

POSITION STATEMENT

for

SDNP LOCAL PLAN INSPECTION HEARING

to held on Wednesday 12 December 2018

by the

UPDATED FINDON NEIGHBOURHOOD PLAN WORKING GROUP

on the insufficiency of soundness of housing allocation policies SD71 and SD72

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1. This Position Statement further clarifies the written representations made by the Updated Findon Neighbourhood Plan Working Group (UFNPWG) during the formal consultation period for the SDNP 2017 Pre Submission Local Plan.
2. The Position Statement by Findon Parish Council (FPC) sets out the circumstances which led to the formation of the UFNPWG and gives an update on progress of the updated Neighbourhood Development Plan (UNP), which includes housing site allocations and has now successfully reached Reg 15 submission stage.
3. The Reg 15 UNP housing site allocations are different from the LP housing site allocations, but are available, deliverable and viable, are very significantly less landscape and local heritage sensitive than LP allocation sites SD71 and SD72, have considerable community support, unlike LP sites SD71 and SD72. (1) They also deliver community benefits; restored allotments, landscaped parking and contributions towards the provision of village life enhancements, unlike allocations SD71 and SD72.
4. The UNDP is well advanced and its housing site allocations are '*sufficient*' to meet the housing provision of 30 dwellings for Findon, as set out in LP Policy SD26. It is in conformity with this strategic policy and is an '*emerging NDP*' under supporting text 7.30 to that policy. Although the supporting text may not have felt it necessary to refer specifically to emerging updated NDPs, as they are NDPs, the addition of '*and emerging updated NDPs*' in 7.30 would provide clarity.
5. If LP Allocation Policies SD71 and SD72 are deemed to be unsound and are removed, as a modification, the LP strategic housing policies would remain sound, (subject to any recommendations by the Inspector) as the well advanced UNDP will deliver the housing provision for Findon in conformity with supporting text paragraph 7.30.
6. This case was made by the UNP Working Group to the SDNPA planning committee in March 2017 when it reviewed the Pre Submission LP. Officers however considered that the emerging UNDP was not sufficiently advanced at that time and to remove allocation policies SD71 and SD72 at that stage could introduce a risk that the Submission LP may not be considered sound on housing allocation policies at Inspection. Eighteen months on however there is a well advanced UNDP that can

deliver the housing provision including policy compliant affordable homes, with a buffer, in a timely programme over the first two, 5 year housing supply periods of the LP and the UNDP, without the need for LP allocation policies SD71 and SD72. (2)

7. This Position Statement now turns to the reasons why it is argued that Submission LP Allocation Policies SD71 and SD72 are insufficiently sound. The FPC Position Statement focussed on the first reason a), while this Position Statement makes the case for reason b) development of SD72 is not financially viable to deliver policy compliant affordable homes, reason c) the allocation policies undermine strategic LP policies and reason d) the SDNPA's published methodology for undertaking landscape character assessments to inform the allocation policies and alternative allocation sites has not been properly followed.

b) development of SD72 is not financially viable to deliver policy compliant affordable homes

8. Submission LP Policy SD72 allocates this site, which comprises a large, modern detached house, swimming pool, tennis court and extensive gardens for the development of 10 to 12 residential dwellings. Supporting text 9.97 to the policy states, *'Redevelopment of the site provides an opportunity to deliver modest sized dwellings that better meet local housing need.'*
9. Submission LP Strategic Policy SD27: Mix of Homes, sets out the dwelling size mix for market homes and affordable homes and clearly highlights the priority in the National Park is for two and three bedroom affordable homes and where needed to facilitate the delivery of affordable homes, one, two and three bedroom market houses. The 2015 Findon Local Housing Needs Survey also highlighted a similar priority for affordable homes and modest sized market houses.
10. Submission LP Strategic Policy SD28: Affordable Homes, sets out the thresholds and the minimum number of affordable homes and their tenure, that housing proposals should deliver. In the case of allocation policy SD72, taking the higher capacity total of 12 dwellings this would require a policy compliant proposal to include 6 of the dwellings as affordable homes with (4.5), say 4 of them, to be of rented affordable tenure.

11. Strategic Policy SD27, (in the case of allocation policy SD72 taking the higher capacity total of 12 dwellings), would require a policy compliant proposal to comprise, 3no two bedroom and 3no three bedroom market homes with 2no one bedroom, 2no two bedroom and 2no three bedroom affordable homes. In other words, the '*modest sized dwellings*' which allocation policy SD72 seeks to deliver.
12. An important part of plan making is to test that housing allocation policies can pass a financial viability appraisal to ensure delivery of affordable homes. Viability is recognised by the SDNPA, extensive viability reports have been commissioned and included in the Local Plan evidence base. These are however National Park wide viability reports and although factoring in some local differences across the range of geographic and housing market areas, in the main they consider only undeveloped sites or redundant brownfield sites to inform National Park wide affordable housing thresholds and market housing CIL contributions. However sites with a high current use value, like SD72 need to be individually viability tested to check if delivery of policy compliant affordable homes at such locations is achievable, before inclusion as an LP or UNP allocation site.
13. The Submission Local Plan evidence base does not include an individual viability appraisal or test, for allocation site SD72. This Position Statement however does include a summary of viability appraisals for SD72, which have been undertaken following a similar methodology and using the same base criteria and assumptions as the SDNPA consultants utilised when preparing the housing viability appraisals that informed the development of the CIL policy and Submission Local Plan strategic housing policies.
14. The viability appraisals have been able to use actual, recent house sales data for Findon when arriving at gross development values and local house building costs, when selecting BCIS base construction costs/m<sup>2</sup>, but otherwise use the same assumptions as the SDNPA viability reports for roads and utilities costs, landscape costs, LP design and specification uplift costs, consultants fees, development finance costs, developers profits for market housing and affordable homes, marketing and legal costs and site acquisition, legal and stamp duty costs.

15. The methodology arrives at a residual land or site value; that is, the gross development value less all development costs. In the case of allocation SD72, the current use value, which is compared to the residual land or site value, is already known, as the property is on the market at £1.45m and has attracted an offer, subject to contract, for occupation as a large family home.
16. If the residual land or site value for a LP policy compliant scheme is within the same range as the current use value, SD72 could be considered broadly viable. If the residual land or site value is significantly lower than the current use value, a LP policy compliant scheme would not be viable.
17. A viability appraisal has also been undertaken for a non policy compliant scheme to illustrate a likely proposal that would come forward from a developer when a policy compliant scheme is found not to be viable. Submission Local Plan strategic policy SD28 2. states...*'Where, exceptionally, provision of affordable housing which complies with the above is robustly shown to be financially unviable, priority will be give to achieving the target number of on-site affordable homes over other requirements set out in this policy* [rented affordable tenure]
18. In that case however a non compliant proposal would still have to meet policy SD27 which prioritises smaller homes as the market housing element. This is reaffirmed in allocation policy SD72. If the only viable development proposals at SD72 need to include large detached houses and only shared ownership affordable homes, allocation policy SD72 is not achievable and therefore not sound.
19. Viability assessment (VA1) shows a residual site value for SD72 of £681,000 for a proposal which is compliant with LP policies SD27: Mix of Homes and SD28: Affordable Homes. However this is £769,000 less than the current use, open market value of the existing house and grounds at £1.45m and therefore a policy compliant proposal for allocation site SD 72 is not viable, or anywhere close to being viable. (11)
20. Viability assessment (VA2) shows a residual site value for SD72 of £1,447m for a non policy compliant proposal based on very large market houses and smaller shared ownership homes. This is close to the current use, open market value at £1.45m. Although this proposal for 7no large four and five bedroom houses with 5 modest

sized shared ownership homes can be considered broadly viable, there is no scope for a site owner's premium to make the site available for redevelopment rather than selling as a private home. (12)

21. However, more importantly, such a proposal for SD72 would **not** be LP strategic housing policy compliant and although a developer may argue that is potentially compliant with policy SD28 under the 'exceptionality' provision where it could be '*.....robustly shown that a policy compliant proposal was financially unviable.....*', and if this was accepted by the SDNPA, the proposal would still **not** be compliant with strategic policy SD27, because of the high proportion of large 4 and 5 bedroom houses, nor would it meet the aspiration of allocation policy SD72 '*to deliver more modest sized dwellings that better meet local housing need*'.
22. In conclusion, financial viability appraisals have robustly shown that Submission LP allocation policy SD72, is not able to '*....deliver modest sized dwellings that better meet local housing need.....*', is not able to show compliance with Submission LP Strategic Policy SD27; and would undermine the aspirations of Submission LP Strategic Policy SD28 to deliver a significant number of affordable homes of '*rented affordable tenure*'. Allocation policy SD72 is therefore unsound.

c) SD71 and SD72 undermine strategic LP policies and a 'made' NP aspiration

*Core Policy SD1 'to conserve landscape and natural beauty'*

*Strategic Policy SD4: Landscape Character and SD5: Design*

23. LP Policies SD71 and SD72 are both for sites on the higher slopes of Findon some 30 metres (SD71) and 25 metres (SD72) above the High Street, Horsham Road and the A24 where the main part of the settlement is located at the bottom of the dry valley. Inevitably, in a primarily open downland landscape, the allocation sites and new development will be highly visible in the local landscape setting of Findon, both when approaching the settlement and from within the settlement itself.
24. The character of the landscape setting of Findon itself, is that of a historic settlement predominantly 'hidden' on the lower slopes of a dry wooded valley, with a natural,

meandering rural edge at the higher open downland slopes rather than a consciously planned 'rounded off' settlement form. This local landscape character is identifiable when approaching from Long Furlong, from historic rural roads, downland footpaths and bridleways, from viewpoints in Findon and nearby wider viewpoints at Cissbury Hill, Church Hill and West Hill. The location of both allocation sites on the higher slopes where development will be highly visible, however well it may be designed, cannot be justified as a realistic opportunity to enhance and conserve local landscape character and local natural beauty or improve the settlement edge. The allocation policies therefore undermine the aspirations of Core Policy SP1.

25. The Findon Local Viewshed, taking the lead from the SDNP Viewshed, is a database of viewpoint photographs, available on the FPC web site, which covers all the 'at risk' edge of settlement locations. Photographs of allocation site SD71 and SD72 clearly illustrate the potential for great harm to the landscape character through development proposals at these locations. Significant harm that has already occurred from the development of three, larger replacement houses in Stable Lane, on sites within the settlement boundary but with one boundary to allocation site SD71, gives clear early warning of the much greater harm that will arise to the local landscape setting from allocation SD71, which seeks to deliver a development of between 14 and 18 houses. Housing site allocations should not seek to justify new development on the highly challengeable assertion, whether made by the SDNPA or the developer, that they will help to mitigate existing harm and improve the settlement edge. New development at SD71 will very significantly exacerbate existing harm at this sensitive location and provide no realistic opportunity to enhance or conserve local landscape and natural beauty or improve the existing informal, rural settlement edge. (3)
26. Allocation site SD72, is also a sensitive location of significant local historic landscape value at a different open downland settlement edge to the east of Findon. Local Viewshed photographs show the site in the context of sensitive views from the adjoining historic Nepcote Green with the listed Wattle House, from Nepcote Lane, a historic rural road, outwards to the open downland racehorse training gallops, public footpaths and bridleways and from more distant views inwards, from both the lower slopes and upper slopes of Cissbury Hill. (4)

27. The assertion in Policy SD72 that the replacement of a relatively modern house of 320m<sup>2</sup>, by the introduction of a development of 10 to 12 new houses, in total some 1950 m<sup>2</sup> of built form, is an opportunity to *'enhance the local landscape and the setting of the listed Wattle House on Nepcote Green'*, is misleadingly optimistic and highly challengeable. Such unrealistic assertions only undermine the realistic aspirations in Strategic Policies SD4:Landscape and SD5:Design.
28. Allocation policies SD71 and SD72 give no recognition or weight to local landscape character and local historic environment value, nor give any protection to local Viewshed priorities. Instead the allocation policies have been informed from a generic consideration of the landscape character of the dip slope as a larger geographic area within the National Park. This has prompted the 'lowering' of the local landscape value and landscape sensitivity from that previously held to be 'high' in the 2003 Arun Local Plan and SHLAAs and intriguingly also in the initial SDNPA landscape character assessments in the first SDNPA SHLAA. (5)
29. In conclusion, there is a significant risk and likelihood that this lack of recognition given to local landscape character in the allocation policies, will give encouragement to developers and landowners in other parts of Findon and in other settlements, that protection of 'landscape' and 'natural beauty', in a local context, can realistically be discounted when planning proposals on allocation sites or appeals on omission sites are brought forward. This undermines the aspirations of Core Policy SD1 which seeks to conserve and enhance 'landscape' and 'natural beauty' and Strategic Policies SD4 and SD5 which seek to encourage high quality landscape and built form design.

*LP Core Policy SD1 'to conserve cultural heritage'*

30. The equine heritage of Findon, particularly the training of racehorses, goes back more than two hundred years and is the defining cultural heritage of this part of the National Park along with the iconic, annual, downland sheep fair held at the historic Nepcote Green, one of the major countryside events in the National Park. Allocation site SD72 is part of the setting of Nepcote Green, and is also the former home of Captain Ryan Price, a nationally acclaimed champion racehorse trainer who was based at the adjoining Soldiers Field Stables, after relocating from the historic Downs Stables, nearby, in Stable Lane. The 2016 made Findon Neighbourhood Plan includes

an aspiration to designate Nephote Green, its working equine setting, and the open downland racehorse training gallops, as a Conservation Area. The context is the historic significance of race horse training and the downland sheep fair activities to Findon, which have defined the character of the landscape at this open downland settlement edge, This is living, local ‘cultural heritage’ (6)

31. Allocation site SD71 is the only remaining downland field pasture that still comes in close to the historic village centre, providing a readable memory of the earlier origins of Findon and its rural working relationship with the landscape. The listed Findon Farmhouse, survives in the historic village centre Conservation Area and allocation site SD71, being the only remaining downland pasture land that was part of the village centre farm gives it special local landscape and historic value. Pond Green, close by, also in the Conservation Area, at the bottom of Stable Lane is the site of the former farm and village pond. Findon Farmhouse, Pond Green, Stable Lane, a historic rural road and allocation site SD71, which has been a working paddock for one of Findon’s local equine businesses for many years, together provide an ‘on the ground’ record of the three strands of Findon’s rural cultural heritage that should be conserved.
32. Similar to local landscape value, there is a significant risk and likelihood that the lack of recognition given to local ‘cultural heritage’ in allocation policies SD71 and SD72 will give encouragement to developers and land owners in other parts of Findon and other settlements that local ‘cultural heritage’ considerations can realistically be discounted when planning proposals on allocation sites or appeals on omission sites are brought forward. This undermines the aspirations of Core Policy SD1 which seeks *‘to conserve ‘cultural heritage’* in the National Park.

*Local Plan Strategic Policy SD19: Transport and Accessibility*

33. Strategic Policy SD19 seeks to encourage development towards the most sustainable locations, in transport terms. DfT guidance recommends that new development should not be located more than 800 metres from access points to public transport. A ‘desirable’ walking distance is considered to be 400 metres. Allocation site SD72 however, at between 750 and 850 metres to the main centre of the village and the bus stop for the one local bus route, is at the outer limit of a DfT ‘acceptable’ walking

distance. Via Nepcote, the allocation site is 1100 metres to the bus stops on the A24 which serve two different bus routes, north and south. (7)

34. Allocation Policy SD72 therefore undermines the aspirations in Strategic Policy SD19: which seek to locate new development to minimise the need to travel by car. This will give encouragement to developers and land owners of sites, on the limit of acceptable walking distances from local facilities, bus stops and main roads, that transport and accessibility policy aspirations in the LP can realistically be overcome when bringing forward proposals for housing at more distant locations from settlements.

*Local Plan Development Management Policy SD21: Public Realm, Highway Design and Public Art*

35. Development Management Policy SD21 seeks to offer protection to historic rural roads. Stable Lane, Nepcote, Nepcote Lane, and Cross Lane are historic rural roads in Findon which will be subject to very significant additional traffic flows leading to and from allocation sites SD71 and SD72, when accessing the A24. (8)
36. Housing sites should not be allocated in a Local Plan where there is no reasonable prospect of practicable and viable mitigation measures coming forward to meet the requirements of another policy. Allocation sites SD71 and SD72 therefore undermine the aspirations of Policy SD21, and will only give encouragement to developers and land owners that the damaging impact on historic rural roads caused by additional traffic flows arising from development proposals can be realistically discounted when bringing forward development proposals for sites where access to and from them to main roads is primarily by way of historic rural roads.

*Findon Neighbourhood Plan Aspiration GA5*

37. The impact of the additional traffic flows arising from allocation SD71, but also cumulatively from allocation SD72, will have the consequence of preventing the enhancement of the 'shared surface' in the historic Square, a proposal currently under review by the SDNPA in response to Findon's IDP bid. The allocations, will undermine Neighbourhood Plan Aspiration GA5, which is in conformity with 'Roads in the South

Downs' and given significant weight in LP People Connected to Places policies, and seeks to facilitate the introduction of village life and visitor enhancements.(8)

d) SDNPA methodology for undertaking landscape character assessments has not been properly followed for allocation sites SD71, SD72 and alternative sites.

*SD71 Land East of Elm Rise*

38. The range of landscape criteria used in the SDNPA methodology and their weighting have led to an overall '*Landscape Sensitivity*' assessment of '*Medium sensitivity in the western section and 'Medium high sensitivity' to the east as the site becomes more elevated and views from the bridleway would be affected.*' This is different from the 2006 Arun SHLAA LCA and the initial SDNPA LCA which assessed the site as 'high sensitivity'. No justification is given for the lower sensitivity rating in the LP evidence.
39. The '*Historic Landscape Character*' criteria does not highlight the site as the last remaining field of the 19C Findon farm, the listed farmhouse itself still surviving in the historic village centre along with the site of the shared village and farm pond and the historic rural road, Stable Lane which formed one of farm boundaries.
40. *The 'Views and Visibility' criteria* does not highlight the importance of views of the site from the opposite side of the valley which are as equally sensitive for the local landscape setting of Findon as '*the more immediate closer view from the east*', on the location site side of the valley. (5) *The 'Landscape Framework' criteria* does not highlight that the site '*field*' is part of network of grazing paddocks vital to local equine businesses which provide continuity to Findon's local 'cultural heritage' in racehorse training and breeding. (3)
41. Local landscape character, local historic environment and local cultural heritage is recognised in the published South Downs Integrated Landscape Character Assessment methodology and is assessed under SQ6 and SQ7 in Key Characteristics and Special Qualities of the National Park. However SQ6 and SQ7 criteria have not been included, or been assessed in the LCA which informed the allocation of site SD71, or for that matter, in any of the LCAs for outside edge of settlement sites around Findon which have been undertaken by the SDNPA during SHLAA or LP assessments.

42. If the SDNPA's own LCA methodology had been properly followed, giving weight to local landscape character, local historic environment and local cultural heritage, this would move the landscape sensitivity assessment for allocation site SD71 to '**high**', as the previous Arun LP and initial SDNPA LCAs, with the associated effect of changing the 'capacity' of the landscape to absorb development of 14 - 18 houses, without creating significant harm, to '**low**'.

*SD72 Soldiers Field House*

43. While noting '*Views to the west are sensitive from the wider downland and impact on the adjacent PROW'.....along with ... 'impacts on the setting of Nepcote Green.'*' the LCA, by noting the PDL status to the site has effectively downgraded the landscape character assessment to **medium sensitivity**. Ascribing PDL status, although correct under the NPPF, as the site is outside the settlement boundary, is misleading as the whole site is solely the location for a large relatively modern family house set in extensive landscaped grounds. The SDNPA even state in their published LCA methodology that a brown field site (PDL) outside a settlement boundary should be assessed first for landscape sensitivity and not be assumed to be capable of absorbing development without significant landscape harm on the basis of PDL status. This methodology has not been followed as the PDL status has been used in the LCA to downgrade the sensitivity rating of the allocation site.
44. The '*Historic Landscape Character*' criteria does not properly describe the site which should read ...'*Mid 20th century expansion of racehorse training facilities, large stable complex and associated trainers house, dated AD1945-present*', nor does it highlight the importance of the site to Findon's historic equine cultural heritage.
45. *The 'Views and Visibility' criteria* does not highlight the clear visibility of the site from the upper and lower slopes of Cissbury Hill, a National Park viewpoint identified in the SDNPA Viewshed. Although it is noted '*the site is visible from Nepcote Green*', the significance of Nepcote Green to local historic environment and local cultural heritage is not identified, nor the important relationship with the historic adjoining downland training gallops which form of the panoramic views from Nepcote Green.<sup>(4)</sup>

46. The *'Landscape Framework'* criteria although identifying that the allocation site as *'part of a large [farm] complex of equine based facilities and buildings'* does not highlight that the site is part of an equine landscape framework that extends up the the entire eastern settlement edge of Findon to the historic Downs Sables at the top of Stable Lane. The 'farm' reference is misleading, there have never been farm buildings on the site.
47. As is the case with site the SD71 LCA, criteria SQ6 and SQ7 are not included, or assessed in the LCA which informs the allocation of site SD72 and therefore no weight or value is given to local landscape character, local historic environment and local cultural heritage. With the training of 'eventing' horses at Soldiers Field Stables still active and consent granted for plans for the regeneration of the stables, the redevelopment of the adjoining Soldiers Field House, allocation site SD72, with 10-12 new houses, would irreversibly break its continuity connection with the local cultural heritage of horse training at the eastern downland edge of Findon.
48. If the SDNPA's own LCA methodology had been properly followed, giving weight to local landscape character, local historic environment and local cultural heritage, this would move the landscape sensitivity assessment for allocation site SD72 to 'high', with the associated effect of changing the 'capacity' of the landscape to absorb development of 10-12 houses, without creating significant landscape and cultural heritage harm, to 'low'.

Have the LP LCAs for other SHLAA sites that have not been brought forward as allocation sites in the LP also not properly followed the published South Downs Integrated Landscape Character Assessment methodology.

49. Prior to bringing forward the two allocation sites in the 2017 Pre Submission Local Plan the SDNPA undertook LCAs on several other sites on the outside edge of the settlement boundary, three were rated as 'High Sensitivity' and rejected, four were rated as 'Medium High Sensitivity' the same rating as allocation site SD71, but were also rejected. Two of these latter sites are proposed as different 'replacement' allocation sites in the 2018 Reg 14 Pre Submission Updated Neighbourhood Plan, and are therefore the most relevant to consider. Both sites are at the dry valley bottom, on the other side of the A24, at the south west end of the settlement.

50. The 'Medium High Sensitivity' rating of these two sites however does not arise primarily from the assessed landscape criteria, deriving instead '*due to the poor relationship with the settlement pattern*' and '*the site(s) also contribute to the Local Gap*'. These however are assertions, rather than assessments. The south west end of the village is still part of the settlement that only became somewhat separated from the main part of the village when a by pass was formed on the A24. The sites are within a DfT 'desirable' walking distance to bus stops serving two different bus routes on the A24 and to the the garden centre where the cafe/restaurant is one of Findon's social hubs and are close to a DfT 'desirable' walking distance to the settlement facilities at southern end of the High Street. (7)
51. The Local Gap was defined in 2003 Arun DC Local Plan and is overdue a review. The LP does not include a local gap policy, but Strategic Policy SD4 does seek to maintain landscape gaps to avoid coalescence of settlements. The Findon Local Gap seeks to protect the green gap between the settlement and the Findon Valley settlement to the south, outside the National Park. The two LCA assessed sites at the south west end of the village are not actually in the green space that separates the village from the Findon Valley settlement to the south, they are to the north of the green separation, like the rest of Findon.
52. Unlike allocation sites SD71 and SD72, the two sites on the other side of the A24 do not have any identifiable local 'historic environment' value or local 'cultural heritage' value to factor into the LCA assessments or need to use historic rural roads to access the A24.
53. If the SDNPA's own LCA methodology had been properly followed, significantly less weight would have been given to the unjustified '*connectivity*' assertion and to the '*contribution to the Local Gap*' assertion. Together with weight for the 'hidden' valley bottom locations this would have resulted in an LCA 'Medium Sensitivity rating with the associated effect of assessing the 'capacity' of the sites to absorb development of 10-12 houses, without creating significant landscape harm as 'Medium to High'. The SDNPA Local Plan team themselves suggested the sites on the other side of A24 as a potential location for up to 50 new houses at the early stages of preparation of the made Neighbourhood Plan in 2015. (9)

54. Not properly following the South Downs Integrated Landscape Character Assessment methodology itself when undertaking SHLAA LCAs which inform housing allocations makes allocation policies SD71 and SD72 unsound. Incomplete LCAs, with significant omissions in the criteria used to derive the sensitivity ratings, for both allocation sites and alternative available, deliverable sites has not allowed a robust review of options to be undertaken in the LP process for the allocation of housing development sites in Findon.

## Conclusions

55. Following a thorough review of allocation policies SD71 and SD72, they are considered lacking in sufficient soundness to be retained in the new Local Plan.
56. A well advanced Reg 15 stage UNP has now emerged, which includes different (replacement) housing site allocations to meet the housing provision for Findon as set out in LP Policy SD26, in full, with a buffer. The different (replacement) allocation sites are significantly less landscape and cultural heritage sensitive, have considerable and demonstrable local support, are available and able to deliver enhanced levels of LP policy compliant affordable homes within the first two, 5 year housing supply periods of the LP and the UNP, and facilitate the provision of community benefits.
57. Removal of allocation policies SD71 and SD72, as modifications to the Submission LP, will not render the LP unsound on strategic or housing allocation policies (subject to any Inspection modifications) as the 'emerging' UNP is well advanced and will deliver the Findon housing provision without the need for allocation policies SD71 and SD72. The well advanced UNP is in conformity with supporting text 7.30 to LP Strategic Policy SD26 and much more closely reflects the aspirations of localism in local planning with local people now having had a proper say on the location of new housing development in Findon.
58. One of the primary purposes of preparing local plans and neighbourhood plans is to provide clarity. Legal opinion sought by the SDNPA on the unusual circumstances of an emerging NDP and a LP proposing different housing site allocations, is clear

that where two plans include policies that are *'in conflict'*, policies in the latest plan prevail, in this case, that would be the UNP allocations.

59. There is however a caveat in the legal opinion, that unless any 'made' UNP makes absolutely clear that the different allocation policies are replacement allocations to LP allocations, (in the event that both plans continue to include allocation policies for Findon), there is a risk that the allocation policies in both plans may not be considered to be *'in conflict'*, with the possible consequence that developers may see that as an opportunity to obtain planning consent for more housing in Findon than the housing provision stated in the LP. If the LP allocation policies SD71 and SD72 are deemed to be unsound, removal from the LP would provide greater clarity. (10)

(1) *UNPWG 2017/2018 housing site preferences surveys\_ UNP evidence base\_FPC website.*

(2) *Minutes of SDNPA Planning Committee, 3 March 2017\_SDNPA website.*

*Worthing Herald Article 23 March 2017*

(3) *Findon Local Viewshed\_site SD71\_several photos\_FPC website*

(4) *Findon Local Viewshed\_site SD72\_several photos\_FPC website*

(5) *Arun DC 2003 Local Plan, Arun DC 2006 SHLAA*

(6) *'Made' Findon Neighbourhood Plan 2016\_Aspirations*

(7) *Dept for Transport Guidance\_LTN1/04 Policy\_Planning and Design for Walking and Cycling*

(8) *WSCC Findon traffic speed and volume survey\_2017\_FPC TEP Group Minutes*

(9) *SDNPA correspondence with FPC\_April\_2015*

(10) *Minutes of SDNPA Planning Committee and Officers Report\_9 Aug 2018\_SDNPA website*

(11) *Viability Assessment 1 prepared by UNPWG, 2017.*

(12) *Viability Assessment 2 prepared by UNPWG, 2017.*