

To: Karl Roberts,
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Arun District Council

Arun Local Plan examination

Inspector's Conclusions after the Procedural Meeting

Introduction

1 At the Procedural Meeting (PM) held on 16 July I undertook to consider the matters discussed at that meeting and set out my conclusions. This letter provides those conclusions, while appendix 1 sets out my observations on the matters covered at the hearings sessions on 2-4 June.

2 The purpose of the PM was to consider the implications for the examination of the new position adopted by the Council (ADC) on 17 June concerning 'the full objectively assessed needs for market and affordable housing' (OAN). The OAN adopted in the submitted Arun Local Plan (ALP) is 580 new homes pa. However, prior to submitting ALP at the end of January 2015 ADC agreed a statement of common ground (SoCG) with an appellant in the context of a planning appeal which took place in December 2014, acknowledging (for the purposes of that appeal) that the OAN was 786pa.

3 Although its agreement to the SoCG must have given a strong indication about the probable unsoundness of ALP, the Council did not introduce a pause into the submission timetable to consider its implications. However, ADC did commission an OAN update study from G L Hearn Ltd to take account of the then-imminent DCLG 2012-based household projections. Those projections were issued in February 2015 and the Hearn report was published in March 2015. The report advises that the OAN for Arun is 758pa (732pa based on demographic factors plus 26pa to help improve longer term affordability).

The Council's new position

4 After considering the implications of the latest Hearn report ADC rejected the options of (i) continuing with an OAN of 580pa and (ii) withdrawing the plan to address the full OAN. Instead, it has asked for suspension of the examination for 6 months in order for the plan to be revised to provide for an OAN of 641pa, while also committing to review ALP within 2 years of adoption to reflect the full updated OAN. [641pa equates to the highest figure (650) in a range indicated in the Strategic Housing Market Assessment Validation for Arun dated October 2013 (the latest report available at the time of the Reg 19 consultation), minus 9pa taken to be provided in Arun's portion of the South Downs National Park.]

5 As the Council sees it, suspension to provide for 641pa would take forward the basic strategy of the submitted ALP within its existing parameters and with minimum change to its spatial strategy, thereby facilitating increased housing provision in the interim period before the future review. This is seen as a pragmatic approach requiring less work, resources and time than withdrawal of ALP in order to prepare a replacement plan providing for the full OAN. The committee reports to the Council envisage that supply would be increased to 641pa mainly by adding to the provision at sites and locations already identified in the submitted plan, albeit that some other options could emerge from work undertaken during suspension which would add to housing supply in the early years. This option is seen as affording Arun better protection from 'planning by appeal' than would be the case if ALP were to be withdrawn. It is also seen as retaining the 'integrity' of the District's wide network of made and emerging Neighbourhood Plans and having less impact on work towards a Community Infrastructure Levy.

6 I comment below upon the above factors which the Council has identified in support of its preferred course of action.

'Identifying an interim OAN pending review'

7 The National Planning Policy Framework (NPPF) is clear (paragraph 47) that its objective is to achieve a significant boost in the supply of housing. Local authorities are 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.'*

8 Planning Policy Guidance (PPG) at national level (016 Ref ID 2a 016 20150227) states that *'Wherever possible local needs assessments should be informed by the latest available information. Local Plans should be kept up to date and a 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.'* ADC considers its favoured option (adoption of an interim OAN pending later review) consistent with this advice. However, two factors make me concerned about adopting that approach.

9 Firstly, the 30% increase in OAN to 758pa indicated in the latest Hearn report is certainly a 'meaningful change' in the background situation especially as the latest DCLG 2012-based household projections are more fully based on data from the 2011 census than work based on the previous interim 2011-based projections.

10 Secondly, because the matter could not be examined before ADC clarified its position, no OAN figures/methodologies have yet been tested at the

examination. Representations were made about the submitted 580pa but there has been no opportunity for submission of views about whether there is a sound evidential basis for taking 641pa, 758pa or indeed any other figure as an appropriate replacement, even on an interim basis. 641pa could not simply be accepted without examination as a temporarily-sound OAN, so any suspension period would need to begin with a distinct phase during which representations upon the OAN would be invited, examined and concluded upon before any other substantial work could begin on revising the plan. It would be immensely difficult in practice and of very questionable logic to pursue that process as if the latest projections and the recent Hearn report did not exist or could soundly be put to one side for plan-making purposes for the next 2-3 years. This is effectively what the Council's approach would require to be done. Overall, I am not convinced that it would be sound or appropriate within the framework and objectives of the NPPF and PPG to proceed in this way.

'Pursuing ALP within the existing parameters of its spatial strategy'

11 After establishing an evidentially sound OAN it would be necessary to determine whether or not that level of development could be provided in a sustainable way through a process of sustainability appraisal and the identification of appropriate sites, including those necessary to make up for the present absence of a 5-year supply of deliverable sites. The ADC committee reports considered by the Local Plan Sub-Committee and the Full Council (and the minutes of those meetings) identify a clear set of preferences for the main changes to the spatial strategy considered likely to meet an OAN of 641pa. These centre around an increase in the Barnham/Eastergate/Westergate allocation and earlier development at two locations (Ford and Fontwell) identified in ALP as the favoured longer-term locations for housing development, currently expected to take place almost entirely after the plan period.

12 In my view this approach amounts to a risky pre-determination of 'the most appropriate strategy when considered against the reasonable alternatives' in catering for an OAN of 641pa. Proceeding in that way could prematurely close off other options for meeting any annualised OAN, whether 641, 758 or any other figure, and may create potential for legal challenge. Since 641pa is well short of the Hearn report figure it cannot be assumed that the above options would necessarily play the same roles (or perhaps even figure) within a spatial strategy setting out to provide for a full OAN. If the aim of the plan is (as I consider it now should be) to meet this significantly higher target, it may not be that the 'most appropriate strategy' would include the same spread of possible spatial distributions or menu of candidate sites. Planning to meet a target limited to 641pa could prejudice the achievement of more sustainable strategies for addressing a full OAN by locking out any different or larger scale options which may exist including any which may be enabled by the fairly recent Government announcement of an Arundel Bypass and other improvements to the A27 trunk road further east.

‘Protection against planning by appeal’

13 In my view it is a misapprehension that suspension for 6 months would offer more (or longer) effective protection against planning by appeal. Even in the unlikely event that ALP were to be able to find its way to adoption relatively quickly with an ‘interim’ OAN of 641pa it is inevitable that the latest Hearn report would continue to be raised at planning appeals as a material consideration in support of submissions that the plan was out-of-date at adoption. This would particularly apply unless the modified plan identified enough developable sites to make good the present shortfall in the 5-year supply, which could be difficult to achieve under the scenario outlined in the committee report.

‘Retaining the integrity of Neighbourhood Plans (NPs)’

14 The committee reports suggest that withdrawal to pursue the full OAN would effectively render all of the NPs ‘immediately out of date’. In my view this is an overstatement of the position, although changes to the quantum of development provided by ALP could result in certain parts of some NPs being superseded or in need of revision. Given all the recent and current efforts devoted to NPs in Arun, I can well appreciate that those concerned in their preparation would be disappointed or disheartened in such cases. Even so, the NPPF (para 184) is clear that NPs should not promote less development than set out in the Local Plan or undermine its strategic objectives. NPs should align with the strategic needs and priorities of the wider local area and be in general conformity with the Local Plan’s strategic policies.

15 Arun’s NPs have emerged at a time when the strategic guidance of the saved policies of the 2003 plan has been growing increasingly outdated although not yet replaced by an adopted ALP. This marked lack of synchronisation between the emergent processes of ALP and the NPs has been unfortunate and it is desirable to resolve the matter as speedily as possible while also ensuring that the Local Plan provides the necessary strategic guidance on the full OAN. Ruling out sound judgements on strategic matters which should be set out in the Local Plan in order to avoid the possibility that the resulting policies may not fit with the content of some NPs would not be a route towards a Local Plan meeting the tests in NPPF para 182.

‘Work on a Community Infrastructure Levy (CIL)’

16 Work on bringing forward a CIL will be delayed under any available scenario. However, the contents of the Local Plan must drive the CIL and the fundamentally important factor is that the appropriate action is taken as soon as possible to arrive at a sound adopted plan.

Conclusion on the options of suspension and withdrawal

17 Taking account of all the above matters, I do not consider that suspension of the examination in the terms suggested by ADC is an appropriate option. In

my view the Council's assent to the SoCG in December indicates that the plan was unsoundly based when submitted in January and this was further confirmed by the Hearn report in March. The timing of these events is certainly very unfortunate, especially coming at the end of ALP's lengthy period of evolution. Nevertheless, I conclude that the objectives of the NPPF are best served by a plan providing for a full, thoroughly-tested OAN rather than ADC's favoured interim solution which would be based on outdated evidence and possibly risky appraisal of too limited a set of alternatives; even then, it would not offer effective protection against planning by appeal. In addition, in my view the period required to achieve this likely unsound outcome would be longer than the Council's estimate of 6 months.

18 However, I have considered the third option discussed at the meeting - whether suspension for more than 6 months could provide a faster option than withdrawal for undertaking the necessary steps to arrive at a plan capable of modification to the extent required to make it sound. Any such modified plan would necessarily have substantial differences from ALP in its submitted form and it could not evolve without a significant amount of additional work, including further consultations and sustainability appraisal. Even so, in the present circumstances this option may enable the Council to adopt a sound plan somewhat earlier than if it were withdrawn. The Council's representative indicated that he would prefer the option of a longer suspension over withdrawal.

19 I therefore invite you to consider this approach and give thought to the steps that would be necessary to be able to propose modifications to ALP within a suspension period of 12-18 months. Please respond by submitting a timetable for an outline of work to meet that target and indicate your view on whether or not the main phases of such work could be completed within this timescale.

20 If this route is pursued it would be advisable to examine the issue of the appropriate OAN at a resumed hearing session as soon as possible, having first given participants a formal opportunity to submit representations about the soundness of the evidential basis of 758pa. Once a conclusion has been reached on that matter the rest of the work could continue on a firmer footing.

21 In my judgement ALP, as submitted, takes a reasonable approach to unmet housing needs from elsewhere, given the current uncertainty about their extent owing to the different timescales for plan preparation. However, the delay now necessary in the emergence of ALP may afford an opportunity for some of these to be considered further, alongside any sustainability issues affecting the degree to which they can be met, albeit that past studies have seen Arun as an area with scope to absorb some such pressures.

22 As I have indicated above, I consider it important that the Council should be able to demonstrate that it has approached the issue of the most appropriate spatial strategy for meeting the OAN in an open-minded way by considering

reasonable alternatives for meeting the larger requirement without endangering the process by any appearance of pre-determination or over-reliance on the contents of the SA accompanying the submitted plan.

23 I understand that you will need some time to consider these conclusions. However, I would be grateful if you will confirm the Council's position through the Programme Officer as soon as possible. A copy of this letter and the appendix should be placed on the examination website and made available on request.

Roy Foster, Inspector
28 July 2015

APPENDIX 1

Inspector's preliminary observations on other matters covered by the hearings

1 The Update Statement of 16 April indicated that I would conduct hearings sessions on certain matters with a view to possibly reaching conclusions which could be helpful to the Council regardless of the post-submission position it adopted on OAN and the future of the examination.

2 In the light of my conclusions about suspension it is unnecessary for me to cover some of these other matters in much detail and, in the circumstances, it is more appropriate for me to express more general 'observations' upon them. Nevertheless, they may be useful in taking the plan-making process forward from this point.

Duty to Co-operate (DtC)

3 The Council's view of its compliance with the duty is set out in its DtC Statement (PE LP13) dated January 2015. This describes the joint work undertaken by West Sussex authorities, initially through the Coastal West Sussex Partnership (CWSP) and since October 2012 by a new Strategic Planning Board for West Sussex and Greater Brighton. The Board is governed by agreed terms of reference and a common memorandum of understanding and works closely with the CWSP and the Coast to Capital Local Enterprise Partnership. Its Local Strategic Statement sets out long term cross-border strategic objectives to 2031: delivering sustainable economic growth (including the strategic employment site at Enterprise Bognor Regis); meeting strategic housing needs; investing in infrastructure, including various road schemes; and managing environmental assets and natural resources.

4 Studies undertaken for the Sussex Coast Housing Market Area (notably the DtC housing study of May 2013 – PE LVP03A) identify that while many authorities in Coastal Sussex are constrained in their ability to meet OANs by the limited amount of land available between the National Park and the sea, Arun may be an exception. Although ALP makes no specific provision for meeting any such unmet needs it recognises the DtC in this respect (3.37 and 12.1.12) and reasonably concludes that Arun's own plan-making process should not be delayed pending clarification of Worthing's OAN, running to a different timetable. 12.1.66 indicates that ALP will be reviewed by 2020 and that this process will consider any housing to be provided for other areas. However, the suspension period may make it possible for the whole question of the contribution that Arun may or may not be able to make to unmet needs from elsewhere to be given more thorough, informed consideration at an earlier date. It would certainly be

desirable if a clearer outcome to that process can be secured during that timetable.

5 Overall, I consider that the LSS and the on-going structures and meetings of the Board, and Arun's individual meetings and agreements with other authorities outside the Board's area demonstrate that Arun has 'engaged constructively, actively and on an on-going basis through the plan-making process' in accordance with NPPF paras 178-181 since the DtC came into force.

Sustainability Appraisal (SA)

6 Since the terms of the suspension will require a further round of SA it is unnecessary for me to comment in detail on the SA which accompanied the submitted plan. However, I offer some general observations about the October 2014 SA which may assist the process which will now have to be undertaken.

7 First, I consider that the SA process should be kept as simple and concise as possible. The full October 2014 document (PE LP02-04) runs to over 1000 pages and its approach is highly complex, involving the comparison of policies, sites and locations against over 50 very different sub-objectives, all of which appear to be given equal weight in the scoring system. The whole presentation is unnecessarily difficult to navigate and the reasons for its decisions become obscured by excessive detail. A simplified SA, with less tabular content and a more coherent narrative, could provide a framework for an adequately clear audit trail of reasons for the choices made.

8 Secondly, the 2014 SA does not always make clear the reasons for the particular levels of allocation considered at particular locations. Examples are at Bognor Regis Eco Quarter and the BEW allocation (both for 2000 dwellings). At Ford the options assessed are for (A) no development, (B) 500-900 and (C) 5000. No options of any ranges between 900 and 5000 are assessed.

9 Thirdly, the SA's conclusions on certain sites tend to leave unanswered questions about why some were selected and others not. For example, although para 8.43 considers both options B and C at Angmering (both for 600) to be sustainable, C slightly more than B, there appears to be no discussion why only one of these is selected. In the case of Fontwell para 8.60 concludes that there is insufficient information at present to make clear judgements about exact impacts, especially on the natural environment. The evidence showed that such information is even now still emerging and being compiled and assessed; even so, the SA concludes that development at this location 'can....be considered in the longer term'.

10 At Rustington/Ferring 3 options are identified but it is not particularly clear how they compare with each other or with other sites elsewhere. Option B (West of Ferring) seems to be identified as the preferred one of these 3 in that it is described (8.67) as having 'the potential to be a sustainable location into the

medium to long term although at present there remain a number of potentially significant issues...and impacts that remain to be investigated'. Yet the next sentence seems to be related to all the options (A-C) – '...the greatest benefit from these locations is that they would not face any significant constraints and there would be sufficient capacity.....However, further investigation on the need and delivery of service provision, as well as positive impacts to the water environment are required.' At 8.82 both Rustington and Ferring are described as not having 'significant constraints' but appear not to have been selected because the sites 'would only make asmall contribution to the sustainability framework overall as a result of their urban form'. Overall, the judgements of the SA about the Rustington and Ferring options are difficult to follow.

11 Likewise, coverage of North Middleton at table 19.12 (option B), 8.75, 8.82 and 8.83 does not match up. It is therefore not clear why this option did not find favour, nor whether one not affecting public open space was assessed but was not selected. Referring briefly to Climping/Yapton the SA conclusions at 8.70-71 also appear generally favourable, but these sites are described at 8.82 as 'less feasible as they would not be sustainable'.

12 Summing up the above, the SA should provide the evidence to support and explain the Council's judgement that the plan is 'the most appropriate strategy when considered against the reasonable alternatives'. Against that requirement the submitted SA is less than clear in establishing either (a) that all reasonable options were assessed or (b) that a sufficiently transparent comparative analysis was made of the advantages and disadvantages of the considered options. The suspension process will require a new SA in which the reasonable alternatives for meeting the requirements of a higher OAN will need to be first identified and then subjected to clear comparative assessment; this will offer an opportunity for these deficiencies to be addressed in a suitably proportionate way. During that process the Council will need to give careful consideration to the principles established by the leading Court decisions in this field and the commentary set out in the Planning Advisory Service paper 'Plan-making case law update: Main Issue 3: Sustainability Appraisal, November 2014'.

Littlehampton Economic Growth Area (LEGA), including West Bank

13 According to ALP para 8.9.1 and policy EMP DM4, LEGA is a priority area to which proposals concerning skills development, employment generation, regeneration, and cultural, leisure, retail and office development are to be directed. The LEGA boundary defined on the Proposals Map embraces the town centre, the harbour, and areas on the West Bank.

14 Coverage of LEGA at policy H SP1 refers to the above types of economic priorities as well as to 'up to 1,000 additional homes....in Littlehampton to help secure its regeneration, including flood protection at West Bank.' This potentially puzzling reference to 'Littlehampton' in general does not (as ADC

clarified) apply to areas beyond LEGA, while the emerging Littlehampton Neighbourhood Plan does not rely upon any site inside LEGA to accommodate the 200 dwellings which it is required to provide. More clarity on this point should be introduced. Given the nature of the town centre, it appears likely (and it was not suggested otherwise) that the overwhelming majority of the additional homes proposed in H SP1 would be at West Bank. Moreover, the probable scale of the costs involved in developing the West Bank (as indicated by the GL Hearn/Baca Development Delivery Study) means that the viability of any scheme providing less than c1,000 dwellings west of the river may be questionable.

15 West Bank is only a short walk across the footbridge from the transport, retail and other services of the town centre and seafront. In those terms it stands out as an unusually strong potential candidate among the possible strategic housing sites considered during the preparation of ALP. The type of mixed scheme envisaged could bring strong complementary benefits and opportunities and assist in addressing some of the particular local social and economic issues and regeneration needs identified in the plan.

16 Currently, however, the unresolved opposition to the allocation expressed by the Environment Agency (EA), reiterated in its hearing statement, presents a major barrier to a finding of soundness concerning this important component of ALP. Much the greater part of the West Bank is significantly affected by flooding (zone 3). It would therefore be inappropriate to find this a sound allocation without positive supporting evidence from (and endorsement by) the EA as the major body responsible for advice upon such issues. NPPF (para 100) requires plans to take account of advice from the EA and other relevant flood risk management bodies, yet in the Agency's view ADC has not demonstrated a clear degree of accordance with the NPPF sequential and exceptions tests, and policy H SP1 is '...not in line with national policy, is not fully justified and would not be effective as there are doubts around its deliverability'. There is now both an opportunity and a pressing need for further consideration of flooding issues in conjunction with the EA if West Bank is to be taken forward in future as a potential sound allocation.

17 As part of the work required to re-examine the soundness or otherwise of a strategic allocation at LEGA/West Bank, concerted joint study and consideration by the Council, the EA and the promoters of the project will need to create greater clarity about a number of matters. Although proposals for the West Bank have been evolving for about 10 years they have only been part of the emerging plan since 2011. Even now there is no agreement about flood protection issues between all the necessary partners and it is not yet sufficiently clear that there can be. A sound allocation does not have to be justified by supporting evidence in the degree of detail required for a planning application, but it is vital that there is enough evidence, agreed by all the principal partners,

to provide confidence that an effective solution is capable of being reached. The following are critical issues:

- Whether or not, and how, appropriate levels of flood protection for new and existing development at West Bank could be successfully integrated with the EA's overall strategy for the Climping/West Bank area section of its Arun to Pagham Flood and Coastal Erosion Risk Management Strategy, or some agreed modification of that strategy. This would involve clear statements about both (a) the standard of flood protection to be afforded to the site and its physical integration with the planned level of protection of the wider area, including some clarification of the scope for and wider effects (including the ecological effects) of the suggested flood storage areas to the west of the proposed development area and (b) the agreed financial integration of the local and wider protection strategies if some form of pooling of EA/private resources is to take place.
- Agreed updated, clear and convincing statements identifying the necessary major infrastructure requirements and their orders of cost, recognising that the BACA study and Infrastructure Delivery Programme (IDP) already provide much relevant background.
- Convincing transparent evidence on viability, including the provision of affordable housing in line with the ALP requirement: this is particularly relevant at a site in such a 'central' position.
- An agreed statement on the proposed delivery mechanism and timetable, recognising that 95% of the land is owned by the major promoters and that a majority of the smaller owners are reported to be in favour.

18 The allocation could not be found sound against current evidence. While the policy is certainly 'aspirational' it is unclear that it is also 'realistic'. The degree of uncertainty about whether or not West Bank can be developed also makes it unsound for ALP to regard it as a 'broad location' (NPPF para 47) for future growth to take place towards (or to judge by the trajectory, probably mainly after) the end of the plan period. It would be inappropriate to defer to the proposed LEGA Area Action Plan (AAP) the task of determining whether or not the allocation could be rendered sound but there could be obvious advantages in now progressing ALP and the AAP in parallel.

19 If the above work (much of which will anyway be necessary to progress the AAP) can demonstrate that the LEGA proposal is sound and has a reasonable prospect of implementation within a predictable timeframe, it seems to me that an appropriate mix of development here could be a beneficial component of ALP and represent a form of 'sustainable urban extension' very close to the heart of one of the District's main towns. It would also have the substantial benefit of providing the means of removing the blight, uncertainty and threat of eventual loss to flooding currently affecting many homes, jobs, businesses and leisure-

based enterprises as well as creating opportunities for additional homes and enterprises.

Enterprise Bognor Regis (EBR)

20 The economic need and rationale for EBR and its future importance to Arun District is well supported by a number of pieces of evidence developed by the Council and the site is also a significant element identified in the Coast to Capital Strategic Economic Plan. Take-up has been slow, even though Oldlands Farm was first allocated in 2003. However, the background circumstances have changed. Construction of the A259 Bognor Regis Relief Road (BRRR) has increased EBR's attractiveness and Rolls Royce is undertaking a substantial development. Regardless of whether or not EBR achieves the Enterprise Zone status sought, its allocation would significantly increase local choices to potential occupiers seeking a nodal location. From the evidence available I conclude that the other sections of the strategic allocation will be made available for development and can be taken up by the market over the plan period. The Local Development Order for EBR sites 1-3, soon to be issued for formal consultation, is intended to assist that outcome.

21 Flooding issues concerning Oldlands Farm (site 3) have been dealt with in the planning permission and include the provision of a surface water storage area north of the BRRR as part of a sustainable urban drainage system (SUDS). The Council sees the extension of a SUDS approach on a site-by-site basis, as may be required, as the way forward for other developments within sites 1-3. Site 4 is subject to master-planning exercises addressing flooding issues among other matters, including the influence of these matters on the design of the link road. Those studies and the EBR Highway Infrastructure Viability Study have shown no flooding issues which cannot be resolved.

22 Turning to ecological issues, the areas of EBR covered by the former LEC Airfield site and other adjoining land within site 4 is also covered by a wider Biodiversity Opportunity Area (BOA) indicated on the Proposals Map. The landowners have undertaken Phase 1 and 2 ecology surveys to increase understanding of the likely issues and risks and no evidence has been presented to suggest that the relatively modest indicative amount of development planned for at site 4 would conflict with ALP's aims for the BOA or could not be mitigated successfully. Nor is there firm evidence that Sites 1 & 2 (Salt Box and Rowan Park) have natural interest of a material nature except perhaps around their margins. Policies EMP SP2 and EMP DM2 contain criteria which can ensure that significant features or habitats at all the BRE sites are appropriately retained, enhanced or mitigated.

23 More significantly, ALP requires (at EMP DM2(l) and para 8.5.8) the delivery of a new link road across site 4, linking the A259 Felpham Way and the

BRRR along an indicative alignment partly shown on the Proposals Map. ALP para 8.5.8 states that this will enable the development of site 4, while para 15.3.4 appears to discuss the route in terms suggesting that its role is related entirely to site 4. The EBR Highway Infrastructure Viability Study describes the cost of the new link road as 'challenging', estimating two route options at £11.3m and £17.8m, although it seems the cheaper one is now preferred. While the road, or at least some part of it, would be necessary to release site 4, the Council accepts that a completed link would play a significantly wider role than merely providing access to the limited quantity of floorspace which ALP table 8.3 expects to be provided at that site.

24 Having said this, para 3.2.29 of ADC's response on matter 3 notes that site 4 may have potential for more development than set out in table 8.3. This seems to reflect the position taken in the Draft Interim Planning Policy Guidance for EBR, July 2012, which refers to a 'LEC phase 2' not referred to in ALP. ADC states that work has been commissioned and discussions opened on this point and that, subject to that work, site 4's viability could improve. It would plainly assist the clarity and effectiveness of the plan if this point is resolved.

25 In any event, inputs would be required from other sources to make this aspect of ALP effective (and therefore sound), so ALP will require clarification through amended references at appropriate points in the policies and supporting text to recognise the road's wider role in providing a north/south route between Felpham, EBR and the A27/A29 to the north. ADC accepts that such benefits include relief of congestion on the A29 through the town and better access to destinations such as Butlins and the University of Chichester campus.

26 In my view any possible effects of the above road upon Bognor Golf Club are insufficiently certain at this point to require reference in ALP as submitted. The precise road alignment is not yet known and at present it is unclear whether it would impinge on the course at all, or in any material way. The submitted plan is therefore not unsound on this point. If this position changed, along with any development options attached to it or facilitated by it, the plan would doubtless require modification to reflect them.

27 Concerning the phasing timescales covered in 8.7.7-9 and table 8.2, these are stated to be of an 'indicative' nature. ADC confirms that these phases are not policy-driven but simply reflect the order in which development is expected to occur. 8.7.9 is therefore inconsistent in requiring 'exceptional circumstances' for a departure from the phasing in table 8.2. ADC agreed that this requires deletion.

Barnham, Westergate and Eastergate strategic allocation (BEW)

28 This proposed allocation will require reassessment during the suspension against other reasonable alternative spatial strategies for meeting a higher OAN.

However, I offer the following general observations about some aspects covered at the hearing session.

29 Summarised figures from the Strategic Housing Land Availability Appraisal (ADC Doc 3 Matter 4) indicate that brownfield sites can provide only a limited potential contribution towards meeting Arun's objectively assessed needs for housing. 'Mixed' greenfield/brownfield sites potentially make much greater contributions, but most of those identified in the document are either already the subject of planning permissions or proposed allocations in ALP. Arun's OAN therefore cannot be met without the use of significant areas of greenfield land.

30 The submitted plan includes some greenfield allocations on sites adjoining the perimeters of the main coastal towns. However, to the extent that 'the most appropriate strategy' requires land to be identified away from such urban-edge locations (often, but not always, considered likely to be the most sustainable candidate locations) it becomes more difficult and contentious to identify sustainable (or potentially sustainable) sites for substantial development. BEW clearly reflects that and has given rise to much local opposition.

31 In terms of its geographical accessibility the BEW site is not greatly further away than some outlying western parts of 'greater Bognor Regis' from many of the urban area's centres of activity such as the town centre, the existing commercial and retail premises to the north of the town alongside the A29 and the EBR employment allocation. Compared with some other possible potential candidate greenfield growth locations, BEW residents would not need to use minor roads in order reach Bognor or destinations along the A27 but could use the future realigned A29. BEW also has the advantage of proximity to Barnham station, offering good train services to a range of destinations such as London, Croydon, Gatwick, Horsham, Bognor, Littlehampton and Chichester. Although BEW has only limited bus services at present, the allocation's size and location in relation to the growing urban areas of Bognor and Littlehampton would provide opportunities for pump-priming of improvements to services, albeit policy H SP1 currently fails to make this a requirement. If BEW is retained ALP would require change on this point.

32 Although the site is large it is mainly arable land with relatively few natural features away from the flood plains of the rife and is generally well-contained visually to the west, north and east by existing development in the Three Villages and by boundary trees to the south. Development here need not have wide landscape impact beyond these confines. The Concept Master Plan (CMP) demonstrates the potential to satisfy the landscape and heritage criteria of policy H SP1 by avoiding '*a continuous urban form with existing communities*', by providing '*a green ring around the allocation for recreation and the retention of village separation*', and by safeguarding the '*sensitive nature of the Conservation Area*' at Eastergate (albeit the latter requirement would be better expressed in terms of

meeting the statutory test of preserving or enhancing its character or appearance’).

33 ALP would not take forward the ‘Local Gap’ status of the land between Eastergate and Barnham currently contained in the saved policies of the 2003 Local Plan. However, the CMP indicates that significant parts of the land in the defined gap could remain open in character. Present public access to the land within the allocation is limited to the footpath along its northern-eastern and southern boundaries and other areas in the north-western part of the BEW site alongside the rife. The CMP shows that substantial areas of open land could be retained around the main perimeters of the development parcels and within and alongside the flood plains of the rifes, thus preserving the separate identities of the villages and providing more channels of accessible, useable open land than is currently the case.

34 The ADC evidence on agricultural land (PEPP3) does not fundamentally differ from the conclusions of the report prepared for the Three Villages in finding that the loss of best and most versatile quality land at BEW would be a permanent negative factor of major significance. However, PEPP3 also states that all the main greenfield candidate sites for residential allocation in Arun, including BEW, contain proportions of such land ‘which greatly exceed regional and national averages’ and that necessary development in the District ‘is going to impose a significant loss of this resource’. The report also fairly points out that a balance has to be struck between the economic advantages of protecting high quality land and the environmental (ecological) factors often associated with lower quality, less-intensively farmed land. No doubt further comparative assessments of this factor will have to be undertaken between candidate locations in the work needing to be done for the modified plan.

35 Turning to issues of flooding and drainage, the bodies primarily responsible for these matters – the Environment Agency (EA), Southern Water and West Sussex CC have not objected to the allocation in principle. The areas at risk of fluvial flooding (Zones 2 and 3) are contained within the corridors of the main rifes and other minor streams and all the development areas can be located in areas away from these, within flood zone 1.

36 Waste water from the development would flow to Lidsey Wastewater Treatment Works (WTW) via new dedicated trunk sewers thus avoiding additional loads on existing overloaded sewers and providing opportunities to divert some existing flows away from overloaded sewers and create new sewer capacity in currently unserved areas. Expansion of the WTW is needed and is planned for 2020-25 although it is stated that some development could possibly occur before that if other forward funding or short-term arrangements can be agreed with the relevant authorities. From the standpoints of the EA and Southern Water foul water drainage is not an overriding constraint to the development, subject to the drainage-related policies of ALP.

37 The area has a complex hydrogeology in which shallow surface deposits lie above a deep layer of London Clay. Groundwater levels can be close to the surface for much of the year, and in saturated conditions groundwater emerges, generally at particular locations especially in the Barnham area. The Lidsey Surface Water Management Plan (a partnership between the County Council and Southern Water together with the EA and the District Council) has been designed to address or positively influence such occurrences at identified problem points. That plan identifies the levels of risk and clarifies who will do what to better manage flood risks by various targeted solutions such as schemes to retain run-off and other elements of sustainable urban drainage schemes (SUDS), reduction of public sewer infiltration, sewer sealing and increased conveyance.

38 Clearly local residents are concerned that the introduction of a substantial amount of new development could exacerbate these existing issues and question whether the shallow groundwater levels would permit many traditional elements of SUDS to be designed-in to the scheme. In their view there is a risk of more water exiting the ground, while insufficient capacity is reserved within the current Master Plan for on-site storing of newly-generated run-off. However, it is not disputed that 'a smaller scale development with lots of space to implement suitable SUDS may be possible at the site'. For their part the promoters of the scheme identify hydrogeological differences at the site and propose detailed groundwater monitoring investigations prior to any application. In their view surface water flooding can be managed through the design process to ensure that localised low spots are adequately drained to the riles.

39 As lead authority for surface water management the County Council has not objected to the principle of the BEW allocation and regards the requirements of (and the criteria set out in) ALP's policies as adequate to ensure that suitable detailed proposals for water management can be drawn up in due course. The EA has suggested some textual changes to the 'water and drainage' section of policy HSP1 to improve its effectiveness. In my view the Council should give consideration to these. Southern Water has also requested minor amendments to policy wording.

40 Altogether it appears to me from the evidence and the views of the responsible bodies that there is a reasonable prospect that the flooding and drainage issues arising from an allocation at BEW could be appropriately managed within the general scope of the CMP. That indicative plan indicates substantial open areas which could be used in a multi-functional way and if the more detailed studies proposed by the promoters were to reveal more specific material issues around SUDS capacities there is scope to reconfigure the layout or, if necessary, the development mix.

41 Local controversy also exists around ALP's proposal to divert the A29 though the BEW allocation between points south of Fontwell and north of Shripney. This proposal is intended to provide a route both serving the new

development area and offering an improved A29 between Bognor and the A27, thereby enabling traffic to avoid the A29/B2233 junction, the railway level crossing at Woodgate and the Lidsey bends.

42 As Transport Authority, West Sussex CC supports the proposal and includes it as one of its aims for Arun in its Transport Plan for 2011-26. The scheme has an estimated cost of £36m, including £13m from the Local Growth Fund.

43 The promoters of the allocation have themselves identified a number of key issues requiring to be addressed. Some greater evidential certainty about these will need to be available by the time the hearings resumed if BEW is taken forward. These include the agreement of Highways England to a modified connection to the A27 at Fontwell necessitated by the development (which appears to be work well in progress), clarity about the appropriate phasing of the provision of the necessary northern and southern 'tie-ins', and 'reconciliation of the dual design functions' of the new A29 (which I take to mean agreement that the realigned road could adequately serve both as an adequate 'A' road for through-traffic and as a district distributor for local traffic at BEW without introducing so many junctions that traffic flows are inhibited and without hindering pedestrian movements across it or the coherence of the new communities on either side of it).

44 Another issue identified by the promoters is obtaining Network Rail's support for the '*associated closure*' of the existing level crossing and '*ensuring the ability to provide an east-west link to enable (that) closure*'. Although the new route would bridge the railway it is unclear to me what ALP proposes at the existing crossing. As now drafted policy H SP1 requires '*the construction of a footbridge over the railway line and enhancements of the main street in Westergate*' and provision of an east-west route for pedestrians and cyclists between the existing and realigned A29s. On the other hand, para 12.1.35 refers simply to '*potential*' stopping up of Woodgate Crossing.

45 Some local opinion favours retaining the existing crossing for both vehicular and pedestrian traffic since its removal would result in community severance and some possibly lengthy diversions for drivers, cyclists and pedestrians seeking to reach local destinations. Policy GA4.1 of the draft Aldingbourne Parish Plan expresses such concerns. Retention of the crossing for local vehicular movements could possibly require to be balanced by some form of effective traffic management measures to prevent its continued existence acting as a disincentive to longer-distance traffic (especially heavy vehicles) to use the realigned route. In any event I consider a sound BEW proposal would be clear about the proposed future of the existing crossing so that local residents could judge what this would mean.

46 On the question of the viability of the BEW scheme, a great deal of work has been invested in developing the scheme by those acting for the landowners'

consortium, while other parties not in the consortium have expressed willingness to work with them. This commitment indicates that the viability of the scheme may be likely but it appears to me that specific, transparent evidence on viability would be required to give more confidence on this point, especially the ability of an allocation of this important scale to deliver 30% affordable housing in the face of the substantial infrastructure costs.

47 Turning finally to the relationship between ALP and the neighbourhood plans, Barnham and Eastergate Neighbourhood Plan (BENP) was 'made' in July 2014, before the publication of ALP. Submissions were made on behalf of The Villages Action Group and ADC respectively concerning Regulation 8(4)&(5) of the Town and Country Planning (Local Development) (England) Regulations 2012. In the Action Group's view ALP would be challengeable if adopted since it is inconsistent with the current adopted development plan, including BENP.

48 This point revolves around the fact that policy ES3 of the made BENP states that *'New development within the Local Gap/Green Infrastructure Corridor will not generally be supported.'* Para 5.2.1 reads: *'New development within the defined Local Gap/ Green Infrastructure Corridor between Eastergate and Barnham is not appropriate and not supported by the community. The Green Infrastructure Corridor or Local Gap is defined in the Local Plan, providing a green buffer between Barnham and Eastergate and contributes to the character and identities of the villages. It is crucial to provide a sense of separate space to each village.'*

49 BENP does not itself define the geographical extent of the Local Gap/ Green Infrastructure Corridor to which it refers but relies for that purpose on the saved local plan policies and Proposals Map, whereas ALP does not retain the Barnham/Eastergate Local Gap. However, BENP does recognise (9.1.4) that the housing allocation it makes is *'in addition to....any strategic allocation that may be made in the Local Plan for housing on the larger site to the south of Barnham and Eastergate.'*

50 I conclude that ADC's submissions provide support for Arun's view that the emerging local plan may not be inconsistent with BENP's policy ES3 since the latter effectively requires a balancing exercise to be undertaken, taking account of all the policies of the development plan, in the event of any proposal within the Local Gap/Green Infrastructure Corridor. In any case, one of the Action Group's suggested methods for resolving the 'inconsistency' point is that ADC could guard against challenge by including reference to BENP policy ES3 in the Regulation 8(5) list of superseded policies at the foot of page 1 of ALP. This would be an appropriate route to follow if the Council considers there to be any room for doubt on the point and wishes to make ALP secure on the matter.

51 Aldingbourne Parish Neighbourhood Plan (APNP) is not yet made but its draft contents indicate possible potential for various inconsistencies between the two emerging plans in that:- APNP policy EH1 treats part of the BEW allocation as an intended green infrastructure corridor; policy EH6 states that development

outside the built-up area boundary defined in the emerging local plan will not be permitted; and policy H1 rules out any development on land of Grades 1,2&3A. ALP is now unlikely to progress towards adoption as soon as APNP so future issues could arise similar to that discussed above in the case of ALP and BENP, depending upon the eventual content of the two plans. Other similar issues may require identification and consideration by the Council if it brings forward other modifications affecting other NP areas. However, sound judgements on important evolving strategic matters needing to be dealt with in a Local Plan should not be ruled out on grounds of inconsistency with the content of an NP. As the BENP Examiner remarked at para 2.46 of his report, the policies of a NP will not necessarily determine what goes into the next Local Plan, otherwise nothing would ever change.

Other matters

52 There are a number of other matters about which I have asked questions in the draft list of Matters and Issues (and received responses from ADC and others) but which have not yet been discussed at hearings. The Council will need to take account of these in proposing modifications to the plan for examination in due course. They include matters identified in the list of draft Matters and Issues at Matters 2, 3 (except EBR), 4 (except BEW and West Bank) 5, and 6-9.

53 Finally, I observe that ALP, at over 400 pages, is unnecessarily long and sometimes requires rather extensive (and sometimes confusing) cross-reference to different chapters/sections to understand what is being said about a particular topic or site. Written style and length are not directly issues of soundness and major pruning would be inappropriate at this point in the process. However, a plan concentrating on concise coverage of strategic matters would be more comprehensible and user-friendly and less prone to delay by debate over the minutiae of its contents. It is also relevant to note that the NPPF (para 184) requires Local Plans to set out clearly the strategic policies and direction for their areas while also avoiding unnecessary duplication of non-strategic policies where a neighbourhood plan is in preparation since the NP policies 'take precedence over existing non-strategic policies in the Local Plan for that neighbourhood where they are in conflict'.