



Adur Executive 4 December 2017
(Council 14 December 2017)
Agenda Item 4

ADUR & WORTHING COUNCILS

Key Decision [Yes/No]

Ward(s) Affected: All

Adoption of the Adur Local Plan

Report by the Director for the Economy

Executive Summary

Purpose

The purpose of this report is to seek approval for the adoption of the Adur Local Plan (and accompanying Policies Map) which, once adopted, will replace the saved policies of the Adur Local Plan 1996 as the Council's Local Plan.

- The new Local Plan sets the strategic development and land-use priorities for Adur (outside of the South Downs National Park) up to 2032, and contains the policies against which development management decisions within that area will be made.
- The Adur Local Plan document, Policies Map, Adoption Statement and final Sustainability Appraisal are appended to this document/ available in the Adur Room for information.

Recommendations

- 2.1 That the Executive considers the report and decides what comments, if any, it wishes to submit to Full Council for consideration and,
- 2.2 That the Executive recommends to Full Council that the Adur Local Plan and Policies Map (amended to include all Main Modifications and Minor Modifications) be adopted and published (including any consequential and other appropriate minor amendments) in accordance with Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and Section 23(2) and (3) of the Planning and Compulsory Purchase Act 2004 (as amended by s112(3) of the Localism Act 2011).

1.0 Background

- 1.1 The Council has received the final report of the Planning Inspector appointed by the Secretary of State for Communities and Local Government. The Inspector concludes that the Plan is sound subject to the recommended Main Modifications (which were previously consulted on from 15th June - 26th July 2017, together with a Sustainability Appraisal) and legally compliant. In addition, the Inspector finds that the Council has complied with Section 20(5) of the 2004 Planning and Compulsory Purchase Act with regards to the Duty to Co-operate.
- 1.2 The Inspector's Report makes clear he has taken account of the consultation responses on the Main Modifications in coming to his conclusions.

2.0 Context

- 2.1 Development of the Adur Local Plan has taken several years, partly due to significant changes in the planning framework during the development of the Plan. The Plan has been prepared based on a wide-ranging evidence base, early engagement, and formal consultation (set out in detail in the Council's Statement of Consultation 2016). The Plan has been tested through the Examination process, which included hearing sessions held from 31st January - 8th February 2017.
- 2.2 The Inspector's findings include that:
- ❑ In the context of the Plan's shortfall in housing against the Objectively Assessed Needs (OAN), and forthcoming review of the Local Strategic Statement, an early review (or partial review) of the Local Plan should be undertaken within the next 5 years (which would include a review of housing policies) in order to keep the plan up-to-date. This is consistent with the Government's intentions as set out in the recent Housing White Paper.
 - ❑ The Council has '*adequately justified*' the OAN figure of 325 dwellings per annum.
 - ❑ The Sustainability Appraisal gives a '*sufficiently robust assessment of the reasonable alternative housing sites*'... and that '*an acceptable level of detail is provided.*'
 - ❑ The Council has been thorough in assessing brownfield sites.
 - ❑ The Council has '*adequately demonstrated that the allocated sites at risk of flooding meet the requirements of the Sequential and Exception tests at this stage.*'
 - ❑ The Inspector has been supportive of the principle of 'Local Green Gaps', and agrees that the identification of the Gaps is a '*justified and necessary approach.*' However, he recommended Main Modification 28 which amends the boundary of the Local Green Gap between Lancing and Shoreham-by-Sea (see Policies Map). The land affected remains outside

of the Built Up Area Boundary and is therefore treated as countryside in planning policy terms.

- ❑ The Inspector has recognised the need to strike a balance between significantly boosting the supply of housing with other objectives, including the constraints in terms of flood risk, the need for good design and protecting the separate identity of settlements. As such he recognises the impact these constraints have on the ability to meet the OAN. He states *'Taken as a whole I am satisfied that the Council has sought opportunities to achieve the economic, social and environmental dimensions of sustainable development and that a satisfactory balance has been achieved. The Council recognises that the shortfall is significant but it is committed to the monitoring and review of housing delivery and seeking a way forward with its neighbours, particularly with regard to meeting housing need...I conclude that the Council's approach to housing provision, as modified, is justified.'*
- ❑ The Council's Local Plan allocations have been found sound (with some Main Modifications) and none of the sites promoted by other parties and considered through the Examination process have been included in the Plan.
- ❑ The Inspector found that there were no local circumstances of sufficient weight to justify an affordable housing policy which differed from the requirements of the Written Ministerial Statement of 28 November 2014, and so the policy has been amended through Main Modification 30.

3. Issues for consideration

- 3.1 It is necessary to adopt the Plan in order to ensure that it carries the appropriate legal weight in decision-making. Applications for development must be determined in accordance with the development plan unless material considerations indicate otherwise - giving the Local Plan a vital role in shaping the development of Adur. The Plan sets out strategic priorities for the area, and demonstrates how need for development will be met.
- 3.2 The final version of the Plan contains the Main Modifications recommended by the Inspector (and previously consulted on), minor modifications (textual and grammatical corrections, rephrasing, clarification, and other changes which do not affect the soundness of the Plan), and updates. Please note that some policy numbers have changed since the submission version of the Plan, due to deletion of a policy at an earlier stage.
- 3.3 Although a full or partial review of the Local Plan is required by the Inspector within 5 years, it should be noted that the affordable housing policy (and possibly others) may require earlier review, subject to the publication of the revised National Planning Policy Framework which is anticipated in early 2018.

4. Engagement and Communication

- 4.1 The development of the Local Plan has necessitated a number of consultation exercises, both ‘informal’ (under Regulation 18) (starting with a Stakeholder Issues and Options exercise in 2010) and ‘formal’ publication stages (Regulation 19). The details of these, and issues arising, are set out in detail in the Council’s Statement of Consultation. In addition, the Sustainability Appraisal accompanying the Local Plan has also been made available for comment. This has allowed a wide range of local residents, organisations, and statutory consultees to become involved in the process.
- 4.2 Following adoption of the Local Plan (which takes effect immediately on the resolution of the Council), the Council must make the Local Plan publicly available for inspection ‘as soon as reasonably possible’ - together with the Policies Map, Adoption Statement and final Sustainability Appraisal report. Parties involved in the process will also be notified. There will be a six-week period within which legal challenges may be made, although the Local Plan would remain in effect pending the outcome of any challenge.

5. Financial Implications

- 5.1 There are no specific unbudgeted resource implications arising from adoption of the Adur Local Plan. However, a significant amount of resources has been spent to take the Plan through the process.

Finance Officer: Sarah Gobey

Date: 30th October 2017

6. Legal Implications

- 6.1 The newly adopted Adur Local Plan will become the Development Plan for the Adur area (outside the South Downs National Park) immediately on adoption; at the same time the saved policies of the Adur Local Plan 1996 will cease to be part of the development plan, and will no longer be used for decision-making.
- 6.2 Decisions on applications and appeals will need to be made in accordance with the development plan, unless material considerations indicate otherwise. Section 70(2) Town and Country Planning Act 1990 states;
- “In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations”.*
- 6.3 The recommendation in this report comply with the statutory requirements set out in the Planning and Compulsory Purchase Act 2004 and regulations made under that Act.

- 6.4 Section 23 of the 2004 Act allows a local planning authority to adopt a development plan with modifications if the person appointed to carry out the independent examination of the document recommends the modifications. Pursuant to section 23(5) the local Development Plan can only be adopted through a resolution of Full Council.

“A document is adopted for the purposes of this section if it is adopted by resolution of the authority”.

- 6.5 Throughout the preparation of the plan the authority is required to adhere to the procedures set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. This includes requirements for publication of recommendations made by the inspector, together with allowing opportunities for consultation on the draft plan. The local planning authority have received advice throughout the preparation of the plan in relation to the application and effect of these regulations and it is considered that these have been complied with as required.

Legal Officer: Richard Burraston

Date: 13th October 2017

Background Papers

- Localism Act 2011
- Planning and Compulsory Purchase Act 2004
- Town and Country Planning (Local Planning) (England) Regulations 2012
- Report on the Examination of the Adur Local Plan 2016.
<https://www.adur-worthing.gov.uk/alp-examination/#publication-of-report>
- Submission Adur Local Plan 2016
<https://www.adur-worthing.gov.uk/media/media,141967,en.pdf>
- Main Modifications
<https://www.adur-worthing.gov.uk/media/media,144764,en.pdf>
- Minor Modifications
<https://www.adur-worthing.gov.uk/media/media,144858,en.pdf>
- [Local Plan Policies map](#) and [Inset Map](#)

All background information and the evidence base may be found at:
<https://www.adur-worthing.gov.uk/alp-submission-2016/>

Officer Contact Details:-

Moira Hayes
Adur Planning Policy Manager
Tel: 01273-263247
moira.hayes@adur-worthing.gov.uk

Sustainability & Risk Assessment

- A Sustainability Appraisal process has been undertaken throughout the development of the Local Plan; a final version will be made available for six weeks after adoption, alongside the Local Plan itself.

1. Economic

- The Local Plan provides a positive framework for supporting and developing the local economy, including the provision of employment floorspace, and protection of existing employment areas.

2. Social

2.1 Social Value

- The plan will support the development of additional homes (including affordable housing), employment floorspace, infrastructure, and social and community facilities.

2.2 Equality Issues

- An Equalities Impact Assessment was undertaken to accompany the submission version of the Adur Local Plan.

2.3 Community Safety Issues (Section 17)

- Policy 15 of the Adur Local Plan 'Quality of the Built Environment and Public Realm' seeks the incorporation of the principles of securing safety and reducing crime through design in order to secure a safe and secure environment.

2.4 Human Rights Issues

Issue considered and no adverse impacts identified.

3. Environmental

- The Plan seeks to balance economic, environmental and social objectives. Policies include those relating to the protection of the countryside and biodiversity.

4. Governance

- 'Platforms for Our Places': Our Financial Economies. This includes building/ commissioning infrastructure. The use of section 106 contributions will facilitate the delivery of infrastructure, to meet the identified needs of new and existing residents / businesses. This will help to contribute towards meeting many of the Council priorities. 'Our Social Economies': delivering housing to meet identified needs, particularly affordable housing' Also delivering and safeguarding open space, sports and leisure facilities which contribute to health and wellbeing. 'Stewarding our Natural Resources': Sustainability is

inbuilt within the Local Plan; the Plan also supports the provision of sustainable transport measures; the public realm is also addressed.

- The Local Plan also refers to, and contributes to the delivery of a range of other Council strategies and plans.
- The development of the Local Plan has provided a range of consultation opportunities for individuals and groups within the community to comment on the development of the Plan.