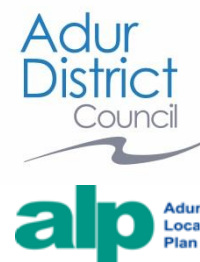


Proposed Submission Adur Local Plan 2014



Representation Form

Return Address:

planning.policy@adur-worthing.gov.uk


Or:

Planning Policy Team, Adur and Worthing Councils, Town Hall, Chapel Road,
Worthing, BN11 1BR

Or hand in at:

- Adur Civic Centre, Ham Road, Shoreham-by-Sea, BN43 6PR or
- Portland House, 44 Richmond Road, Worthing, BN11 1HS

Please return to Adur District Council by 5pm on 1st December 2014
Late representations will not be considered.

 **Use of your information** Respondent details and representations will be forwarded to the Secretary of State for consideration when the Adur Local Plan is submitted for examination. All documents will be held by Adur District Council and representations will be published including on the internet e.g. www.adur-worthing.gov.uk. Personal contact details (address, email and phone number) will be removed from published copies of representations. Your information will be handled in accordance with Data Protection Act 1998.

Contact details will be added to the Adur Planning Policy consultees database to keep you informed on the progress of the Adur Local Plan and other related documents.

☐ Please tick if you do **not** want to be informed.

This form has two parts:

- Part A - Respondent Details. You only need to fill this in once.
- Part B - Your representation(s). Please fill in a separate sheet for each representation you make.

It is recommended that you read the Guidance Notes provided for an explanation of terms used in this form.

Part A – Personal Information
You only need to complete this section once

Personal Details

First name	<input type="text" value="David"/>		
Last name	<input type="text" value="Johnson"/>		
Organisation (where applicable)	<input type="text" value="Campaign to Protect Rural England (Sussex)"/>		
Address line 1	<input type="text" value="Brownings Farm"/>		
Address line 2	<input type="text" value="Blackboys"/>		
Address line 3	<input type="text" value="East Sussex"/>		
Post Code	<input type="text" value="TN22 5HG"/>	Telephone	<input type="text" value="01825 890975"/>
Email address	<input type="text" value="Davidjohnsonsurething1@yahoo.co.uk"/>		

Agent's Details (if applicable)

First name	<input type="text"/>		
Last name	<input type="text"/>		
Organisation	<input type="text"/>		
Job Title	<input type="text"/>		
Address line 1	<input type="text"/>		
Address line 2	<input type="text"/>		
Address line 3	<input type="text"/>		
Post Code	<input type="text"/>	Telephone	<input type="text"/>
Email address	<input type="text"/>		

Part B – Representation

Please use separate sheets for each representation

1. Which part of the Adur Local Plan does this representation relate to?

Policy No.	<input type="text" value="2"/>	Paragraph No.	<input type="text"/>
Map	<input type="text"/>	Other section (please specify)	<input type="text"/>

2. Do you consider the Adur Local Plan to be: (tick as appropriate)

- 2.1 Legally Compliant Yes ☒ No ☐
- 2.2 Sound Yes ☐ No ☒

Please read the Guidance Note for guidance on legal compliance and soundness.

If you have ticked no to 2.1, please continue to Q4.

If you have ticked no to 2.2, please continue to Q3.

If you have ticked yes to 2.1 and 2.2 please go to Q7.

3. Do you consider the Adur Local Plan to be unsound because it is not: (tick as appropriate)

- 3.1 Positively Prepared ☐
- 3.2 Justified ☐
- 3.3 Effective ☐
- 3.4 Consistent with National Policy ☒

4. If you consider the Adur Local Plan to be unsound or not legally compliant, please explain why in the box below:

The National Planning Policy Framework states that “*The purpose of the planning system is to contribute to the achievement of sustainable development*” (paragraph 6) and that there are three dimensions to sustainable development: economic, social and environmental (paragraph 7). The Framework explains that ‘*These roles should not be taken in isolation, because they are mutually dependent.....Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously*’ (paragraph 8). This makes it clear that any activity that results in detriment to one or more of these “roles” is not sustainable development.

In fact, the Framework indicates that merely not causing harm to economic, social or environmental interests is not sufficient: “*Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life*” (paragraph 9).

At the heart of the National Planning Policy Framework is a “*presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking*”. For plan-making, the Framework states that “*Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, ... unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted*” (Paragraph 14). Also “*all plans should be based upon and reflect the presumption in favour of sustainable development*” (paragraph 15).

In order to “objectively assess” housing needs, the Framework requires local planning authorities to prepare a Strategic Housing Market Assessment” (SHMA) (paragraph 159). This of course is purely an assessment of need. When it comes to seeking to meet those needs through allocations of land for housing in a Local Plan, account has to be taken of environmental, infrastructure and other constraints. In accordance with paragraph 14 of the Framework, quoted above, where meeting these needs in full would lead to adverse impacts that significantly and demonstrably outweigh the benefits, or where specific policies indicate development should be restricted, it is appropriate for the local planning authority not to seek these needs in full.

Adur’s housing needs have been objectively assessed through two particular studies: the Sussex Coast SHMA and Adur’s own Locally Generated Housing Needs Study. Paragraph 1.28 of the Plan explains that the main finding of the Sussex Coast SHMA is that “*it was highly unlikely that the level of objectively assessed housing need required in these local authority areas can be achieved in the sub-region in the light of environmental, landscape and infrastructure constraints*” (e.g. the National Park designation, river and coastal flood risk and biodiversity sites). Adur’s own Locally Generated Housing Needs Study (LGHNS) identified an even higher need than the Sussex Coast SHMA.

For Adur District, the Plan “*seeks to deliver a package of measures over the plan period in order to work towards meeting the objectively assessed development needs of Adur as far as possible, taking into account environmental assets and constraints*” (paragraph 2.2).

However, the corresponding paragraph in the Revised Draft Local Plan was more explicit, explaining that the District will not be able to meet its full housing requirement due to, inter alia, “*significant flood risk issues and landscape constraints*”. Paragraph 2.22 of the Revised Draft Plan recognised that meeting the high level of demand in the LGHNS “*would mean an extremely high level of development, with a severe impact on the Local Green Gaps, the landscape quality of Adur, biodiversity and on areas at risk of flooding*”.

The District Council therefore concluded at the Revised Draft Local Plan stage, rightly and justifiably in the opinion of CPRE Sussex, that it should not seek to meet its own objectively assessed needs in full. Although the Council now aims to meet the objectively assessed needs of Adur as far as possible (Objective 1 of the Proposed Submission Plan is now to deliver between 3,488 – 3,638 dwellings up to 2031 to potentially meet the lower end of the objectively assessed needs), it remains clear that “*taking into account environmental assets and constraints*”, that it would still not be sustainable to meet the objectively-assessed needs in full.

In fact, on that very point, the delivery of this increased range of dwellings depends on the development of two greenfield sites at New Monks Farm and West Sompting (paragraph 2.22). The Spatial Strategy also relies on the allocation of land at Shoreham Airport for employment floorspace. CPRE Sussex considers that the proposed strategic development allocations at New Monks Farm and Shoreham Airport are unsound, at this time at least, and at West Sompting is unsound, for the reasons we set out in our comments on Policies 5, 6 and 7.

Accordingly, CPRE Sussex considers the Spatial Strategy as set out in Policy 2 to be unsound as it relies on the release of the sites at New Monks Farm, West Sompting and Shoreham Airport.

5. Please explain in the box below what change(s) you consider necessary to make the Adur Local Plan legally compliant and sound having regard to the reason you identified above.

(You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested or revised wording of any policy or supporting text. Please be as precise as possible).

In order to be compliant with the National Planning Policy Framework and therefore sound, the Spatial Strategy of the Local Plan needs to be revised to

omit the proposed greenfield site allocation at West Sompting and to recognise that the proposed allocations at New Monks Farm and Shoreham Airport are only acceptable if it can be demonstrated that viable attenuation is possible to avoid ground/surface water flood risk to existing and new build properties.

We suggest the following amendments to Policy 2:

“If it can be demonstrated that viable attenuation is possible to avoid ground/surface water flood risk to existing and new buildings. Shoreham Airport will also be a focus for new employment floorspace.

Likewise, only if it can be demonstrated that viable attenuation is possible to avoid ground/water flood risk to existing and new build properties, the greenfield site at New Monks Farm, Lancing (residential, employment and community uses) will be released.....”

6. If your representation concerns soundness or legal compliance and is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination? (tick as appropriate)

No, I wish to communicate through written representations ☐

Yes, I wish to speak to the Inspector at the hearing sessions **YES** ☐

Please note: The Inspector will determine the most appropriate procedure to hear those who have indicated that they wish to participate at the hearing part of the examination.

7. If you wish to participate at the hearing part of the examination, please outline why you consider this to be necessary.

CPRE Sussex wishes to submit evidence to the Inspector of flood risk, and the sustainability and deliverability of the sites referred to above.

8. Please tick if you do not wish to be informed of the following:

When the Plan has been submitted for Examination ☐

When the recommendations from the Examination have been Published ☐

When the Local Plan has been adopted

☐

Part B – Representation

Please use separate sheets for each representation

1. Which part of the Adur Local Plan does this representation relate to?

Policy No.

3

Paragraph No.

Map

Other section
(please specify)

2. Do you consider the Adur Local Plan to be: (tick as appropriate)

2.1 Legally Compliant Yes ☒ No ☐

2.2 Sound Yes ☐ No ☒

Please read the Guidance Note for guidance on legal compliance and soundness.

If you have ticked no to 2.1, please continue to Q4.

If you have ticked no to 2.2, please continue to Q3.

If you have ticked yes to 2.1 and 2.2 please go to Q7.

3. Do you consider the Adur Local Plan to be unsound because it is not: (tick as appropriate)

3.1 Positively Prepared ☐

3.2 Justified ☐

3.3 Effective ☐

3.4 Consistent with National Policy ☒

4. If you consider the Adur Local Plan to be unsound or not legally compliant, please explain why in the box below:

CPRE Sussex considers that the proposed strategic development allocation at New Monks Farm is unsound, at this time at least, and at West Sompting is unsound, for the reasons we set out in our comments on Policies 2, 5 and 6.

Accordingly, CPRE Sussex considers the Housing Provision as set out in Policy 3 to be unsound as it relies on the release of the sites at New Monks Farm and West Sompting.

5. Please explain in the box below what change(s) you consider necessary to make the Adur Local Plan legally compliant and sound having regard to the reason you identified above.

(You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested or revised wording of any policy or supporting text. Please be as precise as possible).

The Housing Provision of the Local Plan needs to be revised to omit the proposed greenfield site allocation at West Sompting and to recognise that the development of New Monks Farm would only be acceptable if it can be demonstrated that viable attenuation is possible to avoid ground/water flood risk to existing and new build properties.

We suggest the following rewording:

Over the period 2011 – 2031 a minimum of 2558 dwellings will be developed in Adur, as follows:

☐ ***1456 within the built up area of Adur***

☐ ***1100 as part of the Shoreham Harbour Regeneration Area Western Arm***

A further 450 - 600 may be developable at New Monks Farm if it can be demonstrated that viable attenuation is possible to avoid ground/surface water flood risk to existing and new build properties.

6. If your representation concerns soundness or legal compliance and is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination? (tick as appropriate)

No, I wish to communicate through written representations

☐

Yes, I wish to speak to the Inspector at the hearing sessions ☐ **YES**

Please note: The Inspector will determine the most appropriate procedure to hear those who have indicated that they wish to participate at the hearing part of the examination.

7. If you wish to participate at the hearing part of the examination, please outline why you consider this to be necessary.

CPRE Sussex wishes to submit evidence to the Inspector of flood risk, and the sustainability and deliverability of the sites referred to above.

8. Please tick if you do not wish to be informed of the following:

When the Plan has been submitted for Examination ☐

When the recommendations from the Examination have been Published ☐

When the Local Plan has been adopted ☐

Part B – Representation

Please use separate sheets for each representation

1. Which part of the Adur Local Plan does this representation relate to?

Policy No.	<input type="text" value="4"/>	Paragraph No.	<input type="text"/>
Map	<input type="text"/>	Other section (please specify)	<input type="text"/>

2. Do you consider the Adur Local Plan to be: (tick as appropriate)

- 2.1 Legally Compliant Yes ☒ No ☐
- 2.2 Sound Yes ☐ No ☒

Please read the Guidance Note for guidance on legal compliance and soundness.

If you have ticked no to 2.1, please continue to Q4.

If you have ticked no to 2.2, please continue to Q3.

If you have ticked yes to 2.1 and 2.2 please go to Q7.

3. Do you consider the Adur Local Plan to be unsound because it is not: (tick as appropriate)

- 3.1 Positively Prepared ☐
- 3.2 Justified ☐
- 3.3 Effective ☐
- 3.4 Consistent with National Policy ☒

4. If you consider the Adur Local Plan to be unsound or not legally compliant, please explain why in the box below:

CPRE Sussex considers that the proposed strategic development allocations at New Monks Farm and Shoreham Airport are unsound, at this time at least, for the reasons we set out in our comments on Policies 5 and 7.

Accordingly, CPRE Sussex considers the economic growth strategy as set out in Policy 4 to be unsound as it relies on the release of the sites at New Monks Farm and Shoreham Airport.

5. Please explain in the box below what change(s) you consider necessary to make the Adur Local Plan legally compliant and sound having regard to the reason you identified above.

(You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested or revised wording of any policy or supporting text. Please be as precise as possible).

Policy 4 and its supporting text should recognise that the proposed strategic development allocations at New Monks Farm and Shoreham Airport will only be acceptable if it can be demonstrated that viable attenuation is possible to avoid ground/surface water flood risk to existing and new build properties.

We suggest the following amendment to Policy 4:

“To facilitate.....16,000.....iin Adur up to 2031 at Shoreham Harbour Regeneration Area.

In addition, if it can be demonstrated that viable attenuation is possible to avoid ground/surface water flood risk to existing and new buildings, an additional approximate 25,000 sq.m will be allocated for appropriate employment generating uses in Adur up to 2031 at the following locations:

- Shoreham Airport (approximately 15,000 sqm)***
- New Monks Farm (approximately 10,000sqm)***

6. If your representation concerns soundness or legal compliance and is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination? (tick as appropriate)

No, I wish to communicate through written representations ☐

Yes, I wish to speak to the Inspector at the hearing sessions ☐ **YES**

Please note: The Inspector will determine the most appropriate procedure to hear those who have indicated that they wish to participate at the hearing part of the examination.

7. If you wish to participate at the hearing part of the examination, please outline why you consider this to be necessary.

CPRE Sussex wishes to submit evidence to the Inspector of flood risk, and the sustainability and deliverability of the sites referred to above.

8. Please tick if you do not wish to be informed of the following:

When the Plan has been submitted for Examination ☐

When the recommendations from the Examination have been Published ☐

When the Local Plan has been adopted ☐

Part B – Representation

Please use separate sheets for each representation

1. Which part of the Adur Local Plan does this representation relate to?

Policy No.	<input type="text" value="5"/>	Paragraph No.	<input type="text"/>
Map	<input type="text"/>	Other section (please specify)	<input type="text"/>

2. Do you consider the Adur Local Plan to be: (tick as appropriate)

2.1 Legally Compliant Yes ☒ No ☐

2.2 Sound Yes ☐ No ☒

Please read the Guidance Note for guidance on legal compliance and soundness.

If you have ticked no to 2.1, please continue to Q4.

If you have ticked no to 2.2, please continue to Q3.

If you have ticked yes to 2.1 and 2.2 please go to Q7.

3. Do you consider the Adur Local Plan to be unsound because it is not: (tick as appropriate)

3.1 Positively Prepared ☐

3.2 Justified ☐

3.3 Effective ☐

3.4 Consistent with National Policy ✓

4. If you consider the Adur Local Plan to be unsound or not legally compliant, please explain why in the box below:

When commenting on the Revised Draft Local Plan CPRE Sussex objected to the allocation of the strategic site at New Monks Farm for a number of reasons, including flooding issues.

Paragraph 2.53 of the Local Plan explains that “*The site is predominantly located in Flood Zone 3a with parts in Flood Zones 1 and 2. However it has, in accordance with the guidance set out in the National Planning Policy Framework, passed both the sequential and exceptions tests. Parts of the site are at risk from surface water flooding, particularly the northern section, and the site is also susceptible to ground water flooding. Any application will have to demonstrate that current flood risk from all sources is mitigated, that flood risk to other areas is not increased and that where possible flood risk overall is reduced. The developer will need to work with Adur District Council, West Sussex County Council and the Environment Agency.*” This is reflected in Policy 5.

However, CPRE Sussex notes that West Sussex County Council, as Lead Local Flood Authority, expressed concerns at the allocation of major sites within the high flood risk zones 3a and 3b, especially New Monks Farm and Shoreham Airport, when commenting on the Revised Draft Local Plan. The County Council accepted that these sites passed the Sequential Test (due to a lack of available developable land outside of flood risk areas) and Part 1 of the Exception Test but considered that it had yet to be proven that Part 2 of the Exception Test could be definitively passed at this stage.

The County Council explained that in order to meet the requirements of Part 2 of the Exception Test as set out in the National Planning Policy Framework and associated guidance, the Local Plan should *demonstrate* (WSCC emphasis) that the development will be safe for its lifetime, the residual risks of flooding to people and property (including the likely effects of climate change) are acceptable and can be satisfactorily managed.

The County Council noted that the Strategic Flood Risk Assessment (SFRA) 2012 does not include the level of detail required that is set out in paragraph 8 of the Technical Guidance to the NPPF to demonstrate that Part 2 can be met according to paragraph 102 of the NPPF at the Local Plan stage.

The County Council accepted that that the majority of this detail should be provided at the application stage but pointed out that the Planning Practice Guidance (then in draft form, but now finalised) indicated that this should also be done at the Local Plan stage. As Lead Local Flood Authority, the County Council

stated that “Adur District Council should ensure that it is satisfied that it has been demonstrated that flood risk issues at Shoreham Airport and New Monks Farm can be technically and practically overcome to meet Part 2 of the Exception Test”.

However, notwithstanding these concerns expressed by the Lead Local Flood Authority, the District Council is still proposing that all of the responsibility for demonstrating that flood risks from all sources can be mitigated without worsening flood risk elsewhere lies with the developer. Although CPRE Sussex understands that the County Council has since given approval to this allocation, CPRE Sussex still considers that the District Council is abdicating its responsibilities under the National Planning Policy Framework and its associated guidance.

In addition, CPRE Sussex has commissioned its own independent Flood Risk Assessment of the three proposed key strategic sites at New Monks Farm, West Sompting and Shoreham Airport. A copy of this Assessment is submitted with these representations, but the conclusions of the Assessment include:

- *The EA Floodmap shows the sites to be located within Flood Zone 3b, 3a, 2 and 1, and the sites do not appear to benefit directly from the presence of defences to the required standard for planning.*
- *The Worthing and Adur SFRA shows:*
 - *New Monks Farm: surface water flooding event close to east of the site, numerous sewer, groundwater and fluvial flooding events in north west of site.*
- *Modelled surface water flooding shows all of the sites to be affected by predicted surface water ponding.*
- *With significant surface water flooding predicted in the north of the New Monks Farm site and along Old Shoreham Road and around the numerous drains and tributaries across all three sites.*
- *The Worthing and Adur SFRA shows areas of Intermediate Susceptibility to surface water flooding across all three sites.*
- *Numerous anecdotal records of flooding have been provided, including photographic evidence and anecdotal evidence suggests the following combined flood mechanisms occur:*
 - *surface water flooding occurs in these areas as surface water cannot drain into the ground because of very high groundwater levels;*
 - *surface waters cannot discharge into ditches and tributaries that ultimately drain in the River Adur when tidal levels are high (i.e. tide locking occurs).*
- *Given the underlying geology, it is clear that most if not all of the allocated*

areas are going to be unsuitable for infiltration SUDS and all developments will need to be connected to mains drainage. The sustainability of the infrastructure requirements of draining potentially hundreds of new homes, plus commercial space and associated roads and car parking into mains drainage may be questionable.

- In addition, further investigation will be required into any built construction or land re-profiling which could affect overland flow routes or surface water flood conveyance routes across the sites.*
- Further investigation is also recommended into the access and egress arrangements for the sites given the historical flooding records and potential for surface water flooding of the site access routes and adjacent roads.*
- The SFRA has highlighted 'significant' risks of groundwater flooding in the allocation areas.*
- There is a spring line at the base of the South Downs, where the Chalk aquifer dips below a cover of low permeability superficial deposits. There is firm evidence of groundwater emergence along this geological boundary (which is also, roughly, along the route of the A27). Emergence of groundwater here already causes local flooding issues. In addition, the superficial deposits can be seen to communicate tidal and river levels inland.*
- To date the modelling and strategic flood risk assessments take into account each flood mechanism as an isolated event. Convergence of several flood drivers (e.g. high groundwater levels plus high rainfall) may combine to cause unanticipated levels of flooding.*

It is clear from this Assessment that there is still significant uncertainty over the ability to develop the strategic site at New Monks Farm (and the strategic sites at West Sompting and Shoreham Airport) without encountering substantive flooding problems and quite possibly, exacerbating flooding problems elsewhere (flooding is not constrained to the proposed development area: whatever is developed in the north of the Lancing-Shoreham Gap will impact the drainage for the whole flood plain area – upstream and downstream, particularly West Beach, which will be at further risk of flooding from displaced surface water).

CPRE Sussex is aware that West Sussex County Council has commissioned CM2MHill (Halcrow) to undertake a complete study of the surface and groundwater flows across the Lancing Gap with flow and capacity measurements. We understand that this report will not be available until the Spring of 2015 and that it will propose solutions to stabilise and improve the drainage of the area for conditions which currently exist, taking no account of future developments arising from allocations in the Adur Local Plan.

CPRE Sussex considers that the submission of the Local Plan would be premature until this report is available and its conclusions can be used to inform

the Plan's policies and proposals, particularly the allocations of strategic sites at New Monks Farm and Shoreham Airport.

CPRE Sussex further considers that in the absence of this report and any further work undertaken by the District Council, and with the conclusions of the CPRE Sussex Assessment, the Council has failed to demonstrate that development at New Monks Farm would achieve clause V9 of the Local Plan's Vision – that *'flood risk will have been greatly reduced through..... the careful consideration of the location of new development'* – and, critically as regards the soundness of the Plan, that it would not be contrary to paragraph 100 of the National Planning Policy Framework, which states *"Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere"* and that Part 2 of the Exception Test can be met according to paragraph 102 of the NPPF.

Accordingly, CPRE Sussex does not consider the allocation of land at New Monks Farm, at this time at least, to be sound.

5. Please explain in the box below what change(s) you consider necessary to make the Adur Local Plan legally compliant and sound having regard to the reason you identified above.

(You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested or revised wording of any policy or supporting text. Please be as precise as possible).

CPRE Sussex believes that the correct procedure would be not to submit the Local Plan until the conclusions and recommendations of the CM2MHill Report are published (and publicly available) with, if necessary revisions to the Plan to take account of these conclusions and recommendations.

If the Council nevertheless proposes to submit the Plan before the CM2MHill Report is published, Policy 5 and its supporting text should be revised to make it clear that the development of the New Monks Farm strategic site will only be acceptable if this Report demonstrates that viable attenuation is possible to avoid ground/surface water flood risk to existing and new build properties (i.e., if this Report demonstrates that viable attenuation is not possible, the development of the site will not be acceptable. It should then be deleted from the Plan as a main modification).

We suggest the following amendment:

"If it can be demonstrated that viable attenuation is possible to avoid

ground/surface water flood risk to existing and new build properties, land at New Monks Farm....."

6. If your representation concerns soundness or legal compliance and is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination? (tick as appropriate)

No, I wish to communicate through written representations ☐

Yes, I wish to speak to the Inspector at the hearing sessions **YES** ☐

Please note: The Inspector will determine the most appropriate procedure to hear those who have indicated that they wish to participate at the hearing part of the examination.

7. If you wish to participate at the hearing part of the examination, please outline why you consider this to be necessary.

CPRE Sussex wishes to submit evidence to the Inspector of flood risk, and the sustainability and deliverability of the sites referred to above.

8. Please tick if you do not wish to be informed of the following:

When the Plan has been submitted for Examination ☐

When the recommendations from the Examination have been Published ☐

When the Local Plan has been adopted ☐

Part B – Representation

Please use separate sheets for each representation

1. Which part of the Adur Local Plan does this representation relate to?

Policy No.	<input type="text" value="6"/>	Paragraph No.	<input type="text"/>
Map	<input type="text"/>	Other section (please specify)	<input type="text"/>

2. Do you consider the Adur Local Plan to be: (tick as appropriate)

- 2.1 Legally Compliant Yes ☒ No ☐
- 2.2 Sound Yes ☐ No ☒

Please read the Guidance Note for guidance on legal compliance and soundness.

If you have ticked no to 2.1, please continue to Q4.

If you have ticked no to 2.2, please continue to Q3.

If you have ticked yes to 2.1 and 2.2 please go to Q7.

3. Do you consider the Adur Local Plan to be unsound because it is not: (tick as appropriate)

- 7.1 Positively Prepared ☐
- 7.2 Justified ☐
- 7.3 Effective ☐

7.4 Consistent with National Policy ✓

4. If you consider the Adur Local Plan to be unsound or not legally compliant, please explain why in the box below:

Paragraph 2.70 of the Local Plan explains that *“The site lies predominantly within Flood Zone 1 with small areas in Flood Zone 2, 3a and 3b. Parts of the site are at risk from surface water flooding, particularly the southernmost part. The site is also susceptible to ground water flooding. The site layout will be expected to direct development away from the areas most at risk and appropriate mitigation measures will be required to reduce all forms of flood risk across the site. A Flood Risk Assessment will be required at the planning application stage and this will need to show that not only can flood risk be mitigated on site but that flood risk will not be worsened elsewhere. Opportunities to improve flood risk in the area should also be sought where possible.”* This is reflected in Policy 6.

CPRE Sussex has commissioned its own independent Flood Risk Assessment of the three proposed key strategic sites at New Monks Farm, West Sompting and Shoreham Airport. A copy of this Assessment is submitted with these representations, but the conclusions of the Assessment include:

- *The EA Floodmap shows the sites to be located within Flood Zone 3b, 3a, 2 and 1, and the sites do not appear to benefit directly from the presence of defences to the required standard for planning.*
- *The Worthing and Adur SFRA shows:*
 - *Land to the west of Sompting: fluvial flooding event in north east corner of site, groundwater flooding events in north west corner of site, surface water event in south eastern corner of site.*
- *Modelled surface water flooding shows all of the sites to be affected by predicted surface water ponding.*
- *With significant surface water flooding predicted in the north of the New Monks Farm site and along Old Shoreham Road and around the numerous drains and tributaries across all three sites.*
- *The Worthing and Adur SFRA shows areas of Intermediate Susceptibility to surface water flooding across all three sites.*
- *Numerous anecdotal records of flooding have been provided, including photographic evidence and anecdotal evidence suggests the following combined flood mechanisms occur:*
 - *surface water flooding occurs in these areas as surface water*

cannot drain into the ground because of very high groundwater levels;

- surface waters cannot discharge into ditches and tributaries that ultimately drain in the River Adur when tidal levels are high (i.e. tide locking occurs).

- Given the underlying geology, it is clear that most if not all of the allocated areas are going to be unsuitable for infiltration SUDS and all developments will need to be connected to mains drainage. The sustainability of the infrastructure requirements of draining potentially hundreds of new homes, plus commercial space and associated roads and car parking into mains drainage may be questionable.*
- In addition, further investigation will be required into any built construction or land re-profiling which could affect overland flow routes or surface water flood conveyance routes across the sites.*
- Further investigation is also recommended into the access and egress arrangements for the sites given the historical flooding records and potential for surface water flooding of the site access routes and adjacent roads.*
- The SFRA has highlighted 'significant' risks of groundwater flooding in the allocation areas.*
- There is a spring line at the base of the South Downs, where the Chalk aquifer dips below a cover of low permeability superficial deposits. There is firm evidence of groundwater emergence along this geological boundary (which is also, roughly, along the route of the A27). Emergence of groundwater here already causes local flooding issues. In addition, the superficial deposits can be seen to communicate tidal and river levels inland.*
- To date the modelling and strategic flood risk assessments take into account each flood mechanism as an isolated event. Convergence of several flood drivers (e.g. high groundwater levels plus high rainfall) may combine to cause unanticipated levels of flooding.*

It is clear from this Assessment that there is still significant uncertainty over the ability to develop the strategic site at West Sompting (and the strategic sites at New Monks Farm and Shoreham Airport) without encountering substantive flooding problems and quite possibly, exacerbating flooding problems elsewhere.

CPRE Sussex therefore considers that development at West Sompting would not achieve clause V9 of the Local Plan's Vision – that '*flood risk will have been greatly reduced through..... the careful consideration of the location of new development*' – and would be contrary to paragraph 100 of the National Planning Policy Framework, which states '*Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood*

risk elsewhere.'

Accordingly, CPRE Sussex does not consider the allocation of land at West Sompting to be sound.

5. Please explain in the box below what change(s) you consider necessary to make the Adur Local Plan legally compliant and sound having regard to the reason you identified above.

(You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested or revised wording of any policy or supporting text. Please be as precise as possible).

The strategic development site allocation at West Sompting should be removed from the Local Plan.

6. If your representation concerns soundness or legal compliance and is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination? (tick as appropriate)

No, I wish to communicate through written representations ☐

Yes, I wish to speak to the Inspector at the hearing sessions ☐ **YES**

Please note: The Inspector will determine the most appropriate procedure to hear those who have indicated that they wish to participate at the hearing part of the examination.

7. If you wish to participate at the hearing part of the examination, please outline why you consider this to be necessary.

CPRE Sussex wishes to submit evidence to the Inspector of flood risk, and the sustainability and deliverability of the sites referred to above.

8. Please tick if you do not wish to be informed of the following:

When the Plan has been submitted for Examination ☐

When the recommendations from the Examination have been Published ☐

When the Local Plan has been adopted ☐

Part B – Representation

Please use separate sheets for each representation

1. Which part of the Adur Local Plan does this representation relate to?

Policy No. Paragraph No.

Map Other section (please specify)

2. Do you consider the Adur Local Plan to be: (tick as appropriate)

2.1 Legally Compliant Yes ☒ No ☐

2.2 Sound Yes ☐ No ☒

Please read the Guidance Note for guidance on legal compliance and soundness.

If you have ticked no to 2.1, please continue to Q4.

If you have ticked no to 2.2, please continue to Q3.

If you have ticked yes to 2.1 and 2.2 please go to Q7.

3. Do you consider the Adur Local Plan to be unsound because it is not: (tick as appropriate)

7.5 Positively Prepared ☐

7.6 Justified ☐

7.7 Effective ☐

7.8 Consistent with National Policy ☒

4. If you consider the Adur Local Plan to be unsound or not legally compliant, please explain why in the box below:

When commenting on the Revised Draft Local Plan CPRE Sussex objected to the allocation of the strategic site at Shoreham Airport for a number of reasons, including flooding issues.

Paragraph 2.80 of the Local Plan explains that “*Shoreham Airport is currently located within Flood Zone 3b (functional floodplain). The airport is at risk from tidal and fluvial flooding and has a high susceptibility to groundwater flooding. There are also potential surface water flooding issues but these are less significant. The construction of the Shoreham Adur Tidal Walls Project led by the Environment Agency will reduce the likelihood of tidal and fluvial flooding at the airport and would result in a change to the Flood Zone of the airport from 3b to 3a (high probability). This change will facilitate the allocation of approximately 15,000 sqm of employment floorspace at Shoreham Airport to be constructed. The allocation is therefore dependent on the construction of the Tidal Walls. Technical approval has now been received for the Shoreham Adur Tidal Walls Project and the Environment Agency has secured funding to start the detailed design phase of the scheme. The Tidal Walls Scheme is not anticipated to be completed until approximately 2017 but the improvement of flood defences adjacent to the airport is likely to be undertaken as one of the early phases of this scheme.*” This is reflected in Policy 7.

However, CPRE Sussex notes that West Sussex County Council, as Lead Local Flood Authority, expressed concerns at the allocation of major sites within the high flood risk zones 3a and 3b, especially New Monks Farm and Shoreham Airport, when commenting on the Revised Draft Local Plan. The County Council accepted that these sites passed the Sequential Test (due to a lack of available developable land outside of flood risk areas) and Part 1 of the Exception Test but considered that it had yet to be proven that Part 2 of the Exception Test could be definitively passed at this stage.

The County Council explained that in order to meet the requirements of Part 2 of the Exception Test as set out in the National Planning Policy Framework and associated guidance, the Local Plan should *demonstrate* (WSCC emphasis) that the development will be safe for its lifetime, the residual risks of flooding to people and property (including the likely effects of climate change) are acceptable and can be satisfactorily managed.

The County Council noted that the Strategic Flood Risk Assessment (SFRA) 2012 does not include the level of detail required that is set out in paragraph 8 of

the Technical Guidance to the NPPF to demonstrate that Part 2 can be met according to paragraph 102 of the NPPF at the Local Plan stage.

The County Council accepted that that the majority of this detail should be provided at the application stage but pointed out that the Planning Practice Guidance (then in draft form, but now finalised) indicated that this should also be done at the Local Plan stage. As Lead Local Flood Authority, the County Council stated that *“Adur District Council should ensure that it is satisfied that it has been demonstrated that flood risk issues at Shoreham Airport and New Monks Farm can be technically and practically overcome to meet Part 2 of the Exception Test”*.

CPRE Sussex acknowledges that Policy 7 prevents any development on the proposed allocated site until the relevant section of the Shoreham Adur Tidal Walls on the west bank has been completed. However, we note that this would only reduce the categorisation of the site from “functional floodplain” (3b) to “high probability of flooding” (3a) rather than protect the site from flooding at all.

In addition, CPRE Sussex has commissioned its own independent Flood Risk Assessment of the three proposed key strategic sites at New Monks Farm, West Sompting and Shoreham Airport. A copy of this Assessment is submitted together with these representations, but the conclusions of the Assessment include:

- *The EA Floodmap shows the sites to be located within Flood Zone 3b, 3a, 2 and 1, and the sites do not appear to benefit directly from the presence of defences to the required standard for planning.*
- *The Worthing and Adur SFRA shows:*
 - *Shoreham Airport: sewer flooding event on site.*
- *Modelled surface water flooding shows all of the sites to be affected by predicted surface water ponding.*
- *With significant surface water flooding predicted in the north of the New Monks Farm site and along Old Shoreham Road and around the numerous drains and tributaries across all three sites.*
- *The Worthing and Adur SFRA shows areas of Intermediate Susceptibility to surface water flooding across all three sites.*
- *Numerous anecdotal records of flooding have been provided, including photographic evidence and anecdotal evidence suggests the following combined flood mechanisms occur:*
 - *surface water flooding occurs in these areas as surface water cannot drain into the ground because of very high groundwater levels;*
 - *surface waters cannot discharge into ditches and tributaries that ultimately drain in the River Adur when tidal levels are high (i.e. tide locking occurs).*

- *Given the underlying geology, it is clear that most if not all of the allocated areas are going to be unsuitable for infiltration SUDS and all developments will need to be connected to mains drainage. The sustainability of the infrastructure requirements of draining potentially hundreds of new homes, plus commercial space and associated roads and car parking into mains drainage may be questionable.*
- *In addition, further investigation will be required into any built construction or land re-profiling which could affect overland flow routes or surface water flood conveyance routes across the sites.*
- *Further investigation is also recommended into the access and egress arrangements for the sites given the historical flooding records and potential for surface water flooding of the site access routes and adjacent roads.*
- *The SFRA has highlighted 'significant' risks of groundwater flooding in the allocation areas.*
- *There is a spring line at the base of the South Downs, where the Chalk aquifer dips below a cover of low permeability superficial deposits. There is firm evidence of groundwater emergence along this geological boundary (which is also, roughly, along the route of the A27). Emergence of groundwater here already causes local flooding issues. In addition, the superficial deposits can be seen to communicate tidal and river levels inland.*
- *To date the modelling and strategic flood risk assessments take into account each flood mechanism as an isolated event. Convergence of several flood drivers (e.g. high groundwater levels plus high rainfall) may combine to cause unanticipated levels of flooding.*

It is clear from this Assessment that there is still significant uncertainty over the ability to develop the strategic site at New Monks Farm (and the strategic sites at West Sompting and Shoreham Airport) without encountering substantive flooding problems and quite possibly, exacerbating flooding problems elsewhere (flooding is not constrained to the proposed development area: whatever is developed in the north of the Lancing-Shoreham Gap will impact the drainage for the whole flood plain area – upstream and downstream, particularly West Beach, which will be at further risk of flooding from displaced surface water).

CPRE Sussex is aware that West Sussex County Council has commissioned CM2MHill (Halcrow) to undertake a complete study of the surface and groundwater flows across the Lancing Gap with flow and capacity measurements. We understand that this report will not be available until the Spring of 2015 and that it will propose solutions to stabilise and improve the drainage of the area for conditions which currently exist, taking no account of future developments arising from allocations in the Adur Local Plan.

CPRE Sussex considers that the submission of the Local Plan would be premature until this report is available and its conclusions can be used to inform the Plan's policies and proposals, particularly the allocations of strategic sites at New Monks Farm and Shoreham Airport.

CPRE Sussex further considers that in the absence of this report and any further work undertaken by the District Council, and with the conclusions of the CPRE Sussex Assessment, the Council has failed to demonstrate that development at New Monks Farm would achieve clause V9 of the Local Plan's Vision – that *'flood risk will have been greatly reduced through..... the careful consideration of the location of new development'* – and, critically as regards the soundness of the Plan, that it would not be contrary to paragraph 100 of the National Planning Policy Framework, which states *"Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere"* and that Part 2 of the Exception Test can be met according to paragraph 102 of the NPPF.

Accordingly, CPRE Sussex does not consider the allocation of land at Shoreham Airport, at this time at least, to be sound.

5. Please explain in the box below what change(s) you consider necessary to make the Adur Local Plan legally compliant and sound having regard to the reason you identified above.

(You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested or revised wording of any policy or supporting text. Please be as precise as possible).

CPRE Sussex believes that the correct procedure would be not to submit the Local Plan until the conclusions and recommendations of the CM2MHill Report are published (and publicly available) with, if necessary revisions to the Plan to take account of these conclusions and recommendations.

If the Council nevertheless proposes to submit the Plan before the CM2MHill Report is published, Policy 7 and its supporting text should be revised to make it clear that the development of the Shoreham Airport strategic site will only be acceptable if this Report demonstrates that viable attenuation is possible to avoid ground/surface water flood risk to existing and new build properties (i.e., if this Report demonstrates that viable attenuation is not possible, the development of the site will not be acceptable. It should then be deleted from the Plan as a main modification).

We suggest the following amendment to Policy 7:

If it can be demonstrated that viable attenuation is possible to avoid ground/surface water flood risk to existing and new buildings, land at Shoreham

Airport.....”.

6. If your representation concerns soundness or legal compliance and is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination? (tick as appropriate)

No, I wish to communicate through written representations ☐

Yes, I wish to speak to the Inspector at the hearing sessions ☐ **YES**

Please note: The Inspector will determine the most appropriate procedure to hear those who have indicated that they wish to participate at the hearing part of the examination.

7. If you wish to participate at the hearing part of the examination, please outline why you consider this to be necessary.

CPRE Sussex wishes to submit evidence to the Inspector of flood risk, and the sustainability and deliverability of the sites referred to above.

8. Please tick if you do not wish to be informed of the following:

When the Plan has been submitted for Examination ☐

When the recommendations from the Examination have been Published ☐

When the Local Plan has been adopted ☐