins': The A29 Realignment Study of July 2014 estimates the cost as £23 without the tie-ins and £36m with the tie-ins. The funding is described as '*challenging*', almost certainly requiring a '*cocktail or multi-agency approach drawing on a combination of public and private sector funding*'. The study suggests development of a more detailed business case as a foundation for securing funding. How is this being taken forward? Delivery is suggested as commencing in 2018. Are there reasonable prospects of funding through developer contributions and the Regional Growth Fund, and is there a forecast date for completion?
- Arundel Bypass: Is there a programmed date for construction?

Issue 6.3 Highways Agency's (HA) representations: What progress has been made to clarify the points raised about the junctions referred to by the HA:

- A27/A29 Fontwell and Nyton Road;
- A259 Bognor Road/A27 Chichester Bypass/Vinnetrow Road;
- A284/A27 Crossbush;
- Ford Road/A27)?

Is there a reasonable prospect that the matters raised by the HA will not render unsound any of the proposals in the plan?

Matter 7 Does ALP part 18 provide sound policies concerning water supply, flooding and coastal protection?

Issue 7.1 Are the policies at part 18 sound, especially concerning consistency with national policy at NPPF part 10, including demonstrable application of the sequential and exceptions tests? Is part 18 underpinned by robust up-to-date evidence?

(Note that the Environment Agency supports policies W SP1 and DM1 – DM4)

Matter 8 Does ALP provide sound policies concerning building conservation, archaeology, the natural environment, water, natural resources, waste management, the quality of the environment and infrastructure provision? (ALP parts 16-17 and 19-22)?

Issue 8.1 Are the policies at parts 16-17 and 19-22 sound, especially concerning their consistency with national policy?

Issue 8.2 Is the 'strategic objective' quoted below para 16.1 misleading in referring to '*landscape and coastline*' since these aspects of the natural environment are covered by ALP part 7.5 rather than parts 16-21?

Issue 8.3 Should the statutory test '*preserve or enhance*' be included as the foundation of policy HER DM3?

Issue 8.4 Does ENV SP1 add anything meaningful to policies ENV DM1-5?

Issue 8.5 Are the aims of 17.2.1 concerning non designated sites adequately reflected in policy ENV DM3 which only refers to Biodiversity Opportunity Areas? Would a sound and effective policy need to be more all-embracing by requiring the identification and assessment of the value of natural features on proposed development sites?

Issue 8.6 What is the Council's response to the RSPB comments at RSPB PUB-ENV DM1-244 and PUB-ENV DM2-245?

Issue 8.7 Is ALP part 22 and policy INF SP3 consistent with national policy, planning practice guidance, and the Community Infrastructure Levy Regulations 2010? And is it underpinned by robust evidence in the form of the Infrastructure Development Plan January 2015 (PE DP1)?

Matter 9 What are the Council's responses to the points raised in the representations concerning the maps at ALP part 26?