

Arun District Council's response to IDED11: 'Opportunity to comment to the Inspector on the Council's new position and preferred course of action'

Introduction

- 1.1 The Council's report to Full Council on 17th June 2015 discusses a number of matters which has led the Council to support Option 2 rather than Option 3; however, the Council would like to take this opportunity to reiterate its position with regards to the options for the Arun Local Plan going forward.

Background

- 1.2 The Council, over a number of years, has sought to prepare a coherent and positive strategy which is appropriate for the Arun District having regard to the national context which is set by the Government through the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) as well as local priorities. The need for the Plan to be based on evidence and for the evidence to assist in shaping the direction of the Plan is made clear throughout the Plan.
- 1.3 With regards to housing evidence, the Council has commissioned a number of housing studies over a number of years to ensure the emerging Plan is based on robust and up-to-date evidence. The most recent of these studies (prior to Submission of the Local Plan) is the Assessment of Housing Development Needs Study: Sussex Coast Housing Market Area (2014) (SHMA 2014).
- 1.4 The SHMA 2014 identifies that a range of 550 to 650 homes per annum represents a robust objective housing need for the District. In January 2015, the Local Plan, which has been prepared based on a strategy to meet the housing requirement of 580 dwellings per year, was submitted for examination. This is a figure that was within the range of 550 – 650 that the Council considered represented the full OAN i.e. 'policy off' position. It must be noted that the Plan was considered, by the Council, to be sound at the time of Submission and based on robust and the most up-to-date evidence at the time.
- 1.5 The Council notes that the Inspector states, in paragraph 4 of IDED11, that 'In rejecting Option 1, the Council accepts that the plan was not sound at submission.' As stated in paragraph 1.4, the Council considered the Plan to be sound at Submission.
- 1.6 The Council would like to make a point in respect of the Hook Lane planning appeal at the end of 2014. During the appeal process, evidence was submitted by the appellant which included within it their own assessment of the District's OAN based on more recent demographic data than that contained within the studies the Council had used to determine the OAN which had informed the Local Plan. This concluded that the OAN was higher than 580. The Council sought advice on this matter from its expert witnesses and Counsel, who advised that the appellant's more up to date assessment of our OAN would be difficult to challenge in the absence of a more up-to-date assessment by the Council. Therefore, in the absence of any evidence to counteract the appellant's arguments, the Council, as a reasonable one, conceded on its position on the OAN for the purposes of this particular appeal.
- 1.7 Officers anticipated at this time that the Council would be invited by the Inspector of the Local Plan to comment on the recent appeal situation in relation to the OAN. As a result, the Council took a proactive approach and commissioned an OAN update. The Council has

responded positively to this new evidence as set out in the report to Full Council on 17th June 2015.

Option 2 – Suspension of the Local Plan for further work

- 1.8 With regards to the two options being invited by the Inspector for comment, the Council would like to reiterate the importance for the District of pursuing Option 2 over Option 3 for the reasons set out below.
- 1.9 Firstly, Option 2 takes forward the same strategy which has been tested through the Local Plan preparation process but with an increased housing requirement of 641 dwellings per annum instead of 580. It must be noted that the figure of 641 does not represent the Council's updated OAN. The 641 figure represents the top of the range of 550 to 650 homes per annum that was identified in the SHMA 2014, minus an allowance of 9 dwellings per annum for that part of the District that lies within the South Downs National Park (SDNP) (and will therefore be covered by the SDNP Authority Local Plan) and the most up-to-date evidence in place at the time of Submission of the Local Plan for Examination. Coupled to this, the Council would commit to commencing a review its Local Plan within 2 years of adoption to reflect the updated OAN.
- 1.10 With this option, it is considered that there may be scope to provide additional homes through the existing sites already identified within the submitted Plan, where numbers could be increased or sites could come forward sooner than anticipated. There would be a certain amount of additional work that the Council would be required to undertake if this option was agreed, but as this would be kept largely within the parameters of the existing strategy, it is considered that the majority of the work would be updating the existing evidence base and Sustainability Appraisal rather than substantial rewriting.
- 1.11 It is recognised, however, that there could be other suitable options that may emerge from any updating of the Sustainability Appraisal. It is considered that this approach represents a pragmatic position in aiding our housing land supply position in the early years of the plan period.
- 1.12 With regards to further work in respect of the housing land supply particularly, although the Council accepts the updated OAN ('policy off' position) for the District has now been identified as 758 dwellings per annum, it must be recognised that further work is required to establish exactly what the 'policy on' figure might be. It is proposed that further testing of the 758 against the evidence and constraints will be undertaken through the Sustainability Appraisal update process. The amended figure of 641 the Council is suggesting is considered to represent a pragmatic approach to enable the Council to go some way in meeting the identified higher OAN in the short term.
- 1.13 The period of suspension will enable the Council to demonstrate how a 5 year housing land supply will be provided. For the reasons set out in the submission, it would not be possible at this time for the Council to demonstrate, in July 2015, a 5 year housing land supply based on a figure of 641 homes per annum when the first opportunity the Council had to consider increasing the level of housing supply after the completion of the updated OAN report, was June 2015.
- 1.14 Further benefits of this option are that it would maintain the integrity of the extensive coverage of Neighbourhood Development Plans that exist in the District, all of which have been prepared in the context of the Council's emerging Local Plan and therefore have identified housing sites of a scale which accords with this strategy.

- 1.15 It is recognised from the NPPG that the NPPF is clear that Local Plans should be kept up-to-date and that a meaningful change in the housing situation should be considered in this context, but this does not automatically mean that housing assessments are rendered outdated every time new projections are issued. (Paragraph: 016 Reference ID: 2a-016-20150227).
- 1.16 The Council considers this guidance to be pertinent to the current set of circumstances and it could be argued to support the principle of increasing the level of housing provision to the top of the original range with a review being carried out on the Local Plan within 2 years of adoption.
- 1.17 The Council considers this option to have less impact upon the Council's work in preparing a Community Infrastructure Levy (CIL), which is being prepared alongside the Local Plan.
- 1.18 It is understood that a number of adjoining Council's will be commencing reviews of their Local Plans about the same time and the Council considers that this may be an appropriate time when applying the Duty to Cooperate requirements to consider creating a joint Development Plan for a number of Council areas, to establish a high level strategic plan.
- 1.19 Lastly, it is considered that this option will afford the District a much higher level of protection from 'planning by appeal' than Option 3, as set out in paragraph 1.21.

Option 3 – Withdrawal of the Local Plan

- 1.20 Option 3 would mean that the Council would not have a Local Plan to guide the future scale and location of new housing and provide for the new employment sites and infrastructure required. Nor will there be a Plan to protect areas such as the gaps between settlements.
- 1.21 In a planning appeal, the NPPF requires the 'policy off' position to be applied to HLS, which would require the Council to ensure that it had sufficient sites available to deliver 758 homes per annum x 5 years plus 20% buffer in accordance with the NPPF. The Council cannot currently meet this requirement as identified in ADCED02 (HLS update). The Council will then be at risk from development being permitted through the appeal process, without the necessary infrastructure to support it.
- 1.22 Option 3 would also have a greater impact upon the adoption of CIL than Option 2, as it would probably require the current work on CIL to be suspended. This is due to the requirement for CIL to be based on an up to date, relevant Plan.
- 1.23 Lastly, Option 3 could have an impact on the production of Neighbourhood Development Plans within the District.

Conclusion

- 1.24 In coming to the conclusion set out in the Council report, which this response seeks to reiterate, the Council has weighed up the benefits and risks to the District each of the options presents. Based on the reasons set out above, the Council considers that the most appropriate way forward for the Local Plan is to pursue Option 2. This will involve amending the Local Plan to deliver at least 641 dwellings per year and a commitment to review the Local Plan within 2 years of adoption to reflect the updated OAN. This will include a suspension of the Examination for 6 months to enable the required additional work and consultation to be carried out.