

Arun Local Plan examination: Procedural Meeting on 16 July 2015

Inspector's discussion note for the meeting (commencing at 11.00)

1 Background to the meeting

The purpose of the meeting is to consider the implications for the future progress of this examination of the new position adopted by the Council (ADC) on the issue of 'the full objectively assessed needs for market and affordable housing' (OAN).

Paragraph 47 of the National Planning Policy Framework (NPPF) aims to achieve a significant boost in the supply of housing and requires local authorities to *'use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing in the housing market area as far as is consistent with the policies set out in this Framework, including identifying sites which are critical to the delivery of the housing strategy over the plan period.'*

The OAN adopted in the submitted Local Plan is 580 new homes per year. However, before the plan was submitted at the end of January 2015 ADC had agreed a statement of common ground with an appellant in a planning appeal which took place in December 2014, acknowledging (for the purposes of that appeal) an OAN of 786pa.

The Council subsequently commissioned an OAN update by G L Hearn Ltd, published in March 2015. This took account of the new DCLG household projections and advised that the OAN is 758pa (732pa based on demographic factors plus 26pa to help improve affordability over the longer term).

My update statement dated 16 April identified ADC's need to clarify its position on the implications of this new work for the content of the plan and the progress of the examination. It also identified the need to hold this Procedural Meeting once that had taken place. Clarification of ADC's position had to await the formation of the new Council after the May elections, but ADC subsequently resolved its position at a Full Council Meeting on 17 June.

At that meeting the Council considered two alternative options (Nos 2 and 3). The Local Plan Sub-Committee had previously rejected an option 1 (continuation with the plan at 580pa). Option 2 was to seek suspension of the examination for 6 months in order to be able to put forward changes to ALP providing for an OAN of 641pa, while also committing to review the plan within two years of adoption to reflect the updated OAN. 641pa reflects the top of a range identified in a pre-submission study minus 9pa estimated to be provided outside this plan in Arun's portion of the South Downs National Park. Option 3 was to withdraw ALP and prepare a replacement plan addressing an OAN of 758pa.

The Council has resolved to ask me to proceed with Option 2 - suspension.

In part 2 of this note I summarise the points made by ADC in favour of option 2 with contrary views made by others in red.

In part 3 summarises the points made by ADC against option 3, again with contrary views made by others in red.

At part 4 I refer to a possible additional option suggested by a few respondents.

2 Option 2 – suspension

This would involve amending the Local Plan to deliver at least 641 dwellings per year and a commitment to review the plan within 2 years of adoption to reflect the updated OAN. The examination would be suspended for 6 months to enable the required additional work and consultation to be carried out.

Advantages of Option 2 as seen by the Council (summarised in black) with contrary views by various parties summarised in red

A This approach takes forward the basic existing strategy of the submitted plan with minimum change but with the housing provision increased (by 61pa) from 580 to 641pa. Further work would be required to establish whether the latest assessment of OAN (758pa) could be provided.

The increase to 641pa is arbitrary and unsound in the face of the latest OAN evidence which would require provision to rise by nearly 3 times more (by 178pa to 758pa). It is inappropriate to progress ALP, even on an interim basis, when the evidence on OAN is out-of-date. NPPF para 47 requires an authority to use its evidence base to ensure that the plan meets the OAN.

The existing strategy has not yet been fully tested or found sound and tinkering with it as proposed would lock the Council into a strategy which may not be the most appropriate way of meeting the full OAN in the longer term and could still be found unsound.

B Option 2 is a pragmatic position involving less work/time because the strategy is kept within its present parameters, although some other options may emerge which could aid housing supply in the early years. The majority of the work would be updating the existing evidence base and SA rather than substantial rewriting.

The process envisaged by ADC is too narrowly focused and is legally risky. The Council's report clearly pre-determines the additional sites which would be allocated before the necessary work has been undertaken to demonstrate that they are justified and effective (deliverable). There must be concern that the Council has already made its desired choice of additional sites and will retrofit

evidence to that choice. Other site options could be more suitable, especially if the plan is to include sites which are capable of bringing about a 5-yr supply, as they must be if the plan is to be sound.

The suggested approach relies on limited revision of the current questionable SA process and assumes that none of the chosen sites will fall for any reason. What is actually required is a comprehensive SA of delivering the OAN in the light of a clear identification of the nature and extent of any constraints and the adoption of the most sustainable strategy flowing from those considerations.

C This option will afford the District a much higher level of protection from 'planning by appeal' than Option 3

This benefit is highly questionable. ADC's latest update shows that the current 5-yr supply is well short and the prematurely-preferred additional allocations would not materially alter that position. A 5-yr supply of deliverable land must be available at the time of a plan's adoption, whereas under option 2 ALP would be outdated as soon as it was adopted. Consequently the presumption in favour of sustainable development would anyway apply to all applications for housing.

D Planning Policy Guidance states that wherever possible OAN assessments should be informed by the latest available information and that Local Plans should be kept up to date. Meaningful change in the housing situation should be considered in this context but does not automatically mean that housing assessments are rendered outdated every time new projections are issued (016 Ref ID 2a 016 20150227). Option 2 is consistent with this advice as it increases housing provision to the top of the original range and commits to a review.

The earlier studies underpinning the plan were mainly based on the 2008 and 2011 household projections whereas the new GL Hearn report of March 2015 uses more firmly based data from the new DCLG household projections released in February. An adopted plan should be based on the latest evidence available during the examination.

Relying on a review after 2 years, possibly coinciding with another set of Household Projections, appears to be a tactic to speed acceptance of a low OAN and avoid ADC being accountable for unwanted higher housing numbers.

E Option 2 would maintain the 'integrity' of the Neighbourhood Plans (NP) which have been prepared in the context of the submitted plan.

While local communities may be discouraged by seeing their numbers increased soon after the hard work involved in making an NP, all parts of the statutory development plan should be based on up-to-date evidence, so (irrespective of the impact on made NPs) there is no reason to continue with plans based on outdated evidence.

F Option 2 would have less impact on work on preparing a Community Infrastructure Levy

No direct responses

G Adjoining Councils will be starting to review their Local Plans at about the same time as the review of ALP two years after its adoption, which could provide an opportunity to consider creating a joint high level strategic development plan for a number of areas.

Withdrawal of the plan would perhaps better enable joint working between authorities and (especially) alignment with the Worthing Local Plan

Other disadvantages of option 2 identified by others

The amount of work and resources necessary to complete the restructuring of the plan is much greater than the Council suggests. The number and scale of the required consultations would themselves take many weeks. A 6-month deadline would be impossible to meet without severe risk to the thoroughness and soundness of the end product.

Option C would allow more thorough and appropriate work on the implications of the Government announcement of an A27 Arundel bypass on the opportunities and options for housing, business locations and connections across the District.

3 Option 3 – withdrawal

The Council's Committee report states that 'this option would require the Council to update all the evidence base and Sustainability Appraisal and undertake extensive consultation on any updated development options and revised versions of the Local Plan. This additional work would allow the Council to determine whether there were any sound planning reasons for not meeting the full OAN. This work would probably take a minimum of 2 years and would be considerably longer than the 6 month adjournment that is normally permitted for a Local Plan examination. Consequently, the Council would be obliged to withdraw the Local Plan.

Disadvantages of Option 3 as seen by the Council (summarised in black) with contrary views summarised in red

A There would be no plan to guide the future scale and location of new housing and provide for new employment sites and infrastructure. [Bognor Regis Regeneration Board agrees with the Council on this point]. Nor would there be a plan to protect areas such as the gaps between settlements.

B The Council cannot meet the requirement of the NPPF for a 5-yr supply of deliverable sites plus a 20% buffer (see the housing land supply update at

ADCED02). It will therefore be at risk of planning by appeal without the necessary infrastructure to support development.

The Council will be at risk under either option. Addressing the OAN requires a full and open review of all strategic locations and associated infrastructure which is undertaken comprehensively, fairly and objectively, and looks at all reasonable options.

C Current work on CIL would need to be suspended as this needs to be based on an up-to-date relevant plan. This would result in later adoption of the CIL.

D Option 3 could impact on the production of Neighbourhood Plans.

4 An additional option?

A few respondents raise the possibility of another option – ie suspension of the examination for 6 months pending immediate work on providing for a full OAN of 758pa. They suggest that option 2 merely puts off difficult decisions about meeting needs and that a 'fresh start' should be made now in order to provide an NPPF-compliant plan as soon as possible.

For example, Barton Willmore (BW) suggests that:

- 1 The SHMA be consulted upon in order to test and confirm its findings so that it can be updated if necessary, thus ensuring a comprehensive understanding of the level of development required to be identified through the updated SA and thus within the plan.
- 2 The SA needs updating to reflect the full OAN and 'discrepancies identified within the examination'.
- 3 On completion of 1 and 2 the Council will need to allocate the most sustainable sites/locations as determined through the SA process.

Even on this scenario BW suggests that the Local Plan would still need to have a limited shelf life after adoption so that any unmet needs of neighbouring authorities can be catered for to the extent that this proved possible.

It seems to me unlikely that all the necessary work and consultation for the above 'fresh start' option could be achieved within 6 months. Such an option will almost certainly require suspension for a longer period. Moreover, the concept of a fresh start implies substantial rewriting of a submitted plan which should have been sound at the point of submission and not require such major modification.